



SAN BENITO COUNTY PLANNING COMMISSION

Robert J Rodriguez II	Richard Way	Robert Scagliotti	Robert Gibson	G.W. Devon Pack
District No. 1	District No. 2	District No. 3	District No. 4	District No. 5
		- Vice-Chair	- Chair	

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

PLANNING COMMISSION - REGULAR SESSION- **FEBRUARY 15, 2023** **6:00 PM**

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

Pursuant to California Governor Gavin Newsom's [Executive Order N-29-20](#) issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

The meetings are open to the public, under the following conditions: All Attendees may attend the Planning Commission meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any other rules of procedures/instructions announced by the Planning Commission and/or County Staff. The meeting will be available through Zoom and YouTube for those who wish to join or require accommodations with the instructions below:

This meeting can be accessed in the following methods:

- A. Through Zoom (<https://zoom.us/join>) on your web-browser or the Zoom app on your tablet or smartphone using the meetings Webinar ID and Password:**

Webinar ID: **818 8932 9120**
Webinar Password: **658885**

1. Select **"JOIN A MEETING"**
2. The participant will be prompted to enter the **Webinar ID and Password listed above.**
3. The participant can launch audio through their computer or set it up through the phone.
4. Public Comment: Select the **"Participants Tab"** and click **"Raise hand"** icon, and the Zoom facilitator will unmute you when

your turn arrives.

B. Zoom Audio Only (phone): If you are calling in as audio-only, please dial **US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923.**

- It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.
- It will then ask for a **Participant ID**, press the **“#” key (pound key)** to continue. Once inside the meeting you will automatically be placed on mute.
- **Public Comment:** If you are using a phone, please press **“*9” (star-nine)** to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

C. Remote live stream on CMAP, YouTube and the County’s Social Media Page(if available for that specific meeting):

Ø **San Benito County Facebook Page:**

<https://www.facebook.com/sbccalifornia>

- **Community Media Access Page(CMAPS) YouTube Page:**

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

D. Written Comments & Email Public Comment: Members of the public may submit comments via email by 5:00 PM on the Tuesday prior to the Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us. Regardless of whether the matter is on the agenda, every effort will be made to provide Planning Commission members with your comments before the agenda item is heard.

E. Public Comment Guidelines:

- The San Benito County Planning Commission welcomes your comments.
- If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, state your first name, last name, and county you reside in for the record.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

■ **FAILURE TO COMPLY WITH THE ABOVE GUIDELINES:**

1. The individual will be asked to leave the Board Chambers.
2. The Chair will call a recess of the Planning Commission Meeting.
3. If the recess does not result in the individual complying, or if the individual does not leave the meeting, the Planning Commission may close the meeting to the public and resume the meeting exclusively through Zoom and phone-in participation.

Ø If you have any questions, please contact the Resource Management Agency at (831) 637-5313 or at sbcplan@cosb.us.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CERTIFICATE OF POSTING

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO,DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. Acknowledgement of Certificate of Posting](#)
[CERTIFICATE OF POSTING .pdf](#)

DEPARTMENT ANNOUNCEMENTS

PUBLIC COMMENT

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.

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO,DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. Resolution to Authorize Teleconferencing in Accordance with Assembly Bill 361\(2021\)](#)
[AB 361 TELECONFERENCE RESOLUTION 2-15-23](#)
2. [RESOURCE MANAGEMENT AGENCY-A. PRADO,DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. Acknowledgement of Public Hearing Notice](#)
[Public Hearing Notice in 2/3 Hollister Free Lance](#)

ADOPTION OF ACTION MINUTES

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO,DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. Approve January 18,2023 Draft Meeting Minutes](#)
[January 18, 2023 Draft Meeting Minutes](#)

REGULAR AGENDA

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO,DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. 2022 Housing Element Annual Progress Report: Government Code Section 65400 mandates that all cities and counties submit an annual report on the status of the Housing Element of the General Plan and progress in its implementation to their legislative bodies, to the Governorâ€™s Office of Planning and Research \(OPR\) and the Housing and Community Development \(HCD\) by April 1 of each year. This is to report what was accomplished within the calendar year of 2022 of the Countyâ€™s progress and implementation of the 5th Housing Element Cycle from 2015-2023.SBC FILE NUMBER: 790.2](#)
[2022 Housing-Element-Annual-Progress-Report.xls](#)
[2023-02-15_HEAPR_PPT SLIDES.pptx](#)

2. RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. Accept informational report on the status of the discretionary approvals by the Planning Commission in the last 24 months as well as the status of pending project applications expected to come before the Planning Commission and Board of Supervisors.
3. RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. 2022 General Plan Annual Progress Report: A A Government Code Section 65400 and 65700 mandates that all cities and counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor's Office of Planning and Research (OPR) and the Housing and Community Development (HCD) by April 1 of each year. This is to report what was accomplished within the calendar year of 2022 of the County's progress and implementation of the 2035 San Benito County General Plan. A SBC FILE NUMBER: 790.2
GP_AnnualProgressReport_2022.docx
General Plan APR 2022 PC PPT.pdf
4. RESOURCE MANAGEMENT AGENCY - S. LOUPEA PUBLIC WORKS ADMINISTRATOR Receive a storm water presentation from the Public Works department. A SBC FILE NUMBER: A 105.3

PUBLIC HEARING

1. RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT. PLN220029 (Coke Farm Use Permit Amendment): A OWNER: A Dale C. Coke Living Trust. A APPLICANT: A David Noel Peartree on behalf of Triple B (Lawrence Henrard, representative). A LOCATION: A 1681 San Justo Road (1 mile north of central San Juan Bautista, 2 miles southeast of US 101's SR 129 interchange) in unincorporated San Benito County. A APN: A 012-110-005. A REQUEST: A Three additional truck-loading dock spaces with corresponding added interior space as modification of existing 43,201-square-foot produce-packing building. A Adjacent to the existing loading dock and ramp, 1,966 square feet of interior space would be built with three dock doors each opening to an additional truck-loading space. A 400 cubic yards of earth would be excavated for the concrete-paved ramp surface. A No change of use is proposed to the existing operation of agricultural cooling, processing, and shipping, with wholesale customer pickup of produce and similar hours of operation. A No further employees are proposed for addition to the currently present 38 employees. A GENERAL PLAN DESIGNATION: A Agriculture (A). A ZONING DISTRICT: A Agricultural Productive (AP). A ENVIRONMENTAL REVIEW: A State CEQA Guidelines A§15061(b)(3) (common sense exemption with certainty of no significant environmental effect). A PLANNER: A Michael Kelly (mkelly@cosb.us)
PLN220029 Staff Report SRpc_PLN220029_230215 Coke Farm 1681 San Justo amendment.pdf
PLN220029 Resolution RESpc_2023-nn_PLN220029_230215 Coke Farm 1681 San Justo amendment.pdf

COMMISSIONER ANNOUNCEMENTS

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.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
Rodriguez II**
District No. 1

**Richard
Way**
District No. 2

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 41

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostojka

SUBJECT:

**RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE
ENFORCEMENT.**

ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

AGENDA SECTION:

CERTIFICATE OF POSTING

BACKGROUND/SUMMARY:

Acknowledge Certificate of Posting

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Acknowledge the Certificate of Posting

ATTACHMENTS:

[CERTIFICATE OF POSTING .pdf](#)

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



CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Dana R. Serpa-Ostoj,
certify that the **REGULAR AGENDA** for the **SAN BENITO COUNTY
PLANNING COMMISSION MEETING** scheduled for February 15, 2023,
was posted at the following locations, freely accessible to the public, on this day of
February 10, 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.

Dana R. Serpa-Ostoj
Office Assistant II
County of San Benito



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
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District No. 1

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Scagliotti**
District No. 3
- Vice-Chair

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

**G.W. Devon
Pack**
District No. 5

Item Number: 71

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostoja

SUBJECT:

**RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE
ENFORCEMENT.
RESOLUTION TO AUTHORIZE TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL
361(2021)**

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION TO AUTHORIZE
CONTINUED REMOTE TELECONFERENCE MEETINGS.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends the approval of Resolution AB 361 to authorize continued remote teleconference meetings.

ATTACHMENTS:

[AB 361 TELECONFERENCE RESOLUTION 2-15-23](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

RESOLUTION 2023-02

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION TO AUTHORIZE CONTINUED REMOTE TELECONFERENCE MEETINGS.

WHEREAS, the County of San Benito and the San Benito County Planning Commission is committed to preserving and nurturing public access and participation in meetings of the Board of Supervisors and Commission meetings, subject to the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, the Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the unincorporated areas of the County; and,

WHEREAS, the County has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the County's various legislative bodies subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Board of Supervisors deemed it necessary to find that a *requirement* to meet in person for meetings of all County of San Benito related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and,

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing, attached hereto as Exhibit "A", and incorporated herein by this reference; and,

WHEREAS, on October 12, 2021, the Board of Supervisors of San Benito County adopted a resolution authorizing teleconferencing meetings pursuant to AB 361; and

WHEREAS, the Board of Supervisors' adopted resolution applies to all legislative bodies of the County, thus allowing all bodies to utilize the provisions of AB 361; and,

WHEREAS, the Planning Commission is presented by this resolution for the opportunity to determine whether AB 361 should be specifically applied to Planning Commission meetings;

WHEREAS, the San Benito County Planning Commission has considered all information related to this matter, as presented at the public meetings of the Planning Commission identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

WHEREAS, the San Benito County Planning Commission further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED, by the San Benito County Planning Commission as follows:

1. The San Benito County Planning Commission finds that the facts set forth in the recitals to this Resolution are true and correct;
2. The above findings and this resolution apply to all San Benito County Planning Commission meetings;
3. As long as the State Emergency remains in effect or until directed otherwise by the Commission, staff shall present to the Commission at every meeting an item necessary to continue the findings required by AB 361;

4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Commission adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Planning Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,
5. The County Administrative Officer and County Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED by the San Benito County Planning Commission, County of San Benito, State of California, on this 15th day of February 2023 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

By: _____
Robert Gibson, Chair San Benito County
Planning Commission

ATTEST:
Abraham Prado,
Director of Planning and Building

APPROVED AS TO LEGAL FORM:
San Benito County Counsel's Office Assistant

By: _____

By: _____
Joel Ellinwood, Assistant County Counsel

EXHIBIT "A"



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

DAVID GHILARDUCCI, MD, FACEP
INTERIM HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES
Healthy People in Healthy Communities

September 30, 2021

CAO Ray Espinosa
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta variant, I strongly recommend that all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. Conducting public meetings in a remote or hybrid manner allows for members of the community to participate from the comfort of their homes without having to risk contracting the virus by attending in-person meetings.

These measures serve to help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where a virus can potentially spread among attendees and participants. However, when combined with social distancing and masking policies, and the continued effort to increase vaccination within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of contagion for not only the public, but for agency staff, presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "David Ghilarducci MD".

David Ghilarducci MD
Interim Health Officer

PUBLIC HEALTH SERVICES
351 Tres Pinos Road, Suite A-202
Hollister CA 95023
831-637-9367

ENVIRONMENTAL HEALTH
351 Tres Pinos Road, Suite C-1
Hollister CA 95023
831-636-4033

MEDICAL THERAPY UNIT
761 South Street
Hollister CA 95023
831-637-1989

08/23/21



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
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District No. 1

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 72

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostojka

SUBJECT:

**RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE
ENFORCEMENT.**

ACKNOWLEDGEMENT OF PUBLIC HEARING NOTICE

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Acknowledgement of Public Hearing Notice

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

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 Public Hearing Notice

ATTACHMENTS:

[Public Hearing Notice in 2/3 Hollister Free Lance](#)

County of San Benito Planning Commission

NOTICE OF PUBLIC HEARING

COUNTY OF SAN BENITO PLANNING COMMISSION

**MEETING OF WEDNESDAY,
FEBRUARY 15, 2023,
at 6:00 p.m.**

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Meeting on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, February 15, 2023, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address **<https://zoom.us/join>** or dialing one of the following telephone numbers:
+1 408 638 0968 US (San Jose) or
+1 669 900 6833 US (San Jose).

To access the meeting, please enter the Webinar ID **818 8932 9120** AND Webinar Password **658885**.

Agenda Packet can be viewed at **<https://www.cosb.us/>** under "Events" or **https://cosb.granicus.com/ViewPublisher.php?view_id=1** under "Upcoming Events" by the Friday before the meeting.

PLN220029 (Coke Farm Use Permit Amendment):

OWNER: Dale C. Coke Living Trust. APPLICANT: David Noel Peartree on behalf of Triple B (Lawrence Henrard, representative). LOCATION: 1681 San Justo Road (1 mile north of central San Juan Bautista, 2 miles southeast of US 101–SR 129 interchange) in unincorporated San Benito County. APN: 012-110-005. REQUEST: Three additional truck-loading dock spaces with corresponding added interior space as modification of existing 43,201-square-foot produce-packing building. Adjacent to the existing loading dock and ramp, 1,966 square feet of interior space would be built with three dock doors each opening to an additional truck-loading space. 400 cubic yards of earth would be excavated for the concrete-paved ramp surface. No change of use is proposed to the existing operation of agricultural cooling, processing, and shipping, with wholesale customer pickup of produce and similar hours of operation. No further employees are proposed for addition to the currently present 38 employees. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: State CEQA Guidelines §15061(b) (3) (common sense exemption with certainty of no significant environmental effect). PLANNER: Michael Kelly (**mkelly@cosb.us**)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the public meeting. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at **vdelgado@cosb.us**, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the meeting.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831-637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: January 27, 2023

PUBLISHED:
February 3, 2023 ~ Hollister Free Lance (Pub HF 2/3)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 81

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostojka

SUBJECT:

**RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE
ENFORCEMENT.**

APPROVE JANUARY 18, 2023 DRAFT MEETING MINUTES

AGENDA SECTION:

ADOPTION OF ACTION MINUTES

BACKGROUND/SUMMARY:

Adopt January 18, 2023 Draft Meeting Minutes

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Approve January 18,2023 Draft Meeting Minutes

ATTACHMENTS:

[January 18, 2023 Draft Meeting Minutes](#)



SAN BENITO COUNTY PLANNING COMMISSION

Robert J	Richard	Robert	Robert	G.W. Devon
Rodriguez II	Way	Scagliotti	Gibson	Pack
District No. 1	District No. 2	District No. 3	District No. 4	District No. 5
		- Vice-Chair	- Chair	

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023
PLANNING COMMISSION - REGULAR SESSION-MEETING MINUTES
JANUARY 18,2023
MINUTES

NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

Pursuant to California Governor Gavin Newsom's [Executive Order N-29-20](#) issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

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This meeting can be accessed in the following methods:

- A. Through Zoom (<https://zoom.us/join>) on your web-browser or the Zoom app on your tablet or smartphone using the meetings Webinar ID and Password:

Webinar ID: 826 3217 6979
Webinar Password: 579118

1. Select **"JOIN A MEETING"**
2. The participant will be prompted to enter the **Webinar ID and Password listed above.**
3. The participant can launch audio through their computer or set it up through the phone.
4. Public Comment: Select the **"Participants Tab"** and click **"Raise hand"** icon, and the Zoom facilitator will unmute you when your turn arrives.

- B. **Zoom Audio Only (phone):** If you are calling in as audio-only, please dial **US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923.**
- o It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.
 - o It will then ask for a **Participant ID**, press the **“#” key (pound key)** to continue. Once inside the meeting you will automatically be placed on mute.
 - o **Public Comment:** If you are using a phone, please press **“*9” (star-nine)** to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.
- C. **Remote live stream on CMAP, YouTube and the County’s Social Media Page(if available for that specific meeting):**
 Ø **San Benito County Facebook Page:**
<https://www.facebook.com/sbccalifornia>
 o **Community Media Access Page(CMAPS) YouTube Page:**
https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA
- D. **Written Comments & Email Public Comment:** Members of the public may submit comments via email by 5:00 PM on the Tuesday prior to the Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us. Regardless of whether the matter is on the agenda, every effort will be made to provide Planning Commission members with your comments before the agenda item is heard.
- E. **Public Comment Guidelines:**
- o The San Benito County Planning Commission welcomes your comments.
 - o If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, state your first name, last name, and county you reside in for the record.
 - o Each individual speaker will be limited to a presentation total of three (3) minutes.
 - o Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.
- **FAILURE TO COMPLY WITH THE ABOVE GUIDELINES:**
1. The individual will be asked to leave the Board Chambers.
 2. The Chair will call a recess of the Planning Commission Meeting.
 3. If the recess does not result in the individual complying, or if the individual does not leave the meeting, the Planning Commission may close the meeting to the public and resume the meeting exclusively through Zoom and phone-in participation.
- Ø If you have any questions, please contact the Resource

Office Assistant II, Dana Serpa-Ostojka, provided instructions on how to access the Planning Commission meeting and make a public comment through Zoom. As well as instructions on how to participate in person in the chambers.

1. CALL TO ORDER

Chair Commissioner Robert Gibson called the meeting to order at 6:00pm. 3 Commissioners were present and in chambers, 2 Commissioners have yet to be appointed. County staff members present included Assistant County Counsel Joel Ellinwood, Director of Public Works Steve Loupe, Director of Planning and Building Abraham Prado, Principal Planner Arielle Goodspeed, Office Assistant II Dana Serpa-Ostojka and Office Assistant II Shelby Duran.

2. PLEDGE OF ALLEGIANCE

Chair Commissioner Robert Gibson asked fellow Commissioner Richard Way to lead the meeting into the Pledge of Allegiance.

3. ROLL CALL

4. CERTIFICATE OF POSTING

Chair Commissioner Robert Gibson motioned to acknowledge the certificate of posting.

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

Richard Way, Planning commission, Robert Gibson, Chair of the Planning Commission, and Robert Scagliotti, Vice-Chair of the Planning Commission voted for this motion.

Moved by Robert Scagliotti; seconded by Richard Way to Approve .

Motion Passed: 3 - 0

Voting For: Robert Gibson, Richard Way, Robert Scagliotti

Voting Against: None

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

Acknowledgement of Certificate of Posting

5. DEPARTMENT ANNOUNCEMENTS

Abraham Prado Director of Planning, Building and Code Enforcement stated at the Board of Supervisors meeting there was an announcement made that the Resource Management Agency is going to go through a reorganization. Essentially there will be no movement or change but it was decided Steve Loupe Interim RMA Director would be Director of Engineering, Public Works and

Waste Management and Abraham Prado Assistant Director of Planning, Building and Code Enforcement would now be Director.

As well Shelby Duran Office Assistant II was introduced as the new Office Assistant II at RMA.

6. PUBLIC COMMENT

No Public Comment via Zoom.

No Public Comment in the chambers.

7. 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.

Motion passed 3-0.

Moved by Richard Way; seconded by Robert Scagliotti to Approve Motion to consent agenda..

Motion Passed: 3 - 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: None

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

Resolution to Authorize Teleconferencing in Accordance with Assembly Bill 361(2021)

8. ADOPTION OF ACTION MINUTES

Moved by Richard Way; seconded by Robert Scagliotti to Approve Motion to approve November 16th, 2022 draft meeting minutes. .

Motion Passed: 3 - 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: None

8.1 RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING Approve November 16, 2022 Draft Meeting Minutes

9. REGULAR AGENDA

Chair Robert Gibson, announced for the public that they are missing 2 planning commissioners.

Abraham Prado, Director of Planning, Building and Code Enforcement, let the commission know at this time District 1, Supervisor Don Zanger's District, is in need of a commissioner and we are currently working on getting the application open or having one nominated.

Abraham Prado also announced District

9.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Nomination of Chair and Vice Chair

Moved by Robert Scagliotti; seconded by Richard Way to Approve Motion to nominate Commissioner Robert Gibson as Chair of the Planning Commission. .

Motion Passed: 3- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: None

Moved by Robert Gibson; seconded by Richard Way to Approve Motion to nominate Commissioner Robert Scagliotti as Vice Chair of the Planning Commission. .

Motion Passed: 3- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: None

9.2 RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Confirmation of Planning Commission Meeting calendar for 2023. Director of Planning and Building Abraham Prado, asked Chair Gibson is he would like to accept the Planning Commission calendar of 2023.

Chair Gibson and the Commission decided to keep same day and same time for the meetings.

Moved by Robert Gibson; seconded by Robert Scagliotti to Approve Motion to keep Planning Commission meetings time and date the same. .

Motion Passed: 3- 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: None

9.3 RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Appointment of two Planning Commissioners to the Housing Advisory Committee Chair Robert Gibson appointed himself and Commissioner Way to the Housing Advisory Committee.

9.4 RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Appoint two Planning Commissioners to the San Benito County Conservation Plan

Public Advisory Committee

Chair Robert Gibson appointed Commissioner Scagliotti and himself to the San Benito County Conservation Public Plan Public Advisory Committee.

Chair Gibson also added when we have 2 new members he may or may not remove himself from the HAC Committee.

9.5 RESOURCE MANAGEMENT AGENCY- S. LOUPE, ASSISTANT DIRECTOR PUBLIC WORKS

Accept presentation regarding Road Project status.

SBC FILE NUMBER: 105

Director of Public Works, Steve Loupe, presented his PowerPoint presentation on current road project status and the recent storm activities.

Commissioner Richard Way asked for a target finish date for the striping on Anzar Road. Steve replied he was hoping for the end of January.

Commissioner Scagliotti asked if anyone has taken into consideration the flooding of Santa Ana Creek from the various projects dumping water into it such as Santana Ranch.

Public Works Director Steve Loupe, explained the process engineers have to take when dealing with Covert Creeks.

Chair Gibson, asked a question regarding Union Road Bridge and if its going to be 4 lanes and if we ever widen it are we going to have to go back and add funding?

Public Works Director, Steve Loupe commented Cal Trans is only allowing 2 lanes and will pay for 90% of the bridge.

One Public Comment in Chambers, San Benito County Resident, asked Abraham Prado if in the future we could print out full agenda packets for the meetings instead of just the agendas.

No comment via Zoom.

10. PUBLIC HEARING

11. COMMISSIONER ANNOUNCEMENTS

No Commissioner Announcements.

12. 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.

Moved by Robert Scagliotti; seconded by Richard Way to Approve Motion to adjourn. .

Motion Passed: 3 - 0

Voting For: Richard Way, Robert Scagliotti, Robert Gibson

Voting Against: None



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
Rodriguez II**
District No. 1

**Richard
Way**
District No. 2

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 91

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostoja

SUBJECT:

RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT.

2022 HOUSING ELEMENT ANNUAL PROGRESS REPORT: GOVERNMENT CODE SECTION 65400 MANDATES THAT ALL CITIES AND COUNTIES SUBMIT AN ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS IN ITS IMPLEMENTATION TO THEIR LEGISLATIVE BODIES, TO THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR) AND THE HOUSING AND COMMUNITY DEVELOPMENT (HCD) BY APRIL 1 OF EACH YEAR. THIS IS TO REPORT WHAT WAS ACCOMPLISHED WITHIN THE CALENDAR YEAR OF 2022 OF THE COUNTY'S PROGRESS AND IMPLEMENTATION OF THE 5TH HOUSING ELEMENT CYCLE FROM 2015-2023.

SBC FILE NUMBER: 790.2

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

As required by State law, an annual report must be submitted to the Governor's Office of Planning and Research (OPR), identifying the progress made with the implementation of the Housing Element of the General Plan.

The Housing Element of the San Benito County 2035 General Plan identifies the County's housing conditions and needs, established the goals, objectives, and policies that are the foundation of the County's housing strategy.

The Housing Element Annual Progress Report indicates the jurisdiction's status and progress in

implementing the Housing Element for 2022 (Government Code 65400). This report is exempt per CEQA guidelines Section §15378(b)(5) as "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment".

The full report is attached to this agenda item in the Novus Agenda publication of this meeting packet. Readers of other versions of this meeting packet, such as PDF, may request the report from the Resource Management Agency at 831 637-5313 or sbcplan@cosb.us.

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 requests that the Planning Commission accept the 2022 Housing Element Annual Progress Report and recommend presenting the report to the Board of Supervisors for approval. Following Board action, the report will be submitted to the Office of Planning and Research.

ATTACHMENTS:

[2022 Housing-Element-Annual-Progress-Report.xls](#)

[2023-02-15_HEAPR_PPT SLIDES.pptx](#)

[2022 Housing Element-Annual-Progress-Report.pdf](#)



2022 Housing Element Annual Progress Report

February 15, 2023
Prepared By: Stephanie Reck

Report: Housing Element Annual Progress Report

What is the Housing Element?

- ▶ Component of the General Plan
- ▶ Updated every 8 years
- ▶ Develops strategies to provide for housing
- ▶ Regional Housing Needs Allocation (RHNA)

The Housing Element Provides:

- ▶ Identification and analysis of existing and projected housing needs
- ▶ Statement of goals, policies, financial resources, and quantified objectives
- ▶ Preservation, improvement, and development of housing



Report: Housing Element Annual Progress Report

Goal One: Availability of Housing

The County shall stimulate the private sector's involvement and participation and investigate the use of Federal and State programs to help promote the preservation and availability of affordable housing.

Goal Two: Development of Housing

To promote the provision of adequate housing for all persons in the County including those with special housing needs and to emphasize the basic human need for housing as shelter.

Goal Three: Maintenance of Housing

To encourage the preservation, maintenance and improvement of existing housing and the replacement of unsafe or dilapidated housing. Stimulate and encourage private housing rehabilitation. Make use of Federal and State programs for such rehabilitation.

Goal Four: Equal Housing Opportunity

To assure that housing opportunities are open to all without regard to income, source of income, marital status, familial status, age, sex, sexual orientation, religion, creed, color, race, national origin, ancestry, or disability.

Goal Five: Energy Conservation

To establish development and construction standards which encourage energy conservation in residential uses. Promote the use of energy conservation methods in housing for all segments of the community.



Report: Housing Element Annual Progress Report

Current Housing Element:

- ▶ 2015-2023 (5th cycle)
- ▶ 2023-2031 (6th cycle)

What is the Annual Housing Element Progress Report?

- ▶ Each jurisdiction is required to complete an annual report on the status and progress in implementing the housing element
- ▶ Demonstrate project applications, completed building permits, annexations, changes of public land
- ▶ The report must be submitted to HCD and the Governor's Office of Planning and Research on or before April 1 of each year.



Report: Housing Element Annual Progress Report

2023-2031 Housing Element Plans & Timeline:

- ▶ Approved REAP & LEAP Grants (January/May 2021)
- ▶ COG received RHNA Determination (September 2021)
- ▶ COG adopted RNA methodology (October 2022)
- ▶ HCD approved COG's methodology (Nov 2022)
- ▶ County posted RFQ (December 2022)
- ▶ Housing Element Update (Due December 31, 2023)



Report: Housing Element Annual Progress Report

Option F	Jobs			Resilience and Balance					RHNA	Units by Income			
	35%			65%						30% Shift			
		%		% Area Not in High Risk Zone		Risk x Jobs x J/H							
	Jobs 2020	Region Jobs	Units		J/H Ratio	Ratio	Region	Units		Total	Very Low	Low	Mod.
San Benito County	23,263		1,752					3,253	5,005	1,110	890	947	2,058
Hollister	15,492	67%	1,167	100%	1.3	20,139	92%	2,996	4,163	846	678	826	1,813
San Juan Bautista	557	2%	42	81%	0.7	308	1%	46	88	18	14	18	38
Unincorp. San Benito	7,214	31%	543	20%	1.0	1,419	6%	211	754	246	198	103	207



Report: Housing Element Annual Progress Report

Inclusionary Housing

- ▶ Requires new construction to provide affordable units to below moderate-income levels
- ▶ San Benito County adopted an Inclusionary Ordinance in 2004
- ▶ Amendments were enacted and adopted in 2016, 2020, and 2023
- ▶ In-lieu fee passed and adopted in January of 2023 (\$30 per sq ft)
- ▶ Board of Supervisors requested additional amendments in 2023

Work accomplished in 2022:

- ▶ Completion of the Housing Feasibility Study
- ▶ In-lieu fee analysis
- ▶ Ordinance amendments

Development applications (as of February 2023):

- ▶ Must comply with adopted inclusionary ordinance



Report: Housing Element Annual Progress Report

Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	Total Units to Date	Total Remaining
Very Low	Deed Restricted	198							4	2	9	189
	Non-Deed Restricted							3				
Low	Deed Restricted	120							8	10	18	102
	Non-Deed Restricted											
Moderate	Deed Restricted	164									3	161
	Non-Deed Restricted		2			1						
Above Moderate		355	17	61	96	177	213	208	108	160	1,070	N/A
Extremely Low		99									0	99
Total RHNA		837										
Total Units			19	61	96	178	213	211	120	172	1,070	452



Report: Housing Element Annual Progress Report

Staff Recommendation: Staff requests that the Planning Commission accept the 2022 Housing Element Annual Progress Report and recommend presenting the report to the Board of Supervisors for approval. Following Board action, the report will be submitted to the Office of Planning and Research.





Thank You

Questions

Please Start Here

General Information	
Jurisdiction Name	San Benito County - Unincorporated
Reporting Calendar Year	2022
Contact Information	
First Name	Stephanie
Last Name	Reck
Title	Assistant Planner
Email	sreck@cosb.us
Phone	8319022289
Mailing Address	
Street Address	2301 Technology Parkway
City	Hollister
Zipcode	95023

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

11_16_22

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: <https://apr.hcd.ca.gov/APR/login.do>

Submittal Instructions

Please save your file as Jurisdictionname2022 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2022

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. Online Annual Progress Reporting System - Please see the link to the online system to the left. This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. Email - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

42

Jurisdiction	San Benito County - Unincorporated	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1		2									3	4
Income Level		RHNA Allocation by Income Level		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	198	-	-	-	-	-	-	-	-	2	-	9	189
	Non-Deed Restricted		-	-	-	-	-	-	3	4	-	-		
Low	Deed Restricted	120	-	-	-	-	-	-	-	-	10	-	18	102
	Non-Deed Restricted		-	-	-	-	-	-	-	8	-	-		
Moderate	Deed Restricted	164	-	-	-	-	-	-	-	-	-	-	3	161
	Non-Deed Restricted		-	2	-	-	1	-	-	-	-	-		
Above Moderate		355	-	17	61	96	177	213	208	108	160	-	1,040	-
Total RHNA		837												
Total Units			-	19	61	96	178	213	211	120	172	-	1,070	452
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
		Extremely low-income Need		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date	Total Units Remaining
Extremely Low-Income Units*		99		-	-	-	-	-	-	-	-	-	-	99

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction		San Benito County - Unincorporated	
Reporting Year		2022	(Jan. 1 - Dec. 31)
Table D			
Program Implementation Status pursuant to GC Section 65583			
<p style="text-align: center;">Housing Programs Progress Report</p> <p style="text-align: center;">Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.</p>			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
HOU-1-1 Community Development Block Grant (CDBG)	Apply for Community Development Block Grant (CDBG) funds to provide funding for housing activities, public improvements, public facilities, and public service projects serving lower-income people in small, typically rural communities	Annual	In 2021, County Health & Human Services along with the City of Hollister & the City of San Juan Bautista applied for the CDBG COVID related grant assistance. All jurisdictions were approved for the non-competitive grant. The funding went specifically to assist homeowner's/renters with their utility payments. In 2022, the County received. The following CDBG grants: 1) CDBG CV-1 to provide utility assistance (energy, water, garbage, and sewer) to residents of Hollister, San Juan Bautista, and San Benito County to serve approximately 350 households. 2) CDBG CV-2 was received in the amount of \$1.15M for the rehab of the homeless shelter. Rehabilitation of the shelter did not take place in 2022 but is anticipated to be complete in Fall of 2023.
HOU-1-1: CDBG Emmaus House	Year around domestic violence shelter to San Benito County Residents	Annual	Emmaus House will continue to make available a shelter facility providing a furnished room and meals for women assisted during the program. The County of San Benito was awarded \$35,047 in 2022 for phase 40 of the Emergency Food and Shelter Program. These funds were awarded directly to Emmaus House.
HOU-1-1: Ccommunity Services & Workforce Development (CSWD) Renter's Assistance	CSWD provided low-income families with renter's assistance and stop eviction services during the upcoming program period.	Annual	In 2021 the county recieved a HOME Tennant Based Rental Assistance (TBRA) program and operated it in 2022 in the amount of \$500K to provide rental assitace for a 12 month period to eligible households. In 2022, a total of 20 households received renters assistance with a total of 41 household memebers. This does not include individuals assisted through the emergency shelter.

HOU-1-2. HOME Investment Partnership (HOME)	The HOME program assists cities, counties and nonprofit community housing development organizations (CHDOs) to create and retain affordable housing.	Annual	San Benito County applied for the Fall 2018 HOME Grant and was awarded a \$1.1 million grant. The assistance will be used to fund a first-time home buyer program for a local self-help housing development in the County. Community Services and Development Corporation is building 24 very low- and low- housing units. Construction began in 2021 and expected to be completed in 2023. The HOME Grant assisted with 10 of the 24 homes. All 24 homes have been framed with Phase 1 units being close to completion having installed sheet rock and siding. Phase 2 units are anticipated to be completed in 2023. No certificates of occupancy will be issued until all 24 self-help homes are complete.
HOU-1-3. Community Services Block Grants (CSBG)	Utilize Community Services Block Grants (CSBG). The CSBG funds provide a range of services and activities to assist the needs of low income individuals including the homeless, migrants and the elderly.	Annual	For the implementation of the Family Winter Shelter program for homeless families. 20 families participated in this program. Funds also provided Transportation Tokens, Supportive Supplies, hotel voucher, Outreach, Strategic Planning, CoC 10 Year Plan to end homelessness. No action has been taken in 2022, but rehabilitation to the homeless shelter is anticipated to begin in 2023.
HOU-1-4. Emergency Housing & Assistance Program (EHAP)	The Community and Services Workforce Development (CSWD) Department intends to continue to apply annually for EHAP funds to provide rental assistance for emergency and transitional shelter purposes.	Annual	EHAP funding has not been made available for the last 5-7 years
HOU-1-5. Federal Emergency Shelter Grants (FESG)	FESG funds provide for emergency shelters, services and transitional housing for homeless individuals and families.	Ongoing	In 2022, we received the following related grants: 1) Homeless Housing Assistance Program R-2. \$157,000 to provide funding for the operations of the transitional housing that is being built at the Migrant Center. In 2021, we received the first round of funding in the amount of \$306K for Rapid Rehousing services and emergency shelter. 2) Homekey grant was received in the amount of \$2.4M to build 11 transitional housing units at the Migrant Center. These will add to the existing 5 units and the project is expected to be completed in 2023. 3) Received a \$2.45M grant from Office of Migrant Services for the Rehabilitation of the Migrant Center housing. All of the 67 homes will be rehabilitated. This project is anticipated to be complete in 2023. 4) CDBG CV-2 was received in the amount of \$1.15M for the rehab of the homeless shelter.

HOU-1-6. Emergency Food & Shelter Program (EFSP)	EFSP was created to supplement and expand the work of local Social Services agencies, both non-profit and governmental, in an effort to help people with economic (not disaster-related) emergencies.	Annual	The County of San Benito was awarded \$35,047 in 2022 for phase 40 of the Emergency Food and Shelter Program. These funds were awarded directly to Emmaus House.
HOU-1-7. Section 8 Housing	The Section 8 Housing program provides rental assistance to low-income individuals and families.	2017	In 2020, San Benito County passed an agreement with the Santa Cruz Housing Authority to begin extending service for the unincorporated areas within 10 miles from the City limits of San Juan Baustista & Hollister. The majority of the rentals are located in the city spheres, but with construction of a new rental apartments it may be helpful. No action taken in 2022. San Benito County is going to re-enter into an agreement with the Housing Authority of Santa Cruz to extend services 10-miles past city limits in 2023.
HOU-1-8. Mortgage Credit Certificare Program (MCC)	The MCC Program provides tax credits to income eligible homebuyers. The MCC Program reduces the amount of Federal income tax the homeowner pays, thus giving more available income to qualify and pay for a mortgage loan.	2019	San Benito County previously signed a contract with Golden State Finance Authority to manage and provide MCCs to eligible buyers in San Benito County. Golden State Finance Authority has not indicated any direct assistance to San Benito County and no contract was signed in 2022.
HOU-1-9. Community Reinvestment Act (CRA)	Federal law requires that banks, savings, loans, thrifts, and their affiliated mortgages susidiaries, annually evaluate the credit needs for public projects in communities where they operate. Part of the County's efforts in developing preservation programs will be to meet with the Community Resinvestment Act Lenders Group organized by the County to discuss future housing needs and applicability of the Community Reinvestment Act	Ongoing	No action taken.
HOU1-10. Affordable Housing Development Priority	To encourage local housing to be affordable to extremely low, very low, low and moderate income families and members of the local workforce, the County shall grant affordable housing units priority for development.	Ongoing	This is still a priortiy for the jurisdiction. There is one current self-help project, which is called Riverview II, whihc received State & Federal Funding to provide 24 units for very low and low income. The RMA department is taking the project as a priority to ensure it follows the applicant's timeline. Construction on the first half of the project began in 2021. Construction still ongoing in 2022 and is anticipated to be complete in 2023. The County also amended their Inclusiaonry Housing Ordinance in 2022, and the amendments were adopted in 2023.

<p>HOU1-1-11. Funding Options</p>	<p>The County shall annually assess the potential local, state, and federal funding options for affordable housing programs for low-income families and some moderate and above moderate income families; shall annually review its eligibility for various federal and state programs that will provide rehabilitation assistance; and shall submit applications for programs for which the County is eligible, as appropriate.</p>	<p>Ongoing</p>	<p>San Benito County applied for the Fall 2018 HOME Grant. San Benito County was awarded the \$1.1 million grant in 2019 to complete the needed funding for a local self-help housing development in the County to build 24 very low and low income homes, which are anticipated to be completed in 2023. In 2020, the State of California released multiple plannings grants. The grants were not specific to affordable housing, but provided resources to the Planning Department that have a nexus to housing. The grants include: SB 2 Planning Grants Program, LEAP of \$65,000 and REAP of \$79,743.90. In 2021, San Benito County began to use the SB 2 Funding to complete zoning code amendments. The amendments were approved in 2022. Additionally, In 2022, we received the following housing related grants: 1) Homeless Housing Assistance Program R-2. \$157,000 to provide funding for the operations of the transitional housing that is being built at the Migrant Center. In 2021, we received the first round of funding in the amount of \$306K for Rapid Rehousing services and emergency shelter. 2) Homekey grant was received in the amount of \$2.4M to build 11 transitional housing units at the Migrant Center. These will add to the existing 5 units and the project is expected to be completed in 2023. 3) Received a \$2.45M grant from Office of Migrant Services for the Rehabilitation of the Migrant Center housing. All of the 67 homes will be rehabilitated. This project is anticipated to be complete in 2023. 4) CDBG CV-1 to provide utility assistance (energy, water, garbage, and sewer) to residents of Hollister, San Juan Bautista, and San Benito County to serve approximately 350 households. 5) CDBG CV-2 was received in the amount of \$1.15M for the rehab of the homeless shelter. 6) Received a HOME Tenant Based Rental Assistance (TBRA) program in 2021 and operated it in 2022 in the amount of \$500K to provide rental assistance for a 12-month period to eligible households. A total of 20 households recieved renters' assistance with a total of 41 household members. 7) Low-income Home Energy Assistance Program-American Rescue Plan Act (LIHEAP-ARPA) of \$409,069 to serve approximately 500 households. 8) Low-Income Home Energy Assistance Program of \$423,177 to serve approximately 700-800 households. 9) Low-Income Home Water Assistance Program of \$50,811 to serve approximately 150 households.</p>
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HOU-2-1. Denisty Bonuses	The County shall continue to cooperate with and advise developers in the use of density-bonus incentives for affordable housing as permitted by State law. Bonus incentives are available to developers for including affordable units in their projects	Ongoing	The density bonus granted to developments that include affordable housing remains in effect as part of local law and available in accordance with the State density bonus law.
HOU-2-2. Tax-Exempt Mortgage Revenue Bonds	The County shall continue to cooperate with neighboring cities in the County, developers and builders and with financial institutions to secure tax-exempt mortgage revenue bonds.	Ongoing	No action taken at this time.
HOU-2-3. Program Eligibilty Review	The County shall annually review its eligibility for various federal and state programs that will provide rehabilitation and maintenance assistance for low-income units and special needs groups.	Annual	In 2022, we received the following rehabilitation and maintenance related grants: 1) Homekey grant was received in the amount of \$2.4M to build 11 transitional housing units at the Migrant Center. These will add to the existing 5 units and the project is expected to be completed in 2023. 2) Received a \$2.45M grant from Office of Migrant Services for the Rehabilitation of the Migrant Center housing. All of the 67 homes will be rehabilitated. This project is anticipated to be complete in 2023. 3) CDBG CV-2 was received in the amount of \$1.15M for the rehab of the homeless shelter. Rehabilitation of the shelter did not take place in 2022, but is anticipated to be complete in Fall of 2023. 4) Weatherization Program: Weatherization services for residents of SBC are provided by Central Coast Energy Services (CCES) out of Watsonville. In 2022, a total of 4 households received weatherization services. Also, a total of 6 received assistance in 2021; and 18 in 2020.
HOU-2-4. Annual Housing Monitoring Report	The Planning Commission shall hold a meeting annually to review the Housing Monitoring Report & make a report to the Board of Supervisors	Annual	The 2022 Housing Element Annual Progress Report will be presented to the Housing Advisory Committee on February 13, 2023. The report will be presented to the Planning Commission on February 22, 2023. Then the report will be presented to the Board of Supervisors on March 14, 2023.

HOU-2-5. Federal & State Housing Funding Sources	The County shall seek financial assistance to provide financing to assist housing construction of extremely low, very low, low, and moderate income units that serve families and special needs groups using CDBG, USDA, HOME, CalHome, and other Federal and State funding sources.	Annual	San Benito County applied for the Fall 2018 HOME Grant and was awarded a \$1.1 million grant. The assistance will be used to fund a first-time home buyer program for a local self-help housing development in the County. Community Services and Development Corporation is building 24 very low- and low- housing units. Construction began in 2021 and expected to be completed in 2023. The HOME Grant assisted with 10 of the 24 homes. All 24 homes have been framed with Phase 1 units being close to completion having installed sheet rock and siding. Phase 2 units are anticipated to be completed in 2023. No certificates of occupancy will be issued until all 24 self-help homes are complete. The State did not provide a CDBG NOFA in 2019 and the county did not receive any awards in 2021. The following CDBG grants were obtained in 2022: 1) CDBG CV-1 to provide utility assistance (energy, water, garbage, and sewer) to residents of Hollister, San Juan Bautista, and San Benito County to serve approximately 350 households. 2) CDBG CV-2 was received in the amount of \$1.15M for the rehab of the homeless shelter. Rehabilitation of the shelter did not take place in 2022, but is anticipated to be complete in Fall of 2023.
HOU-2-6. Self Help Housing	The self-help housing program offers very low and low-income families the opportunity to use their —sweat equity—as the down payment on a new home that would otherwise be out of their reach. Families work side by side devoting time in finishing their new homes. Self-help housing is that which is privately and public funded, and which the future owner-resident and sponsoring agency provide funding, materials and/or labor	Ongoing	San Benito County is working with a local Non Profit Agency, Community Services Development Corporation to begin the construction of a self-help development on prior under utilized county property. With Community Services Development Corporation San Benito County applied for HOME Funds in the August 2018 round and was awarded \$1.1 million in 2019 for FTHB down payment assistance. The project is 24 very low- and low- housing units. Construction began in 2021 and expected to be completed in 2023. The HOME Grant assisted with 10 of the 24 homes. All 24 homes have been framed with Phase 1 units being close to completion having installed sheet rock and siding. Phase 2 units are anticipated to be completed in 2023. No certificates of occupancy will be issued until all 24 self-help homes are complete.
HOU-2-9. Mobilehome Parks Zoning	The County shall consider opportunities for expanded permitting of mobile home parks under the County Zoning Ordinance, including the identification of additional zoning district(s) in which mobile home parks may be allowed	2016	For additional permitting, under RM zoning the requirements have changed from a conditional use permit to ministerial approval in 2022.

HOU-2-10 Affordable Housing Requirement	To maintain balance in the local supply of housing for both high and lower income populations	2016	<p>The Affordable Housing Ordinance was adopted in October of 2016. Due to the inadequacies in the previous inclusionary study San Benito County contracted with a consultant to develop a feasibility study to determine an adequate in-lieu fee. The consultant has worked with the County to review and provide feedback for the amendments. The consultant also created a work plan on ways to expand support and funding for affordable housing. In 2020, the Board of Supervisors amended portions of the ordinance to clarify sections and provide more information. The biggest amendment to the ordinance is to expand the type of inclusionary and divide between rental and for-sale housing. The San Benito County Board of Supervisors directed county staff to make amendments to Chapter 21.03 during a regularly scheduled public hearing on May 24, 2022, on which date County Staff were directed to address the following with the Housing Advisory Committee: lower the threshold where affordable housing comes into play, establish a phasic process for in-lieu fee payments for developments between 6-10 units, review in-lieu fees for developments of 11 or more units, establish fractional unit requirements for in-lieu payments, address the waiving of impact fees, and review qualifications for in-lieu payment. These amendments were adopted in January 2023.</p>
HOU-2-12 Transitional and Supportive Housing	To remove regulatory barriers to accommodating need for transitional and supportive housing.	2016	<p>Though the program timeframe ended in 2016 San Benito County continues to work to support and build transitional housing. In 2018 Health and Human Services received \$1,460,000.0 towards the construction of the 8 transitional units, which will be attached to the current overnight homeless shelter. Construction of 6 transitional units were completed in 2021. In 2022, the County received the following related grants: 1) Homeless Housing Assistance Program R-2. \$157,000 to provide funding for the operations of the transitional housing that is being built at the Migrant Center. In 2021, we received the first round of funding in the amount of \$306K for Rapid Rehousing services and emergency shelter. 2) Homekey grant was received in the amount of \$2.4M to build 11 transitional housing units at the Migrant Center. These will add to the existing 5 units and the project is expected to be completed in 2023. 3) Received a \$2.45M grant from Office of Migrant Services for the Rehabilitation of the Migrant Center housing. All of the 67 homes will be rehabilitated. This project is anticipated to be complete in 2023.</p>
HOU-2-13 Low-income Housing Tax Credit Program (LIHTC)	Utilize AHP and CIP funds in order to expand affordable housing supply within the County	Ongoing	No action taken at this time.

HOU-2-14 Affordable Housing Program (AHP) AND Community Investment Program (CIP)	The Affordable Housing Program (AHP) and Community Investment Program (CIP) are facilitated by the Federal Home Loan System for the purposes of expanding the affordable housing supply	Ongoing	No action taken at this time.
HOU-2-15 Housing Assistance Council (HAC) <i>*Changed to Housing Advisory Committee</i>	Utilize HAC funds to provide seed money for rural affordable housing development projects within the County.	Ongoing	No funding was spent towards specific affordable housing projects. But part of the in-lieu fee funds were expended to establish a contract to develop a feasibility study related to an in-lieu fee. The feasibility study is expected to establish an in-lieu fee related to our affordable housing ordinance, which mandates developments to provide affordable units in new developments. In 2020, the the Board of Supervisors also approved the by-laws for the Housing Advisory Committee. The HAC will include two Planning Commissioners, two Board of Supervisors, and three members of the public. No meetings were conducted in 2021 due to ordinance updates and COVID related precautions. In 2022, the HAC meet 8 times to implement amendments to the Inclusionary Housing Ordinance. Those amendments were adopted by the Board of Supervisors in January of 2023. In 2022, the Housing Feasibility Study and the In-Lieu Fee Analysis were completed. Subsequently, the Board of Supervisors adopted the an In-lieu fee of \$30 per sq ft applicable to fractional units to the Master Fee Schedule. No funds were used in 2022. The current status of the fund is roughly 1 million.
HOU-2-16 Temporary Farm Labor Housing	Expand Temporary Farm labor housing. 1. Amend the zoning ordinance to allow the use of recreational vehicles for seasonal farm labor housing up to 180 days. 2. Explore a pilot program by encouraging use rural schools for clustering seasonal farm labor housing during school vacation.	2017	1. Complete 2. No action taken 3. Actively manage the Migrant Center assisting over 400 farmworkers with their housing needs.
HOU-2-17 Transfer of Development Rights	The County shall establish a transfer of development rights from the unincorporated area to the City of Hollister and/or the City of San Juan Bautista for the purpose of locating housing types affordable to moderate-, low-, and very-low-income households close to adequate public services, including utilities and transportation, and amenities including goods and services.	2017	No action taken at this time. Program completed in 2017.

HOU-2-18 Housing for Persons with Developmental Disabilities	The County shall coordinate with the San Andreas Regional Center to inform their clients of housing and related services available for persons with developmental disabilities and shall provide	Ongoing	No action taken at this time. Housing related services which support persons with developmental disabilities are typically vendored through the San Andreas Regional Center. As such, SARC is already informed of their availability.
HOU-2-19 Higher Density Housing	Allow opportunities for development of housing types of economical design and density.	Ongoing	No change to the General Plan related to higher density. The current highest density is still 20 units per acre.
HOU-3-1 Habitat for Humanity	The local chapter of Habitat for Humanity is dedicated to eliminating substandard housing in our community by providing safe, decent, affordable homes. With the stability of a permanent home, families can devote increased attention to jobs, education and health. Habitat for Humanity offers low-income homeowners the opportunity to have their homes rehabilitated and/or repaired. In addition to their rehabilitation component for low-income households, Habitat for Humanity performs a community program called A Brush with Kindness, which serves low-income homeowners impacted by age, disability, and family circumstances who struggle to maintain their homes. Homeowners with disabilities and senior citizens will be given priority. A Brush with Kindness will focus on exterior home repair services (painting, minor exterior repairs, landscaping, and exterior cleanup) performed by volunteers and led by Habitat for Humanity staff.	Ongoing	San Benito County has not worked directly with the local chapter of Habitat for Humanity. There does not appear to be a local (San Benito County Chapter). Staff connected with the Santa Cruz/Monterey Chapters and were informed that our jurisdiction is not covered under their purview.
HOU-3-4 Mobile Homes	The County intends to establish a site to place at least six temporary mobile homes that can be used for up to six months by persons/families displaced as a result of code enforcement actions because the structure is unauthorized/unsafe/substandard.	2017-2019	No action taken at this time. The county completed 6 transitional units for those experiencing lack of shelter. Received a \$1.41 M grant to build 6, 200 sq ft transitional units as Phase III of the HOME Resource Center. This project is expected to be completed in March 2021. Additionally on the Southside Labor Camp 3 trailer units were added to assist during the 2020 COVID Pandemics. In 2022, Homekey grant was received in the amount of \$2.4M to build 11 transitional housing units at the Migrant Center. These will add to the existing 5 units and the project is expected to be completed this year.

HOU-3-5 Housing Condition Monitoring	The County shall continue to periodically update the status of housing conditions to determine the need for housing rehabilitation and the removal of unsafe units.	Annual	In partnership with our code enforcement staff our agency will review units and determine the health and safety of each specified unit. The code enforcement staff will consult the homeowners to discuss improvement needs and requirements. The agency does not currently have separate funding available to financially assist the rehabilitation, but can seek financing in the future whether through State funded grants or inclusionary fees.
HOU-3-6 Affordable Unit Conversion Risk Coordination	The County will contact property owners of units at-risk of converting to market rate housing within one year of affordability expiration to discuss the County's desire to preserve units as affordable housing. Participation from agencies interested in purchasing and/or managing units at-risk will be sought.	Annual	There are no known properties at risk for conversion to Market Rate.
HOU-4-1 Fair Housing	The County will continue to partner with local HUD Approved Certified Counseling Agencies for ongoing promotion of Fair Housing throughout the community, at large.	Ongoing	At the County's Health and Human Services Agency office, where the public would generally seek social services, Community Services and Workforce Development in 2021 offered literature on topics including fair housing and tenant rights. Due to COVID regulations, no workshops were completed by the county in 2021 or 2022.
HOU-4-2 Language Barriers	Language Barriers. The County will ensure all housing-related materials relating to activities, services and programs are distributed in multiple languages. The County Housing and Economic Development Department will continue to conduct bilingual affordable housing-related workshops to the public in both English & Spanish. All marketing efforts, fliers and materials will be made available in English and Spanish to the public. The County Affordable Housing webpage will continue to be updated which offers qualifying documents such as applications, checklist and information to the public in both English and Spanish. The County Housing and Economic Development Department will continue to distribute additional fair housing materials in both English and Spanish on behalf of the HUD Approved Certified Counseling Agencies to the community at large. Materials will be displayed throughout local community and senior centers, social service offices, and other public locations.	Ongoing	The agency asks the for assistance from associates, who are bilingual to help communicate with homeowners. The applications and monitoring materials are in both Spanish & English. There are two future affordable development projects, which will begin construction in 2021-22. Based on the varied programs (Self-Help & Inclusionary) new application and education materials in English & Spanish will be developed for all application.

HOU-4-3 Equal Housing Opportunities	The County will continue to promote and protect housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color or household composition. The County will continue to remove market constraints regarding the construction of multi-family, single family, condominium and townhouse development due to liability.	Ongoing	The County continued to promote and comply with this practice. Application information for future affordable development sites will include a brochure with information regarding equal housing lending practices such as the logo and contact information.
HOU-4-4 Reasonable Accommodation	The County will continue to provide reasonable accommodation for persons with disabilities by using flexible approaches to retrofitting and converting existing buildings and construction of new buildings that meet the shelter needs of persons with	Ongoing	When feasible for the applicant, the County requires American with Disabilities Act Compliance. One of the developers in the County provides ramp access from the sidewalk into the development for ease.
HOU-4-5	Streamline the resale of deed restricted affordable units and educate the public about the availability of the units and the real estate community about the resale process regardless of race, religion, sex, marital status, ancestry, national origin, color or household composition.	Ongoing	The County continues to oversee its jurisdiction's supply of deed-restricted affordable units and took action to ensure an affordable units continued affordability in case of property sale or loan refinancing. Staff was available to discuss access to affordable housing, although supply of such housing, being located in a relatively low-population jurisdiction, is limited. There are currently two future developments, which will be constructing very low/low/moderate income homes that will be deed restricted and monitored by the County
HOU-4-6 Housing Programs Administration	The Resource Management Agency will continue to enhance and manage the County's Affordable Housing Program, HOME Program, promote Fair Housing and pursue additional housing-related funding resources.	Ongoing	The Resource Management Agency in 2022 continued assistance with the HOME program and cooperated with other local agencies on issues of affordable housing. San Benito County no longer has a Housing Coordinator, this position is being covered by an Assistant Planner, until such time as this the position is funded again. Both County and City continue to work together. The Assistant Planner continues to work with individuals and non-profits like the Monterey Bay Area Economic Partnership to reach our housing needs and goals. In September of 2022, the County held their preliminary Housing Element Workshop for the anticipated 6th RHNA cycle.
HOU-4-7 Handicap Accessible Floor Area	Exempt the net increase in floor area dedicated to providing handicap accessible housing from building permit impact fees.	2016	No action taken at this time.
HOU-4-8 Mortgage Prevention Housing Counseling Services	Maintain bilingual (English & Spanish) HUD-Approved mortgage foreclosure prevention housing counseling services in San Benito County.	Ongoing	No workshops were completed in 2021 or 2022. No known issues with potential foreclosures related to our affordable units.

HOU-4-9 Rental Housing Counseling Services	The Resource Management Agency will solicit organizations and/or firms to provide bilingual (English and Spanish) rental housing counseling services to residents of San Benito County. The services shall provide tenant/landlord referral and mediation services benefiting residents and landlords of San Benito County. Services provided will encompass all rental	2017	No workshops for Renta Housing Counseling ServicesI in 2022. This program was expected to be completed by 2017. The Santana Ranch project is developing rental units for low and moderate income level groups, so Staff bilingual services will be provided for the application proecess and other items needed. The first portion of affordable housig in the Santana Ranch project is anticipated to be completed in 2023.
HOU-4-10	The Resource Management Agency will solicit organizations and/or firms to provide bilingual (English and Spanish) fair housing counseling services to residents of San Benito County. Housing services shall include an organization who is qualified to engage in fair housing enforcement activities, including but not limited to complaint intake, complaint investigation, testing for fair housing violations, and enforcement of meritorious claims.	2017	Workshops completed for Phase II of Riverview II in 2022 and the program was expected to be completed in 2017. The Assistant Planner will consult with all current homeowners on an annual basis to discuss any concerns and confirm proper owners are residing in their homes and following the expected rules in the Resale Restrictions.
HOU-4-11 Homebuyer Education Workshops	The Resource Management Agency will continue to partner with a HUD-approved organization and/or firm to provide bilingual (English and Spanish) homebuyer education workshops to residents of San Benito County. The homebuyer education workshops shall be presented by HUDtrained homebuyer educators, following the format and content required by HUD.	Ongoing	Phase II of workshops was completed in 2022 for specific homeowners, who were approved for the Riverview II self-help development. Topics discussed during the workshop were specific to the recorded documents and agreements between the homeowners and county. The homeowners were able to ask questions and be provided examples. The session was conducted in spanish as well.
HOU-5-1 Income Heating & Engery Assistance	The LIHEAP program provides funds to help low-income households make home heating more affordable, avoid shutoff of utility services during the winter, and maintain a warm, safe, and healthy environment for households with young children, the elderly, and the disabled.	Annual	in 2021 Health & Human Services received \$75,000 in HEAP funding for transisional supportitve housing. In 2022 the county reciveid the following related grants: 1) Low-Income Home Energy Assistance Program-American Rescue Plan Act (LIHEAP-ARPA) of \$409,069 to serve approximately 500 households. 2) Low-Income Home Energy Assistance Program (LIHEAP) of \$423,177 to serve approximately 700-800 households. AS a component to the LIHEAP program, all clients receive information awareness on conserving energy. This is intended to educate our clients on energy conservation. 3) Low-Income Home Water Assistance Program (LIHWAP) of \$50,811 to serve approximately 150 households.

HOU-5-2	Work with CCES to weatherize up to 30 San Benito County dwelling units. Ongoing promotion of the Weatherization Program throughout the community, at large.	Ongoing	Two of the programs provided by CCES, Home Energy Assistance Program (HEAP) is organized through our local CSWD in the Health & Human Services Agency. The California Alternate Rates for Energy (CARE) is offered through PG&E. Any requests for LIHEAP or Weatherization services are forwarded to the Integrated Case Worker. CSWD provides its clients with LIHEAP services, budget counseling, and assistance with payment of propane or wood. Weatherization services for residents of SBC are provided by Central Coast Energy Services (CCES) out of Watsonville. In 2022, a total of 4 households received weatherization services. Also, a total of 6 received assistance in 2021; and 18 in 2020.
HOU-5-3 Energy Conservation Programs	Ongoing promotion of the Energy Conservation and Rehabilitation Programs throughout the community, at large.	Annual	The Low Income Heating Energy Assistance Program (LIHEAP), which is administered by the Health & Human Services Division, low-income residents can weatherize their homes in our efforts to conserve energy. All LIHEAP clients are provided with information to conserve energy. The number of applicants and eligible recipients is tracked by the Health & Human Services Agency.
HOU-5-6 Solar Access	The County shall study a solar access ordinance, which would provide solar access in all new subdivisions and planned unit developments. Such an ordinance would include criteria, which could be included in subdivision review. Requirement of solar water and space heating should be considered.	2016	The timeframe allotted for the program has passed. But the California Building Standards Commission approved a new solar power law that requires houses built beginning 2020 will include rooftop solar panels. No county ordinance needs to be specifically written.
HOU-2-7. Second Unit	Encourage appropriately designed second units. Second units shall be encouraged as a means of developing small, affordable units throughout the County. Second units can provide a significant source of affordable housing. Often smaller than typical homes, second units can provide housing for younger persons, seniors, single parents, and lower-income people. Second units can also provide a source of income for the owner of the main home, making housing more affordable for the primary homeowner as well.	Ongoing	San Benito County applied for the SB 2 Planning Grants Program and was awarded \$160,000 in early 2020. Portion of the grant funds will be used to develop pre-approved accessory dwelling unit site plans. The pre-approved site plans would help future customers with the costs of developing a site plan for their home. Zoning update began in 2021 and was completed in 2022.

HOU-3-2	Assist in the development of affordable housing by working with qualified sponsors and agencies in order to maximize funding sources for the construction of affordable rehabilitation housing.	Annual	At the County's Health and Human Services Agency office, where the public would generally seek social services, Community Services and Workforce Development in 2021 offered literature on topics including fair housing and tenant rights. No workshops were completed in 2021 or 2022. In 2022, phase 2 of Riverview II, a 100% affordable project developed by Community Services and Development Corporation, recieved its building permits and began construction. This is a total of 24 homes who recieved a USDA 502 mortgage loan and San Benito County Impact Fee Defferal. 10 of these homes also recieved HOME project loans through HCD. Development began in 2021 and is anticipated to complete in 2023.
HOU-3-3 Code Enforcement Officer	The Code Enforcement Officer will review all properties within the unincorporated area of the County for property maintenance and compliance issues. The Code Enforcement Officer will implement housing, building and fire code enforcement to ensure compliance with basic health and safety building standards, and provide information about rehabilitation loan programs for use by qualifying property owners who are cited.	Ongoing	This funding and position continue. One item which can be added to implementation is for the code enforcement officer to complete on street property inspections to confirm property owners are maintaining their home. Due to the number of labor housing and other farm workforce housing we have seen an increase in the number of related code enforcement cases. The county will need to review the temporary mobile home ordinance and how to help displaced laborers when a code enforcement issues arises. As of 2022 the county has both a contracted Code Enforcement Officer through 4Leaf and a County of San Benito Code Enforcement Officer.
HOU-4-12. County Zoning	The County, for compliance with federal and State fair-housing law, will consider options for modifying the County Zoning Ordinance to allow housing options for individuals whose relationship to other current or prospective household members does not conform to the current definition of the terms family and family member.	2016	Do not believe there is current relevancy. The county follows at State & Federal Fair Housing Laws.
HOU-5-4 Title 24	The County shall enforce Title 24 provisions of the California Administrative Code for residential energy conservation measures.	Ongoing	Energy conservation measures are required for new construction and for every substantial remodeling activity.
HOU-5-5 Energy Conservation Information	Encourage energy conservation in all existing rental and homeownership developments.	Ongoing	Energy conservation measures are required for new construction and for very substantial remodeling activity.

<p>HOU-2-8 Accessory Senior Dwelling Units</p>	<p>Continue to allow construction of accessory senior dwelling units, residences with deed restrictions requiring their residents to be at or above a certain age.</p>	<p>Ongoing</p>	<p>In 2019, San Benito County applied for the LEAP Grant to provide financial support to both update our zoning code ordinance and provide updated accessory dwelling information. Since 2017, the California Legislation has greatly updated and provided more feasible options to construct accessory units. We were approved in late 2020 and began work on amending the zoning code in 2021. Amendments to the zoning code were completed in 2022. We continue to develop an ADU Program, that is not just targeted to seniors, to allow individuals to come to the office and choose an architectural approved site-plan. These pre-approved site-plans will decrease upfront costs to the homeowners and hopefully increase the number of units built in San Benito County; especially on the larger 1+ acre lots. Work with the consultant began in 2021. San Benito County plans to focus on completion of the zoning amendments were completed in 2022 and ADU site-plans should be completed in 2023.</p>
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Other	Health & Human Services	Ongoing	<p>The following programs were run through HHSA in 2022: 1) Homeless Housing Assistance Program R-2. \$157,000 to provide funding for the operations of the transitional housing that is being built at the Migrant Center. In 2021, we received the first round of funding in the amount of \$306K for Rapid Rehousing services and emergency shelter. 2) Homekey grant was received in the amount of \$2.4M to build 11 transitional housing units at the Migrant Center. These will add to the existing 5 units and the project is expected to be completed in 2023. 3) Received a \$2.45M grant from Office of Migrant Services for the Rehabilitation of the Migrant Center housing. All of the 67 homes will be rehabilitated. This project is anticipated to be complete in 2023. 4) CDBG CV-1 to provide utility assistance (energy, water, garbage, and sewer) to residents of Hollister, San Juan Bautista, and San Benito County to serve approximately 350 households. 5) CDBG CV-2 was received in the amount of \$1.15M for the rehab of the homeless shelter. Rehabilitation of the shelter did not take place in 2022, but is anticipated to be complete in Fall of 2023. 6) Received a HOME Tenant-Based Rental Assistance (TBRA) program in 2021 and operated it in 2022 in the amount of \$500K to provide rental assistance for a 12-month period to eligible households. A total of 20 households received renters' assistance with a total of 41 household members. 7) Low-Income Home Energy Assistance Program-American Rescue Plan Act (LIHEAP-ARPA) of \$409,069 to serve approximately 500 households. 8) Low-Income Home Energy Assistance Program (LIHEAP) of \$423,177 to serve approximately 700-800 households. AS a component to the LIHEAP program, all clients receive information awareness on conserving energy. This is intended to educate our clients on energy conservation. 9) Low-Income Home Water Assistance Program (LIHWAP) of \$50,811 to serve approximately 150 households.</p>

Jurisdiction	San Diego County - Unincorporated	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table F									
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)									
Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.									
Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺ . For detailed reporting requirements, see the checklist here: https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain :

Table F2

Above Moderate Income Units Converted to Moderate Income Pursuant

housing agency may include the number of units in an existing multifamily building that were converted to affordable housing. For this table, please ensure housing developments meet the requirements described in the table.

[illegible]

auto-calculation formulas

nt to Government Code section 65400.2

eed-restricted rental housing for moderate-income households by the imposition of affordability covenants a
ibed in Government Code 65400.2(b).

Household Incomes After Conversion				Units credited toward Ab RHNA
4				5
Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Total Moderate Income Units Converted from Above Moderate

and restrictions for the unit. Before adding information to

ove Moderate	Notes
	6
<u>Date Converted</u>	<u>Notes</u>

[illegible]

S REPORT

itation

N's as follows:999-999-99

[illegible]

Jurisdiction		San Bern Co County / Unincorporated		ANNUAL ELEMENT PROGRESS REPORT				Note: * Indicates an optional field. Cells in grey contain auto-calculation formulas	
Reporting Period		2022 (Jan. 1 - Dec. 31)		Housing Element Implementation					
Planning Period		5th Cycle 12/31/2015 - 12/31/2023							

Jurisdiction	San Diego County - Unincorporated	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Not
Cells in c

Table J												
Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915												
Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved						
1				2	3	4						
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income
Summary Row: Start Data Entry Below												

Jurisdiction	San Diego County - Unincorporated	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	2
	Non-Deed Restricted	0
Low	Deed Restricted	10
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		160
Total Units		172

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	132	50
2 to 4	0	0	0
5+	0	0	0
ADU	0	32	12
MH	0	8	0
Total	0	172	62

Housing Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	2	2
Low	0	10	10
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	12	12

Cells in grey contain auto-calculation formulas

Jurisdiction	Benito County - Unincorporated	
Reporting Year	2022	(Jan. 1 - Dec. 31)

Please update the status of the proposed uses listed in the entity's application for funding and the c 50515.03, as applicable.

Total Award Amount	\$
---------------------------	----

Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested
Housing Element	\$65,000.00	\$0.00

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Tak

Completed Entitlement Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted
Moderate	Deed Restricted
	Non-Deed Restricted

Above Moderate	
Total Units	

Building Permits Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted
Moderate	Deed Restricted
	Non-Deed Restricted
Above Moderate	
Total Units	

Certificate of Occupancy Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted
Moderate	Deed Restricted
	Non-Deed Restricted
Above Moderate	
Total Units	

(CCR Title 25 §6202)

Corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the

65,000.00

Total award amount is auto-populated based on amounts entered in rows 15-26.

[illegible]

ole A2)

Current Year
0
0
0
0
0
0

0
0

Current Year
2
0
10
0
0
0
160
172

Current Year
0
0
0
0
0
0
62
62

eligible uses specified in Section 50515.02 or

Other Funding	Notes
None	San Benito County is using the grant funding to complete the new Housing Element for the 6th cycle. At this time we have received our final RHNA allocation and have posted and RFQ. Once the bid process is complete the County will choose a consultant to work on the update.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
Rodriguez II**
District No. 1

**Richard
Way**
District No. 2

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 92

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostojka

SUBJECT:

RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT.

ACCEPT INFORMATIONAL REPORT ON THE STATUS OF THE DISCRETIONARY APPROVALS BY THE PLANNING COMMISSION IN THE LAST 24 MONTHS AS WELL AS THE STATUS OF PENDING PROJECT APPLICATIONS EXPECTED TO COME BEFORE THE PLANNING COMMISSION AND BOARD OF SUPERVISORS.

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Planning staff and consultants are preparing draft environmental review documents such as Mitigated Negative Declarations (MNDs) and Environmental Impact Reports (EIRs) for a number of projects that are expected to be released for public review and comment in the next few months. This report is intended to provide the public and the Planning Commission an overview and status update of pending project applications expected to come before the Planning Commission and Board of Supervisors. Planning applications are ordinarily processed in the order in which they are filed and move forward when the application is accepted as complete and environmental review documents are finalized. This report will also provide the Planning Commission and the public a status update of the discretionary approvals by the planning commission in the last 24 months.

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 that the Planning Commission receive the informational report.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
Rodriguez II**
District No. 1

**Richard
Way**
District No. 2

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 93

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostoja

SUBJECT:

RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT.

2022 GENERAL PLAN ANNUAL PROGRESS REPORT:&NBSP; &NBSP; GOVERNMENT CODE SECTION 65400 AND 65700 MANDATES THAT ALL CITIES AND COUNTIES SUBMIT AN ANNUAL REPORT ON THE STATUS OF THE GENERAL PLAN AND PROGRESS IN ITS IMPLEMENTATION TO THEIR LEGISLATIVE BODIES, THE GOVERNOR&RSQUO;S OFFICE OF PLANNING AND RESEARCH (OPR) AND THE HOUSING AND COMMUNITY DEVELOPMENT (HCD) BY APRIL 1 OF EACH YEAR. THIS IS TO REPORT WHAT WAS ACCOMPLISHED WITHIN THE CALENDAR YEAR OF 2022 OF THE COUNTY&RSQUO;S PROGRESS AND IMPLEMENTATION OF THE 2035 SAN BENITO COUNTY GENERAL PLAN.&NBSP; SBC FILE NUMBER: 790.2

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

As required by State law, an annual report must be submitted to the Governor's Office of Planning and Research (OPR), identifying the progress made with the General Plan implementation.

The 2022 General Plan Annual Progress Report (APR) identifies the actions undertaken by San Benito County in the previous calendar year to carry out the 2035 General Plan's implementation programs.

The full report is attached to this agenda item in the Novus Agenda publication of this meeting

packet. Readers of other versions of this meeting packet, such as PDF, may request the report from the Resource Management Agency at 831 637-5313 or sbcplan@cosb.us.

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 requests that the Planning Commission accept the 2022 General Plan Annual Progress Report and recommend presenting the report to the Board of Supervisors for approval. Following Board action, the report will be submitted to the Office of Planning and Research.

ATTACHMENTS:

[GP_AnnualProgressReport_2022.docx](#)

[General Plan APR 2022 PC PPT.pdf](#)



General Plan Annual Progress Report

County of San Benito, California

Date Sent: TBD

Deadline for Submission: April 1, 2023

Prepared By:
Arielle Goodspeed
Principal Planner,
Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023
Phone: 831-637-5313
Fax: 831-637-5334
Website: www.cosb.us

Table of Contents

1. Introduction.....	3
2. Legislative Body Review and Acceptance	4
3. Status of 2035 General Plan Implementation Programs	4
4. Housing Element Annual Progress Report	21
5. Compliance with OPR’s General Plan Guidelines	21
6. General Plan Last Update	21
7. Priorities Established by the Local Legislative Body	21
8. Goals, Policies, Objectives, Standards, or Other Plan Proposals.....	22
9. Planning Activities Initiated	22
10. General Plan Amendments	22
11. Major Development Applications Processed.....	23

1. Introduction

Purpose of the General Plan Annual Report

The General Plan Annual Report fulfills the requirements of California Section 65400 of the California Government Code, which requires all jurisdictions to prepare an annual report addressing two primary topics:

- The status of the General Plan, including progress made towards implementation of goals, policies and implementation measures contained in the Plan, and identification of any changes needed on the Plan or its implementation programs.
- Progress towards meeting the Count's share of regional housing needs (RHNA) and efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

Background of the General Plan

San Benito County, as part of state law, adopted the 2035 General Plan on July 21, 2015. The 2035 General Plan is the foundation for planning in San Benito County. The 2035 General Plan includes goals, policies, and programs for development and environmental protection on land within the county boundaries. The image below shows elements included within the 2035 General Plan.

San Benito County General Plan Elements	General Plan Elements Required by State Law							
	Land Use	Circulation	Housing	Conservation	Open Space	Safety	Noise	Optional *
	Land Use Element	✗						
	Economic Development							✗
	Housing Element		✗					
	Circulation Element		✗					
	Public Facilities and Services Element		✗					✗
	Natural and Cultural Resources Element			✗	✗			
	Health and Safety Element					✗	✗	
	Administration Element							✗

* State law allows jurisdictions to include optional elements in their general plans.

San Benito County is a political subdivision of the State of California and is governed by a five (5)-member Board of Supervisors. Administrative offices are located at 481 4th Street Hollister, CA 95023.

San Benito County is in the Central Coast Region, 95 miles south of San Francisco. Contiguous counties include Santa Clara, Santa Cruz, Monterey, Fresno, and Merced. Land area is 1396 square miles. Terrain varies from flat valley floor to hilly rangeland in the east, to 5,450-foot peaks far south. The City of Hollister where the County seat is located is at an elevation of 229 feet. The north and northwest segments of the County are comprised of urban areas, leaving the southern portion of the County primarily rural.

Major transportation routes bisecting the County include Highways 101, 129, 156 and 25.

The California Department of Finance January 2022 population estimate for San Benito County is 65,479. The County has two incorporated cities – Hollister, population 42,554 and San Juan Bautista, population 2093.

2. Legislative Body Review and Acceptance

This Annual Report was reviewed by the Planning Commission on February 15, 2023, and accepted by the Board of Supervisors on March 14, 2023.

3. STATUS OF 2035 GENERAL PLAN IMPLEMENTATION PROGRAMS

LAND USE ELEMENT

LU-A: Urban/Agricultural Buffer Requirement: The County shall prepare and adopt guidelines and regulations to assist in the determination of the appropriate location, type, and width of buffer areas necessary to minimize agricultural and urban-scale residential conflicts. Urban-scale residential refers to any residential uses greater than two units per acre.

This program has not yet been implemented.

LU-B: Agricultural Mitigation Program: If new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve an equal number of acres (i.e., a 1:1 ratio) either on- or off-site. An applicant may pay mitigation fees for some, or all that mitigation as agreed in a development agreement.

The County applies this policy to all new development that converts Prime Farmland/Class 1 soils to non-agricultural uses.

LU-C: Right-to-Farm and Ranch Ordinance: The County shall periodically review and update the Right-to-Farm and Right-to Ranch Ordinance to describe normal farm practices expected to occur in agricultural areas and ensures the right of the farmer to continue such practices subject to appropriate health and safety standards. The ordinance shall specify that it applies only to areas in which agricultural and ranching activities are permitted and to lands adjacent to such areas. A summary of the ordinance shall be mailed annually to all property owners with tax bills.

No action was taken regarding these ordinances in 2022.

LU-D: Agricultural Tax Assessment Incentives: The County shall periodically review, update, and evaluate tax assessment policies in order to identify financial ways to promote the long-term preservation of agricultural activity while recognizing that agricultural land uses require a minimum of public expenditure for protection and servicing.

The County utilizes Agricultural Tax Assessment Incentives through the Williamson Act Program. In San Benito County, about 75% of all privately held land (over 569,000 acres) is in the Williamson Act. No action was taken regarding tax assessment policies in 2022.

LU-E: Agricultural-Industrial Zoning: The County shall consider adopting a new zoning designation to apply to agricultural-related industrial uses in agricultural areas to meet the evolving needs of the agricultural industry.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. The County decided not to adopt a new zoning designation, but review uses within the agricultural and industrial zones to meet this land use policy.

LU-F: Clustered Residential Program: The County shall periodically review and update the Clustered Residential Program to identify additional incentives to encourage any new residential development proposals in rural areas to use a cluster design in order to preserve the maximum amount of agricultural and open-space land.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. Updates to planned unit development requirements and the Planned Unit Development (PUD) Combining District are included.

LU-G: Transfer of Development Credit Program: The County shall periodically review and update the voluntary Transfer of Development Credit (TDC) program as an incentive to preserve farmland and focus future development away from the most productive farmland. County still needs to review and update the Transfer of Development Credit Program but will need to be more expansive by including the City of Hollister and San Juan Bautista for consideration of Receiver Zones for additional density. An updated program will be needed to facilitate open space and agricultural protections while steering residential development towards

urban areas serviced by municipal water and sewer and will have additional information in next year's annual report.

No action was taken regarding the Transfer of Development Credit Program in 2022.

LU-H: Signage Program: The County shall prepare, adopt, and periodically update a comprehensive Signage Program which includes standards for signs and wayfinding in the county. The Planning Commission shall be responsible for enforcing the Signage Program.

A Wayfinding Master Plan was adopted in worked on in 2014 and is discussed in more detail under ED-G: Signage and Wayfinding Program.

LU-I: New Community Review Factsheet: The County shall prepare a factsheet to assist applicants in preparing application materials for development within new communities consistent with applicable general plan policies.

No action was taken in 2022.

LU-J: County General Plan Consistency Report: The County shall prepare a written report to the Local Agency Formation Commission (LAFCO) regarding the consistency with the General Plan of any proposed changes in the sphere of influence or other urban boundaries for governmental entities that provide water or sewer services.

No action was taken in 2022.

LU- K: Zoning Consistency: The County shall review its zoning ordinance to ensure consistency with the goals and policies set forth in the Land Use Element of the General Plan.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022.

ECONOMIC DEVELOPMENT ELEMENT

ED-A: Economic Development Strategy: The County shall prepare, adopt, and periodically update an Economic Development Strategy, which shall be used as an operational guide to implement the economic development goals and policies of this element of the General Plan. The strategy will also fulfill Federal Economic Development Administration (EDA) requirements for a Comprehensive Economic Development Strategy (CEDs) to receive grant funding. The strategy should identify industry-specific goals and actions that build on the existing agricultural economy and industries, and clearly identify how the County will help achieve those goals (e.g., staff support, incentives, and permit streamlining, etc.).

In December 2017, the Board of Supervisors adopted the 2017-2022 Comprehensive Economic Development Strategy (CEDs) that conforms to the US Economic Development Administration requirements and supports implementation of the Economic Development

Element of the 2035 General Plan. In 2022, the Economic Development Corporation of San Benito County began work on updating the CEDS for the 2023-2027 period.

ED-B: Economic Development Staff Resources: The County shall allocate staff resources for economic development, including appointing an Economic Development Coordinator to oversee implementation of the County's economic development strategy.

A Memorandum of Understanding (MOU) was signed in 2017 between the County of San Benito and the Economic Development Corporation (EDC) of San Benito County that establishes the rights and responsibilities of the Parties for the allocation of annual General Fund monies for economic development within San Benito County. These funds include staffing support to the EDC.

ED-C: Economic Development Marketing Program: The County shall collaborate with the Economic Development Corporation of San Benito County and the San Benito County Chamber of Commerce and Visitors Bureau, the San Benito County Business Council, the Hollister Downtown Association, and interested public and private stakeholders to prepare and adopt a comprehensive marketing program that will enhance the county's image, support expansion of existing businesses, and encourage relocation of new businesses to the county. The marketing program should target specific economic sectors that need to be expanded, including wineries, tourism, hospitality, organic agriculture, specialty food processing, medical and health services, research and development, renewable energy industries, green industries, and corporate and regional headquarters.

Work on a marketing program continued in 2022 and is on-going in 2023.

ED-D: Commercial and Industrial Sites Database: The County shall coordinate with local real estate brokers to prepare and maintain a comprehensive database of available commercial and industrial sites within the county in order to assist potential investors and employers looking to locate in San Benito County. The database should be maintained by the County and available online.

County staff completed a database of available commercial and industrial sites within the county. The database is available to the public at the County of San Benito ArcGIS Online Site.

<https://cosb.maps.arcgis.com/home/item.html?id=40e4923586704209b9a6b63e176c831b>

<https://cosb.maps.arcgis.com/apps/webappviewer/index.html?id=6f4fdbd40bc0489998fb5bb56d9d3c11>

ED-E: Wine/Hospitality Combining District: The County shall prepare and adopt a Wine/Hospitality Combining District in the Zoning Ordinance to provide a means through which the County can facilitate the development of vineyards, wineries, and wine-related tourist uses such as bed and breakfasts, hotels, spas, and other guest accommodations, restaurants, delis,

related retail stores, and processing facilities related to the wine industry with the goal of establishing San Benito County as a premier wine destination.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. The updated zoning code does not include a new wine/hospitality combining district, but instead, makes other changes that facilitate the operation of wineries, vineyards and wine-related tourist uses strengthen such uses.

ED-F: Tourist Promotion Program: The County shall collaborate with other public and private organizations to help market and promote local tourism, eco-tourism, agritourism, wine and culinary tourism, and locally grown agricultural products.

In the past two – three years, the Planning Commission has approved several proposals from private property owners with agricultural tourism-type operations, including: Swank Farms, Suncoast Organic Bakery, Brewery and Winery, the Damm (Water) Winery and the Troy Van Dam Wine Tasting Room and Winery. In November 2022 the Board of Supervisors received a presentation on the California Mission Trail Auto Tour Tourism Program and delegated authority to staff related to participation in the program.

ED-G: Signage and Wayfinding Program: The County shall coordinate with Caltrans, the Council of San Benito County Governments, the Cities of Hollister and San Juan Bautista, the San Benito County Chamber of Commerce and Visitors Bureau, the San Benito County Business Council, the Hollister Downtown Association, the San Benito County Winegrowers Association, and interested public and private stakeholders to prepare, adopt, and periodically update a countywide signage and wayfinding program designed to help visitors and tourists easily and efficiently find cultural, historical, recreational, commercial, and winery destinations.

In 2014, the Cities of Hollister and San Juan Bautista, and the County completed the San Benito County Multi-Governmental Wayfinding System – Wayfinding Master Plan. The plans' objectives include increase economic opportunities, reinforce the identities of Hollister and San Juan Bautista, define pathways for vehicle traffic in and out of the County and pathways to parking areas, develop transition points between modalities to encourage pedestrian activity, create awareness of destinations within the County, enhance the healthy living initiatives that are already in place, and encourage travelers to return to San Benito County. The Wayfinding Master Plan has yet to be adopted by the County but is being implemented by the City of Hollister.

ED-H: New and Existing Business Support: The County shall identify and develop financial incentives to attract new investment and support existing local businesses, particularly small locally owned businesses. This should include pursuing funding for entrepreneurial entities, including private and venture capital funding; and supporting investment within Enterprise Zones.

The County and the EDC completed work on a set of financial incentives in 2022. Implementation activities will continue in 2023.

ED-I: Economic Development and Revenue Agreement: The County shall coordinate with the cities of Hollister and San Juan Bautista to prepare, adopt, and maintain a memorandum of understanding (MOU) that establishes an efficient and equitable distribution of the costs and benefits of economic development to local government jurisdictions in the county. The program should include a countywide capital improvement plan and equitable tax sharing agreement(s) between the County and the cities.

A tax sharing agreement between the City of Hollister and County of San Benito was adopted in 2021. The County has maintained a tax sharing agreement with the City of San Juan Bautista since 2015.

HOUSING ELEMENT

This was reviewed and will be submitted by April 1, 2023 as part of the Housing Element Annual Progress Report.

CIRCULATION ELEMENT

C-A: Update Road Standards: The County shall review and update the Road Standards within the Subdivision Ordinance to reflect the policies of the General Plan.

There was no action taken regarding this item in 2022.

C-B: Monitor Intersections: The County shall monitor non-signalized intersections for the potential need for signalization or other necessary improvements to maintain an LOS D.

The County's development review process includes evaluation of traffic impacts to identify the need for additional traffic signals or payment of traffic impact fees to the County. The County has an adopted Traffic Impact Fee Master Plan.

C-C: Thresholds of Significance: The County shall develop and adopt thresholds of significance for the evaluation and identification of significant environmental impacts to the transportation system.

In 2022 the County Board of Supervisors adopted the SB 743 Implementation Policy to provide the analysis methodology and thresholds of significance for determining the transportation impacts of new development and transportation projects under CEQA.

C-D: Standards for Hillside Areas: The County shall review and update the Subdivision Ordinance to ensure the following in hillside areas:

- Roads do not exceed a 15 percent grade (distances of no more than 400 feet are allowed at grades up to 20 percent)
- Grades over 15 percent have all weather surfaces such as asphalt or concrete; and
- New road development minimizes cut and fill and follows the natural contours of the land as much as possible.

There was no action taken regarding this item in 2022.

C-E: Standards to Require Hazards Analysis: The County shall review and update the Subdivision Ordinance to require applicants to analyze the seismic, flood, landslide, and fire hazard potential for proposed new road alignments and avoid such hazards to the extent feasible.

Updates to the Subdivision Ordinance have not been completed. Analysis of seismic, flooding, landslide, and fire hazards are included in the environmental evaluation of all proposed development projects. CEQA mitigations and County standards are applied to ensure that all development meets the requirements of state and local codes.

C-F: Coordination with Local Agencies: The County shall coordinate with SBCOG, AMBAG, the cities, adjacent counties, and Caltrans to monitor traffic volumes and congestion on the roadway system in San Benito County.

The County regularly collaborates with the San Benito Council of Governments, the Santa Clara County VTA Mobility Partnership, and the Association of Monterey Bay Area Governments on improvements to the County roadway system.

C-G: County Bikeway and Pedestrian Master Plan: The County should review and update its Bikeway and Pedestrian Master Plan every 10 years.

A County Bikeway and Pedestrian Master Plan was completed by the San Benito Council of Governments in 2009 and is still in use. The state grant program that funded this plan no longer exists.

C-H: Evaluation for Sidewalks and Bikeways: The County should collaborate with SBCOG to conduct a systematic evaluation of roadway networks around high schools and junior high schools to determine the need for sidewalk and bikeway facilities. The County should develop a capital improvements project list based on the findings of the evaluation.

The County has prepared plans to provide pedestrian and bicycle improve to the intersection of San Benito Street and River Parkway in the vicinity of Hollister High School. Study of other potential school safety improvements is on-going.

C-I: Information on Public Transit Services: The County should prepare and distribute information, as part of a mobility management program, to inform transit-dependent citizens about the various public transit programs and services available to them.

The majority of public transit information distribution has been completed by San Benito Council of Governments/Local Transit Authority. The County actively looks for opportunities to assist the public transit provider in information distribution.

C-J: Public Transit to Recreation Areas: The County shall collaborate with officials of Caltrans, Fremont State Park, Pinnacles National Park, Hollister Hills State Recreational Vehicle Area, and Clear Creek Recreation Area to determine if there is interest for connecting these recreational areas via public transit exists. If interest does exist, the County shall work with officials from these agencies and any affected property owners to develop a feasibility study including how such a system would be administered and funded.

The San Benito Council of Governments/Local Transit Authority is the County's public transit provider and makes decisions regarding the feasibility of service to recreation areas. The San Benito Council of Governments/Local Transit Authority completes an annual progress report to solicit community feedback and provide responses regarding gaps in transportation services including to recreational areas. No action was taken on this item in 2022.

C-K: Identify Farm-to-Market Routes: The County shall identify farm-to-market routes and needed improvements and maintenance for those routes and seek funding to complete those improvements.

The County conducts annual updates to the County-maintained roadway mileage, which is submitted to Cal Trans and forms the basis for state roads funding received.

C-L: Design Standards: The County shall review roadway design standards (SBC Code §23.31.023) every five years, in collaboration with Caltrans, SBCOG, and the Cities of Hollister and San Juan Bautista, to ensure updated and consistent standards are applied, taking into account speed limits (SBC Code §17.01.002), the Circulation Diagram, the Monterey Bay Area Complete Streets Guidebook, and other factors agreed upon to be relevant.

The County has performed these tasks noted above on a regular basis.

PUBLIC FACILITIES AND SERVICE ELEMENT

PFS-A: Infrastructure Improvements and Funding: The County shall prepare, adopt, and periodically update capital improvement programs for all County-owned and operated facilities and services to ensure consistency with the General Plan in order to maintain an adequate level-of service.

A Capitol Improvement Program for facilities and road was adopted in May of 2021 for fiscal year 2021-2026.

PFS-B: Adopt Public/Quasi Public Zoning: The County shall prepare and adopt a Public/Quasi Public Facilities Zoning designation, consistent with the Public/Quasi Public General Plan designation, to ensure adequate opportunities to accommodate needed public facilities within the county.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. A new Public-Quasi Public zone was included in the updated zoning code.

PFS-C: Climate Change Impacts Monitoring: The County shall monitor and prepare regular reports on expected impacts on public facilities and services due to the results of climate change. Based on findings from these reports, the County shall make necessary updates to facility and services plans and operations to help the county adapt to the anticipated effects of climate change.

The County does not currently have resources to implement a climate change-monitoring program.

PFS-D: Sustainability Master Plan: The County shall prepare and adopt a Sustainability Master Plan that guides County efforts to incorporate sustainability strategies (e.g., energy efficiency, water conservation, waste reduction/recycling, purchasing preferences) into its facilities, operations, and activities.

No action was taken on this item in 2022.

PFS-E: Groundwater Monitoring Program: The County shall work with water purveyors, groundwater basin managers, and willing landowners to improve groundwater monitoring including quality, yields, and groundwater elevations. This should include identifying monitoring sites, installing monitoring wells, identifying gaps in the monitoring network, establishing monitoring protocols, and developing a groundwater budget.

Implementation of the County's Groundwater Monitoring Program is the responsibility of the San Benito County Water District (SBCWD). The SBCWD adopted the Groundwater Sustainability Plan (GSP) in 2021.

PFS-F: Regional Planning Group: The County shall participate in regional water, wastewater, and watershed planning groups designed to discuss and solve water supply, water quality, watershed, and other water/wastewater-related issues within the county, and to identify and pursue alternative funding sources for future projects.

The Resource Management Agency attends and participates in meetings with the Pajaro Compass Network, the San Benito County Water District, Sunnyslope County Water District, and the Department of Water Resources. The Pajaro Compass Network includes a diverse membership representing conservation, agriculture, transportation, government, and community interests with a common conservation vision for the Pajaro River watershed.
<https://pajarocompass.org/>

PFS-G: Wastewater System Standards: The County shall review and update onsite septic system standards consistent with guidelines proposed by the State Water Resources Control Board under Assembly Bill 885.

In 2022, the Environmental Health Department completed a draft Local Agency Onsite Wastewater Treatment Systems (“OWTS”) Management Program for County of San Benito.

PFS-H: Best Management Practices: The County shall prepare and adopt revised and updated standards and best management practices for new development projects as part of its stormwater management and grading ordinance, project stormwater pollution preventions plans, and Non-Point Discharge Elimination System (NPDES) general construction permits, that encourage alternative storm water management systems, natural drainage systems and low impact development approaches to managing stormwater that improve water quality.

No action was taken on this item in 2022.

PFS-I: Integrated Waste Management Plan: The county shall coordinate with local agencies to prepare an update to the County’s Integrated Waste Management Plan to determine existing and projected waste disposal needs, methods of disposable land characteristics suited for disposable sites, and anticipated locations.

The Integrated Waste Management (IWM) Department provides an annual update to the CalRecycle Electronic Annual Report (usually in August) which serves as the mechanism for updating our IWM plan.

PFS-J: Sheriff Department Standards: The County shall prepare a study to determine appropriate and feasible Sheriff's Department staffing ratios to provide adequate law enforcement services. Based on findings from the study, the County shall develop and adopt an appropriate Sheriff's Department staffing ratio standard. This study shall also include a determination on appropriate and feasible department response times for service in all areas of the county. Based on findings from the study, the County shall develop and adopt appropriate Sheriff's Department response time standards.

No action was taken on this item in 2022.

PFS-K: Fire Department Standards: The County shall prepare a study to determine appropriate and feasible Fire Department staffing ratios to provide adequate law enforcement services. Based on findings from the study, the County shall develop and adopt an appropriate Fire Department staffing ratio standard. This study shall also include a determination on appropriate and feasible department response times for service in all areas of the county. Based on findings from the study, the County shall develop and adopt appropriate Fire Department response time standards.

The San Benito County (County) in association with the City of Hollister (Hollister) and the City of San Juan Bautista conducted a comprehensive feasibility study of fire protection and life-safety. As result, a contract for fire services within the unincorporated areas of the County was established with the City of Hollister. This contract is in place for the period January 1, 2019, through December 31, 2025 and will be automatically renewed January 1, 2026, and each January 1 thereafter, for three (3) successive one year terms. A Fire Protection Standing Committee with representation from the County, Hollister, San Juan Bautista meets monthly to address service-related issues.

NATURAL AND CULTURAL RESOURCES ELEMENT

NCR-A: Habitat Conservation Plan: The County shall consider working with the State and federal agencies to prepare and adopt a Habitat Conservation Plan (HCP) for listed and candidate species in San Benito County. The County shall collect fees to finance the preparation of the plan through the provisions of Ordinances 532 or 541 or any amendments.

In January 2022, the County awarded a contract ICF, International to assist the County with the development of an HCP/NCCP. In addition, the County created the San Benito County Conservation Plan Public Advisory Committee to involve stakeholders and the community on plan development.

NCR-B: Park and Recreation Master Plan: The County shall periodically review and update, as necessary, the countywide Park and Recreation Master Plan that identifies long-range recreational needs of the county, potential trail corridors, and areas for potential recreational-tourist services/programs. This should include an inventory of recreational facilities in existing communities and an analysis of needed additional facilities.

The County will be requesting funding to complete during the fiscal year 2022-2023.

NCR-C: Park and Recreation Facility Financing: The County shall pursue funding for acquisition and development of needed recreational facilities through alternatives including Mello-Roos Assessment Districts, private contribution of land, improvements from service clubs, and County impact fees pursuant to Ordinance 541. In addition, the County shall implement Ordinance 540, a park and recreation impact fee, to establish and maintain a source of revenue for the acquisition and development of park and recreation facilities.

The County's parkland dedication ordinance requires either dedication of park land or payment of in-lieu fees from all residential development projects. In addition, the County continues to actively research grant funding when available.

NCR-D: San Benito County Water Conservation Plan: The County shall periodically review and update and implement the San Benito County Water Conservation Plan as necessary. As part of this effort, the County should pursue funding sources for resolution of water quality problems including Federal and State grants and assessment districts. The County should also continue to compile information on water bodies that have limited information including but not limited to Tequisquita Slough, Clear Creek, Laguna Creek, and Tres Pinos Creek.

In November 2021 the San Benito County Water District (SBCWD) Board of Director's adopted the North San Benito Basin Groundwater Sustainability Plan (GSP). In January 2022, the plan was forwarded to the California Department of Water Resources for review and approval. The GSP provides the best available information regarding groundwater resources and associated surface water resources in the basin.

NCR-E: Water Efficient Landscape Ordinance: The County shall prepare, adopt, and periodically update, as necessary, a Water Efficient Landscape Ordinance, consistent with the Model Water Efficient Landscape Ordinance prepared by the California Department of Water Resources, in order to promote local, efficient plant selection in new development.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. The updated code requires implementation of the state Water Efficient Landscape Ordinance requirements. The County is current on all reporting requirements to the California Department of Water Resources

through calendar year 2015-2019. The County is working to get updated for years 2020-2022.

NCR-F: Remove Barriers to Renewable Energy: The County shall periodically review and update, as necessary, building and development codes and the zoning ordinance and remove or otherwise address barriers to renewable energy production.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. Permit types by zoning was reviewed with the new code update and development standards were added under section 25.08.016 Renewable Energy Facilities.

NCR-G: Historic and Archeological Resources Information: The County shall prepare and distribute, as necessary, information related to inventories of historic resources in the county. This should include educational materials regarding the laws, codes, and ordinances that forbid collecting of items associated with archeological, historical, and paleontological sites, particularly artifacts or other objects found in association with human remains.

The General Plan Background Report, prepared in conjunction with the 2035 General Plan Update, includes a list of historic sites. An update to the General Plan in 1994 created a list of significant historic and cultural resources in the unincorporated area as part of the plan's Environmental Resources and Constraints Inventory. This information is available at the Resource Management Agency and is not available to the public.

NCR-H: Oak Woodland Inventory Program: The County shall coordinate, as necessary, with neighboring counties where oak hardwood communities intermingle to inventory resources, educate private and public landowners, and develop programs for regeneration and maintenance of these significant plant communities.

No action was taken on this item in 2022.

NCR-I: Scenic Corridor Combining District Ordinance: The County shall review and update the Scenic Corridor Combining District Ordinance, as necessary, to enhance protection of scenic corridors.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022. Under section 25.08.027 Scenic Highway Corridor Development Standards was added.

NCR-J: Revise Sign Ordinance: The County shall review and update the Sign Ordinance, as necessary, to improve interpretability and facilitate implementation.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022.

HEALTH AND SEAFETY ELEMENT

HS-A: Inventory of Unsafe Structures: The County shall review and update its inventory of unreinforced masonry structures, which may be hazardous during an earthquake, and provide this information to the Office of Emergency Services.

This program has not yet been implemented.

HS-B: Disaster Simulation Exercise: The County shall conduct a biannual disaster simulation exercise to clarify and test staff emergency duties.

The County Office of Emergency Services (OES) hosts emergency preparedness simulations and training events on an annual basis in coordination with local emergency service partners, including fire, law, and public health.

S-C: Multi-Hazard Mitigation Plan: The County shall review the Multi-Hazard Mitigation Plan every two years to determine if updates are needed, and update the plan, as necessary. This review and update of the Multi-Hazard Mitigation Plan shall also address hazards associated with the potential impacts of climate change.

The plan is reviewed bi-annually. The most current plan update occurred in 2022 and was adopted by the San Benito County Board of Supervisors on February 1, 2023.

HS-D: Regional Catastrophe Preparedness Plan: The County shall prepare, adopt, and periodically update a Regional Catastrophe Preparedness Plan in coordination with local, regional, and State emergency response agencies. The County shall pursue grant funding through the Regional Catastrophic Preparedness Grant Program to fund the planning effort.

The San Benito County Emergency Operations Plan (EOP) fulfills the requirement for a Regional Catastrophe Preparedness Plan. A plan update was completed in FY 2022/2023 and is actively under review with the state.

HS-E: Geotechnical Database: The County shall maintain and regularly update the geotechnical database to make information on seismic hazards available to both the public and County.

The County maintains a GIS-based the geotechnical database to make information available for both public and County use.

HS-F: Supplement Building Code for Unsafe Structures: The County shall prepare and adopt an Ordinance to supplement certain portions of the Uniform Building Code with regulations for dangerous buildings. The Ordinance should be applicable to many older buildings, which do not have earthquake resisting structural systems, as well as to crumbling and dilapidated structures, which are manifestly unsafe. The Ordinance should include reference to parapets, marquees, appendages, and other non-structural or non-resistive construction, which constitute earthquake hazards.

In 2019, the California Code of Regulation Title 24 superseded the Uniform Building Code. For code enforcement cases the International Code Council 2018 International Property Maintenance Code is used.

HS-G: Elimination Program for Hazardous Buildings: The County shall develop and adopt a long-range program for the elimination of existing hazardous buildings and develop equitable rules, which will eventually eliminate these structures without undue economic hardships and relocation problems. (MPSP)The Uniform Building code is no longer used. In 2019, the 2016 California Code of Regulation Title 24 was used. For code enforcement cases the International Code Council 2018 International Property Maintenance Code was used along with the Title 24.

This program has not yet been implemented.

HS-H: Incorporate Fire Standards: The County shall review and update the subdivision and other appropriate ordinances within the county to incorporate fire safe standards as delineated in the California Department of Forestry publication where they apply to San Benito County.

The 2019 California Fire Code Amendments was adopted as part of Ordinance 1001, approved by the Board of Supervisors on February 18, 2020. The 2022 California Fire Code Amendments will be adopted in 2023.

HS-I: Community Wildfire Protection Plan: The County shall review the Community Wildfire Protection Plan every two years and update as necessary.

The County and CalFire conduct an annual review of the San Benito County Community Wildfire Protection Plan (SBCCWPP).

HS-J: GHG Monitoring Program: The County shall conduct periodic greenhouse gas emissions inventories (e.g., every 3 to 5 years) to monitor progress in meeting its GHG reduction targets.

This program has not yet been implemented.

HS-K: Hazardous Waste Management Plan: The County shall review the Hazardous Waste Management Plan every two years and update as necessary.

The County's Certified Unified Program Agency (CUPA) overseen by the Environmental Health Department consolidates the administration, billing, permitting, and inspection of

hazardous material and hazardous waste programs, including underground and aboveground storage tanks, hazardous materials, the County's California Accidental Release Program (CalARP) programs, and hazardous waste generator and treatment programs.

HS-L: Hazardous Materials Incident Response Plan: The County shall review the Hazardous Materials Incident Response Area Plan every two years and update as necessary.

The Environmental Health Department oversees, reviews, and updates, as necessary, the County's California Accidental Release Program (CalARP). The program provides public health and environmental protection through regulation of facilities that store or handle extremely hazardous materials.

HS-M: Hazardous Materials Transportation Routes: The County shall coordinate with the City of Hollister to designate travel routes through San Benito County for vehicles transporting hazardous materials, in accordance with State and Federal regulations.

This program has not yet been implemented.

HS-N: Update Noise Ordinance: The County shall review and update the Noise Ordinance to be consistent with the noise standards contained in General Plan Table 9-1, to include standards regulating noise from construction activities, and to facilitate a procedure for exemptions for special events, such as concerts and festivals.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022.

ADMINISTRATION ELEMENT

AD-A: Development Review and Permit Streamlining: The County shall review its existing development review and permitting process to improve the efficiency for both the County and project applicants. This may include, as necessary, the following components: a. Use a triage system to minimize permit backlog during periods of high development demand. This can include identifying projects that will need considerable staff resource to review early in the process for them to be efficiently managed. b. Provide regular status reports on project review schedules to the Planning Commission and Board of Supervisors during public meetings. c. Use consistent processing procedures for all projects. d. Provide pre-application meetings to coordinate review of large or complex projects.

The County reviews development review per project application to determine considerable staff resources and has on-call additional staff services for such need. The County Planning Division has been working on various development review process improvements to provide more consistent and efficient processing procedures for all projects. Since 2018, the County has offered pre-application process, including the county design review committee as a method for projects to receive preliminary comments without a full application submittal. In

addition, on large or complex projects the County will hold an inter-agency review meeting to provide applicants with preliminary project input from other agencies.

Program AD-B: Digital Government: The County shall identify and implement measures to expand the public digital access to County government functions. This should include providing online streaming meeting video, property searches, permitting, and administration services to provide the public greater access to information and more efficient services.

The County has implemented a number of improvements to increase public digital access to County government functions through the Accela Civic Platform. These include increased use of online permitting, remote application submittal and fee payment, access to public records, and interactive remote access to some public meetings.

AD-C: City Annexation Agreements: The County shall maintain annexation agreements with the Cities of Hollister and San Juan Bautista that clearly identify tax sharing and revenue neutrality agreements related to the provision of public services and facilities.

A tax sharing agreement between the City of Hollister and County of San Benito was adopted in 2021. The County has maintained a tax sharing agreement with the City of San Juan Bautista since 2015.

AD-D: Annual General Plan Reviews: The County shall review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation programs of the plan. County staff shall provide a report to the Board of Supervisors that includes recommendations for amendments to the General Plan, if applicable. This review shall be used to satisfy annual reporting requirements to the Governor's Office of Planning and Research and mitigation monitoring program requirements of Public Resources Code §21081.6.

This Annual General Plan Review report is presented to the Board of Supervisors and to the Governor's Office of Planning and Research.

AD-E: Five Year General Plan Review: The County shall conduct a major review of the General Plan beginning every five years from the adoption date of this 2035 General Plan. The review shall focus on amendments that are necessary for the plan to stay relevant with current issues and consistent with State legal requirements.

This program has not yet been implemented.

AD-F: Periodic Housing Element Updates: The County shall update the Housing Element on a periodic basis as required by Article 10.6 of the Government Code (§65580-65590). These updates shall be coordinated with the State Department of Housing and Community Development to ensure the updated element will achieve State certification upon adoption by the Board of Supervisors.

The County is beginning work on the Housing Element Update for the sixth cycle planning period of the State Housing and Community Development Department's Regional Housing Needs Determination.

AD-G: General Plan Review and Updating Funding: The County shall investigate and identify, as appropriate, financial mechanisms to be used for funding updates of the General Plan.

The County is looking at possible financial mechanisms to be used for funding updates and will have additional information in next year's annual report.

AD-H: Ordinance Consistency: The County shall review and amend, as necessary, applicable ordinances and regulations to ensure consistency with the 2035 General Plan. These shall include at a minimum the following: Zoning Ordinance, Subdivision Ordinance, Building and Engineering Regulations, Land Use and Environmental Regulations, and Traffic Regulations.

On June 28, 2022, the County's Comprehensive Zoning Code Update was adopted by the Board of Supervisors and became effective on August 1, 2022.

4. Housing Element Annual Progress Report

The Housing Element Annual Progress Report will be submitted separately by April 1, 2023.

5. Compliance with OPR's General Plan Guidelines

The County applies the OPR General Plan Guidelines in the review and processing of General Plan amendments. Projects subject to CEQA follow consultation guidelines within AB52 and SB18 with Native American tribes.

6. Last General Plan Update

July 21, 2015.

7. Priorities Established by the Local Legislative Body

The County of San Benito adopted a Strategic Plan in November of 2019 (see link, below). The Strategic Plan establishes a Mission, Vision, Values, and key focus areas that the County will prioritize: 1) Operational Development and Excellence, 2) Planning for Sustainable Growth, 3) Community Engagement, and 4) Healthy and Safe Communities.

- <https://www.cosb.us/home/showdocument?id=6058>

8. Goals, Policies, Objectives, Standards, or Other Plan Proposals

No additional information.

9. Planning Activities Initiated

The County of San Benito initiated work on a joint Habitat Conservation Plan and Natural Community Conservation Plan.

10. General Plan Amendments

There were no General Plan amendments adopted in 2022. Preparation of the Strada Verde Innovation Park Specific Plan is in progress. The project is located on approximately 2,767 acres adjacent to the Pajaro River and consists of an automotive research and testing facility, combined with automotive research and education facilities, a driver experience center, e-commerce, and a retail center. No residential development is proposed.

There were two citizen initiatives on the November 2022 election ballot, both of which proposed amendments to the 2035 General Plan. Both initiatives failed to win approval, as noted below.

Measure Q

Shall an initiative measure be approved to amend the San Benito County General Plan to remove the commercial thoroughfare and commercial regional node land use designations from the General Plan text and maps and require a vote of the people for future amendments redesignating Agriculture, Rangeland, or Rural land use designations for other uses (e.g., residential, commercial, industrial, landfill), with limited exceptions, through 2050?

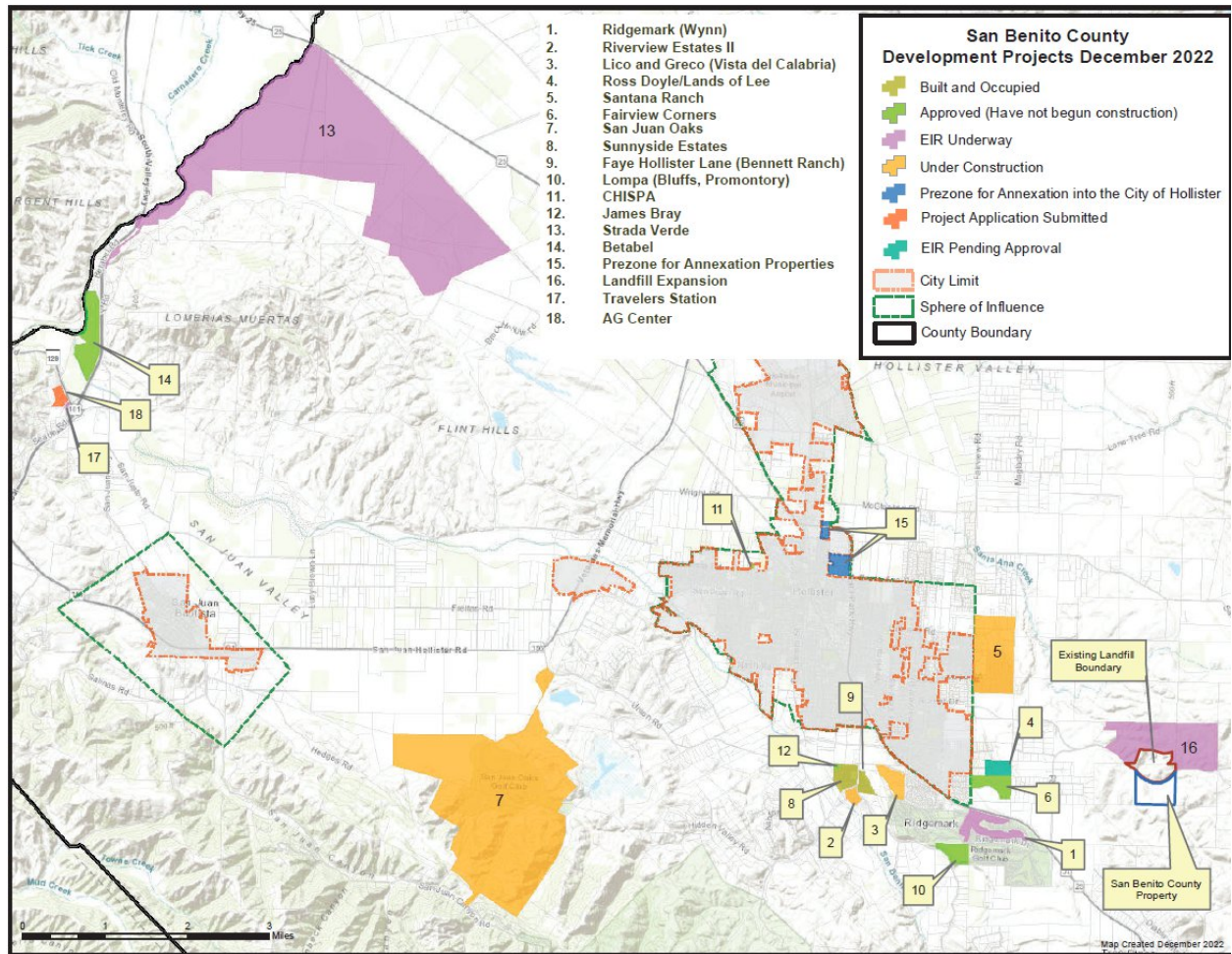
Election Result: Yes – 44%, No – 56%

Measure R

Shall an initiative measure be adopted to amend San Benito County General Plan Health and Safety Element Policy HS-6.9 to establish a 3.5-mile radius buffer around the TriCal Property on Highway 25 that is authorized to handle bulk scale potentially hazardous chemicals such as chloropicrin or methyl bromide (or similar soil fumigants); to expand the list of specified new sensitive uses prohibited within the buffer zone to include retail, office, hospitality, manufacturing, and other commercial or industrial uses; and to adopt specified implementation measures?

Election Result: Yes – 36%, No – 64%

11. Major Development Applications Processed



Major Development Projects										
Forthcoming for Approval										
#	Project Name	Location	Size	Proposed Building Footprint	Estimated Budget	Preparation Status	When Construction	DRB/CEQA Project Review Date	Time of Public Comment Period	Project Planned Starting Construction Starting Date
1	Ridgemark 1000 100 Units	Ridgemark Drive off Hwy 25	88 acres	10M	10M	Preparing EIR	Requested not started	10/10/2022	11/06/2022	
4	Low Subdivision 145 Units	Old Ranch Rd east of Highway	27.4 acres	2A, 2M	10M	EIR Certification Started by Planning Commission	Complete	8/26/2022	10/06/2022	11/06/2022
13	Strada Verde Innovation Park	North County, W of Hwy 25	2,776 acres	7,221,559 S.F.	GPA, 10, 2A, Phase 10M	Preparing EIR	Requested not started	1st Quarter 23	2nd Quarter 23	2nd/3rd Quarter 23
14	Betabel Commercial Development	Betabel Rd W of Hwy 25	28 acres	108,425 S.F.	10M	EIR Certified by Planning Commission	Complete	7/22/2022	8/02/2022	
16	John Smith Road Landfill Expansion	John Smith Rd east of Highway	100.05 acres		OSP, 2A	Preparing EIR	Complete	10/26/2022	10/26/2022	?
17	Travelers Station Hwy 225 San Benito Rd	San Benito Rd off Highway 225 (Hwy 225) W of Hwy 25	2.5 acres	4,000 S.F.	OSP	Preparing EIR	Requested	4/22/2022	5/22/2022	
18	AG Center	Intersection of Santa Rd. and Highway 25	23.25 acres	42,400 S.F.	OSP	Application Submitted 11/09/2022	?	?	?	?
Approved										
#	Project Name	Approved Date	Location	Housing Type	Estimated Budget	Total # of Units	# of Units with Prior Construction Approved	# of Active Building Permits	# of Outstanding Permits	Status
2	Riverview Estates II	12/10/2019	Donnell Lane (S. corner) at 3500 San Benito Rd. 1000 100 Units	SP4/20/20M	\$400,000	24	0	24	0	Under Construction (Map recorded 14 building permits issued)
3	Lico & Greco Properties (Vista del Calabria)	10/15/2020	213 Enterprise Rd	SPR	70M/20C	140	0	0	140	Under Construction (Site grading underway), with further conditions of compliance underway. Furthermore, 10 home master plans have been submitted.
5	Santana Ranch	10/26/2022 Development agreement executed on 10/27/2022	East of Highway 25 between San Benito and Highway 25	SP4/20/20M	10M	1000 (174 SPR, 222 MFR)	0	0	0	Under construction
6	Fairview Corners	11/4/2022	1705 Santa Ana Road	SPR-SPR Dwell	SP4/20/20C	220	0	0	0	Approved but yet under construction.
7	San Juan Oaks	11/01/2015 Development agreement executed 10/14/2015 and 07/01/2016	South and west of the intersection of Highway 25 and Highway 25	SPR	10M	2004	0	0	2004	Under construction (Site grading underway). Final Map pending board approval.
8	Sunnyside Estates	06/18/2016	North and West of the intersection of Highway 25 and Highway 25	SPR	10M	200	200	0	0	Complete
9	Faye Hollister Lane (Bennett Ranch)	12/10/2017	North and East of the intersection of Highway 25 and Highway 25	SPR	10M	84	84	0	0	Complete
10	Lompa (Bluffs/Promontory)	4/22/2018	Between Highway 25 and Highway 25 South Highway 25 Intersection	SPR/SP4/20	10M	90 (33 ADU/57)	0	24	64	Final Map approved May 24, 2022. Residential building permits in review.
11	CHISPA	1/21/2021	North West at Santa Ana Rd.	SPR	10M	13	13	0	0	Complete
12	James Bray	10/6/2019	Quarter mile west of Highway 25, Highway 25, Highway 25, Highway 25	SPR	10M	30	0	0	0	Conditions of compliance to take place.



General Plan Annual Progress Report

Arielle Goodspeed, Principal Planner
February 15, 2022

The General Plan – “Constitution for Land Use”

- All government decisions affecting the use of land must be consistent with the General Plan
 - Capital Improvements
 - Acquisition and Sale of Land
 - Zoning, Use Permits, Subdivision Maps, Specific Plans, Development Agreements
- Comprehensive, Internally Consistent, Long Term (20–30 years)
- Statement of Policies, Diagrams (maps), Objectives, Principles, Standards and Proposals – Implementation Measures
- Annual Progress Reports
- Mandatory Elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, Safety (**Housing Element more frequent and complex**)



Adoption or Amendment of the General Plan (or any element)

- Tribal Consultation
- Planning Commission
 - Workshops & Noticed Public Hearings
 - Resolution with Recommendations to the Board of Supervisors
- Board of Supervisors
 - Public Hearing Notice Given Following Receipt of Planning Commission Report
 - Public Hearing(s)
 - If changes not considered by Planning Commission, must refer back for recommendation
 - Adoption by Resolution
- May be combined with other land use approvals to provide consistency
- Subject to Initiative or Referendum by the Petition of Registered Voters



What is the General Plan Annual Progress Report?

- ▶ Each jurisdiction is required to complete an annual report on the status and progress on Implementation Programs under each GP Elements
- ▶ The report must be submitted to:
- ▶ Office of Planning and Research (OPR)
- ▶ CA Department of Housing and Community Development (HCD)

San Benito County General Plan Elements	General Plan Elements Required by State Law							
	Land Use	Circulation	Housing	Conservation	Open Space	Safety	Noise	Optional *
	Land Use Element	x						
	Economic Development							x
	Housing Element		x					
	Circulation Element		x					
	Public Facilities and Services Element		x					x
	Natural and Cultural Resources Element			x	x			
	Health and Safety Element					x	x	
	Administration Element							x

* State law allows jurisdictions to include optional elements in their general plans.



What is included in the General Plan Annual Progress Report?





2022 Highlights

- ▶ Zoning Code Update Adopted
- ▶ Habitat Conservation Plan / Natural Community Conservation Plan on-going
- ▶ Riverview Regional Park on-going
- ▶ Processing Major Planning Applications



Staff Recommendation

- ▶ Staff respectfully recommends that the Board to receive and adopt the General Plan Annual Progress Report and submit to the State Housing & Community Development and State Office of Planning and Research.





Questions?



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1

Kollin Kosmicki
District No. 2

Mindy Sotelo
District No. 3
Chair

Angela Curro
District No. 4
Vice-Chair

Bea Gonzales
District No. 5

Item Number: 9.4

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Steve Loupe

DEPT HEAD/DIRECTOR: Steve Loupe

SUBJECT:

RESOURCE MANAGEMENT AGENCY - S. LOUPE PUBLIC WORKS ADMINISTRATOR

Receive a storm water presentation from the Public Works department.
SBC FILE NUMBER: 105.3

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Receive a storm water presentation from the Public Works department.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

No

CONTRACT AND RFP HISTORY:

N/A

LAST CONTRACT AMOUNT OR N/A:

N/A

STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:

N/A

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

BUDGETED:

N/A

BUDGET ADJUSTMENT NEEDED:

N/A

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

The Resource Management Agency respectfully recommends the Planning Commission receive a storm water presentation from the Public Works department.

ATTACHMENTS:



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Robert J
Rodriguez II**
District No. 1

**Richard
Way**
District No. 2

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

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

**G.W. Devon
Pack**
District No. 5

Item Number: 101

MEETING DATE: 02/15/2023

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Dana Serpa-Ostojka

SUBJECT:

RESOURCE MANAGEMENT AGENCY-A. PRADO, DIRECTOR- PLANNING, BUILDING AND CODE ENFORCEMENT.

PLN220029 (COKE FARM USE PERMIT AMENDMENT): &NBSP;OWNER: &NBSP;DALE C. COKE LIVING TRUST. &NBSP;APPLICANT: &NBSP;DAVID NOEL PEARTREE ON BEHALF OF TRIPLE B (LAWRENCE HENRARD, REPRESENTATIVE).

&NBSP;LOCATION: &NBSP;1681 SAN JUSTO ROAD (1 MILE NORTH OF CENTRAL SAN JUAN BAUTISTA, 2 MILES SOUTHEAST OF US 101&NDASH;SR 129 INTERCHANGE) IN UNINCORPORATED SAN BENITO COUNTY. &NBSP;APN: &NBSP;012-110-005.

&NBSP;REQUEST: &NBSP;THREE ADDITIONAL TRUCK-LOADING DOCK SPACES WITH CORRESPONDING ADDED INTERIOR SPACE AS MODIFICATION OF EXISTING 43,201-SQUARE-FOOT PRODUCE-PACKING BUILDING. &NBSP;ADJACENT TO THE EXISTING LOADING DOCK AND RAMP, 1,966 SQUARE FEET OF INTERIOR SPACE WOULD BE BUILT WITH THREE DOCK DOORS EACH OPENING TO AN ADDITIONAL TRUCK-LOADING SPACE. &NBSP;400 CUBIC YARDS OF EARTH WOULD BE EXCAVATED FOR THE CONCRETE-PAVED RAMP SURFACE. &NBSP;NO CHANGE OF USE IS PROPOSED TO THE EXISTING OPERATION OF AGRICULTURAL COOLING, PROCESSING, AND SHIPPING, WITH WHOLESALE CUSTOMER PICKUP OF PRODUCE AND SIMILAR HOURS OF OPERATION. &NBSP;NO FURTHER EMPLOYEES ARE PROPOSED FOR ADDITION TO THE CURRENTLY PRESENT 38 EMPLOYEES.

&NBSP;GENERAL PLAN DESIGNATION: &NBSP;AGRICULTURE (A). &NBSP;ZONING DISTRICT: &NBSP;AGRICULTURAL PRODUCTIVE (AP). &NBSP;ENVIRONMENTAL REVIEW: &NBSP;STATE CEQA GUIDELINES &SECT;15061(B)(3) (COMMON SENSE EXEMPTION WITH CERTAINTY OF NO SIGNIFICANT ENVIRONMENTAL EFFECT). &NBSP;PLANNER: &NBSP;MICHAEL KELLY (MKELLY@COSB.US)

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The project proposes modification of the existing 43,201-square-foot Coke Farm produce-packing building on a 132-acre property by expanding the facility's truck-loading dock space to accommodate three additional trucks. Adjacent to the existing loading dock and ramp, 1,966 square feet of interior space would be built with three dock doors each opening to an additional truck-loading space. Building height and materials are proposed to match existing construction. In addition, 400 cubic yards of earth would be excavated for the ramp surface, which would be paved with concrete. The earth removed would then be used for expansion of the property's existing detention pond to accept additional stormwater runoff.

The subject property is on nearly level property in the San Juan Valley three quarters of a mile of the community of San Juan Bautista. The site lies along San Justo Road, a collector facility that runs parallel to State Route 156, the valley's main thoroughfare.

The enclosed draft Planning Commission resolution contains findings including one to state that the project can be seen with certainty that no significant environmental impact would occur and that the project is exempt from California Environmental Quality Act (CEQA) review.

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 enclosed 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 PLN220029.

ATTACHMENTS:

[PLN220029 Staff Report SRpc_PLN220029_230215 Coke Farm 1681 San Justo](#)

amendment.pdf

PLN220029 Resolution RESpc_2023-nn_PLN220029_230215 Coke Farm 1681 San Justo

amendment.pdf

STAFF REPORT

PROJECT INFORMATION

Application: PLN220029 (Coke Farm Use Permit Amendment)
Public Hearing: February 15, 2023
Applicant: David Noel Peartree on behalf of Triple B (Lawrence Henrard, representative)
Owner: Dale C. Coke Living Trust
Location: 1681 San Justo Road (1 mile north of central San Juan Bautista, 2 miles southeast of US 101–SR 129 interchange)
APN: 012-110-005
Zoning: Agricultural Productive (AP)
General Plan: Agriculture (A)
Planner: Michael Kelly

PROJECT DESCRIPTION

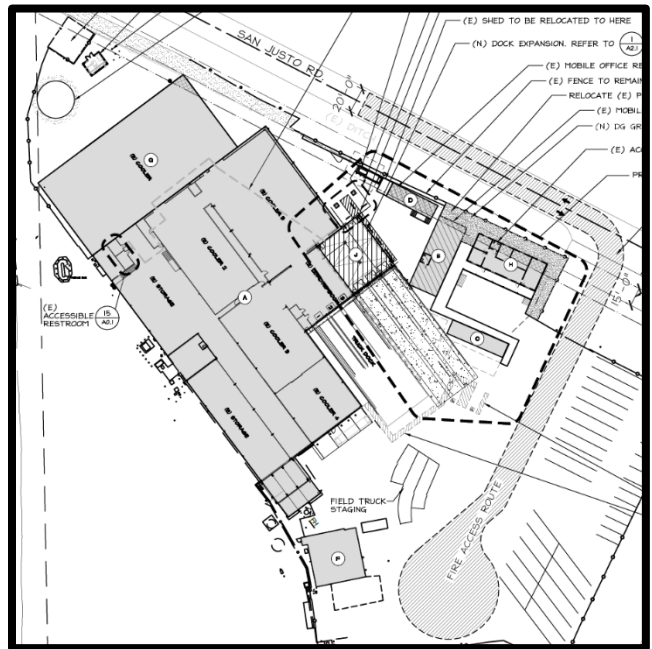
The project proposes modification of the existing 43,201-square-foot Coke Farm produce-packing building on a 132-acre property by expanding the facility's truck-loading dock space to accommodate three additional trucks. Adjacent to the existing loading dock and ramp, 1,966 square feet of interior space would be built with three dock doors each opening to an additional truck-loading space. Building height and materials are proposed to match existing construction. In addition, 400 cubic yards of earth would be excavated for the ramp surface, which would be paved with concrete. The earth removed would then be used for expansion of the property's existing detention pond to accept additional stormwater runoff.

The application describes the current operation as agricultural cooling, processing, and shipping, with wholesale customer pickup of produce, and proposes no change of use. The application reports 38 employees are currently present and does not propose additional employees as part of this addition, with current employees sufficient for the additional dock doors.

The loading space would operate six days per week in the facility's current hours of 8:30 a.m. to 11 p.m. Monday through Friday and 9 a.m. to 3 p.m. Saturday. An exception is winter operation, in which the facility closes on Saturday and shortens the five remaining days' hours to 9 a.m. to 8 p.m.

SITE DESCRIPTION

The subject property is on nearly level property in the San Juan Valley roughly midway between the community of San Juan Bautista, three quarters of a mile to the southwest, and the San Benito River, a half-mile to the northeast.





The site lies along San Justo Road, a collector facility¹ that runs parallel to State Route 156, the valley's main thoroughfare. San Justo Road serves as an alternate route for east-west cross-valley traffic and a bypass of San Juan Bautista, in addition to providing local access to valley properties. This road right-of-way is also the planned course of the City of San Juan Bautista Sanitary Sewer Force Main to Hollister Project, connecting San Juan Bautista's sewer system to Hollister's sewage treatment facility.

The expansion would add to the property's existing 49,755 square feet of building space. The site historically featured agriculture, a packing shed, and

a single-family dwelling before Use Permit 559-90 proposed the current produce packing facility, approved in 1990 and constructed progressively over the following three decades.

Also found along San Justo Road are True Leaf Farms/Church Brothers Farms, one third of a mile to the west, and Earthbound Farm, 1¼ miles to the northwest. Both are vegetable processing and distribution facilities but are significantly larger in operation and built area than Coke Farm. Of all structures of any type in the vicinity, the True Leaf building is the closest to the Coke Farm facility.

PLANNING AND ZONING

The site is under the Agriculture (A) land use designation in the San Benito County 2035 General Plan. This designation intends "to maintain the productivity of agricultural land, especially prime farmland, ... including crop land, vineyards, and grazing lands" while also allowing "agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot." One dwelling per five acres is allowed. The plan includes a policy to "encourage services such as

Legal Lot of Record: Qualifying as a legal lot under State Government Code §§66499.34 and 66499.35(c), being earlier approved for development by building permits, including permit 2013-189 (2013).

Minimum Building Site Allowed: 5 acres under AP zone.

Sewage Disposal: City of San Juan Bautista sewer system.

Water: Private well on site.

State Farmland Map Designation: Other Land.*

Land Conservation Act (Williamson Act): Not a preserve.

Soils: Clear Lake clay, saline (Grade 3).*

Seismic: Not within an Alquist-Priolo fault zone; ½-mile NE of zone.

FEMA Flood Zone: Zone A (within 100-year floodplain) according to FEMA Flood Insurance Rate Map panel 06069C0156D, effective April 16, 2009.*

Fire Severity: Non-Wildland/Non-Urban (local responsibility area).

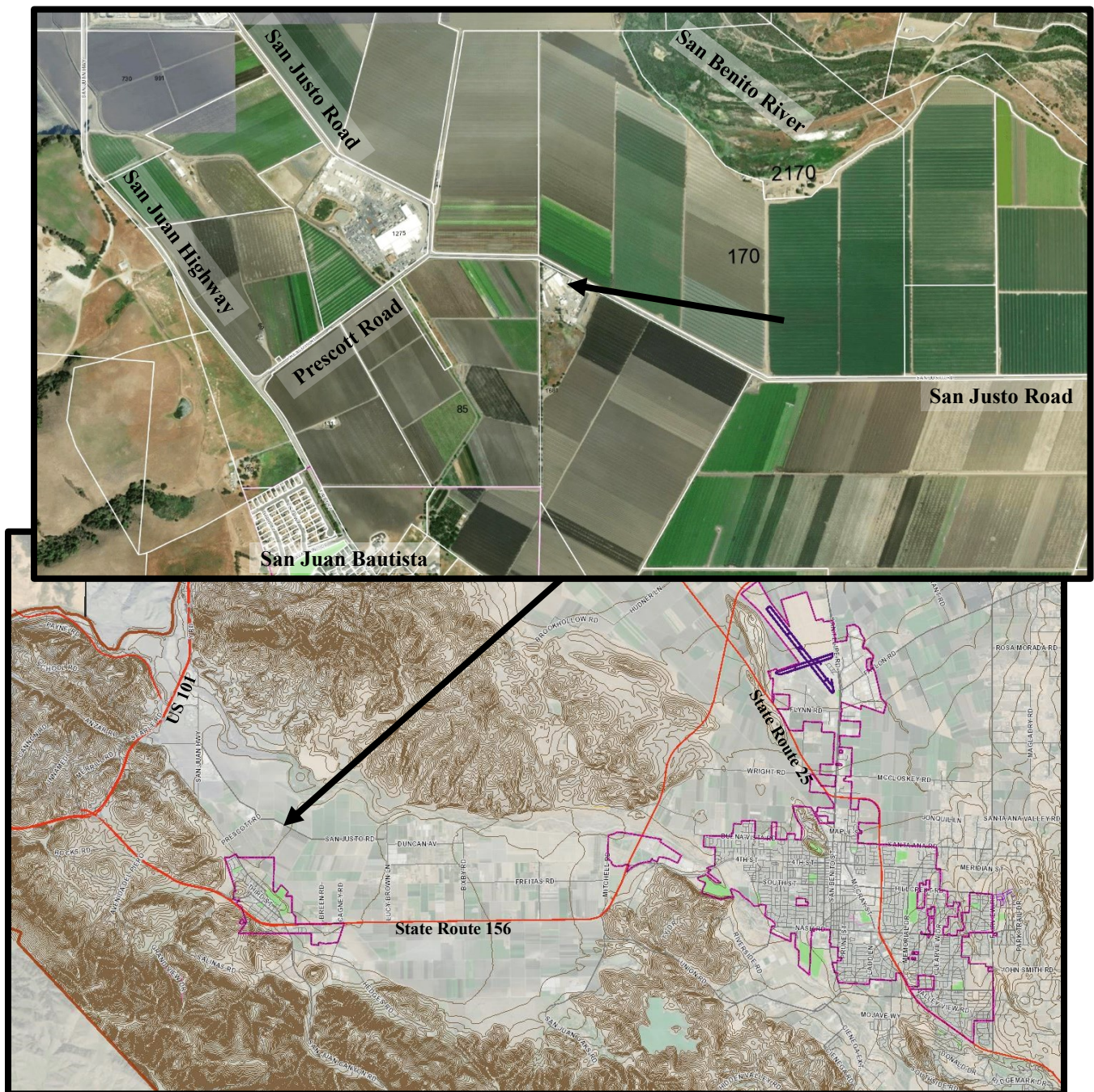
Archaeological sensitivity: Not in sensitive location.*

* On development footprint.

¹ San Benito County 2035 General Plan Figure 6-2, Circulation Diagram (Hollister and San Juan Bautista Roadway Classifications). Collectors are "two-lane facilities that function as the main interior streets within neighborhoods and business areas and are designed to carry traffic between local roads and arterials."

trucking, warehousing, and distribution centers in appropriate locations, to provide support for the economic viability of commercial agriculture.”

This property is also currently subject to the Agricultural Productive (AP) zone, a designation very similar to the General Plan designation of the same name in terms of land use and intensity of use. The AP zone allows agriculture in general, with County Code §25.03.004 allowing a conditional use permit for several additional uses supportive to agriculture. The proposed expanded loading is consistent with these uses.



ENVIRONMENTAL EVALUATION

The attached draft Planning Commission resolution contains findings including one specific to the California Environmental Quality Act (CEQA). This finding refers to State CEQA Guidelines §15061(b)(3) to state that the project can be seen with certainty that no significant environmental impact would occur and that the project is exempt from CEQA review. Although environmental effects could occur, any impact would be limited to a level less than significant provided conditions of project approval, including standard practices and regulations. The finding in the resolution expresses this in more detail and notes the low degree of environmental sensitivity existing on this site compared with other locations in the area.



Northwestward view of the proposed building addition site, with future loading docks and ramp excavation to be located at the image center, to the right (northeast) of the existing docks.

STAFF ANALYSIS

The AP zoning text² includes conditional uses that allow businesses supportive to agriculture. These include truck parking specific to agriculture, retail sale of agricultural products, and agricultural processing such as packaging of harvested product. General Plan Policy LU-3.6 supports this by encouraging appropriately located services supportive to the “economic viability of commercial agriculture” such as the subject property’s business.

² County Code §25.03.004, including Table 25.03-B.

The present proposal can be found consistent with the General Plan:

- The General Plan Land Use Element designation for the site is Agriculture (A). The project proposes an activity supportive to agriculture. This is consistent with the A district's intent "to maintain the productivity of agricultural land ... [and] is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. ... These areas typically have transportation access, but little to no public infrastructure."
- The General Plan land use designation of Agricultural (A) allows agricultural support uses in service of agricultural productivity, a function describing the distribution of harvested crop.
- The site's A land use district establishes a maximum floor-area ratio of 0.5; the resulting land use currently is and would remain below a floor-area ratio of 0.01.
- General Plan Policy LU-1.10 (Development Site Suitability). The subject property mostly lacks the hazards that the policy encourages projects to avoid. One such hazard that the project would not avoid is its location in a 100-year flood zone, in which construction is subject to flooding-focused requirements under California Building Code, County Code Chapter 19.15 (Flood Damage Prevention), and County Code §25.08.026 (Zoning Code Floodplain Development Standards). The building permit submittal for this addition to a much larger established structure will be required to comply with these, including Section 19.15.070(C)(3)(a-c) standards requiring that nonresidential construction be designed to resist floodwater and its physical forces.
- Policy LU-3.1 (Agricultural Diversification). The policy instructs that the County "support existing farms, vineyards, and other agricultural operations."
- Policy LU-3.2 (Agricultural Integrity and Flexibility). The County is expected to "provide for flexibility and economic viability of farming and ranching operations."
- Policy LU-3.6 (Agricultural Support Services). The policy "encourage[s] services such as trucking, warehousing, and distribution centers in appropriate locations, to provide support for the economic viability of commercial agriculture." The project site lies along San Justo Road, mapped as a collector facility in the General Plan Circulation Element, on a property with an established agricultural packing and shipping facility.
- Policy ED-1.2 (Jobs/Housing Balance). Expansion of an established agriculture business would potentially create jobs in support of agriculture.
- Implementation Program ED-H (New and Existing Business Support). The permit would reflect the program's direction to develop "incentives to attract new investment and support existing local businesses, particularly small locally-owned businesses."
- Policy C-1.5 (Mitigating Transportation Impacts). The construction would require payment of impact fees upon building permit issuance.
- Policy C-1.9 (Dedicate Rights-of-Way). In accommodation of the increased use on the site, a condition of approval requires the project to dedicate right-of-way according to planned dimensions of the collector San Justo Road.
- Policy NCR-1.1 (Maintenance of Open Space). The construction would take place on land area already used for functions related to the current produce packing activity. The site contains no Grade-1 soil. The site is not closely located among known instances of most features cited by Policy NCR-1.1 for maintenance such as recreation, tribal resources, wildlife habitat, or recognized scenic resources. While the site contains 100-year flood zone, which may be considered a water-management element as cited by the policy, the project would expand an existing building by five percent in an area already disturbed, and the construction is required to observe the earlier-mentioned flood zone regulations.

- Policy NCR-4.5 (Groundwater Recharge) and Policy NCR-4.7 (Best Management Practices). The proposed building expansion would replace existing impermeable surface with other impermeable surface, creating no net decrease in groundwater recharge potential. Nevertheless, the project proposes expansion of the site's existing detention pond to collect additional stormwater runoff in proportion to the new construction's footprint, approximating the recharge and off-site flow that would naturally occur without the project.
- Policy NCR-7.12 (Archaeological Artifacts). While the project site is understood to have low sensitivity for cultural resources, compliance with standard procedures included in conditions of project approval would address potential for disturbance of any such resources.
- 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.
- Goal HS-5 (regarding air quality improvement). Conditions of approval include a dust-control measure to prevent particulate-matter pollution during construction.
- Goal HS-8 (regarding noise limitation). A condition of approval limits construction noise levels and the hours in which the construction may emit the noise.

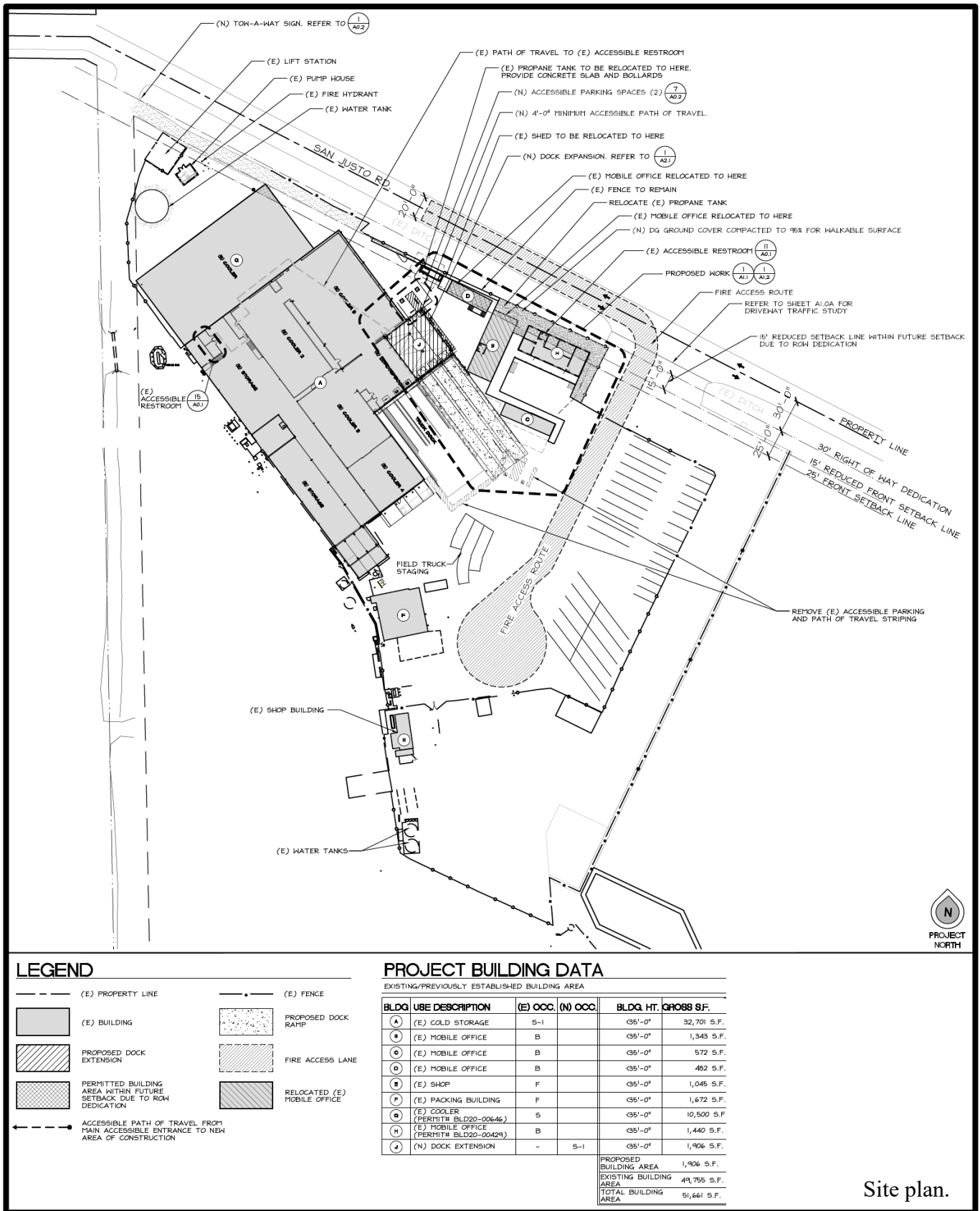
The attached resolution recommended for adoption contains conditions of approval to address effects of the existing use's expansion. The conditions would control environmental impact and maintain County oversight of the use permit.

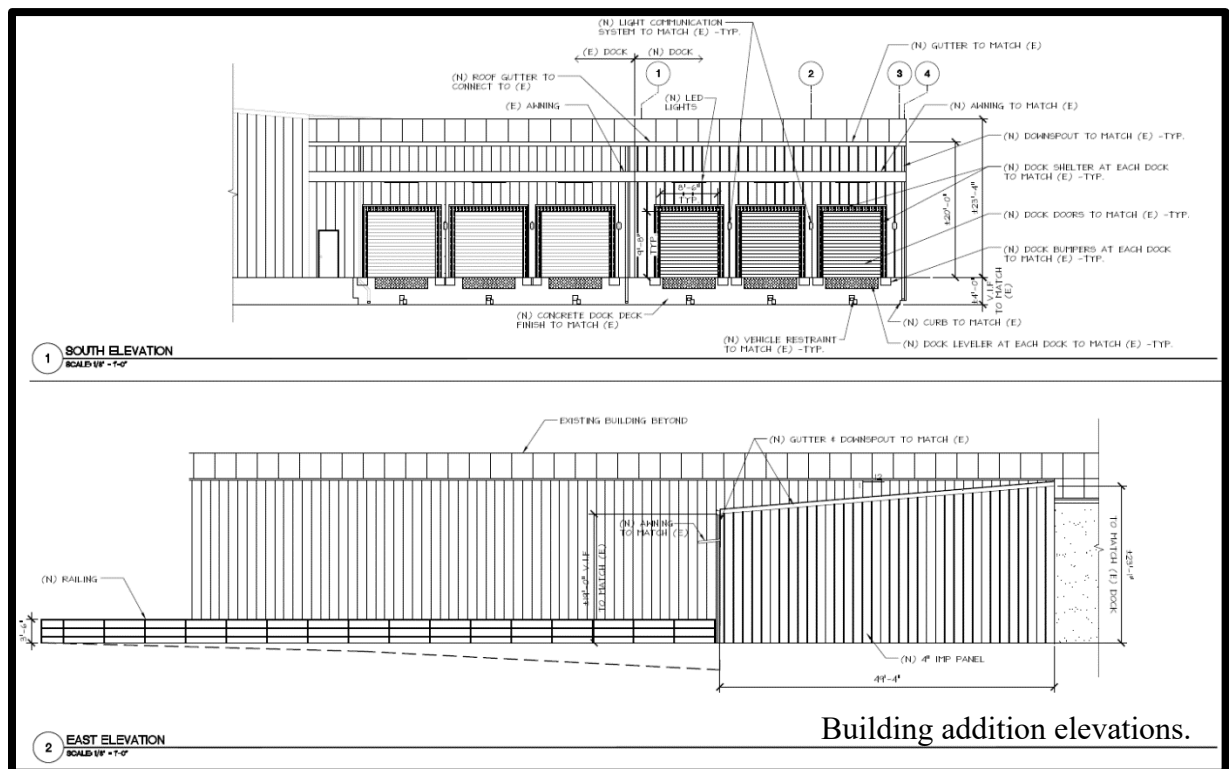
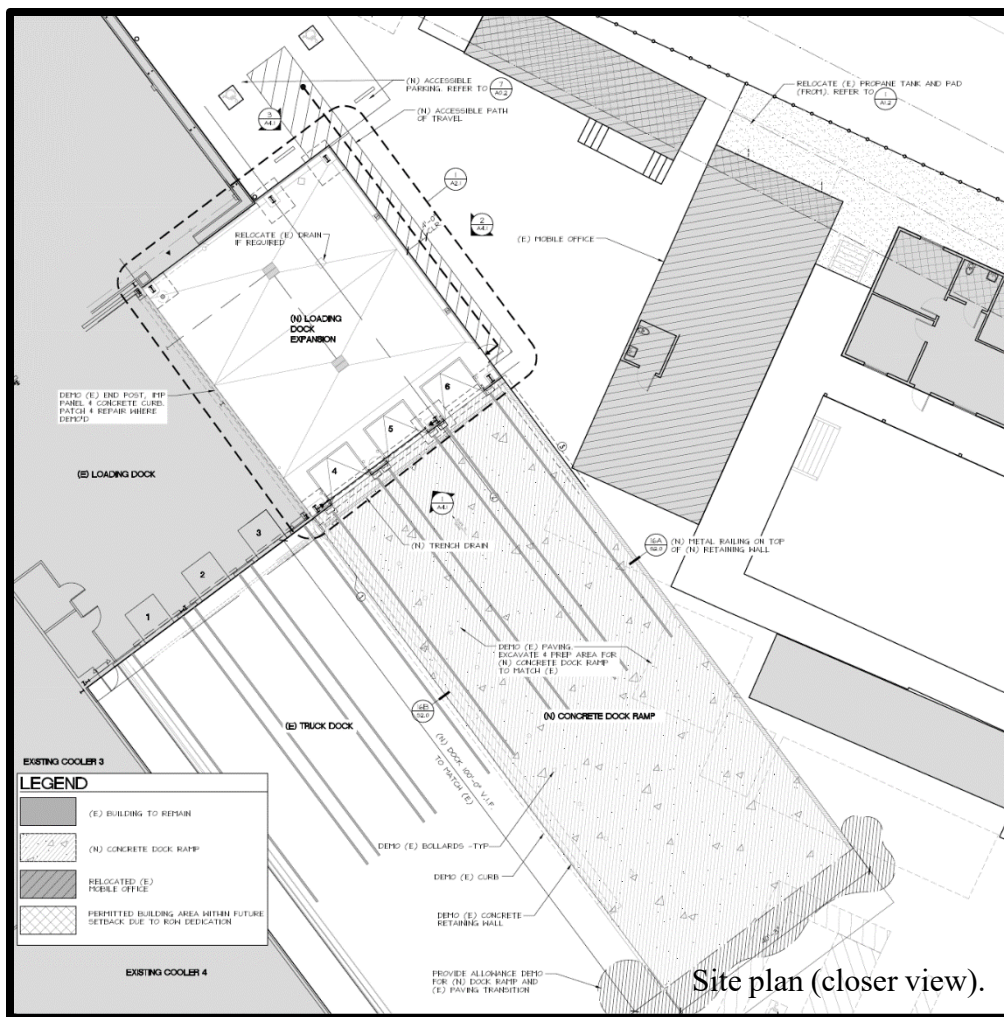
STAFF RECOMMENDATION

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 PLN220029.

ATTACHMENTS

- A. Site Plan and Building Illustrations
- B. Planning Commission Resolution 2023-____ (draft), including
 - Exhibit A, Findings
 - Exhibit B, Conditions of Approval
 - Exhibit C, Project Plan
 - Exhibit D, UP 559-90





Building addition elevations.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

RESOLUTION 2023-__

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION TO APPROVE, FOLLOWING CONSIDERATION OF COUNTY PLANNING FILE **PLN220029**, A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW AN EXPANSION OF TRUCK LOADING ASSOCIATED WITH THE PRIOR-APPROVED USE PERMIT 559-90.

WHEREAS the subject parcel is located at 1681 San Justo Road, near San Juan Bautista, San Benito County (County), California (Assessor's Parcel 012-110-005) and is 132 acres in area; and

WHEREAS David Noel Peartree on behalf of Triple B (Lawrence Henrard, representative) has filed an application for amendment of Use Permit (UP) 559-90 to allow three additional truck-loading dock spaces with corresponding 1,966 additional square feet of interior space as modification of an existing 43,201-square-foot produce-packing building, plus 400 cubic yards of earth excavated for the concrete-paved ramp surface, with said construction occurring adjacent to the existing loading dock and ramp; and

WHEREAS the proposed project proposes no change to the existing operation of agricultural cooling, processing, and shipping, with wholesale customer pickup of produce and similar hours of operation, in addition to proposing no change in the number of employees; and

WHEREAS County staff received the proposal as County Planning file PLN220029 and distributed this plan to responsible County and peer agencies for review and comment; and

WHEREAS the subject parcel currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS the Planning Commission of the County of San Benito reviewed the use permit at its regularly scheduled meeting held on February 15, 2023; and

WHEREAS at said meeting the Planning Commission 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; and

WHEREAS, the Planning Commission, in its independent judgment, regards the proposed activity as qualifying for an exemption from the California Environmental Quality Act (CEQA) under State CEQA Guidelines §15061(b)(3) (common sense exemption with certainty of no significant environmental effect), provided compliance with conditions of approval; and

WHEREAS the Planning Commission finds the intensity of the activity and construction proposed under the use permit consistent with the Agriculture (A) land use designation currently in effect for the property under the General Plan Land Use Element,

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**, and

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 the conditional use permit subject to the conditions of approval found in **Exhibit B**,

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF FEBRUARY 2023 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair
San Benito County Planning Commission

ATTEST:

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

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an exemption from CEQA under State CEQA Guidelines §15061(b)(3) (common sense exemption with certainty of no significant environmental effect).

Evidence: *Conditions of project approval found in Exhibit B, including standard practices and regulations, would control environmental effects and prevent any impacts that could be found significant. These conditions, including prior UP 559-90 conditions and amendment conditions, address cultural resources, noise, artificial light, dust (particulate matter) emissions, stormwater runoff, erosion, traffic safety, fire hazard, wastewater disposal, and hazardous materials. In addition:*

- *The project site is located in agricultural surroundings and governed by the General Plan land use district of Agriculture (A). This use would expand upon the idea of the area's agriculture with an activity complementing that land use.*
- *The use would involve additional transportation of agricultural product to and from the site. This transportation already takes place in agricultural lands such as the project vicinity, and the use would not introduce a type of transportation unfamiliar to this setting. The property is located directly adjacent to San Justo Road, an established thoroughfare mapped in the County General Plan as a collector facility. Access between the site and San Justo Road has been designed using engineering principles to prevent safety hazard.*
- *Although the property is in an agricultural area, the expansion footprint is on an outdoor portion of the property already dedicated to produce-packing functions and would not convert farmland and displace directly agricultural land use. With the footprint located at an inward portion of the property adjacent to existing buildings, the expansion would not inhibit existing agricultural use of surrounding lands.*
- *The building addition and new loading spaces would take place in an area of existing impermeable surface, with the project resulting in little to no additional stormwater runoff. Nevertheless, the earth excavated for the docks would be used for expanding the detention pond's volume, further diminishing stormwater runoff effects from the operation.*
- *No Grade-1 soil is found on the project footprint, and the State Farmland Mapping and Monitoring Program describes the project footprint as Other Land. The property would continue to function actively as part of the local and regional agricultural economy.*
- *Although the proposed construction would take place in a 100-year flood zone (Zone A, FEMA FIRM map panel 06069C0156D, April 16, 2009), the construction location is already surrounded by substantially greater construction. The building addition would expand the current building's floor area by five percent, and its construction would be subject to the standards of California Building Code, County Code Chapter 19.15 (Flood Damage Prevention), and County Code §25.08.026 (Zoning Code Floodplain Development Standards).*
- *While the United States Fish and Wildlife Service maps a freshwater-pond wetland feature 160 feet southwest of the new construction's footprint, the loading-dock addition would be constructed on the side of the established packing building that is opposite from the pond feature and is among long-disturbed surroundings. As proposed, the truck traffic served by the addition would use a portion of the site not encroaching on the mapped pond area.*
- *The site contains no critical habitat mapped by the United States Fish and Wildlife Service. The nearest known sighting of sensitive wildlife was the California tiger salamander one quarter-mile away; however, the construction location is already disturbed and surrounded by established human activity, with the addition adding five percent to the existing building's size.*
- *The site is not mapped as having high cultural and archaeological sensitivity.*
- *New lighting is subject to the Zone II standards of County Code Chapter 19.31 (Development Lighting), limiting light output and requiring shielding to minimize light trespass off-site.*
- *While the subject property is one quarter-mile from the 1275 San Justo Road produce packing and shipping facility, a much larger facility with a similar business purpose, the current subject*

property's main building is approximately four times smaller than its neighbor and has a corresponding smaller volume of shipping-truck traffic. The currently proposed addition would expand this smaller facility with only five percent of built space, an insignificant addition both to the smaller facility alone and to the two facilities as a pair. The current project would not create a significant cumulative environmental effect.

- The project site is not located along a designated scenic highway or on or near a hazardous-waste site.*

Use Permit Findings

Finding 1: That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

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 General Plan Land Use Element designation for the site is Agriculture (A). The project proposes an activity supportive to agriculture. This is consistent with the A district's intent "to maintain the productivity of agricultural land ... [and] is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. ... These areas typically have transportation access, but little to no public infrastructure."*
- The General Plan land use designation of Agricultural (A) allows agricultural support uses in service of agricultural productivity, a function describing the distribution of harvested crop.*
- The site's A land use district establishes a maximum floor-area ratio of 0.5; the resulting land use currently is and would remain below a floor-area ratio of 0.01.*
- General Plan Policy LU-1.10 (Development Site Suitability). The subject property mostly lacks the hazards that the policy encourages projects to avoid. One such hazard that the project would not avoid is its location in a 100-year flood zone, in which construction is subject to flooding-focused requirements under California Building Code, County Code Chapter 19.15 (Flood Damage Prevention), and County Code §25.08.026 (Zoning Code Floodplain Development Standards). The building permit submittal for this addition to a much larger established structure will be required to comply with these, including Section 19.15.070(C)(3)(a–c) standards requiring that nonresidential construction be designed to resist floodwater and its physical forces.*
- Policy LU-3.1 (Agricultural Diversification). The policy instructs that the County "support existing farms, vineyards, and other agricultural operations."*
- Policy LU-3.2 (Agricultural Integrity and Flexibility). The County is expected to "provide for flexibility and economic viability of farming and ranching operations."*
- Policy LU-3.6 (Agricultural Support Services). The policy "encourage[s] services such as trucking, warehousing, and distribution centers in appropriate locations, to provide support for the economic viability of commercial agriculture." The project site lies along San Justo Road, mapped as a collector facility in the General Plan Circulation Element, on a property with an established agricultural packing and shipping facility.*
- Policy ED-1.2 (Jobs/Housing Balance). Expansion of an established agriculture business would potentially create jobs in support of agriculture.*
- Implementation Program ED-H (New and Existing Business Support). The permit would reflect the program's direction to develop "incentives to attract new investment and support existing local businesses, particularly small locally-owned businesses."*
- Policy C-1.5 (Mitigating Transportation Impacts). The construction would require payment of impact fees upon building permit issuance.*

- *Policy C-1.9 (Dedicate Rights-of-Way).* In accommodation of the increased use on the site, a condition of approval requires the project to dedicate right-of-way according to planned dimensions of the collector San Justo Road.
- *Policy NCR-1.1 (Maintenance of Open Space).* The construction would take place on land area already used for functions related to the current produce packing activity. The site contains no Grade-1 soil. The site is not closely located among known instances of most features cited by Policy NCR-1.1 for maintenance such as recreation, tribal resources, wildlife habitat, or recognized scenic resources. While the site contains 100-year flood zone, which may be considered a water-management element as cited by the policy, the project would expand an existing building by five percent in an area already disturbed, and the construction is required to observe the earlier-mentioned flood zone regulations.
- *Policy NCR-4.5 (Groundwater Recharge) and Policy NCR-4.7 (Best Management Practices).* The proposed building expansion would replace existing impermeable surface with other impermeable surface, creating no net decrease in groundwater recharge potential. Nevertheless, the project proposes expansion of the site's existing detention pond to collect additional stormwater runoff in proportion to the new construction's footprint, approximating the recharge and off-site flow that would naturally occur without the project.
- *Policy NCR-7.12 (Archaeological Artifacts).* While the project site is understood to have low sensitivity for cultural resources, compliance with standard procedures included in conditions of project approval would address potential for disturbance of any such resources.
- *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.
- *Goal HS-5 (regarding air quality improvement).* Conditions of approval include a dust-control measure to prevent particulate-matter pollution during construction.
- *Goal HS-8 (regarding noise limitation).* A condition of approval limits construction noise levels and the hours in which the construction may emit the noise.

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 have recommended conditions of project approval to address possible effects on the vicinity and the overall County general public and to prevent hazard or nuisance to persons and property. Activity beyond the scope of the proposed use as approved by the County shall require further permit review.

Conditions of Approval of Use Permit:

Planning:

1. **Indemnification:** 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]
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: _____

Date: _____

4. **Conformity with Plan:** The development and use of the site as modified by this use permit amendment shall conform substantially to the proposed project description, site/project plan (as 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 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. [Planning]

5. **Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
6. **Notice of Exemption (Fish & Game Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.00 shall be submitted to the Resource Management Agency for the filing of the notice. [Planning/CDFW]
7. **Use Permit 559-90:** The applicant and owner shall maintain compliance with the conditions of approval (as enclosed in **Exhibit D**) of Use Permit 559-90, the use permit approved on December 19, 1990, for the produce-packing facility at 1681 San Justo Road. [Planning]
8. **Cultural Resources:** A note shall be placed on the project improvement plan to state that that any property owner who, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovers 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 excavation and 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]
9. **Construction Noise:** A note shall be placed on the project improvement plan to state that construction on the project site, in accordance with San Benito County Code Chapter 19.39 and County General Plan Policy HS-8.3 (Construction Noise), shall take place only during daytime hours between 7 a.m. and 6 p.m. on weekdays and 8 a.m. and 5 p.m. on Saturdays, with no construction allowed on Sundays or federal holidays. [Planning]
10. **Exterior Lighting:** Prior to issuance of a building permit, the property owner shall submit an exterior lighting plan for review and approval by the County Resource Management Agency. The lighting plan shall comply with Chapter 19.31 of the San Benito County Code for Zone II lighting requirements. The approved lighting plan for the proposed building expansion shall be installed prior to final occupancy of said building. [Planning]
11. **Dust Control:** The applicant shall observe the following Best Management Practices requirements during grading activities:
 - a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.

- b. All grading activities during periods of high wind, over 15 mph, are prohibited.
 - c. Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - d. Nontoxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut-and-fill operations.
 - e. Haul trucks shall maintain at least two feet of freeboard.
 - f. All trucks hauling dirt, sand, or loose materials shall be covered.
 - g. Inactive storage piles shall be covered.
 - h. Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
 - i. Streets shall be swept if visible soil material is carried out from the construction site.
 - j. A publicly visible sign shall be posted that includes the telephone number and person to contact regarding dust complaints. The phone number of the Monterey Bay Air Resources District shall be included on the sign to ensure compliance with Rule 402 (Nuisance). [Planning]
12. **Flood Zone:** In accordance with County Code §19.15.070(C)(3), nonresidential construction shall either be elevated to conform with County Code §19.15.070(C)(1) or (2) or together with attendant utility and sanitary facilities:
- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this division are satisfied. The certifications shall be provided to the Floodplain Administrator. [Planning]

Public Works:

13. **Road Dedication:** The applicant shall dedicate half of a 60-foot-wide right-of-way along property frontage on San Justo Road or shall demonstrate prior equivalent dedication. [Public Works]
- a. The applicant shall acknowledge that, after said dedication of right-of-way, existing buildings on the subject property will encroach into the required front yard and across front setback as defined in County Code Title 25 and would be subject to limits for nonconforming structures according to County Code §25.01.012. [Planning, Public Works]
14. **Road Improvement:** The applicant shall improve San Justo Road to County standards:
- a. The applicant shall improve half of 32-foot-wide asphaltic concrete surface on a 42-foot-wide roadbed along San Justo Road. The design of improvements shall comply with County Code improvement standards.
 - b. Any proposed project site improvements not related to the required roadway improvements shall be built outside of the required 60-foot right of way.
 - c. Said San Justo Road improvements may be deferred under a deferred-improvement agreement, to be defined by the County, to allow deferral until no later than completion of the City of San Juan Bautista Sanitary Sewer Force Main to Hollister Project. [Public Works]
15. **Drainage:** As part of improvement plan submittal, the applicant shall provide drainage and erosion control measures to mitigate stormwater runoff generated by impermeable surfaces created by the proposed project. Hence, the applicant shall show existing detention/retention pond and provide proof

by means of hydraulic calculation to confirm sufficiency of the existing pond otherwise shall provide construction details for an expansion of the existing pond or for a new pond. The applicant shall also provide erosion control details for the project and shall show it on the plans. [Public Works]

16. **Storm Water Pollution Prevention:** If the disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, filing a complete notice for intent (NOI) package, and developing a Stormwater Pollution Prevention Plan (SWPPP) conforming to the general permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to Public Works Division prior to start of any construction activities as part of this project. [Public Works]
17. **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. [Public Works]
18. **Improvement Plans:** The applicant shall submit detailed improvement plans, accompanied by pertinent plan checking and inspection fees, for review and approval by the County Engineer prior to issuance of any building permit(s). [Public Works]

Fire:

19. **Fire Code:** The project, including driveway details, 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. The operation and construction shall maintain fire access lanes and present adequate fire-suppression systems. [County Fire]

Exhibit C to Resolution

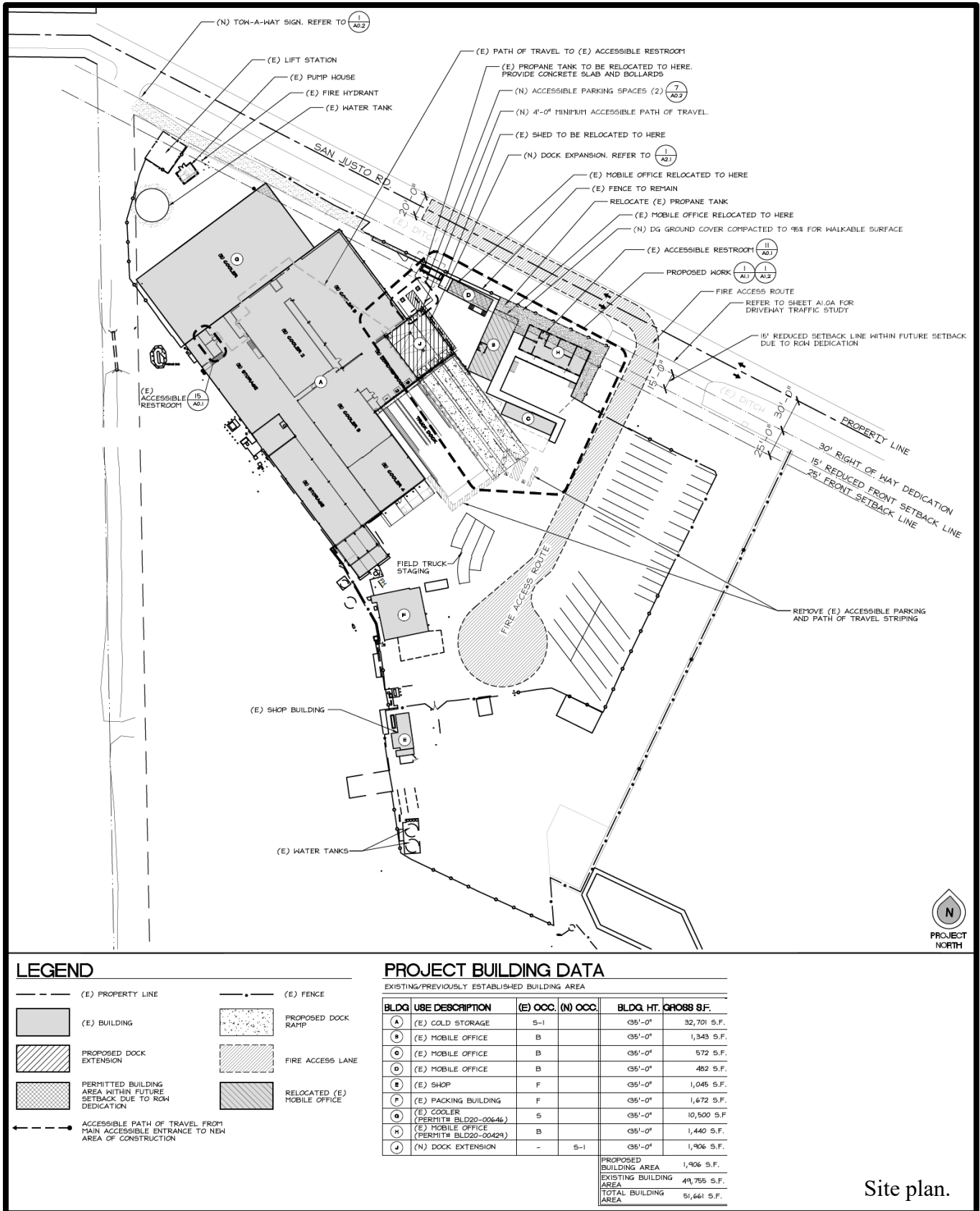
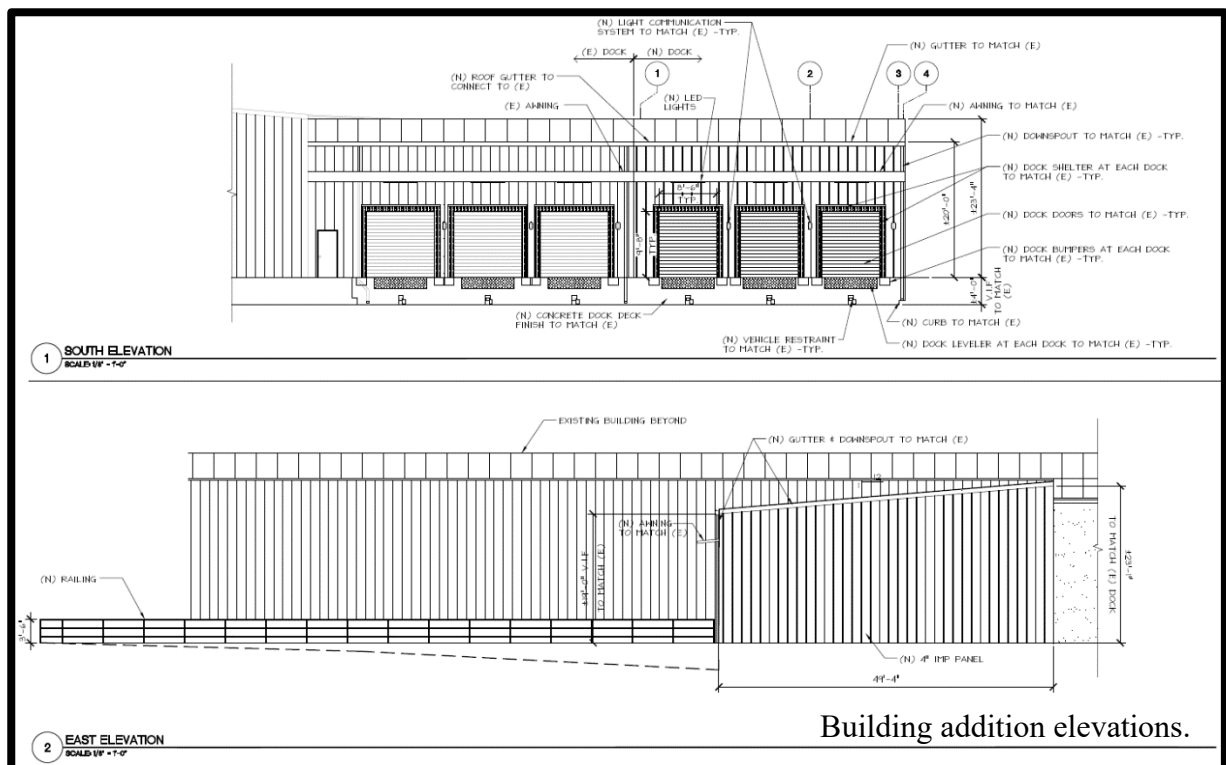
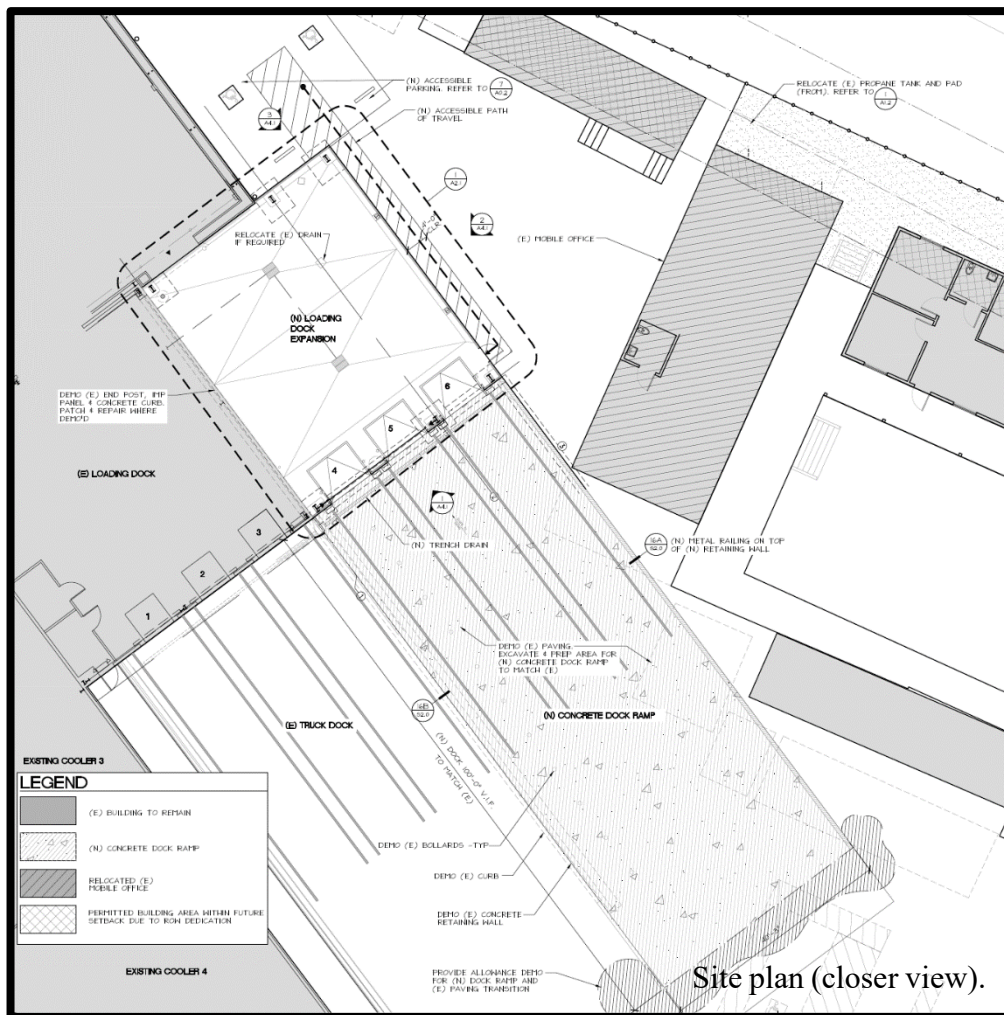


Exhibit C to Resolution (Project Plan, continued)



APPROVAL NOTICE

USE PERMIT: 559-90
APPLICANT: Coke Farms
OWNER: D. Coke
DATE: December 20, 1990

IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE NO. 479 OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, A USE PERMIT IS HEREBY GRANTED TO ASSESSOR'S PARCEL NO. _____ FOR PERMISSION TO OPERATE A PRODUCE PACKING FACILITY INCLUDING PACKING SHED, STORAGE SHED, MOBILE OFFICE, HYDROCOOLER, GREENHOUSE AND TRUCK DOCK.

APPROVED BY THE PLANNING COMMISSION THIS 19TH DAY OF DECEMBER, 1990 WITH THE FOLLOWING CONDITIONS OF APPROVAL.

Section 48.5, Ordinance 479, "A use permit shall expire one (1) year from the date of granting such permit unless construction and activities authorized by the permit for use of the subject property in conformance with the permit has commenced, in good faith, within one year of the approval date."

IMPORTANT NOTICE: Attention is called to the provisions of Section 49.9, Ordinance No. 479 which reads in part: "Any person aggrieved by any decision of the Planning Commission made under the provisions of this Ordinance may, within fifteen (15) days from the date of such decision appeal to the Board of Supervisors by written notice of appeal filed in duplicate with the County Clerk., etc;." Appeal forms can be obtained from the County Clerk's office, County Courthouse, Hollister.

CONDITIONS OF APPROVAL:

1. Hold Harmless

The permittee shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of the use permit and applicable proceedings. [PLANNING]

2. Building Permits and Certificate of Occupancy

Appropriate building and or installation permits must be secured from the San Benito County Building Inspection Department. A final inspection and a Certificate of Occupancy is to be obtained from the Building Inspection Department before occupancy. [BUILDING, PLANNING]

3. Septic Permits

Prior to issuance of a building permit, the applicant must obtain all necessary approvals from the County Health Department for sewage disposal including approval of the location, type, and size of the septic tank. [HEALTH, PLANNING, BUILDING]

4. Signs

Any "identification sign plans" shall be submitted to and approved by the Planning Department. [PLANNING]

5. Lighting

Any exterior lighting shall be minimized, 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. Lighting shall be situated to illuminate the yard and building and not glare toward or onto adjacent roadways or properties. The location, type and wattage must be approved by the Director of Planning, prior to issuance of building permits. [BUILDING, PLANNING]

6. Skirting

Skirting shall be placed around the mobilehome no later than thirty (30) days after installation has been approved by the Building Inspection Department. [BUILDING]

7. Parking

One off-street parking space for each employee shall be provided along with one space for each official company vehicle, 3 guest parking spaces, and adequate truck loading area. [PLANNING, BUILDING]

8. Encroachment

Prior to any construction within a County right of way, the applicant shall obtain an encroachment permit from the Public Works Department. [PUBLIC WORKS]

9. Fire Protection

A wharf fire hydrant shall be installed at the entrance to the property. The hydrant will be connected to the San Felipe Water line and produce 500 gallons of water per minute. The trash, debris and old farm equipment shall be cleaned up to eliminate the fire hazard. The improvements will be made prior to issuance of a certificate of occupancy. The applicant shall submit a letter from CDF to the Planning Department prior to occupancy. [PLANNING, BUILDING]

10. Drainage Plan and Improvements

The applicant shall submit a drainage and erosion plan prepared by a licensed engineer to County Public Works Department for review and approval. The plan shall protect downstream properties from damages caused by alteration or concentration of flow. All drainage facilities shall be designed for 100 year flood event and limit outflow to 10 year predevelopment level. All above requirements shall be obtained prior to issuance of building permits. [BUILDING, PLANNING, PUBLIC WORKS]

11. Dedication

The applicant shall make an irrevocable offer of dedication of a 30 foot half road right of way along the property frontage at San Justo Road. [PUBLIC WORKS]

12. Road Improvement Agreement

The applicant shall enter into a deferred improvement agreement for future widening of 12 foot half width of San Justo Road along the property frontage. [PUBLIC WORKS]

13. Hazardous Materials Business Plan

The applicant shall prepare and submit for review and approval, a hazardous materials business plan to the Office of Emergency Services. The applicant shall submit a letter from OES indicating the approval of this plan prior to installation of the hydro-cooler. [PLANNING, BUILDING]

APPROVAL NOTICE
Use Permit 559-90
Page 2

14. San Benito County Water District

Water delivery may be continued upon proper application and approval of the District. The applicant must request specific service including wharf fire hydrant connections from the District and comply with all Rules and Regulations in effect at the time of District approval. [PLANNING, BUILDING]

15. Storage of materials and waste

Outdoor storage of any and all materials and equipment shall be located behind the proposed structure, or a solid fence which provides screening from public view. Solid waste shall be stored in containers which will be screened from public view and transported on a regular basis to an approved county dump site or other location approved by the Planning Department. All pesticides, herbicides and other chemicals shall be stored in a proper manner to be approved by the Agricultural Department. [AGRICULTURAL COMMISSIONER, PLANNING]

16. Sales tax

Any sales tax generated from this operation shall go to San Benito County. [ASSESSOR]

17. Site Maintenance

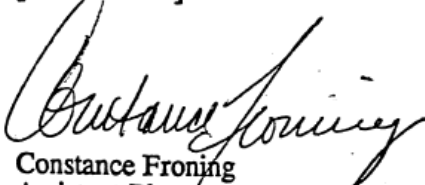
The project site shall be continuously maintained and clear of trash and clutter by the applicant, and all plant material shall be continuously maintained in a litter-free, weed-free, healthy growing condition. [PLANNING]

18. Conformity with plan

The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. This permit authorizes the construction and operation of a produce packing facility and may include a greenhouse. Any change in the locations and/or dimensions of building or any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval. [PLANNING]

19. Periodic Review

An annual and periodic review of the permit will be made administratively by the Planning Department at which time the applicant will furnish the Planning Department with a written report on the current status of the use. 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]



Constance Froning
Assistant Planner
County of San Benito

APPROVAL NOTICE
Use Permit 559-90
Page 3