

***BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO***

**ORDINANCE NO. 1066**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO TO DELETE TITLE 25 (ZONING) SECTION 25.02.004 (TEMPORARY USE PERMITS) AND SECTION 25.08.025 (MINERAL RESOURCE AREA DEVELOPMENT REGULATIONS) OF THE SAN BENITO COUNTY CODE IN THEIR ENTIRETY AND ADOPT TITLE 25 SECTION 25.02.004 (TEMPORARY USE PERMITS) AND 25.08.025 (MINERAL RESOURCE AREA DEVELOPMENT REGULATIONS) AND 25.08.031 (LOW IMPACT CAMPING).**

**WHEREAS**, the Board of Supervisors recognized that portions of the San Benito County Zoning Code required updates since the last comprehensive zoning code update was in 2022, to conform with recently enacted provisions of state law, implement the 2035 General Plan, make the code more clear, concise, and user friendly, modernize land uses and regulations, and to streamline development review; and

**WHEREAS**, work on the updated Zoning Code commenced in late 2023; and

**WHEREAS**, the Zoning Code updates revise the text of San Benito County Code Section 25.02.004 (Temporary Use Permits) and Section 25.08.025 (Mineral Resource Area Development Regulations) and add new Section 25.08.031 (Low Impact Camping); and

**WHEREAS**, new zoning code codified in Title 25 provides for the division of the county into districts, within each of which the uses of land and buildings and the height and bulk of buildings and the open spaces about them are regulated and specified; and

**WHEREAS**, proposed amendments include but are not limited to allowing temporary use permits for all mobile vendors, requirements for permit posting, and provisions for sales tax; inclusion of low-impact camping as an allowable use in non-residential zones; and removal of minimum building site requirements for mineral resource area; and

**WHEREAS**, the draft updated Zoning Code was made available for public review in March and again in May 2024; and

**WHEREAS**, the San Benito County Planning Commission held a discussion at its March 20, 2024, and April 17, 2024, meetings regarding zoning amendments and subsequently participated in study sessions on zoning; and

**WHEREAS**, the Planning Commission at a duly noticed public hearing on May 15, 2024, reviewed the draft updated Zoning Code and voted to recommend that the Board of Supervisors adopt the updated Zoning Code; and

**WHEREAS**, the environmental impacts of the Zoning Code Update have generally been addressed in the Final General Plan EIR prepared for the most recent update of the San Benito

County General Plan (as more fully expressed in Exhibit “A”); and

**WHEREAS**, the Board of Supervisors finds that the foregoing recitals and findings are true and correct, and adopts this Ordinance based on the entirety of the record.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Benito ordains as follows:

**Section 1. Findings.** The Board of Supervisors hereby makes the findings and declarations, as more fully set forth in Exhibit “A” attached hereto, with regard to the following:

- A. Consistency with 2035 San Benito County General Plan.
- B. Protection of the public health, safety, and welfare.
- C. Amendments not subject to the California Environmental Quality Act (CEQA).

**Section 2.** Delete San Benito County Code Title 25, Section 25.02.004 (Temporary Use Permits) and Section 25.08.025 (Mineral Resource Area Development Regulations) in their entirety.

**Section 3.** Amend the San Benito County Code to add, as attached in Exhibit “B,” Title 25 Section 25.02.004 (Temporary Use Permits) and Section 25.08.025 (Mineral Resource Area Development Regulations), and to add, as also attached in Exhibit “B,” new Section 25.08.031 (Low Impact Camping).

**Section 4. Effective Date and Codification.** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and, before expiration of fifteen (15) days after passage of this ordinance, a post-adoption summary shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the *Hollister Free Lance*, a newspaper of general circulation published in the County of San Benito, State of California.

In regular session of the Board of Supervisors of the County of San Benito, adopted this 18th day of June 2024, on regular roll call of the members of said Board by the following vote:

YES: Supervisor(s) 5 - Curro, Sotelo, Zanger, Kosmicki, Gonzales

NOES: Supervisor(s) 0 - None

ABSENT OR NOT VOTING: Supervisor(s) 0 - None

DocuSigned by:  
*Angela Curro*  
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\_\_\_\_\_  
Angela Curro, Chair, Board of Supervisors

ATTEST:  
Vanessa Delgado, Clerk of the Board

APPROVED AS TO LEGAL FORM:  
Sean Cameron, Assistant County Counsel

DocuSigned by:  
*Vanessa Delgado*  
By: \_\_\_\_\_  
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Clerk of the Board

*[Signature]*  
By: \_\_\_\_\_  
Assistant County Counsel

## EXHIBIT "A" FINDINGS AND DETERMINATIONS

(A) **Consistency with 2035 San Benito County General Plan.** Local zoning and land use regulatory ordinances must be consistent with the general plan. (Gov. Code § 65860 (a).) The 2035 San Benito County General Plan establishes Guiding Principles, Goals, Policies, Standards, Programs, and Implementation Measures, including the following:

1. Principles:

- a. Ensure that agriculture and agriculture-related industries remain a major economic sector by protecting productive agriculture lands and industries, promoting new and profitable agricultural sectors, and supporting new technologies that increase the efficiency and productivity of commodity farming.
- b. Encourage agriculture that is locally-produced, profitable, and attracts related businesses.
- c. Expand and diversify the local economy by supporting businesses, supporting jobs for the diverse population, and capitalizing on the county's natural and human resources.
- d. Support existing and establish new local businesses that are based on industries that are innovative, technology-based, and sustainable.
- e. Support programs that educate the local workforce on conventional, productive, sustainable, and organic agriculture concepts; water conservation strategies; high-tech industries; and alternative energy production.
- f. Support the county's growing tourism industry.
- g. Protect natural resources and open space areas from incompatible uses.
- h. Preserve the county's environmental quality and diverse natural habitats.

2. Goals and Policies:

- a. LU-3.2: The County shall protect the integrity of existing agricultural resources, and provide for flexibility and economic viability of farming and ranching operations.
- b. LU-3.6: Agricultural Support Services The County shall encourage services such as trucking, warehousing, and distribution centers in appropriate locations, to provide support for the economic viability of commercial agriculture.
- c. LU-5.6: The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g. agriculture, wineries, recreation), and market locally-produced agricultural products.

- d. ED-4.1: The County shall support the expansion of the wine and hospitality industries by establishing and maintaining a Wine/Hospitality Combining District that identifies areas of the county appropriate for expanding the wine and hospitality industries.
- e. ED-4.4: The County shall update existing regulations to allow for permanent and temporary wine and winery-related events, including outdoor concerts, wine festivals, harvest festivals, weddings, and corporate events.
- f. ED-4.5: The County should encourage the development of hotels and destination resorts that enhance community character, relate to the historical and physical features of the county, and create new opportunities for tourist attractions. This should include the creation of specialty hotels and resorts that cater to specific market segments, such as: winery/culinary tourism, outdoor recreation, adventure sports, dude ranches, ecotourism, and agritourism.
- g. Program AD-H: 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.

### 3. Implementation Programs

- a. 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.
- b. 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.
- c. 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.
- d. NCR-J: Revise Sign Ordinance: The County shall review and update the Sign Ordinance, as necessary, to improve interpretability and facilitate implementation.
- e. Program AD-A: Development Review and Permit Streamlining: The County shall review its existing development review and permitting process in order 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 in order 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.
- f. Program 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.

**(B) Protection of the public health, safety, and welfare.** Pursuant to Article XI, section 7, of the California Constitution, the County of San Benito ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens. Pursuant to the Planning and Zoning Law, Government Code section 65800, the Board of Supervisors may adopt ordinances to regulate the use of land as between industry, business, residences, open space, including agriculture and other uses, and for other purposes (Gov. Code § 65850). As set forth in San Benito County Code section 25.01.002, the purpose of county land use regulation is to promote and protect the public health, safety, peace, moral, comfort, convenience and general welfare, to protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the county, and to obviate the menace to public safety resulting from the location and use of land adjacent to the highways.

The Board of Supervisors finds and determines that adoption of amendments to Title 25 Zoning Code are necessary and appropriate for the protection and promotion of the public health, safety, and welfare and quality of life, while allowing for additional economic development that would not be in conflict with existing land uses. All existing land uses will function in a manner that continues to protect the natural environment and community safety, within the different zone districts to benefit the San Benito County economy.

**(C) Compliance with the California Environmental Quality Act (CEQA).**

The Board of Supervisors hereby finds that the adoption of amendments Title 25 of the San Benito County Code does not require additional analysis under the California Environmental Quality Act (CEQA) on the basis of the following:

1. On July 21, 2015 the San Benito County Board of Supervisors certified the adoption of a programmatic Environmental Impact Report (EIR) for the adoption of the 2035 San Benito County 2035 General Plan by the adoption of Resolution No. 2015-58.

2. No subsequent EIR shall be prepared for a project unless there is substantial evidence in light of the whole record that one or more of the circumstances set forth in CEQA Guidelines, 14 C.C.R. § 15162 (a)(1) – (3) have been determined to have occurred.
3. The 2035 San Benito County 2035 General Plan includes Principles, Goals, Policies, Standards, Programs, and Implementation Measures, including but not limited to those listed in Section (A), above, giving direction for the review and amendment of the zoning ordinance for consistency with the General Plan. The General Plan Land Use Element established development densities for different land use designations that are identified in the corresponding zoning districts for each land use designation.
4. This zoning ordinance update is intended as a programmatic level implementation measure to be consistent with and effectuate the Principles, Goals, Policies, Standards, Programs and Implementation measures set forth in the 2035 San Benito County General Plan, the potential significant environmental effects of which are fully analyzed and evaluated in the EIR certified for its adoption. The zoning ordinance update is not for any location-specific property or project, nor would have any impacts peculiar to any specific parcel or project.
5. The revision, reorganization, and recodification of the San Benito County Zoning Code, San Benito County Code Title 25 as adopted in this Ordinance does not change the use or intensity of any zoning district designated as applied to any parcel of land in the County of San Benito, except as mandated by state law with respect to accessory dwelling units, Government Code section 65282.2.
6. Amendment of a zoning ordinance to implement Government Code section 65282.2 is statutorily exempt from CEQA, as provided by Public Resources Code section 21080.17, CEQA Guidelines 14 C.C.R. § 15282 (h);
7. In accordance with CEQA Guidelines 14 C.C.R. § 15183, projects that are consistent with development density established by general plan policies for which an EIR has been certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. In this regard, the Board of Supervisors finds:
  - a. There are no environmental effects that are peculiar to a specific project or the parcel on which a project would be located.
  - b. Amendment of the zoning ordinance on a programmatic level to implement the Principles, Goals, Policies, Standards, Programs, and Implementation Measures has no significant effects that were not analyzed in the prior EIR certified for the adoption of the General Plan.
  - c. There are no potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan.
  - d. There is no substantial new information which was not known at the time the EIR was certified that previously identified significant effects would have a more severe adverse impact than discussed in the prior General Plan EIR.
  - e. All feasible mitigation measures identified in the prior General Plan EIR will be undertaken.
8. The zoning ordinance amendments which are the subject of this action are consistent with the 2035 San Benito County General Plan, for which an EIR was certified, and are therefore

subject to the provisions of 14 C.C.R. § 15183, in that no additional environmental review shall be required.

9. The revision, reorganization, and recodification of the San Benito County Zoning Code, San Benito County Code Title 25 as adopted in this Ordinance does not have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, as provided in the “common sense” exemption set forth in CEQA Guidelines, 14 C.C.R. § 15061 (b)(3).