



SAN BENITO COUNTY PLANNING COMMISSION

Eduardo
Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert
Gibson
District No. 4

Robert Rodriguez
District No. 5

*County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister,
California*

REGULAR MEETING AGENDA April 17, 2019 6:00 PM

6:00 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BOARD ANNOUNCEMENTS

DEPARTMENT ANNOUNCEMENTS

PUBLIC COMMENT

The San Benito County Planning Commission welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does **NOT** appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide to the Clerk prior to the meeting. Except as otherwise provided by law; no action shall be taken on any item NOT appearing on the Agenda or items that have been continued to a future public hearing date. When addressing the Commission, **please state your name for the record**. Please address the Commission as a whole through the Chair. This open forum period is provided to allow members of the public an opportunity to address the Planning Commission on general issues of land use planning and community development. It is not intended for comments on items on the current agenda, any pending items.
- If you wish to speak on an item contained in the Agenda, please complete a Speaker Card identifying the Item(s) and provide it to the Clerk prior to consideration of the item.
- **Each individual speaker will be limited to a three (3) minute presentation.**

CONSENT AGENDA

ACKNOWLEDGEMENT OF PUBLIC HEARING

ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

- 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.

PUBLIC HEARING

1. **Continued from March 20, 2019. Use Permit UP 1168-17: SWANK FARMS.** OWNER/APPLICANT: Richard & Bonnie Swank. APN: 026-130-026 and a portion of 016-140-012. LOCATION: 4751 Pacheco Pass Highway (the frontage road). REQUEST: To use the 21.3-acre parcel for an agritourism operation and event center, to include Swank Farms' annual corn maze and related seasonal attractions. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt. §15301, §15303(e), 15304(e). PLANNER: Richard Felsing (*rfelsing@cosb.us*).
2. **PLN190001 (Minor Subdivision):** APPLICANT: Gordon Wynn. OWNER: Wynn 1999 Revocable Trust. APN: 025-570-005. LOCATION: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection. REQUEST: To subdivide a 20-acre property into two parcels each with 10 acres, with Parcel 2 already developed with a residence and with a new drive and building site for Parcel 1. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations in Land Use Limitations). PLANNER: Michael Kelly (*mkelly@cosb.us*).

REGULAR AGENDA

3. **RESOURCE MANAGEMENT AGENCY - HOUSING PROGRAMS.** Receive a report on the progress made on Implementation of the 2014-2035 Housing Element, including an introduction to the County of San Benito's Annual Progress Report (APR) submitted to the Office of Planning and Research. PROJECT STAFF: Jamila Saqqa. (*jsaqqa@cosb.us*)

DISCUSSION

4. Discuss an invitation to Hollister and San Juan Bautista Planning Commissions to conduct bi-annual joint meetings.

ADJOURN

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**

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 1.

MEETING DATE: 4/17/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Vacant

AGENDA ITEM PREPARER: Richard Felsing

SBC DEPT FILE NUMBER: UP 1168-17

SUBJECT:

Continued from March 20, 2019. Use Permit UP 1168-17: SWANK FARMS.
OWNER/APPLICANT: Richard & Bonnie Swank. APN: 026-130-026 and a portion of 016-140-012. LOCATION: 4751 Pacheco Pass Highway (the frontage road). REQUEST: To use the 21.3-acre parcel for an agritourism operation and event center, to include Swank Farms' annual corn maze and related seasonal attractions. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt. §15301, §15303(e), 15304(e). PLANNER: Richard Felsing (rfelsing@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The applicant, staff and neighboring property owner are addressing potential modifications and enhancements to the Swank Farms Project. A continuance to May 15 would allow enough time to craft appropriate adjustments to the project and for staff to craft final conditions of approval.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission continue the matter to the May 15, 2019 hearing.

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
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Robert Rodriguez
District No. 5

Item Number: 2.

MEETING DATE: 4/17/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER: Michael Kelly

SBC DEPT FILE NUMBER:

SUBJECT:

PLN190001 (Minor Subdivision): APPLICANT: Gordon Wynn. OWNER: Wynn 1999 Revocable Trust. APN: 025-570-005. LOCATION: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection. REQUEST: To subdivide a 20-acre property into two parcels each with 10 acres, with Parcel 2 already developed with a residence and with a new drive and building site for Parcel 1. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations in Land Use Limitations). PLANNER: Michael Kelly (mkelly@cosb.us).

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The applicant proposes a tentative parcel map to subdivide an existing 20-acre property already developed with a single family residence, an accessory dwelling, and a paved driveway, into two parcels each with 10 acres. Parcel 2 would contain the existing residences. Parcel 1 would be constructed with a flattened building site to permit a dwelling together with a well water connection, a septic system, and driveway access to Tortola Way.

The project site is a 20-acre property with one residence and an accessory dwelling located in grassy, rolling hills along Santa Ana Valley Road's transition from the Hollister Valley to Santa Ana Valley. Properties in the area are generally used for rural residences, dry farming, and grazing. The subject property is located at the end of Tortola Way, which branches off Santa Ana Valley Road. Similar rural residential properties are found nearby along Rodeo Drive, Kennedy Court, and Santa Ana Valley Road. Most other lots in the area are agricultural and are substantially larger.

The proposal qualifies for multiple Categorical Exemptions under State CEQA Guidelines, and the attached resolution contains findings expressing this together with supportive evidence, including the minor amount of new residential construction that could result, terrain conducive to the new construction, aspects of the site's low environmental sensitivity, and the use of regulations and typical conditions of approval that would minimize environmental impacts.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN190001 tentative parcel map, subject to the conditions of approval found in the resolution.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	4/5/2019	Staff Report
Attachment B. Planning Commission Resolution 2019-__ (draft)	4/5/2019	Resolution

STAFF REPORT

PROJECT INFORMATION:

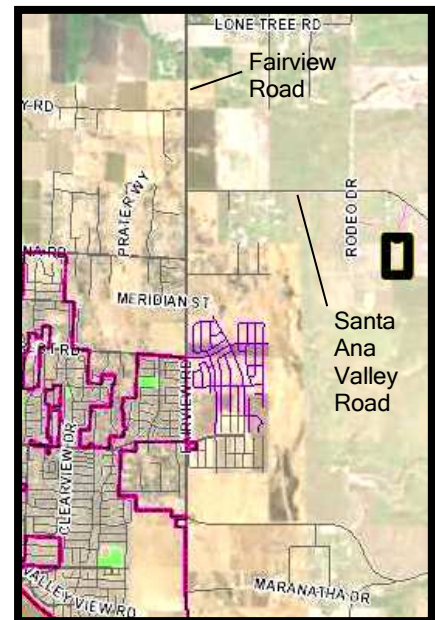
Application: PLN190001 (Minor Subdivision)
Date of Hearing: April 17, 2019
Applicant: Gordon Wynn
Owner: Wynn 1999 Revocable Trust
Location: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection
APN: 025-570-005
General Plan: Agriculture (A)
Zoning: Agricultural Productive (AP)
Project Planner: Michael Kelly

PROJECT DESCRIPTION

The applicant proposes a tentative parcel map to subdivide an existing 20-acre property already developed with a single family residence, an accessory dwelling, and a paved driveway, into two parcels each with 10 acres. Parcel 2 would contain the existing residences. Parcel 1 would be constructed with a flattened building site to permit a dwelling together with a well water connection, a septic system, and driveway access to Tortola Way.

SITE DESCRIPTION

The project site is a 20-acre property with one residence and an accessory dwelling located in grassy, rolling hills along Santa Ana Valley Road's transition from the Hollister Valley to Santa Ana Valley. Properties in the area are generally used for rural residences, dry farming, and grazing. The subject property is located at the end of Tortola Way, which branches off Santa Ana Valley Road. Tortola Way was established as part of Minor Subdivision 1198-06, which created the rural residential lots along Tortola Way and designated the subject property as a remainder parcel, later converted to a standard parcel by Certificate of Compliance 15-91. A similar group of eight rural residential properties is found along Rodeo Drive and Kennedy Court to the west, established by Tentative Subdivision Map 07-76, with one more to the east established by Minor Subdivision 1121-02. Most other lots in the area are agricultural and are substantially larger.



Legal Lot of Record: San Benito County Official Records Book 11 of Parcel Maps Page 37 (Minor Subdivision 1198-06), followed by document 2016-0001027 (Certificate of Compliance 15-91).

Minimum Building Site Allowed: Five acres.

Sewage Disposal: Septic systems.

Water: Well with a single connection for Parcel 1, connection to a shared well for Parcel 2.

State Farmland Map Designation: Farmland of Local Importance.

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

Soils: Cropley clay, 2 to 9 percent slopes (grade 3); Diablo clay, 9 to 15 percent slopes (grade 3).

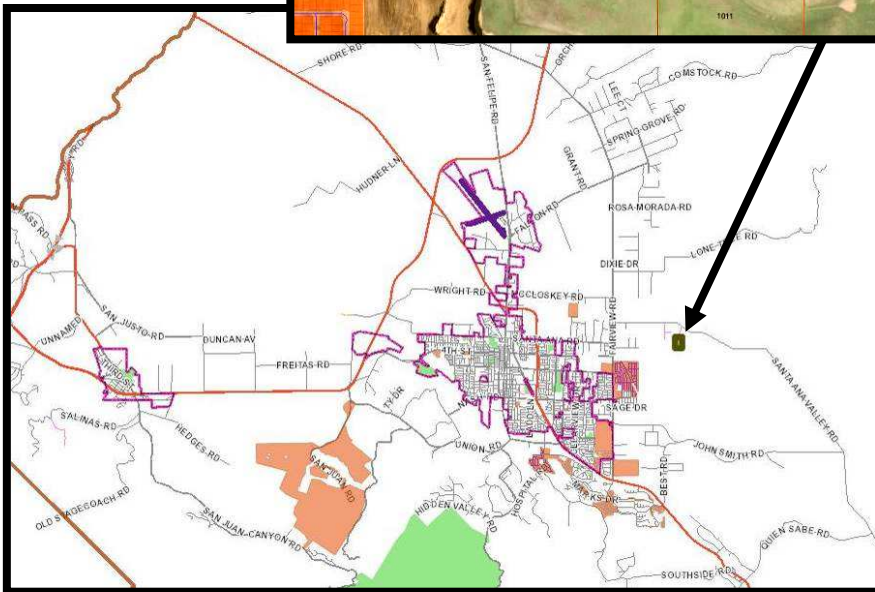
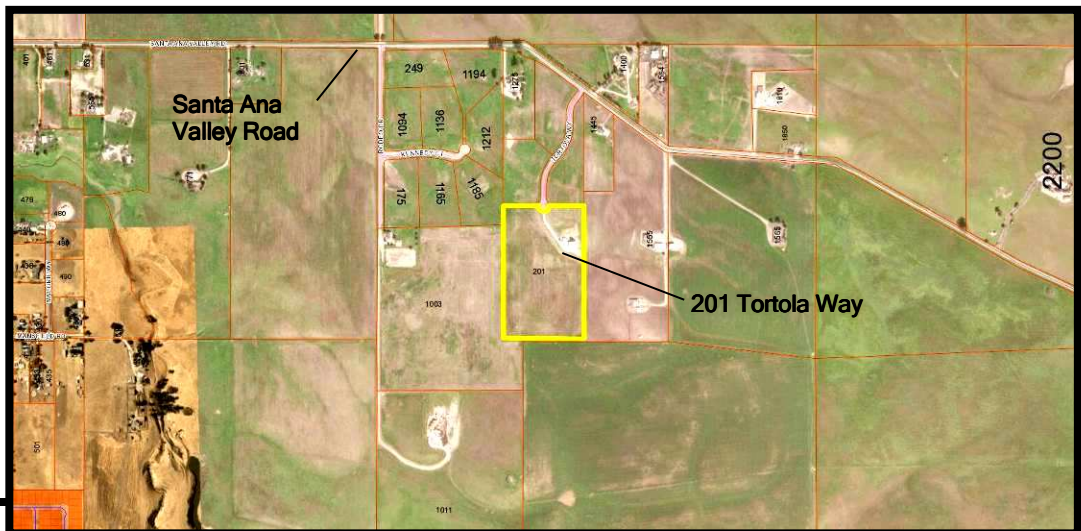
Seismic: Not within an Alquist–Priolo Earthquake Fault Zone.

FEMA Flood Zone: Zone X, or areas determined to be outside the 0.2% annual chance floodplain, according to FEMA Flood Insurance Rate Map 06069C0205D, effective April 16, 2009.

Fire Severity: Moderate (State responsibility area).

Wildlife Habitat: Past observance of California horned lark and San Joaquin kit fox in area.

Archaeological sensitivity: Not sensitive.



PLANNING AND ZONING

The property is designated as Agriculture (A) by the County General Plan and Agricultural Productive (AP) by the Zoning Ordinance. The General Plan’s A designation is intended for agriculture, activities in support of agriculture, and residential use if on building sites of at least five acres, and the AP zoning district implements the A designation. Both also allow secondary dwellings for family relatives and employees provided the minimum building site area, and one accessory dwelling as large as 1,200 square feet is also allowed on each lot as directed by State law for zones permitting residential use.

ENVIRONMENTAL EVALUATION

The proposal qualifies for Categorical Exemptions under State CEQA Guidelines Sections 15303 (Class 3, New Construction or Conversion of Small Structures), 15304 (Class 4, Minor Alterations to Land), and 15305 (Class 5, Minor Alterations in Land Use Limitations). The attached resolution (see Attachment B) contains findings expressing this together with supportive evidence. This evidence includes the minor amount of new residential construction that could result relative to that currently allowed without the subdivision, along with gently sloping terrain conducive to the new construction. The finding also takes into account aspects of the site’s low environmental sensitivity and further considers the use of regulations and typical conditions of approval that would minimize environmental impacts.

STAFF ANALYSIS

The subdivision proposes two 10-acre lots, double the minimum building site of the Agricultural Productive (AP) zoning district and double the permissible density of the site's Agricultural (A) land use designation under the County General Plan. As noted in the discussion of environmental evaluation, the project occurs with a location and layout that avoid environmental sensitivity. The draft resolution found in Attachment B contains findings recognizing the subdivision's suitability for the setting and its compliance with the General Plan.

The General Plan includes policies to reduce impacts from development and construction. Among these are Policy NCR-4.7, regarding best-management practices for preserving water quality through runoff reduction and source controls, and Policy HS-5.4, to minimize particulate matter emissions that could be generated by construction. Conditions of project approval have been included to implement these requirements in this project. Also addressing environmental concerns are further conditions, including restriction of water softeners, a limit on exterior lighting, procedures for discovery of cultural resources, and contribution to habitat conservation planning. Together these conditions allow the subdivision to impose minimal environmental impact.

The use of the land for primarily residential purposes on large lots is already found in the project's surroundings. Other properties along the project site's access, Tortola Way, and nearby lots on Rodeo Drive, Kennedy Court, and Santa Ana Valley Road have each been established with fewer acres than those currently proposed. Seventeen such lots can be found within a half-mile of the subject property.

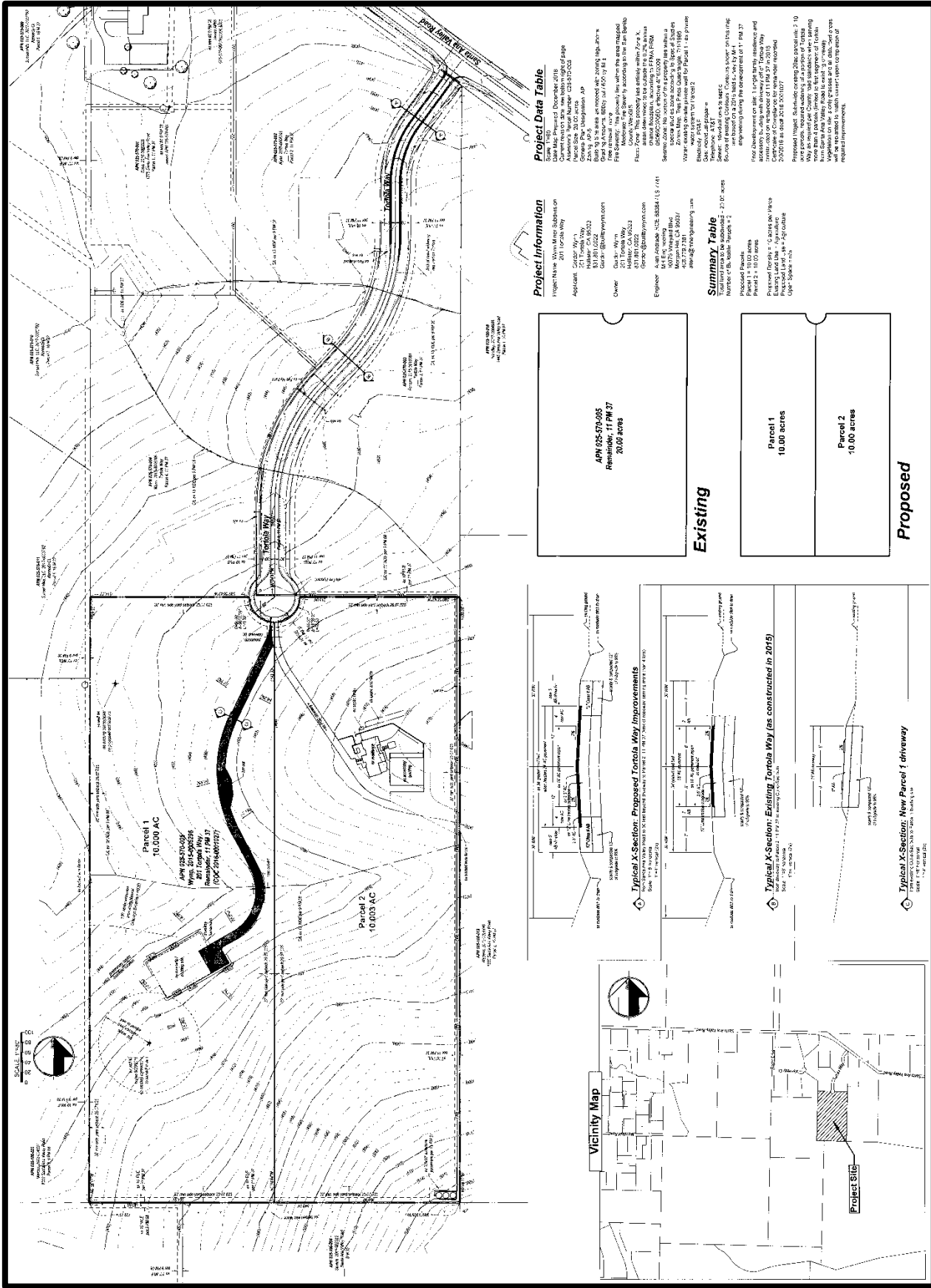
In addition, the proposal has been reviewed by multiple public agencies for compliance with regulations, reduction of environmental effects, and proper design. These agencies have offered conditions of approval that are included in the staff recommendation.

STAFF RECOMMENDATION

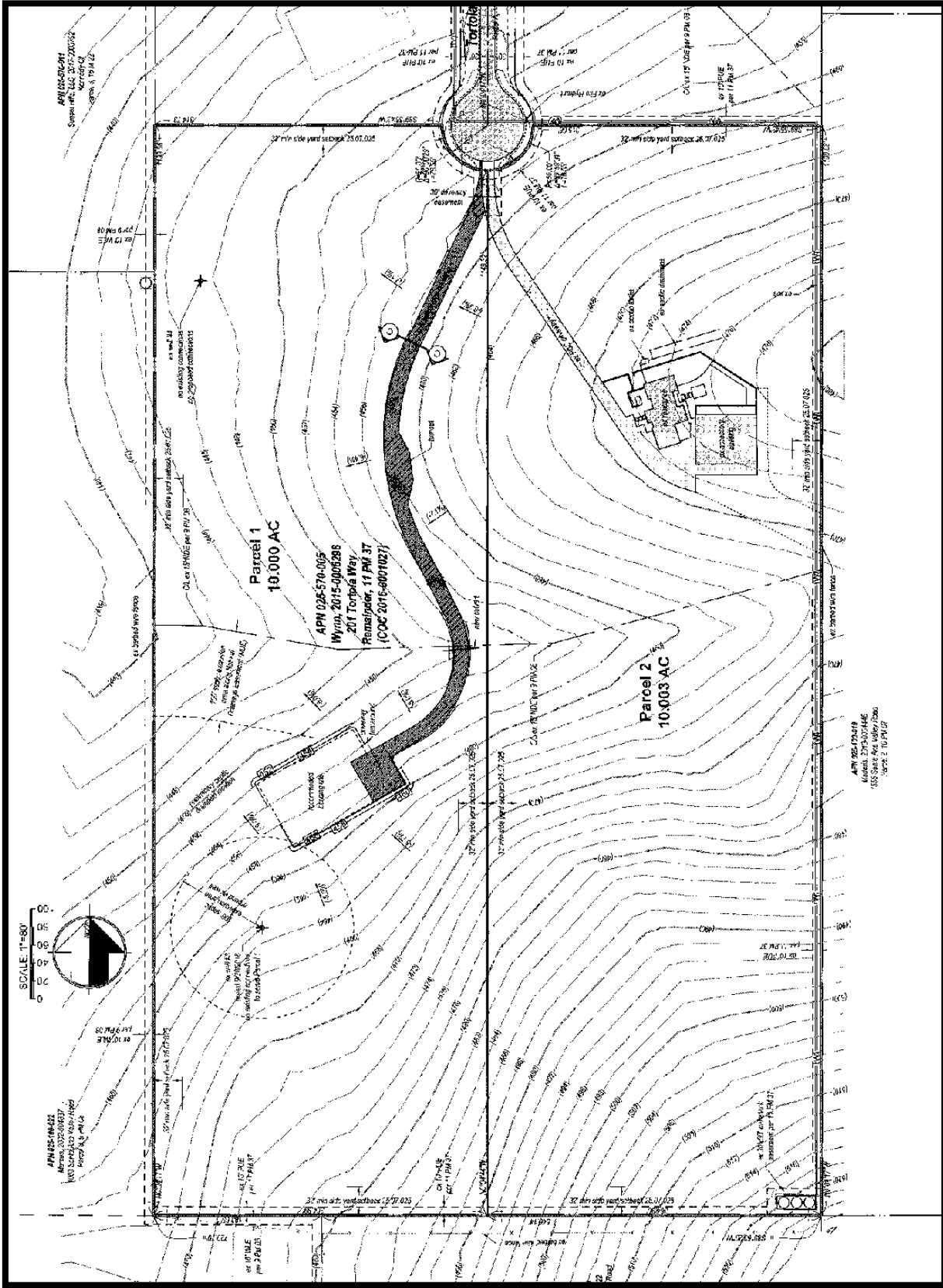
Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN190001 tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS

- A. Proposed Tentative Parcel Map
- B. Planning Commission Resolution 2019-___ (draft)



ATTACHMENT A. Proposed tentative parcel map, with a new building site and drive on Parcel 1 and access to both parcels via the existing Tortola Way, branching southward from Sana Ana Valley Road.



ATTACHMENT A (continued). Closer view of the two parcels.

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY) **Resolution No. 2019-__**
PLANNING COMMISSION TO APPROVE)
COUNTY PLANNING FILE PLN190001, A)
PROPOSAL FOR A TENTATIVE PARCEL MAP.)

WHEREAS, the subject parcel is located on Tortola Way one quarter-mile south of Santa Ana Valley Road and 1½ mile east of Santa Ana Valley Road’s intersection with Fairview Road, near Hollister, San Benito County, California (Assessor’s Parcel 025-570-005) and currently contains 20 acres; and

WHEREAS, Gordon Wynn has filed an application for a tentative parcel map (illustrated in Attachment A) to subdivide the property into two lots; and

WHEREAS, the property is currently a legal lot formerly designated a 20-acre remainder parcel by Book 11 of Parcel Maps Page 37, Official Records of San Benito County, State of California, recorded on June 30, 2015, and later recognized as a legal lot by a conditional certificate of compliance recorded as document 2016-0001027 in Official Records of San Benito County on February 3, 2016; and

WHEREAS, the property currently contains one residence with the address of 201 Tortola Way and a neighboring accessory dwelling unit; and

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

WHEREAS, the applicant and owner have demonstrated adequate street access, septic-system suitability, and water availability to demonstrate the subject parcel’s usability and buildability to the satisfaction of responsible County personnel; and

WHEREAS, the Planning Commission has determined the project qualifies for Class 3, Class 4, and Class 5 of Categorical Exemptions under California Environmental Quality Act Guidelines; and

WHEREAS, the proposal has been reviewed in consideration of current, existing regulations that are designed to diminish the degree of negative environmental effect that could otherwise result from activities similar to the currently proposed project, and conditions of project approval have been included for the same purpose; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regularly scheduled meeting held on April 17, 2019; and

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

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

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding 1: The project is Categorical Exempt, per California Environmental Quality Act (CEQA) Guidelines Sections 15303 (Class 3, New Construction or Conversion of Small Structures), 15304 (Class 4, Minor Alterations to Land), and 15305 (Class 5, Minor Alterations in Land Use Limitations).

Evidence: *The project would result in one single-family residence and potentially an accessory unit, both in a zone allowing residential use by right, exempt under State CEQA Guidelines §15303. Private alteration of land would occur on terrain with slope under 10 percent and would not affect healthy, mature, scenic trees, in keeping with State CEQA Guidelines §15304. Under current regulations, in addition to the property's existing residence and existing accessory dwelling, the site allows without a subdivision additional residences not limited as to size if restricted to family members and employees of the property owner or lessee; the project would minimally affect this intensity of use and is therefore permissible under State CEQA Guidelines §15305. In addition, the proposal would not qualify for State CEQA Guidelines §15300.2's exceptions to Categorical Exemptions as it is located away from the attributes and circumstances listed in the exceptions. While California tiger salamander critical habitat exists in the vicinity, the project would take place away from that habitat, and other species' habitat is imprecisely defined. Land use and development more intensive than this proposal has occurred in recent years in the immediate surroundings of the subject property, and the project has a low likelihood of creating significant environmental impact beyond current conditions, including that which has already affected wildlife habitat. The project would customarily be subject to existing regulations and to conditions of approval that address environmental concerns and avoid significant impacts.*

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: *The property is designated as Agricultural (A) by the General Plan and Agricultural Productive (AP) by the Zoning Ordinance. Both designations allow single-family dwellings with a minimum building site of five acres, half the size of each proposed lot's 10 acres. While General Plan Policy LU-3.12 expects that agricultural viability be demonstrated in subdivisions with lots under 40 acres, the existing lot is already significantly smaller than this standard. In accordance with General Plan Policy NCR-4.7, development in general is subject to best-management practices to reduce water runoff and preserve quality of drainage water, and air quality effects from construction are similarly addressed by emission-reduction standard practices in satisfaction of Policy HS-5.4. No adopted specific plan has been adopted in this area.*

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

Evidence: *The project is consistent with the General Plan in terms of use and density. The proposed project would provide adequate access, connections to water service, septic systems, and other infrastructure in a manner compliant with General Plan policies, and the proposal is similar to the surrounding area. Planning and Public Works staff of the County Resource Management Agency have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with General Plan policies and Subdivision Ordinance design standards provided compliance with conditions of approval. No specific plan affects the subject property.*

Finding 3: The site is physically suitable for the type of development.

Evidence: *The project site contains 20 acres, where the two resulting 10-acre lots would each be of a size midway between the sizes of its residential neighbor parcels and its agricultural neighbor parcels. The gentle slopes of the site and its surroundings are not susceptible to landsliding. The site is overall lacking in physical hazards and sensitivity that would be in conflict with the proposed rural-style residential use. The applicant has presented evidence to the satisfaction of the County Environmental Health Division that the site's soils will suit the use of an additional septic system.*

Finding 4: The site is physically suitable for the density of development.

Evidence: The location's General Plan land use district allows one dwelling per five acres, with the County Zoning Ordinance setting the five-acre figure as the minimum lot size. The proposal would create lots twice that size, or half the allowable density. As earlier mentioned, the site does not present physical hazards or sensitivity that the proposed density would exacerbate.

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The site is not mapped or otherwise identified as exceptional habitat for fish or wildlife. The parcel at present is partially developed with a single-family dwelling, an accessory dwelling, an accessory building, a driveway, a water connection, and a septic system. Approval of the project would allow an additional residence and additional accessory dwelling and establish an appearance similar to neighboring development. The minor degree of change would not create high risk of substantial damage to the environment, including wildlife and its habitat.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: Project improvements have been reviewed by relevant agencies in consideration of public health, and conditions of approval have been included to ensure public health. This includes emphasis on water quality with regard to well and septic system use and on controlling effects from grading including water runoff and dust emissions. Evidence in the record does not suggest that the proposed project or improvements could cause serious problems for public health. Any future development on the project site will be subject to additional review as part of building permit issuance.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Evidence: The project would affect no such easements other than a natural drainage easement, which the Parcel 1 driveway would cross and accommodate with a culvert designed to the approval of County Public Works engineering staff.

Finding 8: Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) Contract.

Finding 9: Subject to Section 66474.6 of the Government Code, that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: The proposed subdivision has been reviewed by the County Division of Environmental Health and has been found not to violate any existing requirements prescribed by the Central Coast Regional Water Quality Control Board, provided compliance with conditions of project approval. Use of a community sewer system is not proposed, with septic systems proposed for sewage disposal.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN190001 and its tentative parcel map subject to the following conditions of approval:

Conditions of Approval:

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. **Conformity to 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. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision 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. **Compliance Documentation:** Prior to map recordation, the permittee 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]

5. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
6. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
8. **Construction Hours:** As required by County Ordinance 667, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
9. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
10. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - 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 not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]
11. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
12. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$600.00 for each lot over 5.1 acres. [Planning]

13. **Dust Control:** The applicant shall incorporate the following requirements into grading activities occurring as part of this project:
- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
 - b. All grading activities during periods of high wind, over 15 mph, are prohibited.
 - c. Haul trucks shall maintain at least two feet of freeboard.
 - d. All trucks hauling dirt, sand, or loose materials shall be covered.
 - e. Inactive storage piles shall be covered.
 - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]
14. **Geotechnical Engineering Investigation:** All preparation, grading, foundations, site drainage, and finish improvements shall be designed to comply with the geotechnical engineering recommendations with the file number SH-12639-SA, prepared by Earth Systems Pacific. A note shall be placed on the parcel map to this effect. [Planning]

San Benito County Fire:

15. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. Particular requirements include:
- a. That a wharf fire hydrant with a 2½-inch connection be installed within 50 feet of any residence with a driveway longer than 600 feet. [Fire]

Public Works Division:

16. **Easements:** The Parcel Map shall show all easements as shown on the Tentative Map including the 30-foot driveway easement serving Parcels 1 and 2. [Public Works]
17. **Roadway Improvements:** Prior to recordation of the Parcel Map, the applicant shall bond for or make the following roadway improvements in accordance with County Code Chapter 23.17 (Improvements):
- a. Widen Tortola Way to a 24-foot asphalt concrete (AC) surface on a 34-foot aggregate base (AB) roadbed per the Tentative Map.
 - b. Prior to the recordation of the parcel map, the applicant shall pay a fair-share contribution toward the intersection improvement at Fairview Road–Santa Ana Valley Road. The fair-share contribution amount, per lot, shall be determined by the applicant’s Engineer, shall be subject to the review and approval by the County Engineer, and shall be based on current costs. [Public Works]
18. **Maintenance of Subdivision Facilities:** Prior to the recordation of the Parcel Map, in order to satisfy County Code §23.25.007 (Maintenance of Subdivision Facilities), the applicant shall be required to annex into the Community Facilities District (CFD) 2018-1 (residential services) or to amend the existing maintenance agreement for those properties subject to Minor Subdivision 1198-06 to include the newly created PLN190001 minor subdivision lots in the maintenance

agreement. The applicant shall be responsible for all costs associated with this process. [Public Works]

19. **Improvement Plans:** Prior to the recordation of the Parcel Map, the subdivider shall submit the improvement plans and all supplementary data associated with these to the County Engineer for review in accordance with County Code §23.17.007 (Improvement Plans).
 - a. As part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and therefore shall provide storm drainage system which shall be designed for ultimate development of the watershed and shall be capable of collecting and conveying runoff generated by a 100-year flood. The storm drain system shall provide for the protection of abutting and offsite properties that could be adversely affected by any increase in runoff attributed to the development. Off-site storm drain improvements may be required to satisfy this requirement. Internal drainage facilities shall be designed and constructed in conformance with county standards for subdivision improvements. Drainage calculations and construction details of any proposed, and or existing drainage improvements (these include but are not limited to retention/detention ponds, ditches, French drains, bioswales, rain gardens, etc.) shall be provided. All drainage improvements shall be installed or bonded for prior to recordation of the Final Map. [County Code §23.17.003(B) (Required Improvements)]
 - b. As part of the submission of Improvement Plans for this project, applicant shall include utility plans and have them approved by each corresponding utility companies when applicable, which includes but not necessarily limited to sanitary sewer, water, gas, electric, telephone, and cablevision, and shall furnish copies said approved plans to Public Works Department for concurrence. Said plans shall be part of the final or approved Improvement Plan. [County Code §23.17.003(E)] [Public Works]
20. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations. All necessary utilities shall be installed or bonded for prior to recordation of the Parcel Map. [County Code §23.17.003(F)(1) (Required Improvements)] [Public Works]
21. **Encroachment Permit:** Pursuant to §19.27.004 of 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]
22. **Dedication of Parkland:** Prior to recordation of the parcel map, pursuant to County Code §23.15.008 (Dedication of Parkland), the subdivider shall be required to dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Planning, Public Works]
23. **Storm Water Pollution Prevention:** If 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, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to County Public Works staff prior to start of any construction activities as part of this project. A note to this effect shall be added on the Improvement Plans. [Public Works]
24. **Warranty Security:** Upon completion of the required improvements, applicant shall provide warranty security in an amount not less than 10 percent of the estimated cost of construction of the

improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [County Code §23.17.009(C)(4)] [Public Works]

25. **As-Built Improvement Plans:** Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of “As Built” Improvement Plans on a suitable reproducible media shall be prepared by the applicant’s engineer and shall be submitted to County Public Works staff. [County Code §23.31.002(K)(1)] [Public Works]

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 17TH DAY OF APRIL 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

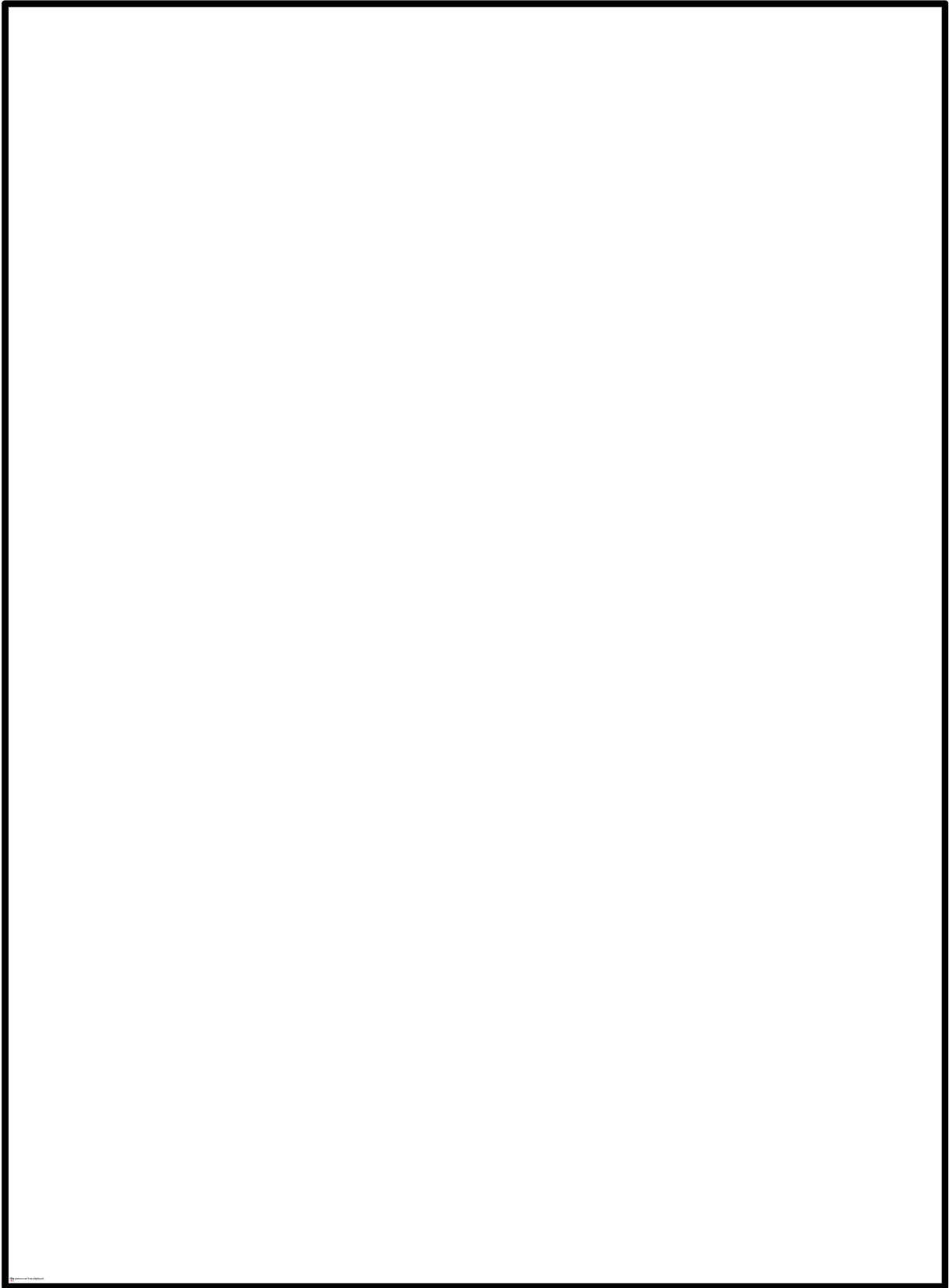
ABSENT:

ABSTAIN

Chair
San Benito County Planning Commission

ATTEST:

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



ATTACHMENT A (continued). Closer view of subject property.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 3.

MEETING DATE: 4/17/2019

DEPARTMENT: EMERGENCY MEDICAL SERVICES

DEPT HEAD/DIRECTOR: Vacant

AGENDA ITEM PREPARER: Jamila Saqqa

SBC DEPT FILE NUMBER:

SUBJECT:

RESOURCE MANAGEMENT AGENCY - HOUSING PROGRAMS. Receive a report on the progress made on Implementation of the 2014-2035 Housing Element, including an introduction to the County of San Benito's Annual Progress Report (APR) submitted to the Office of Planning and Research. PROJECT STAFF: Jamila Saqqa. (jsaqqa@cosb.us)

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) and to the California Department of Housing and Community Development (HCD), identifying the progress made with various housing programs contained in the General Plan, including local efforts to remove governmental constraints to the maintenance, improvement and development of housing. The 2018 Housing Element Annual Progress Report (APR) identifies the actions undertaken by San Benito County in the previous calendar year to carry out the Housing Element's implementation programs.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Staff requests the Planning Commission review the staff report, receive a presentation, take public comment and analyze the attached Housing Element Progress Report which was submitted to the California Housing & Community Development and the Office of Planning & Research. Staff is seeking directional support to accomplish the Housing Element program goals and specific updates.

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
SRpc_Housing Element progress_04_16_2019_	4/11/2019	Staff Report
SBC Housing-Element-Annual-Progress-Report 2018	4/11/2019	Cover Memo

STAFF REPORT

REPORT INFORMATION

Date of Hearing: April 17, 2019
Project Coordinator: Jamila Saqqa

BACKGROUND/SUMMARY

San Benito County's General Plan sets a clear direction for the future of the county. The General Plan includes goals, policies, and programs necessary to achieve the community's vision. The Housing Element within the General Plan provides policy direction on how the County will achieve local and State goals for the maintenance, improvement, and development of affordable housing in San Benito County. Within the Housing Element are specific implementation programs set forth with specific timelines, goals, and objectives. Please follow the links below to access the General Plan and Housing Element:

- [San Benito County 2035 General Plan](#) (adopted by the County Board of Supervisors July 21, 2015)
- [2014–2023 Housing Element](#) (adopted by the County Board of Supervisors April 12, 2016)
- [2035 General Plan Background Materials and Historical Documents](#)

As required by State law, an annual report must be submitted to the Governor's Office of Planning and Research (OPR) and to the California Department of Housing and Community Development (HCD), identifying the progress made with various housing programs contained in the General Plan, including local efforts to remove governmental constraints to the maintenance, improvement and development of housing. The 2018 Housing Element Annual Progress Report (APR) identifies the actions undertaken by San Benito County in the previous calendar year to carry out the Housing Element's implementation programs.

NEW INFORMATION FOR 2018

Assembly Bill 897 requires that the Annual Progress Report (APR) include the number of housing development applications received in the reporting year and Senate Bill 35 requires that the APR include specified information regarding units of new housing receiving a completed entitlement, building permit, or certificate of occupancy. Please refer to attached documentation to see the requirements pursuant to new housing-related bills that were enacted by the Legislature in 2017. (**Attachment A**)

- Table A – Includes data on housing units and developments for which an application was submitted and “deemed complete” during the reporting year.
- Table A2 – This table requires information for a project's affordability component and includes data on net new housing units and developments that have received (a) an entitlement; (b) a building permit; or (c) a certificate of occupancy.

- Table B – Provides a summary of prior permitting activity (permits issued) in the current Cycle including activity for the current reporting year.
- Table C (not applicable) – Sites identified or rezoned properties to accommodate shortfall housing need. This table only applies if the County identifies an accommodated need of sites from the previous planning period, has a shortfall of sites as identified in the housing element, or is identifying additional sites required by no net loss law.
- Table D – Reports the status and progress of the housing element program and policy implementation for all programs described in the housing element.
- Table E (not applicable) – This table only applies if the County approved any commercial development bonuses during the reporting year. To qualify, an applicant for a commercial development enters into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing and the commercial developer receives a development bonus.
- Table F (not applicable) – Identifies units rehabilitated, preserved, and acquired for alternative adequate sites.
- Summary Table – The summary table auto-populates from data entered on other tables related to project entitlements completed during the reporting year and if those projects received streamlined review pursuant to SB 35 Streamlining Provisions. It is important to note that for projects where building permits were issued in 2018, the entitlements were likely issued in previous years and are not reflected in this summary table.

STAFF ANALYSIS

Housing Needs

As listed in Table B The information shows the progress completed towards the Regional Housing Needs Allocation (RHNA) (*pronounced: Reena*). The Housing Element is approved and covers the present period through the year 2023. The total RHNA for unincorporated San Benito County is 837 units.

- Currently we have constructed 53% of the entire housing needs for this period.
- For Very Low to Low Income the allocation is a total of 318 units and no units have currently been constructed.
- For Moderate Income the allocation is 164 and a total of 8 units have been constructed.
- For Above Moderate Income the allocation is 355 and 285 units have been constructed.
- 2017 & 2018 have been some of the strongest construction periods for the County, compared to the previous Housing Element reports, where the average was below 30 units.

Permit Activity

San Benito County issued 178 residential building permits. 176 were issued for Above Moderate Income homes and 2 permits were issued for Moderate Income homes. A total of 117 residential units were issued Certificates of Occupancy. 111 certificates were issued for Above Moderate Income and 6 certificates were issued for Moderate Income. No building permits were issued for Low to Very Low Income.

Project Activity

Approved Subdivision Developments

Project Sites	Approved New Units	Type of Housing	Building Permits Issued	Building Permits Outstanding
Del Webb/San Juan Oaks	1017	Age Restricted	0	1017
	67	Conventional	0	67
Brigantino/Sunny Side	200	Single Family	4	196
Santana Ranch	774	Single Family	349	425
	318	Res Multiple	0	318
Fay/Bennett	84	Single Family	0	84
Bluffs	90	Single Family	90	90
	13	On site second	13	13
Fairview Corners	189	Single Family	0	189
	20	On site second	0	20
Total Units	2772			2419

Housing Element Implementation

Housing Element Program Accomplishments

- Program **HOU 1-1**: Community Service & Workforce Development Renter’s Assistance through Health & Human Services
 - 280 individuals were provided rental assistance ranging from 3-12 months
 - 14 families were provided rental assistance from 6-12 months
- Program **HOU 1-2**: Home Investment Partnership (HOME)
 - In the Fall of 2018 HHSA & RMA applied for the state HOME Grant seeking \$1 million for the development of self-help housing
 - Received approval of award in February of 2019
- Program **HOU1-3**: Community Services Block Grants through Health & Human Services
 - Received \$306,104 for program needs
- Program **HOU1-5**:Emergency Shelter Grants through Health & Human Services
 - Received \$195,000 for program needs
- Program **HOU 2-7**:Encourage construction of second units as a source of affordable housing
 - Bluffs Project – 13 secondary units
- Program **HOU 4-1 & 4-2**:Fair Housing & Language Barriers
 - All material labeled with Fair Housing logo

- Updating application to include Spanish Language
- Program **HOU 4-6: Housing Programs Administration**
 - Manage the Affordable Housing Program
 - Completed annual monitoring
 - No loss of current affordable units. 2 transferred ownership
 - Organizing and educating staff, public, planning commission, and Board of Supervisors regarding Affordable Housing Ordinance

Programs in the Housing Element Not Completed

- Program **HOU 1-8:**
 - Mortgage Credit Certificate Program
 - 2018 forward CalHFA not seeking additional applicants
- Program **HOU 2-1: Density bonus**
 - Follow all state updates and seeking to update local ordinance
- Program **HOU 2-9: Mobile Home Park Zoning**
 - Expand permitting mobile home parks and identify additional zoning districts
 - General Plan targeted completion by 2016, not funded by the County
- Program **HOU 2-16 Temporary Farm labor Housing:**
 - Allow use of recreational vehicle for seasonal farm labor for 180 days
 - General Plan targeted completion by 2017, not funded by the County
- Program **HOU 2-18 Coordinate with San Andreas Regional Center for housing services for individuals with disabilities:**
- Program **HOU 2-19 Higher density housing:**
 - Allow for development of varied housing types
- Program **HOU 4-5 Educate about Resale Restrictions:**
 - Current and future projects
- Program **HOU 4-7 Handicap Accessible Floor Area:**
 - Exempt impact fees
 - General Plan targeted completion by 2016, not funded by the County

Actions in the Coming Year

- Awarded in February 2019 \$1 million from HOME for CSDC Self-Help Housing
- Apply for SB 2 Funds available till November
- Santana Ranch Updates with Affordable Housing
- Applications for future developments in English & Spanish

STAFF RECOMMENDATION

Staff requests the Planning Commission review the staff report and analyze the attached Housing Element Progress Report which was submitted to the California Housing & Community Development and the Office of Planning & Research. Staff is seeking directional support to accomplish the Housing Element program goals and specific updates.

ATTACHMENTS

- A. 2018 Housing Element Annual Progress Report

Please Start Here

General Information	
Jurisdiction Name	San Benito County - Unincorporated
Reporting Calendar Year	2018
Contact Information	
First Name	Jamila
Last Name	Saqqa
Title	Housing Programs Coordinator
Email	jasagga@cosb.us
Phone	(831) 902-2266
Mailing Address	
Street Address	<u>2301 Technology Parkway</u>
City	Hollister
Zipcode	95023

Submittal Instructions

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 (Preferred)** - This enters your information 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.

v 2_6_19

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											198
	Non-Deed Restricted												
Low	Deed Restricted	120											120
	Non-Deed Restricted												
Moderate	Deed Restricted	164										8	156
	Non-Deed Restricted		2			6							
Above Moderate	Non-Deed Restricted	355	17	61	96	111						285	70
Total RHNA		837											
Total Units			19	61	96	117						293	544

Note: units serving extremely low-income households are included in the very low-income permitted units totals
Cells in grey contain auto-calculation formulas

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

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.

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	The CDBG NOFA was released in late 2018 with applications due in February 2019. San Benito County did not participate in this round of applications, but is seeking to apply for the next NOFA release. The state grant, HEAP, was authorized in June 2018. San Benito along with Santa Clara County, Santa Cruz County, and Monterey County are part of the Continuum of Care. The awards will be released in early 2019 and will be used for emergency and permanent housing for the homeless.
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 Agency has not recently applied for funding this period.
HOU-1-1: Community 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	Based on information provided from Health & Human Services a total of 280 individuals were provided rental assistance ranging from 3-12 months. Health & Human Services received a grant of \$165,000 for the Housing Support Program. A total of 14 families were provided 6-12 months of rental assistance and case management services.
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. San Benito County is seeking a grant of \$1 million to complete the needed funding for a local self-help housing development in the County. The plan, if awarded, is to build 20-24 low/moderate priced
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 2018 CSBG Grant San Benito County received a total of \$306,104. Funding was used in the following manner: a. Salaries- \$149,041 b. Operating Costs- \$71,429, c. Supportive Services- \$43,244 d. Winter Shelter Program \$37,300 e. Marketing Materials \$5,000
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	We have not received any EHAP Assistance
HOU-1-5. Federal Emergency Shelter Grants (FESG)	FESG funds provide for emergency shelters, services and transitional housing for homeless individuals and families.	Ongoing	San Benito County did not receive any EFSP Funds. From our understanding, the grant source changed to ESG (Emergency Solutions Grant). In 2018, we received \$195,000 to provide Rapid Rehousing services (\$95,000) and Operations of the Homeless Shelter (\$100,000). A total of about 12 families or individual homeless clients were served for Rapid Rehousing (about 32 total households) and a total of 256 individuals were served at the Homeless shelter.
HOU-1-6. Emergency Good & 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	San Benito County did not receive any funds.
HOU-1-7. Section 8 Housing	The Section 8 Housing program provides rental assistance to low-income individuals and families.	2017	The program was not completed. The Housing Authority of Santa Cruz does have a contract with the City of Hollister. The City of Hollister is where the majority of the available and eligible rentals are located.
HOU-1-8. Mortgage Credit Certificate 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	As of November 17, 2017, a Mortgage Credit Certificate (MCC) may not be used for credit qualifying purposes for any CalHFA first mortgage loan. CalHFA is not seeking additional MCC Tax Credit Program allocation in 2018 or beyond. CalHFA estimates that the overall allocation from past years is expected to run through the end of 2018. So the program is expected to end.
HOU-1-9. Community Reinvestment Act (CRA)	Federal law requires that banks, savings, loans, thrifts, and their affiliated mortgages subsidiaries, 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 Reinvestment Act Lenders Group organized by the County to discuss future housing needs and applicability of the Community Reinvestment Act	Ongoing	No action taken.
HOU-1-10. 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 priority for the jurisdiction. There is one current self-help project, which is being reviewed by our local RMA.
HOU-1-11. Funding Options	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.	Ongoing	San Benito County applied for the Fall 2018 HOME Grant. San Benito County is seeking a grant of \$1 million to complete the needed funding for a local self-help housing development in the County. The plan, if awarded, is to build 20-24 low/moderate priced homes.
HOU-2-1. Density 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. The current Housing Programs Coordinator is working on updating to current density bonus state law and creating a guidebook to help individuals understand the available options.
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 Eligibility 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	With the collaboration with Health & Human Services multiple grants have been awarded in the past and the past annual year to assist homeless and the low income. The State Housing Package was signed in 2017 and newer funds will be made available and the County will apply.
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	With the transition of the staff member a report was not reviewed by the Planning Commission, but will be made available for the next reporting period.
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	The future self-help project, which will be completed by the Non Profit Community Services Development Corporation received USDA Grant assistance from the 24 home development. Community Services Development Corporation applied for a HOME Grant in August of 2018 and will determine status of award early 2019.

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 approval for the current plans. Additionally, the agency requested financial assistance for the program through the County's available in lieu fees or through a State grant application. With Community Services Development Corporation San Benito County applied for HOME Funds in the August 2018 round. The award determination will be announced early 2019 and if approved would help fund FTHB down payment assistance. The project is expected to be 20-24 full self help housing development.
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	The action was expected to be reviewed by 2016, but no action has since been taken. With the passing of the Housing Package in 2017 there will be funding available from SB to assist jurisdiction in updating specific planning measures to increase the housing production. The Mobile Parks Ordinance could be an option to review and apply for funding from the state to assist in the expense.
HOU-2-10 Affordable Housing Requirement	To maintain balance in the local supply of housing for both high and lower income populations	2016	The Affordable Housing Ordinance was adopted in October of 2016. Part of the report requested a nexus study be completed to determine an adequate in lieu fee to help construct affordable housing if a development does not provide affordable unit on or off site. The study was completed in July 2018. The Housing Advisory Committee, Planning Commission, and Board of Supervisors will review the in lieu fee report. San Benito County anticipated the Board of Supervisors to adopt the fee in 2019.
HOU-2-12 Transitional and Supportive Housing	To remove regulatory barriers to accommodating need for transitional and supportive housing.	2016	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. b. \$242,000 grant from HUD to provide CoC Permanent Supportive Housing. A total of 11 units are being leased to serve families and individuals. A total of 24 households are being served.
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 in 2018.
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 in 2018.
HOU-2-15 Housing Assistance Council (HAC)	Utilize HAC funds to provide seed money for rural affordable housing development projects within the County.	Ongoing	Since the adoption of the Affordable Housing Ordinance in October of 2016. San Benito County has not adopted an in lieu fee based on a completed nexus study. Developments approved prior to the Affordable Housing Ordinance and after have paid a minimal fee in place of providing on/off site affordable homes. With the minimal available balance in the fund for the HAC to review the HAC has not met. In 2018
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	An update has not been made to the zoning ordinance to increase the the number of days from 60 to 180 for temporary farm labor housing. Our labor camp assists both individuals and families. The center has 67 cabins, 68 rooms, and 13 legal farm labor trailers. Typically, when seasonal employment ends in the Winter San Benito County has used parts of the center as a seasonal homeless warming shelter. in the coming year staff can begin to draft updates, so the ordinance for labor housing and recreational vehicles allow an equal number of days.
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	The Buena Vista Apartment Complex was completed in 2017 and individuals are residing in 41 unit complex. There are no current projects expected to transfer rights into the City Jurisdiction.
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 information on such housing and services on the County website.	Ongoing	No action taken in 2018.
HOU-2-19 Higher Density Housing	Allow opportunities for development of housing types of economical design and density.	Ongoing	No action taken in 2018.
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), so will need to connect with the Santa Cruz/Monterey Chapter to see of future connections.
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 in 2018 and will review for the next reporting period.
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. Two homes transferred title/ownership in 2018 in the Riverview Estates Development.
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 2018 offered literature on topics including fair housing and tenant rights. No workshops were conducted with the public in 2018.
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 2019. 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. The application and brochure information will present the equal housing logo
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 disabilities.	Ongoing	When feasible for the applicant, the County requires American with Disabilities Act Compliance. One of the develops 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	While the County held or assisted in housing-related workshops prior to the Housing Programs Coordinators departure in late 2013, these workshops did not take place in 2018. However, the County continued 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 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 2018 continued assistance with the HOME program and cooperated with other local agencies on issues of affordable housing. The Housing Programs Coordinator of San Benito County holds the same position in the City of Hollister. A regional workshop was held in Spring 2018 to all county residents and was hosted by the local agency, Monterey Bay Economic Partnership. San Benito County is part of the organization, which collaborates with surrounding City & County jurisdictions. Members of the City Council & Board of Supervisors provided an update regarding the number of homes built and future projects. The workshop discussed need of affordability and the goals of Monterey Bay Economic Partnership.
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	The program was not evaluated or reviewed. The program will need to be reviewed based on the most recent fees and implementation policies to ensure ease for the county and applicant.
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 2018. Two Below Market Rate homes were sold and transferred to new homebuyers. Both new homeowners received instruction from San Benito County related to the process, if a foreclosure were to occur.
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 concerns.	2017	No workshops were completed in 2018. This program was expected to be completed by 2017. The rental project, Buena Vista Apartments, which was annexed into the City Limits was constructed by the Non Profit CHISPA, which provides bi-lingual services.
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	No workshops were conducted in 2018 and the program is expected to be completed in 2017. The Housing Programs Coordinator will seek to consult with all current homeowners 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 HUD-trained homebuyer educators, following the format and content required by HUD.	Ongoing	No workshops were completed in 2018 as no new affordable developments or homes were constructed. The development Santana Ranch is expected to build affordable inclusionary homes. Additionally the project completed by Community Development Services Corporation

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Unincorporated	
Reporting Period	2018	(Jan. 1 - Dec. 31)

Note: + 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)(2)

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

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)(7) of Government Code Section 65583.1 ⁺
	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									
Total Units by Income									

Jurisdiction	Sanito County - Unincorporated	
Reporting Year	2018	(Jan. 1 - Dec. 31)

Entitled Units Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units 44		0

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

Submitted Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	5
Total Housing Units Disapproved:	-5

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	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 4.

MEETING DATE: 4/17/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR:

AGENDA ITEM PREPARER:

SBC DEPT FILE NUMBER:

SUBJECT:

Discuss an invitation to Hollister and San Juan Bautista Planning Commissions to conduct bi-annual joint meetings.

AGENDA SECTION:

DISCUSSION - REGULAR MEETING

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL: