



## SAN BENITO COUNTY PLANNING COMMISSION

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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

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

### **SPECIAL MEETING AGENDA September 4, 2019 6:00 PM**

**6:00 PM ~ CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING**

**PUBLIC HEARING**

1. **PLN180024-ZA Regional Commercial (C-3) Zoning Code Amendment and Zoning Map Changes:** Change provisions of County Code Title 25 "Zoning Code" including Chapter 25.16 and Sections 25.03 and 25.05 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. If approved, change the Zoning Map for Commercial Regional Nodes located at Betabel Road, SR129/Searle Road, Livestock 101 and Rocks Ranch to Regional Commercial (C-3).

ENVIRONMENTAL EVALUATION: The proposed Zoning Code amendments and Zoning Map changes are not subject to further environmental review in accordance with CEQA Guidelines Sections 15126 and 15162. The creation and adoption of a new zoning district and rezonings to implement the General Plan was considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. The code amendment does not approve any development projects.

PLANNER: Darryl Boyd ([dboyd@cosb.us](mailto:dboyd@cosb.us)).

**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](http://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

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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

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**Item Number: 1.**

**MEETING DATE: 9/4/2019**

**DEPARTMENT: RESOURCE MANAGEMENT AGENCY**

**DEPT HEAD/DIRECTOR: Harry Mavrogenes**

**AGENDA ITEM PREPARER: Darryl Boyd**

**SBC DEPT FILE NUMBER: U.S. 101 Regional Commercial Nodes File PLN180024**

**SUBJECT:**

**PLN180024-ZA Regional Commercial (C-3) Zoning Code Amendment and Zoning Map Changes:** Change provisions of County Code Title 25 "Zoning Code" including Chapter 25.16 and Sections 25.03 and 25.05 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. If approved, change the Zoning Map for Commercial Regional Nodes located at Betabel Road, SR129/Searle Road, Livestock 101 and Rocks Ranch to Regional Commercial (C-3).

**ENVIRONMENTAL EVALUATION:** The proposed Zoning Code amendments and Zoning Map changes are not subject to further environmental review in accordance with CEQA Guidelines Sections 15126 and 15162. The creation and adoption of a new zoning district and rezonings to implement the General Plan was considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. The code amendment does not approve any development projects.

**PLANNER: Darryl Boyd ([dboyd@cosb.us](mailto:dboyd@cosb.us)).**

**AGENDA SECTION:**

PUBLIC HEARING

**BACKGROUND/SUMMARY:**

The Planning Commission is being asked to consider limited modifications to the proposed Regional Commercial (C-3) Zoning Code amendments made subsequent to those amendments the Commission reviewed at their May 15, 2019 meeting and recommended the Board of Supervisors approve. The Commission will also review modifications to the proposed Zoning Map changes previously reviewed and recommended for Board approval. General Plan Maps will be presented that have been corrected to accurately reflect the Board of Supervisors action on the Commercial Regional Nodes when the 2035 General Plan was adopted in 2015.

**BUDGETED:**

**SBC BUDGET LINE ITEM NUMBER:**

**CURRENT FY COST:**

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission:

1. Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed code amendment, and
2. Adopt a resolution (*Attachment 1*) finding the proposed modifications to the Zoning Code amendment and the proposed Zoning Map changes will serve the public necessity, convenience and general welfare, and is good zoning practice; and
3. Recommend the Board of Supervisors adopt an Ordinance to amend County Code Title 25 to incorporate the new Regional Commercial (C-3) District, including allowed uses and development standards, and associated minor code amendments necessary to integrate fully the new district into the existing Code; and
4. Recommend the Board of Supervisors adopt Ordinance(s) to change the County Zoning Map for the Betabel Road, Highway 129, Rocks Ranch and Livestock 101 Nodes to Regional Commercial (C-3) District as shown on the attached maps; and
5. Recommend the Board of Supervisors accept the General Plan Figures 3.2-3.6 as corrected to delete the Commercial Regional Node incorrectly shown at U.S. Highway 101& State Route 156 and correctly show it relocated to Livestock 101.

**ADDITIONAL PERSONNEL:** No

**ATTACHMENTS:**

Description	Upload Date	Type
Staff Report Special PC PLN180024	8/30/2019	Staff Report
Attachment 1. Draft PC Resolution to the BOS	8/30/2019	Resolution Letter

Attachment 2. Draft C-3 Code Amendment as modified August 29, 2019	8/30/2019	Ordinance
Attachment 3. Modified Zoning Maps (5)	8/29/2019	Map
Attachment 4. Corrected General Plan Figures 3.2-3.6	8/29/2019	Map
Attachment 5. May 15, 2019 PC Resolution	8/29/2019	Exhibit
Attachment 6. New Correspondence Received	8/29/2019	Correspondence

## STAFF REPORT

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### PROJECT INFORMATION

Application:	PLN180024-ZA Amend County Code Title 25 “Zoning Code” to Implement 2035 General Plan Commercial Regional Land Use Designation & Related Policies
Date of Hearing:	September 4, 2019 Planning Commission Special Mtg.
Applicant/Owner:	Various
Location:	Various
Assessor’s Parcel No:	Various
General Plan Designation:	Commercial Regional (CR)
Zoning District:	Pending Adoption of Regional Commercial (C-3)
CEQA:	Addendum to 2035 General Plan Final Environmental Impact Report, Resolution No. 2015-58
Project Planner:	Darryl Boyd, Principal Planner

### BACKGROUND

The purpose of this project is to implement the County’s 2035 General Plan Land Use Diagram designation of Commercial Regional (CR) and associated goals and policies. The primary objective is to amend Title 25 of the County Code to add a new Regional Commercial (C-3) Zoning District to implement the intent and provisions of the General Plan. The County Zoning Map would also be changed by separate actions to include specific land areas in the Regional Commercial (C-3) District if the new C-3 District is adopted by the Board of Supervisors.

At a duly noticed public hearing on May 15, 2019, the Planning Commission adopted a resolution (*see attachment 4*) to recommend the Board of Supervisors approve each of the items listed in the project description below. Based on subsequent review and further consideration by the County, this project is being brought back to the Planning Commission to consider certain modifications to the previously proposed version of the Regional Commercial (C-3) Zoning District, as well as to have the Planning Commission review and take action on minor boundary modifications to the proposed node zoning district changes. The primary changes to the proposed zoning ordinance include eliminating the Design Review permit process and expanding the list of uses requiring a conditional use permit, and requiring proof of a sustainable water source as an application submittal requirement as part of a conditional use permit or Master Development Plan.

### PROJECT DESCRIPTION

The primary project work product is the preparation of County Code Title 25 Zoning Code amendments to establish a new Regional Commercial (C-3) Zoning District. The C-3 District would implement the Commercial Regional Land Use Diagram designation and associated General Plan policies. The code adoption is necessary before property can be rezoned or projects can develop under the new C-3 regulations. The project consists of the following components.

1. **PLN180024-ZA (Zoning Code Amendment):** Change provisions of County Code including Chapter 25.16 as well as Chapters 25.03 and 25.05 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. The version being presented to the Planning Commission at the Special Meeting has been modified in certain limited aspects from the May 15, 2019 version. These modifications will be highlighted at the Special Meeting.
  
2. **Amend the County Zoning Map to establish geographic boundaries for the Regional Commercial (C-3) District:** If the Code amendment is approved, amend the County Zoning Map by ordinance to change the zoning district to Regional Commercial (C-3) Zoning District for land area recommended for inclusion in each of four separate Commercial Regional nodes, with specific site and property boundaries. Each site will have its own unique theme and undergo design review in accordance with General Plan Policy and the new C-3 District Code provisions.
  - a. **PLN180024-ZC1 “Betabel” (Zone Change):** COUNTY INITIATED. PROPERTY OWNER: McDowell Charitable Trust. LOCATION: West side of U.S. 101 at Betabel Road interchange, 9664 and 9644 Betabel Road, San Juan Bautista, CA (APN 013-150-017, -018, -023, -024 & -025). ZONING DESIGNATION: Change zoning from Agricultural Rangeland-Floodplain (AR-FP) to Regional Commercial-Floodplain (C-3-FP) on approximately 29-acres. GENERAL PLAN LAND USE DESIGNATION: Rangeland/Commercial Regional.
  
  - b. **PLN180024-ZC2 “SR129/Searle Road” (Zone Change):** COUNTY INITIATED. PROPERTY OWNERS: Weiler Family, Johnson Family, Lavagnino Family & Burke Family Trusts, Mohssin & Saleh, and Rubio. LOCATION: Westerly side of U.S. 101 at SR 129/Searle Road, San Juan Bautista, CA (APN 012-010-006, -007, -017, -021, -024, 012-030-019 & -023). ZONING DESIGNATION: Change zoning from Agricultural Rangeland-Floodplain (AR-FP), Rural (R), or Commercial Thoroughfare (C-1) to Regional Commercial (C-3) on approximately 33-acres. GENERAL PLAN DESIGNATION: Rural or Rangeland/Commercial Regional.
  
  - c. **PLN180024-ZC3 “Rocks Ranch” (Zone Change):** COUNTY INITIATED. PROPERTY OWNER: Bingaman Trust. LOCATION: Southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista, CA (portion of APN 011-310-006). ZONING DESIGNATION: Change zoning from Agricultural Rangeland (AR) or Agricultural Productive (AP) to Regional Commercial (C-3) on approximately 77.3-acres. GENERAL PLAN DESIGNATION: Commercial Regional and Rangeland or Agriculture
  
  - d. **PLN180024-ZC4 “Livestock 101” (Zone Change):** COUNTY INITIATED. PROPERTY OWNER: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). Change the zoning district for the land area included in the Livestock 101 CR node from Rural (R) and Neighborhood Commercial (C-2) to Regional Commercial (C-3) on approximately 159.3-acres. GENERAL PLAN DESIGNATION: Rural/Commercial Regional

## GENERAL PLAN

At the May 15, 2019 meeting, the Planning Commission determined that the proposed project (code amendment and zoning map changes) presented at that time was consistent with the 2035 County General Plan. The latest set of proposed modifications to the draft code amendment will result in an even more restrictive regulatory framework that is intended to bring the project into greater conformance with the General Plan goals and policies, such as demonstrating adequate water supply earlier in the development review process. The proposed boundary modifications to the rezoning areas are also intended to achieve greater General Plan consistency, such as by reducing the amount of prime agricultural land conversion.

The County's 2035 General Plan includes the Land Use designation of Commercial Regional (CR). CR nodes are generally located as shown on General Plan Figure 3-2 "*Land Use Diagram (North County Detail)*" and Figure 3-5 "*Commercial and Industrial Nodes*". The General Plan includes several land use policies that are specific for the implementation of the new commercial regional nodes. The proposed Regional Commercial (C-3) District is written to be consistent with and implement the applicable general plan policies. No specific projects are proposed at this time. When specific projects are proposed, in accordance with the C-3 zone and CEQA, further environmental review will be required.

General Plan Land Use Policy **LU-5.3 New Commercial Regional Nodes** states; "*The County shall encourage new Commercial Regional (CR) nodes to be located at or near existing or future highway interchanges, major intersections, and along existing or future transit facilities. Facilities should be located consistent with Figure 3-5 (and exclude the intersection of U.S. Highway 101 and State Route 156). In order to respect the scenic character of the county, new development at these commercial nodes shall be subject to design review before the County Planning Commission. Further, development within these commercial nodes is encouraged to contribute to the preservation of scenic areas along the designated scenic corridors within the County. The County shall also encourage additional access to new regional commercial centers through bicycle and pedestrian connections from residential uses as appropriate to the context.*"

### General Plan Land Use Map Corrections

The General Plan amendment to designate Livestock 101 as a Commercial Regional node, as previously discussed with and recommended by the Planning on May 15, 2019, is no longer necessary given the County's conclusion, based on the evidence in the record, that it was so designated as part of the Board's approval of the 2035 General Plan.

In 2015, the San Benito County 2035 General Plan ("General Plan") update proposed four locations along U.S. Highway 101 to be designated as Commercial Regional "nodes" as shown on the proposed *Land Use Diagram*. Those nodes are referred to by the names "Betabel Road," "State Route 129," "Rocks Ranch", and "U.S. Highway 101 and State Route 156." Prior to certification of the General Plan EIR and adoption of the General Plan, the San Benito County Planning Commission held a public hearing on July 1, 2015, after which they made a recommendation to the County Board of Supervisors to delete the node at the intersection of U.S. Highway 101 and State Route 156. As a result, General Plan Policy LU-5.3 was edited to direct the exclusion of the U.S. Highway 101 and State Route 156 node, and the U.S. Highway 101 and State Route 156 node was



removed from Figure 3-5 *Commercial and Industrial Nodes* of the General Plan, but not from Figure 3.2 *Land Use Diagram*, and Figure 3-6 of the General Plan EIR. The Planning Commission further recommended that this node be moved to the “Livestock 101” location. The Commission passed a motion that recommended Board approval of the 2035 General Plan and General Plan EIR with the exclusion of the U.S. Highway 101 and State Route 156 node and the addition of a Commercial Regional node at Livestock 101.

This node removal and addition recommendation was considered at the Board of Supervisors’ 2035 General Plan public hearing on July 21, 2015. The Board of Supervisors adopted the General Plan and certified the General Plan EIR with the understanding that the Commercial Regional node would be moved from U.S. Highway 101 and State Route 156 to Livestock 101. However, due to a clerical error, the Livestock 101 node was not included in the final General Plan *Land Use Diagram* Figure 3.2 and several other maps, Figures 3.3, 3.5, & 3.6, where the Livestock 101 node should have appeared. Additionally, several figures still included the U.S. Highway 101 and State Route 156 node (Figures 3.2, 3.3, 3.4 & 3.6).

The County has determined there is clear evidence in the record that the intent of the Planning Commission and Board of Supervisors was to move the U.S. Highway 101 and State Route 156 node to Livestock 101; therefore, these clerical mapping errors are being corrected on all the applicable General Plan figures, as shown in the staff report attachments. The Board will be asked to consider the accuracy of these corrected exhibits.

## **ENVIRONMENTAL EVALUATION**

The County has prepared five addenda to the 2035 General Plan Final Environmental Impact Report (EIR), certified on July 21, 2015 by Resolution No. 2015-58. The County’s discretionary action on each of the major project components is a project subject to CEQA. The County has prepared five addenda, one for the adoption of the Regional Commercial (C-3) District code, and one focused on each of the four proposed sites to which the C-3 code would be applied.

The proposed code amendments and zoning changes are not subject to further environmental review in accordance with CEQA Guidelines Sections 15126 and 15162. The creation and adoption of a new zoning district and the proposed County Zoning Map changes to add the four new C-3 zoning districts will implement and effectuate the County 2035 General Plan. As such, the potentially significant environmental impacts associated with the Regional Commercial (C-3) zoning district were evaluated in the County 2035 General Plan Final Environmental Impact Report (General Plan EIR), Resolution No. 2015-58. Addenda were completed to evaluate whether new environmental impacts not analyzed in the General Plan EIR would result from C-3 district zoning implementation. It was determined that no new impacts would result from the C-3 zoning implementation, but minor modifications were required to the General Plan EIR, and therefore, addenda were the appropriate CEQA document to be prepared.

Per CEQA guidelines section 15162, the General Plan EIR was certified for the County 2035 General Plan, and no subsequent EIR is necessitated because:

- 1) there are no substantial changes proposed that would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- 2) there are no substantial changes with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,
- 3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete that would demonstrate:
  - that the project will have one or more significant effects not discussed in the previous EIR,
  - significant effects previously examined will be substantially more severe than shown in the previous EIR,
  - that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or
  - that mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## **STAFF ANALYSIS**

County Code Chapter 25.45 authorizes changing the provisions of Title 25 “Zoning Code” whenever the public necessity, convenience and general welfare require such amendments. This chapter also establishes the procedures to be followed for such proposed changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning Commission is required to make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will serve the public necessity, convenience and general welfare, and is good zoning practice.

Implementation of the Commercial Regional (CR) General Plan Land Use designation requires amending the Zoning Code (Title 25) to create a new zoning district that is consistent with the General Plan. This project includes the adoption of the proposed Regional Commercial (C-3) Zoning District that, if adopted by the County, is proposed for application to the four designated regional commercial sites as specified in accordance with the 2035 General Plan.

Since the Planning Commission’s consideration on May 15, 2019, a modified draft C-3 ordinance has been prepared. The latest version is Attachment 2 to this staff report. Consistent with state Planning and Zoning Laws, the proposed modifications are being brought to the Planning Commission because the modification to the proposed Regional Commercial (C-3) ordinance and the current boundaries were not previously considered by the Planning Commission. The boundaries were amended to reduce impacts on prime agricultural land. Staff will make a presentation to highlight the proposed modifications for Commission review at the September 4, 2019 special meeting.

## Code Modifications

Two major modifications have been made to the proposed Regional Commercial (C-3) ordinance based on the consideration of comments made at the May 15, 2019 Planning Commission meeting. The proposed modifications are intended to respond to major issues raised.

The Design Review Permit process has been eliminated. This substantially increases the number of uses requiring a conditional use permit or Master Development plan. (*Refer to new Section 25.16.063 in the draft ordinance.*) The net result of these proposed modifications is that more uses will be required to go through a duly noticed public hearing before the Planning Commission, i.e., the conditional use permit process. This will provide for a higher level of project review and opportunity for appeal to the Board of Supervisors. With the exception of projects permitted under Sections 25.16.061 and 25.16.062, all projects will be required to complete “project-level” environmental review in accordance with CEQA.

The other significant modification is all applications for a Master Development Plan or conditional use permit, as part of the initial submittal, will be required to include proof of a sustainable water source. (*Refer to new Section 25.16.064 (I) in the draft ordinance.*) The intent of this requirement is to ensure there is a water supply sufficient to meet the needs of the proposed development project before undertaking additional project review. Applications would not be accepted if an adequate water supply cannot be demonstrated.

## Zoning District Boundary Changes

Another important item for Planning Commission consideration is the review of proposed boundary changes and size reductions for the Betabel and SR129/Searle Road nodes. The Betabel node has been reduced from 55.5-acres to 29-acres to reduce conversion of prime agricultural land. The SR129/Searle Road node has been reduced from 39.7-acres to 33-acres, to avoid the conversion of prime agricultural land. This is the only node with multiple property owners. An additional map has been prepared to show the allocation of SR129/Searle Road node area by ownership. The Johnson/Weiler Family Trusts control the majority of the node land area with 21.1-acres. The Rocks Ranch node has been increased from 72-acres to 77.3-acres to ensure adequate land area for utility and vehicular connections between the split development areas. No change is proposed to the Livestock 101 boundaries. The revised maps are attached to the staff report.

## Conclusion

In summary, staff’s opinion is the approval of the proposed code amendment and zone change will serve the public necessity, convenience and general welfare in that the code amendments will implement the County’s adopted 2035 General Plan goals and policies. The proposed code amendment fulfills the direction and vision of the General Plan and includes the components necessary for good zoning practice. No specific development proposals are proposed or a part of this project. Subsequent development projects and permits will be required to be consistent with the adopted zoning district requirements and reviewed in accordance with the California Environmental Quality Act.

## RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Consider the Addendum to the 2035 General Plan FEIR prior to making a decision on the proposed code amendment; and
- 2) Adopt a resolution (*Attachment 1*) finding the proposed modifications to the Zoning Code amendment and the proposed Zoning Map changes will serve the public necessity, convenience and general welfare, and is good zoning practice; and
- 3) Recommend the Board of Supervisors adopt an Ordinance to amend County Code Title 25 to incorporate the new Regional Commercial (C-3) District, including allowed uses and development standards, and associated minor code amendments necessary to integrate fully the new district into the existing Code; and
- 4) Recommend the Board of Supervisors adopt Ordinance(s) to change the County Zoning Map for the Betabel Road, SR129/Searle Road, Rocks Ranch, and Livestock 101 Nodes to Regional Commercial (C-3) District as shown on the attached maps; and
- 5) Recommend the Board of Supervisors accept General Plan Figures 3.2-3.6 as corrected to delete the Commercial Regional Node incorrectly shown at U.S. Highway 101 and State Route 156 and correctly show it relocated at Livestock 101.

## ATTACHMENTS

1. Draft Resolution to BOS
2. Modified Draft Ordinance for Title 25 C-3 Amendments, dated August 29, 2019
3. Modified Zoning Maps (5)
4. Corrected General Plan Figures 3.2-3.6
5. May 15, 2019 PC Resolution
6. Correspondence Received (2)

### C: Reimbursement Agreement Property Owners:

1. "Betabel Road"  
McDowell Charitable Trust  
P.O. Box 485  
Pebble Beach, CA 93953
2. "Hwy 129"  
Johnson Family and Weiler Family Trusts  
920 Egan Avenue  
Pacific Grove, CA 93950  
[Electronic copy sent to additional "Hwy 129" property owners]
3. "Livestock 101"  
Warren Family Trust  
4400 Hwy 101  
Aromas, CA 95004
4. "Rocks Ranch"  
Bingaman Trust #1  
P.O. Box 1116  
Salinas, CA 93902

### Property Owners' Representative

Daniel J. DeVries  
San Juan Bautista, CA 95045

**BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO**

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING ) **Resolution No. 2019-\_\_**  
COMMISSION RECOMMENDING TO THE BOARD OF )  
SUPERVISORS APPROVAL OF FILE PLN180024, INCLUDING )  
AMENDING TITLE 25 AND CHANGING THE COUNTY ZONING )  
MAP ON DISCONTIGOUS PROPERITES ALONG U.S. HWY 101. )

**[AMEND TITLE 25 to incorporate Regional Commercial (C-3) District]**

**WHEREAS**, with regard to File PLN 180024-ZA the property owners executed a reimbursement agreement with the County to fund the work necessary to amend County Zoning Code Title 25 to include provisions for the Regional Commercial (C-3) District and associated changes; and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the Zoning Code amendments at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, in accordance with County Code §25.45.005, the Planning Commission found the Zoning Code amendments both consistent with the 2035 General Plan goals and policies and good zoning practice; and

**WHEREAS**, in accordance with County Code §25.45.004, the Planning Commission passed and adopted Resolution No. 2019-10 recommending the Board of Supervisors approve the Zoning Code amendments; and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the Zoning Code amendments, as modified from those considered on May 15, 2019, at its duly noticed, special scheduled meeting held on September 4, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, the Planning Commission concurs with the determination the project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines; and

**WHEREAS**, in accordance with County Code §25.45.005, the Planning Commission finds the Zoning Code amendment, as modified, is both consistent with and implements the 2035 General Plan goals and policies and a good zoning practice; and

**WHEREAS**, the application and implementation of the Regional Commercial (C-3) District requires amendments to the County Zoning Map; and

**WHEREAS**, in regard to File PLN180024-ZC1 "*Betabel*," the subject area is located at 9664 and 9644 Betabel Road, San Juan Bautista on the west side of U.S. 101 in San Benito County, California (Assessor's Parcel 013-150-017, -018, -023, -024 & -025) and is approximately 29-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Rangeland/Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP) and

**WHEREAS**, the property owner executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial-Floodplain (C-3/FP); and

**WHEREAS**, in regard to File PLN180024-ZC2 "*SR129/Searle Road*," the subject area is located on the westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista in San Benito

County, California (all or a portion of Assessor's Parcel 012-010-007, -017, -021, & -024; 012-030-019 & -023) and is approximately 33-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Rural or Rangeland and Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) and

**WHEREAS**, the property owners executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial (C-3); and

**WHEREAS**, in regard to File PLN180024-ZC3 "*Rocks Ranch*," the subject area is located on the southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista in San Benito County, California (portion of Assessor's Parcel 011-310-006) and is approximately 77.3-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Commercial Regional and Rangeland or Agriculture and a zoning designation of Agricultural Rangeland (AR) or Agricultural Productive (AP) and

**WHEREAS**, the property owner executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial (C-3); and

**WHEREAS**, in regard to File PLN 180024-ZC4 "*Livestock 101*," the subject parcels are located on the northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas in San Benito County, California (Assessor's Parcel 011-280-027, -028, -029, -030, -034, -035 & -036) and is approximately 159.3-acres in area; and

**WHEREAS**, the Planning Commission previously recommended in its adopted Resolution 2019-10 approval of a General Plan Land Use Diagram amendment change to designate the Livestock 101 property as Commercial Regional; and

**WHEREAS**, the County has subsequently determined based on the available record that Livestock 101 was designated as Commercial Regional by the Board of Supervisors as part of the approval of the 2035 General Plan Update and not correctly identified as intended on several of the adopted Land Use Diagrams; and

**WHEREAS**, the Planning Commission considered the corrected General Plan Land Use Figures 3.2-3.6 that accurately depict Livestock 101 designated as a Commercial Regional Node; and

**WHEREAS**, the Planning Commission withdraws its previous recommendation included in Resolution 2019-10 that the General Plan be amended to designate Livestock 101 as Commercial Regional based on the conclusions of the subsequent County research; and

**WHEREAS**, the subject Livestock 101 property currently has a General Plan Land Use Diagram designation of Rural and Commercial Regional and a zoning designation of Rural (R) on approximately 143.3-acres and Neighborhood Commercial Combining (C-2) on approximately 16-acres; and

**WHEREAS**, the property owner executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial (C-3); and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the proposed changes to the County Zoning Map at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, in accordance with County Code §25.45.005, the Planning Commission found the four Zoning Map amendments are (1) consistent with the 2035 General Plan, (2) that they will serve the public necessity, convenience and general welfare, and (3) are a good zoning practice; and

**WHEREAS**, in accordance with County Code §25.45.004, the Planning Commission passed and adopted Resolution No. 2019-10 recommending the Board of Supervisors approve the four Zoning Map amendments; and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the proposed changes to the County Zoning Map, as modified from the maps considered on May 15, 2019, at its duly noticed, special scheduled meeting held on September 4, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, in accordance with County Code §25.45.005, the Planning Commission finds the Zoning Map amendments, as modified, are (1) consistent with the 2035 General Plan, (2) will serve the public necessity, convenience and general welfare, and (3) are a good zoning practice; and

**WHEREAS**, the project (code amendments and zoning map changes) does not currently propose any new development or construction on the subject properties; and

**WHEREAS**, pursuant to the Regional Commercial (C-3) Code regulations, subsequent environmental review will be required when new development or construction is proposed; and

**WHEREAS**, the Planning Commission considered and concurs the project (code amendments and zoning map changes) qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines; and

**WHEREAS**, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the code amendments and zoning map changes,

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

### **2035 General Plan Amendment**

The previously recommended General Plan Land Use Diagram designation change for “Livestock 101” is not necessary based on the County’s determination as evidenced in the entire record that the Board of Supervisors approval of the 2035 General Plan did include the deletion of the U.S. 101 and Highway 156 node and its transfer to the Livestock 101 property. Due to a clerical error this was shown incorrectly on the General Plan Figures 3.2-3.6. This error has been corrected with the preparation of revised Figures that have been reviewed by the Planning Commission and will be considered by the Board of Supervisors for accuracy.

### **California Environmental Quality Act (CEQA) Finding:**

**Finding:** Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines.

**Evidence:** *The Project proposes changes to the County Zoning Code Title 25 and Zoning Map to implement the 2035 General Plan goals, policies and land use element. The project does not include the construction of any new buildings and creates no physical changes to the existing environment. Addenda to the Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 (“General Plan EIR”) have been prepared for each of the five project components. The General Plan EIR analyzed the San Benito County 2035 General Plan Update (“General Plan”), which was adopted by the San Benito County (“County”)*

*Board of Supervisors on the same date. The subjects addressed by these addenda are the County's Zoning Code update to add regulations for a new C-3 zoning district and changes to the Zoning Map to apply the new C-3 zoning district to four specific locations (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project").*

*In addition to the addendum for the C-3 District Zoning Code, a separate addendum has been prepared for each of the four sites. The C-3 District Zoning Code addendum analyzes cumulative impacts of the proposed project, and the four site addenda also each analyze cumulative impacts for certain environmental issue areas where the combined effects from the four sites are considerable. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would facilitate future development petitions. When a development project on any of the four Nodes is proposed, the County will further comply with California Environmental Quality Act as required by the Regional Commercial (C-3) Code and California Environmental Quality Act. In accordance with the CEQA Guidelines, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional environmental review will be required for development projects when petitions for those projects are processed.*

### **Zone Change Findings:**

**Finding 1:** This zone change is consistent with the 2035 General Plan and any applicable special plan.

***Evidence 1:** For the reasons set forth in the staff reports, incorporated herein by this reference, the Planning Commission finds that the zone changes are consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. The zoning code amendments have been written to be consistent with the applicable General Plan goals and policies. The Zoning Map changes are consistent with the General Plan Land Use Element and the Regional Commercial (C-3) district. No other special plan, such as a specific plan, is in effect at any of these locations.*

**Finding 2:** The approval of the zone petition will serve the public necessity, convenience and general welfare, and is a good zoning practice.

***Evidence 2:** The adoption of the Zoning Code amendments and changes to the Zoning Map would serve the public necessity, convenience and general welfare in that the 2035 General Plan goals and policies, and Land Use and Economic Development Elements will be implemented. The Zoning Code amendments and zoning map changes are a good zoning practice in that the provisions, standards and requirements of the Regional Commercial (C-3) District will be implemented in accordance with the General Plan.*

**BE IT FURTHER RESOLVED** by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations, and based on the evidence in the record, the Planning Commission hereby makes the following findings and recommends that the Board of Supervisors adopt proposed ordinances to 1) amend the provisions of County Code Title 25 to incorporate the Regional Commercial (C-3) Zoning District, and 2) to amend the County Zoning Map for the four subject land areas from their current zoning as noted above to Regional Commercial (C-3).

1. The program level 2035 General Plan Update Final EIR (Resolution 2015-58) is adequate and sufficient to provide environmental clearance of the proposed project based on substantial evidence in the record.



2. The zone changes are consistent with the 2035 General Plan, and there is not any applicable special plan.
3. The approval of the zone changes will serve the public necessity, convenience and general welfare, and is a good zoning practice.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO ON THIS 4<sup>TH</sup> DAY OF SEPTEMBER 2019 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

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Robert Rodriguez, Chair  
San Benito County Planning Commission

ATTEST:

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

**Blue** code highlights are internal to the C-3 regulations  
**Green** code highlights are external to the C-3 regulations

Amend 25.05.001 to add:

C-3	Regional Commercial
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Amend Section 25.03.002 to read:

~~DESIGN REVIEW. A permit application review procedure in which the authority for the decision makes a determination as to the consistency of a proposed land use with the established criteria and required findings.~~

*DESIGN THEME. A conceptual description of the physical and visual characteristics of a development proposal, with emphasis on the aesthetic qualities.*

*NODE. A concentration of development at or within a reasonable distance of an intersection of interchange.*

*TRUCK GARDENING. The growing of vegetables, herbs, or flowers for sale.*

Amend title of Chapter 25.16 to read:

CHAPTER 25.16: COMMERCIAL THOROUGHFARE (C-1), NEIGHBORHOOD COMMERCIAL (C-2), AND REGIONAL COMMERCIAL (C-3) DISTRICTS

Amend 25.16.001 to add:

(C) The C-3 Regional Commercial district shall act as an independent standalone (not combining) district. All of the C-3 district regulations, development standards and procedures are set forth in Article IV.

Amend Chapter 25.16 to add:

## **ARTICLE IV. REGIONAL COMMERCIAL (C-3) DISTRICT**

**§ 25.16.060 INTENT.**

**§ 25.16.061 PERMITTED USES**

**§ 25.16.062 PERMITTED USES, SITE PLAN REVIEW.**

~~**§ 25.16.063 PERMITTED USES, DESIGN REVIEW PERMIT REQUIRED IN EACH CASE.**~~

§ 25.16.~~064~~-~~063~~ PERMITTED USES, USE PERMIT REQUIRED IN EACH CASE.

§ 25.16.~~065~~-~~064~~ PERMITTED USES, MASTER DEVELOPMENT PLAN.

§ 25.16.~~066~~-~~065~~ DEVELOPMENT STANDARDS.

§ 25.16.~~067~~-~~066~~ YARDS AND RESERVATIONS.

§ 25.16.~~068~~-~~067~~ PARKING, LOADING AND ACCESS/CIRCULATION.

§ 25.16.~~069~~-~~068~~ SIGNS.

§ 25.16.~~070~~-~~069~~ LIGHTING.

§ 25.16.~~071~~-~~070~~ GRADING AND LANDSCAPING.

§ 25.16.~~072~~-~~071~~ THEME AND TOURISM MARKETING PLANS.

§ 25.16.~~073~~-~~072~~ PROCEDURES AND FINDINGS.

§ 25.16.~~074~~-~~073~~ CONTINUANCE OF EXISTING USES.

§ 25.16.~~075~~-~~074~~ SPECIAL REGULATIONS FOR BETABEL ROAD NODE.

§ 25.16.~~076~~-~~075~~ SPECIAL REGULATIONS FOR HIGHWAY 129 NODE.

§ 25.16.~~077~~-~~076~~ SPECIAL REGULATIONS FOR ROCKS RANCH NODE.

§ 25.16.077 SPECIAL REGULATIONS FOR LIVESTOCK NODE.

#### § 25.16.060 INTENT.

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County's history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall integrate displays dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

#### § 25.16.061 PERMITTED USES

The following uses shall be permitted by right in the C-3 district:

- (A) Crop and tree farming and truck gardening;
- ~~(B) Grazing;~~
- ~~(C) Uses allowed in the Article I. Agricultural and Rangeland (AR) District; and,~~
- ~~(D) Existing and future C-2 uses identified in Article III, Neighborhood Commercial (C-2) District, shall be allowed within the boundaries of areas previously designated as C-2. New Neighborhood Commercial C-2 uses must comply with the level of approval identified in Article III for each permitted use. In lieu of Site Plan Review, Administrative Permit, and/or Conditional Use Permits required by Article III, the applicant for new development within the C-3 district previously designated as a C-2 district, may prepare a Master Development Plan consistent with § 25.16.065. Existing C-2 uses are presumed consistent with the C-3 district regulations, development standards, and procedures set forth in Article IV.~~

~~(B) — Fruit and vegetable stands; and~~

**§ 25.16.062 PERMITTED USES, SITE PLAN REVIEW.**

The following uses are permitted in the C-3 district with an administrative Site Plan Review approved by the Planning Director in accordance with ~~§25.16.073-072~~ (A) 1:

- (A) Changes of existing commercial uses pre-existing or established under this code, within an existing site or structure, provided that the change will not alter the nature or intensity of the use of the site or structure, and subject to submittal and review of a site plan and/or project summary detailing the change and demonstrating how it is similar to the previously approved use; ~~but excluding any use that requires a Design Review Permit under §25.16.063, or a Use Permit under §25.16.064;~~
- ~~(B) — Souvenir and curio shops, roadside stands;~~
- ~~(C)(B)~~ Public parks, playgrounds, and open spaces;
- ~~(D)(C)~~ Uses for which a determination of consistency with an approved Master Development Plan is necessary;
- ~~(E)(D)~~ Uses for which a general or conceptual description is approved in a Master Development Plan, or additional detail is provided after approval of a Master Development Plan; and
- ~~(F)(E)~~ Final site plans, lighting plans, landscape plans, and sign programs, where such have not been approved in final form as part of a Planning Commission approval.

~~**§ 25.16.063 PERMITTED USES, DESIGN REVIEW PERMIT REQUIRED IN EACH CASE.**~~

~~The following uses and/or new structures are permitted in the C-3 district with a Master Development Plan in accordance with § 25.16.065, or a Design Review Permit issued by the Planning Commission at a noticed public hearing:~~

- ~~(A) Retail business establishments, including drugstore; fruits, vegetables, and groceries; plants; art or antiques; books; camping and recreational gear and supplies; hardware; clothing; souvenirs; etc.;~~
- ~~(B) Eating and drinking establishments, including restaurants; delicatessens; bakeries; coffee houses; and soda fountains not including service of alcoholic beverages;~~
- ~~(C) Drive-in eating and drinking establishments not including service of alcoholic beverages;~~
- ~~(D) Off-sale of alcoholic beverages, with an emphasis on San Benito County products;~~
- ~~(E) Motels, hotels, bed and breakfasts, and other overnight accommodations limited to stays of 30 nights or fewer;~~
- ~~(F) Recreational trailer parks, campgrounds, and resorts;~~
- ~~(G) Commercial entertainment and amusement, including theaters;~~
- ~~(H) Museums; exhibits; and information centers;~~
- ~~(I) Outdoor recreation or education;~~
- ~~(J) Miniature golf; swimming; tennis; sporting and social clubs;~~
- ~~(K) Automobile service stations with incidental minor repair;~~
- ~~(L) Agricultural product sampling and/or agricultural production or processing not occupying more than 5,000 square feet;~~
- ~~(M) Laundromat and laundry services;~~
- ~~(N) Caretaker units and employee housing;~~
- ~~(O) Limited medium or high density residential uses secondary to commercial uses and provided as part of an integrated mixed-use development;~~
- ~~(P) Customary accessory uses to the above;~~
- ~~(Q) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;~~
- ~~(R) Themed wall and billboard type murals, not including business identification names, logos, or iconography;~~
- ~~(S) Design Themes and Marketing Plans; and~~
- ~~(T) Other uses similar to the above as may be determined by the Planning Commission.~~

**§ 25.16.~~064-063~~ PERMITTED USES, USE PERMIT REQUIRED IN EACH CASE.**

The following uses are permitted in the C-3 district with a Master Development Plan in accordance with § 25.16.~~065064~~, or a Conditional Use Permit issued by the Planning Commission at a noticed public hearing. If the proposed site development includes 1 acre or more or a mix of use types within any node, a Master Development Plan shall be required for that node or portion of that node.:

- (A) Retail business establishments, including drugstore; fruits, vegetables, and groceries; plants; art or antiques; books; camping and recreational gear and supplies; hardware; clothing; souvenirs; etc.;
- (B) Eating and drinking establishments, including restaurants; delicatessens; bakeries; coffee houses; and soda fountains not including service of alcoholic beverages;

- ~~(C) Drive-in eating and drinking establishments not including service of alcoholic beverages;~~
- ~~(D) Off-sale of alcoholic beverages, with an emphasis on San Benito County products;~~
- ~~(E) Motels, hotels, bed and breakfasts, and other overnight accommodations limited to stays of 30 nights or fewer;~~
- ~~(F) Recreational trailer parks, campgrounds, and resorts;~~
- ~~(G) Commercial entertainment and amusement, including theaters;~~
- ~~(H) Museums; exhibits; and information centers;~~
- ~~(I) Outdoor recreation or education;~~
- ~~(J) Miniature golf; swimming; tennis; sporting and social clubs;~~
- ~~(K) Automobile service stations with incidental minor repair;~~
- ~~(L) Agricultural product sampling and/or agricultural production or processing not occupying more than 5,000 square feet;~~
- ~~(M) Laundromat and laundry services;~~
- ~~(N) Caretaker units and employee housing;~~
- ~~(O) Limited medium or high density residential uses secondary to commercial uses and provided as part of an integrated mixed use development;~~
- ~~(P) Customary accessory uses to the above;~~
- ~~(Q) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;~~
- ~~(R) Themed wall and billboard-type murals, not including business identification names, logos, or iconography;~~
- ~~(S) Design Themes and Marketing Plans;~~
- ~~Other uses similar to the above as may be determined by the Planning Commission.~~
- ~~Establishments that intend to include service of alcoholic beverages;~~
- ~~(A)(T) Outdoor display or storage of merchandise, if not pre-existing;~~
- ~~(B)(U) Vehicle repair shops including system and component repair and service, glass, tires, and similar, but not including painting, body and fender work, or motor and transmission rebuilding as principal uses;~~
- ~~(C)(V) Truck stops/travel plazas;~~
- ~~(D)(W) Medical or veterinary offices or clinics;~~
- ~~(E)(X) Limited business or professional offices not secondary to commercial uses;~~
- ~~(F)(Y) Customary accessory uses to the above;~~
- ~~(G)(Z) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;~~
- ~~(AA) Themed wall and billboard-type murals, that do include business identification names, logos, or iconography;~~
- ~~(BB) Fruit and vegetable stands~~
- ~~(CC) Souvenir and curio shops, roadside stands; and,~~
- ~~(H)(DD) \_\_\_\_\_ and~~
- ~~(I)(EE) Other uses similar to the above as may be determined by the Planning Commission.~~

**§ 25.16.065–064 PERMITTED USES, MASTER DEVELOPMENT PLAN.**

- (A) In lieu of Site Plan Review, ~~Design Review~~, and/or Conditional Use Permits the applicant for development within the C-3 district may prepare a Master

Development Plan subject to approval by the Planning Commission, consisting of a narrative and standards, theme and marketing plan, site plan, lighting plan, landscaping plan, and sign programs for the entirety of the District node, or a subsection not immediately contiguous (e. g., separated by a street, property line, etc.) with the remainder of the District node, within which development is proposed.

- (B) Architectural Theme, drawn from San Benito County history and landscapes. The submittal shall include proposed architectural concept and general site theme, including architectural materials, colors, building elevations, site planning, layout of connecting spaces and pathways, landscaping, wayfinding, and signs.
- (C) The narrative and standards shall provide the following information:
  - 1. A description of the land uses to be included within the District, correlating those uses to the site plan.
  - 2. A table of approximate square footage of each proposed use.
  - 3. A description of any deviations from established development standards.
- (D) A site plan shall provide the following information:
  - 1. Lot boundaries and names of adjacent streets.
  - 2. Adjacent structures, public utilities, and all easements within 50 feet of the lot boundary.
  - 3. Existing built features and trees.
  - 4. Topographic contour lines, existing water features, and flood zone boundaries.
  - 5. Existing utilities and easements.
  - 6. Yard and building setback lines.
  - 7. Locations of proposed buildings, paved areas, and landscaped areas.
  - 8. Proposed access, circulation and parking plan including typical dimensions.
  - 9. Size of proposed building footprints and floor areas and lot coverage.
  - 10. Locations of proposed freestanding signs and lights.
  - 11. Proposed site drainage features and non-point source compliance.
  - 12. Proposed wastewater disposal facilities and generation calculations.
  - 13. Proposed water supply wells, water lines, and utility lines and demand calculations.
  - 14. The final site plan shall contain additional detail as determined necessary by the Planning Director.
- (E) A lighting plan shall provide the following information:
  - 1. Drawings and specifications required by §19.31.011.
  - 2. Coordination with lighted signs included in a sign program.
  - 3. The lighting plan shall conform to the requirements of §25.16.070069.
  - 4. A final lighting plan shall specify bulb type and color, specific lighting fixtures, and be accompanied by a photometric analysis and graphics.

(F) A landscaping plan shall provide the following information:

1. Overall plan matched to the site plan, showing general location of planting and hardscape areas.
2. Location, species, size, and health of any tree, meeting the definition in § 25.29.212, to be removed.
3. Location, species, size, and health of any tree, meeting the definition in § 25.29.212 and located within 20 feet of proposed development, to be preserved.
4. Locations and general description of new trees and shrubs.
5. Location and type of groundcover plants or materials.
6. Description of hardscaped areas, including materials, colors, and typical dimensions.
7. Descriptions of landscape structures including benches, arbors, fences, and screens.
8. On sites where improvements are proposed on slopes of five percent or greater, the landscape plan or a separate grading and erosion control plan, shall provide a map of cut and fill areas, earthwork quantities, construction and post-construction erosion control details, retaining structures, and vegetative screening plans.
9. The landscaping plan shall conform to the requirements of §25.16.071070.
10. Irrigation plan.
11. The final landscape plan shall provide compliance with the Model Water Efficient Landscape Ordinance.
12. The final landscape plan shall list the species and container size of each plant.

(G) A sign program shall provide the following information:

1. Site plan showing location and orientation for each attached and detached sign.
2. Schematic drawing showing approximate size, shape, colors, and materials of each sign.
3. Schematic drawing showing type and size of supporting components.
4. Elevation views of the building(s) showing the proposed sign(s).
5. Description of sign illumination method and intensity.
6. The sign program shall conform to the requirements of §25.16.069068.
7. If a height exception is requested in accordance with §25.16.069068(D), a visual study demonstrating that the requested sign height is warranted.
8. The final sign program shall provide exact heights, sign dimensions, materials, anchoring details, and lighting specifications if applicable

(H) Final site plans, lighting plans, landscape plans, and sign programs shall include detail and specifications adequate for the Planning Director to ascertain that the plans and programs meet all County requirements.



~~(H)~~(I) Proof of a sustainable water source sufficient to serve the use or uses identified in the Master Development Plan or Use Permit shall be submitted with the Master Development Plan or Use Permit application for review and approval by the Planning Director. This could come in the form of a will serve letter from a water purveyor or, for on-site water a hydrogeological report with well springs or surface water locations and sustainable production yield tests. The hydrogeological report would be subject to review and approval of the Health Department prior to its submittal to the Planning Director.

§ 25.16.~~066~~ 065 DEVELOPMENT STANDARDS.

- (A) The minimum lot area in the C-3 district shall be one acre.
- (B) The maximum height of structures in the C-3 district shall generally be 35 feet; however, a Master Development Plan may allow heights up to 65 feet.
- (C) Buildings, including accessory buildings, shall not cover a total of more than 40 percent of the lot area, exclusive of any portion of the lot area located within riparian or hillside reservations.
- ~~(D)~~ Motel, hotel, bed and breakfast, and other overnight accommodations shall be limited to stays of 30 nights or fewer, and shall not exceed 125 rooms within any node. The hotel rooms (and associated public and back-of-house space) shall not exceed 750 square feet per room.
- ~~(D)~~(E) Total retail commercial floor area within any node shall not generally exceed 85,000 square feet, however, a Master Development Plan may allow up to 100,000 square feet.
- ~~(E)~~(F) Residential and caretaker units shall not exceed 30 units per node at 1,400 square feet per unit, and shall be a minor component within any node, as established by the Master Development Plan.
- ~~(F)~~(G) All storage shall be within a completely enclosed building unless otherwise allowed by an approved use permit.
- ~~(H)~~ Auxiliary uses serving the development, such as access ways, water, and sewer infrastructure including water tanks, water lines, sewer and septic areas and lines, utilities, or other similar uses, may be developed outside of the node boundaries.

§ 25.16.~~067~~ 066 YARDS AND RESERVATIONS.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, yards shall be consistent with the provisions of §25.29.005 and §25.29.006.

- (B) Yards contiguous to streets shall be a minimum of 35 feet measured from the right-of-way or plan line. Yards contiguous to rural or residential zoning districts shall be a minimum of 50 feet measured from the contiguous property line with the exception that non-commercial structures may be set back from the property line in accordance with the requirements of the adjoining district.
- (C) No structures, parking, or storage shall be permitted within the yards required in subsection (B), with the exception that non-commercial structures and freestanding signs may be located within yards contiguous to streets or highways.
- (D) Notwithstanding §19.27.001 or subsection (B), no structures shall be located closer than 150 feet from the side line of the nearest U.S. Highway 101 travel lane, or closer than 50 feet from the side line of an on- or off-ramp with the exception that freestanding signs may be located within these areas.
- (E) Flood zones designated by the Federal Emergency Management Agency shall be included within flood zone reservations. Development in flood zone reservations shall be restricted to driveways, parking, signs, picnicking, sports, temporary structures, freestanding signs, and permanent structures that are in compliance with the provisions of chapter 19.15.
- (F) Water courses and associated riparian vegetation, inclusive of a 100 foot wide buffer area from top of bank and edge of vegetation of the Pajaro River or San Benito River, and 50 foot wide buffer area from top of bank and edge of vegetation of other natural water courses, shall be included within riparian reservations. Development in riparian reservations shall be restricted to storm water management, habitat restoration, access drives not resulting in a net loss of vegetation, and passive recreational activities.
- (G) Slopes in excess of 30 percent shall be included within slope reservations. No development shall be allowed within slope reservations.
- (H) The requirements of §25.15.060 through §25.15.068 shall apply to locations within the defined scenic corridor, except that application of §25.15.063 and §25.15.064 shall be modified for consistency with the list of uses established by the Master Development Plan.

§ 25.16.068-067 **PARKING, LOADING AND CIRCULATION.**

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, parking shall be required in the C-3 district as provided in chapter 25.31.
- (B) When considering multiple use parking in accordance with §25.31.042, the lowest number of parking spaces that is adequate shall be provided in order that parking areas be kept as compact as possible.

- (C) Unless specifically authorized by the Planning Commission, no parking area shall exceed a single double-loaded aisle without a landscaped separation of at least 12 feet between aisles.
- (D) Parking lots shall be landscaped to include native shade trees.
- (E) Parking lots and loading areas shall be visually screened from public roadways.
- (F) Loading and unloading areas shall be required to comply with [§25.31.064](#).
- (G) Each lot or contiguous development site shall have not more than two access-ways to any one street or highway, which shall comply with the following requirements:
  1. The width of any access-way leading to or from a street or highway shall not exceed 36 feet nor be less than 15 feet at the right-of-way line. The alignment of access-ways and curb return dimensions shall be determined by the County Engineer.
  2. At its intersection with the lot line, no part of any access-way shall be nearer than 20 feet to any other access-way on the same lot, nor shall any part of any access-way be nearer than ten feet to any side or rear property line at its intersection with a right-of-way line. The use of common access-ways by two or more permitted uses shall be required in order to reduce the number and closeness of access points along highways. When a site is adjacent to both a local County road and a State Highway, access shall be limited to the local County road and/or existing or historic access points onto the State Highway.
  3. The location and number of access-ways shall be so arranged in relation to other access-ways, streets or highways, and site improvements, that they will reduce the possibilities of traffic hazards to the extent feasible in the judgment of the County Engineer.

**§ 25.16.~~069~~-068 SIGNS.**

- (A) Except as otherwise required or allowed in this section, or as established in a Master Development Plan, on-site signs shall be consistent with the provisions of [§25.29.060](#) through [§25.29.076](#).
- (B) In addition to the signs described in [§25.29.070](#), the following sign types shall be prohibited.
  1. Internally illuminated plastic signs;
  2. Signs with flashing or animated lights, or moving or changing text, or images;
  3. Signs that conflict with the lighting requirements of [§25.16.~~070~~069](#).
- (C) Sign types to be encouraged include sandblasted redwood or similar hand-crafted, hand-painted custom signs with “elemental” components, such as wood, steel,

iron, brick, stone, etc. and exterior down-oriented lighting fixtures, if lighting is provided.

- (D) An alternative calculation of sign area may be used, allowing one square foot of sign area for each 150 feet of building coverage area, with no single sign or group of signs exceeding 150 square feet.
- (E) Maximum height of signs shall be 45 feet. On sites where views from the highway of a sign constructed to the maximum height would be demonstrated obscured by terrain or vegetation, a sign height exception may be granted through the Master Development Plan, provided no additional height shall be allowed than is necessary to make the sign visible to travelers.
- (F) Regional signs to promote San Benito County and the commercial nodes shall located at or near entry points to the County.
  - 1. The regional signs shall alert travelers of entry into San Benito County, and provide information on services and tourism destinations within the County.
  - 2. The regional signs shall only be located at or near the north and south ends of the County along U.S. Highway 101, and along State Route 129 within or west of the Highway 129 node.
  - 3. The regional signs shall be designed to harmonize with the natural scenery, with a distinctive design that relates to the history, pre-history, landscape, or culture of San Benito County. The regional signs shall not have the appearance of a billboard.
  - 4. The northern regional sign should be visible in advance of the Betabel Road off-ramp from southbound U.S. Highway 101. The northern regional sign may optionally be located outside of the Betabel Road node to the north.
  - 5. The southern regional sign should be visible in advance of the San Juan Road off-ramp from northbound U.S. Highway 101. The southern regional sign may optionally be located outside of the Rocks Ranch node to the south, subject to agreement with the County of Monterey; the County may enter into a reciprocal agreement to permit a Monterey County sign within San Benito County.
  - 6. The Highway 129 regional sign should be visible in advance of Searle Road.
  - 7. The regional signs should identify all of the commercial nodes along U.S. Highway 101 and provide wayfinding information.
  - 8. The regional signs may be placed on private property or within County right-of-way, but shall not be located within State right-of-way. As part of approval of a Master Development Plan, the County may require establishment of an easement to accommodate the sign.
  - 9. The County ~~shall~~ may establish a special development impact fee or other financing mechanism within the C-3 district to fund construction and maintenance of the regional signs by the County.

§ 25.16.~~070~~ 069 LIGHTING.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, lighting shall be consistent with the provisions of [chapter 19.31](#).
- (B) Exterior lighting shall not be positioned in excess of 25 feet above the ground surface, except as may be allowed under [§25.16.069-068 \(D\)](#) for a sign height exception.
- (C) Lighting shall be designed to minimize light spill into natural areas by using cut-off fixtures directing light to the ground, and not flooding the site or adjacent areas with light.
- (D) Lighting for signs shall be designed to illuminate the sign without direct visibility of the light source.
- (E) Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.
- (F) LED or other energy efficient lighting technologies shall be required.
- (G) Light color should generally be between 2,200 and 3,000 Kelvin, subject to the discretion of the approving authority for special circumstances.
- (H) No lighting that is directed upward shall be allowed.

**§ 25.16.071-070 GRADING AND LANDSCAPING.**

- (A) Development on slopes of 15 percent or greater shall be subject to the provisions of [§25.29.030](#) through [§25.29.036](#).
- (B) Visibility of driveways and access roads on slopes of greater than five percent shall be minimized to the extent feasible using careful siting, terracing, existing vegetation, or new vegetation. Visibility of driveways and access roads on slopes of greater than five percent shall be fully screened from views from scenic highways.
- (C) Portions of a site not covered by structures, pavement, or natural vegetation/rock shall be landscaped with native drought tolerant or low water usage.
- (D) Landscaping and screening trees shall be selected from the list of native trees included in Exhibit A to [chapter 19.33](#).
- (E) Woodlands canopy cover shall be retained in accordance with [chapter 19.33](#).
- (F) No oak tree, as included within the definition in [§25.29.212](#), shall be removed for construction of structures, utilities, parking, or roads; all development shall primarily be sited within areas clear of oak trees. Careful and thoughtful site

planning may allow for selected trimming of such trees to best accommodate structures or pathways.

- (G) No greater than 10 percent of total landscape planting areas may be irrigated, unless a rainwater catchment system is used as the sole source of irrigation on areas exceeding the 10 percent limit.
- (H) Grading and ground disturbance shall be subject to the provisions of [chapter 19.05](#).
- (I) All site improvements shall be in compliance with applicable state and local fire-resistance and fire protective standards.
- (J) Utilities and support systems, including transformers, conducting wires, pipes, trash enclosures, and heating or cooling equipment, shall be screened from view, with a door or gate at the access point. Structural screens shall be of compatible design to the primary buildings; fences or walls shall be of decorative design or screened at least 50 percent by vegetation. Public safety or convenience items (e.g. fire hydrants, trash receptacles, and drinking fountains) shall not be subject to this section.

**§ 25.16.~~072-071~~ 071 THEME AND TOURISM MARKETING PLANS.**

- (A) The applicant and/or property owners within each C-3 district node shall prepare a comprehensive design theme description and tourism marketing plan, which shall be consistent throughout that C-3 district node (see [§ 25.16.~~065064~~](#), Architectural Theme).
- (B) The design theme description shall be consistent with [§25.16.~~075-074~~](#) et seq. and provide the following information at a minimum:
  1. Verbal description of the intended overall visual character of the node, and accompanying photographs or illustrations as needed to augment the verbal description.
  2. Description of the architectural style or defining architectural characteristics.
  3. Description of the intended types of uses, structures, lighting, landscaping, and signs, and how those embody and reinforce the theme.
- (C) The County tourism marketing program shall provide the following information at a minimum:
  1. Designation and description of a space, building, or scheme comprising at least 300-square feet.
  2. Description of the San Benito County tourism themes and information, art, products, and services to be showcased.
  3. Description of the presentation of the tourism themes.

- (D) The theme and tourism marketing plans shall be approved prior to consideration of development applications.

§ 25.16.073-072 PROCEDURES AND FINDINGS.

- (A) Permitting Procedures.

1. Site Plan Review. Site Plan Review permits shall be limited to the minor use applications as listed in § 25.16.062, and determinations shall be made based on materials necessary to adequately describe the proposed use, in a letter issued by the Planning Director, without the need for public notice. If a Master Development Plan has been approved, the determination shall be made by the Planning Director with a pre-noticed administrative determination.

~~2. Design Review Permit. Design review permits shall be limited to the applications listed in § 25.16.063. A site plan and/or project summary detailing the proposed use shall be prepared to the satisfaction of, and subject to review and approval of the Planning Commission at a duly noticed public hearing. A request for a change of use will require the submittal of a site plan or project summary detailing the change in use.~~

~~3.2. Master Development Plan. Master Development Plans, including amendments thereto, shall be approved by the Planning Commission, or the Board of Supervisors on appeal, and approved by resolution.~~

~~4.3. Master Development Plan Implementation. The Planning Director shall make the following determinations within areas with an approved Master Development Plan: approvals of final site plan, sign program, lighting plan, or landscape plans; interpretations of uses permitted by a Master Development Plan; and minor adjustments to standards within a Master Development Plan, not to exceed 10 percent of the established standard. Uses conceptually described in an approved Master Development Plan, shall require administrative Site Plan Review by the Planning Director, in accordance with § 25.16.062, to establish consistency with the Master Development Plan.~~

- (B) Findings. As part of a pre-noticed administrative determination by the Planning Director or after a public hearing by the Planning Commission, the Planning Director or Planning Commission may approve or conditionally approve the application under its purview if the following findings can be made:

1. That the proposed use is properly located in relation to the district regulations, the general plan, and to the community as a whole. Other land uses, transportation, service facilities, and utilities shall be considered in the review;
2. That the proposed use is designed for visual compatibility with the environment and scenic qualities of the scenic corridor;



3. That the proposed use will not cause any damage, hazard or nuisance to persons or property.

If the Planning Director is unable to make these findings, the request may be appealed to the Planning Commission, and if upon appeal the Planning Commission cannot make these findings, the application must be denied, and their decision is final. A subsequent use permit request can be made for consideration by the Planning Commission. If the Planning Commission cannot make those findings, the request may be appealed to the Board of Supervisors, and if on appeal, the Board of Supervisors cannot make these findings, the application must be denied the their decision is final.

- (C) Review by Other Agencies. Every application accepted for a proposed use in the C-3 district, lying within the boundaries of the "sphere of influence" of any governmental agency, shall be submitted for review and comment to said agency within five (5) days of acceptance of said application. Said agency shall have fifteen (15) days to review and comment upon the application.
- (D) Appeals. Appeals of decisions shall be as set forth in [chapter 25.47](#).
- (E) Termination of Inactive Permits and Uses. If operation of an approved use fails to commence within the timeframe identified in the Master Development Plan, two (2) years from approval of the Master Development Plan if not otherwise stated, the use shall be deemed to have been abandoned, and an amendment to the Master Development Plan shall be required to re-establish the use. A notice of pending termination shall be posted no less than eleven (11) months after presumed abandonment, and the permit shall expire thirty (30) days after the two (2)-year anniversary date contained in notice as posted if the use is not reactivated per the determination of the Planning Director. If an operating use is suspended for more than one year, a Site Plan Review shall be required to re-establish the use.
- (F) Establishment of C-3 District Nodes. Establishment of an additional C-3 district node on the zoning map shall not be approved without concurrent adoption of a zoning code amendment to provide special regulations for the proposed additional node, and designation as a regional commercial node on General Plan Land Use Figure 3-5, Commercial and Industrial Nodes.
- (G) Legal descriptions shall be required as part of final engineering in implementation of a Master Development Plan.

#### **§ 25.16.~~074~~-073 CONTINUANCE OF EXISTNG USES.**

Legal uses existing upon adoption of this chapter shall be allowed uses, provided legal operations continue with no suspension or abeyance in excess of one year. If operation of a use is suspended for more than one year, the use shall be deemed to have been abandoned and

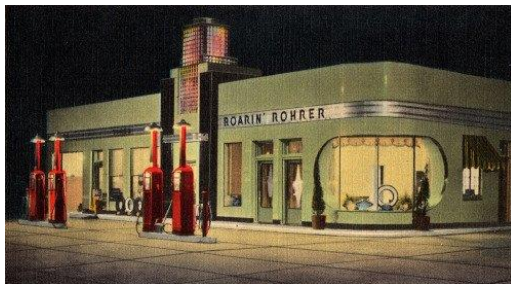
[§25.16.~~073~~-072](#) (E) shall apply.



§ 25.16.075-074 SPECIAL REGULATIONS FOR BETABEL ROAD NODE.

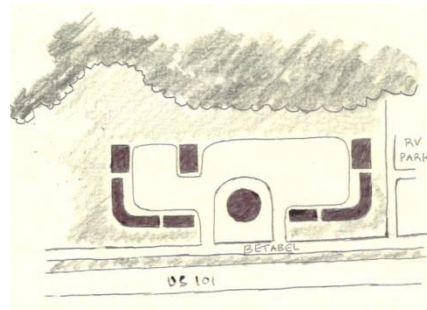
The following special regulations and standards shall apply in the regional commercial node at Betabel Road.

- (A) Theme. The Betabel Road node theme is mid-century roadside. Key characteristics shall relate to the auto-oriented development of the pre- and post-World War II eras.
- (B) Architecture. Typical building types, styles, and features include:
  - 1. Post-modern styles including Googie, streamline moderne, and/or art deco, and variations thereof.
  - 2. Steel, glass, illuminated paneling, and other fabricated materials associated with the architectural styles.
  - 3. Unique sweeping, cantilevered, or projecting rooflines.
  - 4. Neon or lighting as an architectural element but not as the dominant feature.
  - 5. Fins, cut-outs, stylized shapes, and other decorative embellishments.
  - 6. The accompanying photographs portray representative architectural examples, and are not prescriptive.



- (C) Site Design and Scenic Resource Compatibility. The following site design features shall be required:
  - 1. Landscaping shall be designed to reduce visibility of parking lots from U.S. Highway 101.

2. Landscaping shall feature full-sized trees to the eastern side of the buildings to partially screen the buildings from U.S. Highway 101. Unobscured views of the buildings are permitted from Betabel Road.
3. Buildings should be clustered near the north end of the node, and less intense development shall be located nearest to the ~~Pajaro River~~ San Benito River.
4. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



- (D) Regional Sign for Southbound Traffic. Development within the Betabel Road node shall include a regional sign oriented for southbound U.S. Highway 101 visibility, subject to ~~§25.16.069-068~~ (E).

#### **§ 25.16.~~076-075~~ SPECIAL REGULATIONS FOR HIGHWAY 129 NODE.**

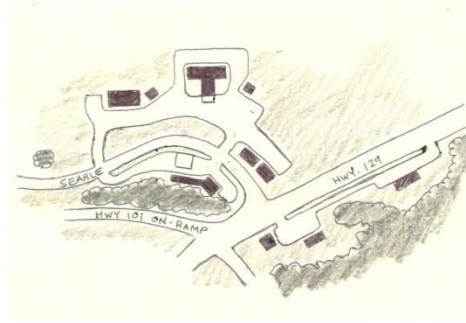
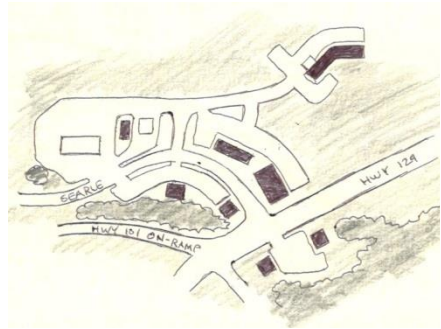
The following special regulations and standards shall apply in the regional commercial node at Highway 129/Searle Road.

- (A) Theme. The Highway 129 node theme is early farmstead. Key characteristics shall include a primary building evoking a farmhouse, a secondary building emulating a barn, with various out-buildings (which can include accessory structures such as a windmill or water tank) and an overall pastoral feel.
- (B) Architecture. Typical building types, styles, and features include:
1. Italianate, Victorian, Colonial Revival, or similar period style for the main building. Secondary buildings should be simpler and less-decorated, but employing characteristics of the main building architectural style. Barn and outbuildings may utilize a rural rustic style if desired.
  2. Lap siding, shingles, and/or stucco.
  3. Massing, roof forms, windows, and trim associated with the selected architectural style.
  4. The accompanying photographs portray representative architectural examples, and are not prescriptive.



(C) Site Design and Scenic Resource Compatibility.

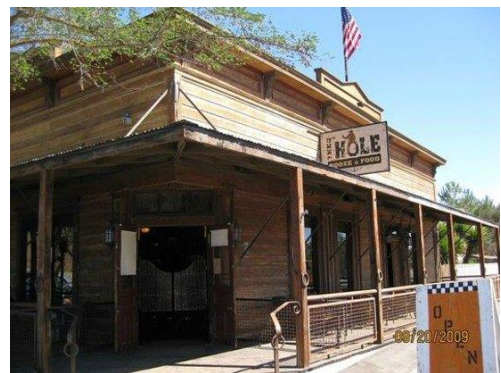
1. As viewed from U.S. Highway 101 and State Route 129, no roofline shall extend above the ridgeline or hilltop.
2. Development shall be clustered where feasible and focused along Searle Road, the northwest side of State Route 129, and the strip along the eastern side of State Route 129. ▸
3. Except as may be allowed by subsection (D), the hillside to the southwest side of State Route 129, and immediately adjacent to the highway, shall remain in open space.
4. Development shall be designed to protect upland habitat and protected-species migration areas associated with the off-site pond to the southwest.
5. Building colors shall be chosen from palettes historically associated with the selected architectural style.
6. Access from and street improvements at intersections with State Route 129 shall be designed in accordance with Caltrans standards.
7. Regional Sign for Eastbound Traffic. Development within the Highway 129 node shall include a regional sign oriented for eastbound State Route 129 visibility, subject to §25.16.069-068 (E).
8. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



§ 25.16.077-076 SPECIAL REGULATIONS FOR ROCKS RANCH NODE.

The following special regulations and standards shall apply in the regional commercial node at Rocks Ranch/Red Barn.

- (A) Theme. The Rocks Ranch node theme is Old California village or small town. Key characteristics include small-scale buildings arranged to enclose outdoor public space.
- (B) Architecture. Typical building types, styles, and features include:
  - 1. Individual small-scale buildings.
  - 2. Variable roofs including gables, Dutch gables, Spanish-influenced roof parapets, false fronts, and lean-to sheds.
  - 3. Clapboard siding or bare wood.
  - 4. Double-hung or casement windows.
  - 5. Covered arcades fronting buildings.
  - 6. The accompanying photographs portray representative architectural examples, and are not prescriptive.

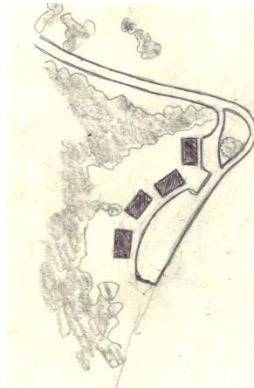
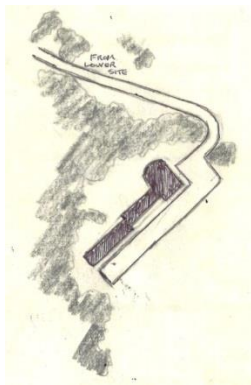
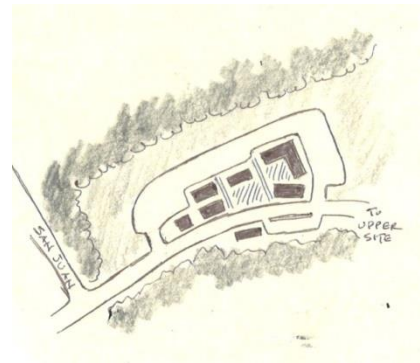
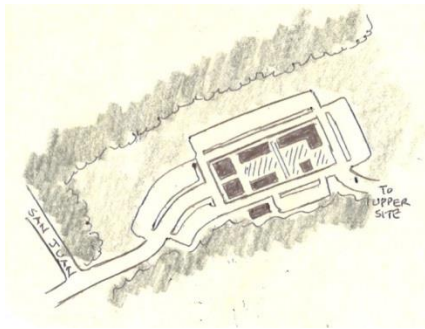






(C) Site Design and Scenic Resource Compatibility.

1. Structures shall be organized along street frontages, and/or clustered, in either case providing for interconnecting pedestrian ways and public plaza or park space.
2. Buildings and signs on the lower portion of the site shall be only minimally visible from U.S. Highway 101.
3. Buildings and signs on the upper portion of the site shall be nestled into the hillsides and trees, and not visible from U.S. Highway 101. A single larger building may be included on the upper site.
4. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



- (D) Regional Sign for Northbound Traffic. Development within the Rocks Ranch node shall include a regional sign oriented for northbound U.S. Highway 101 visibility, subject to ~~§25.16.069-068~~ (E).

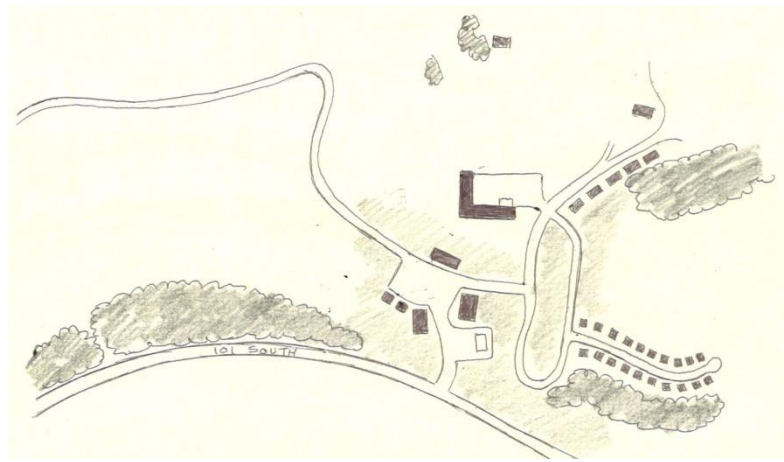
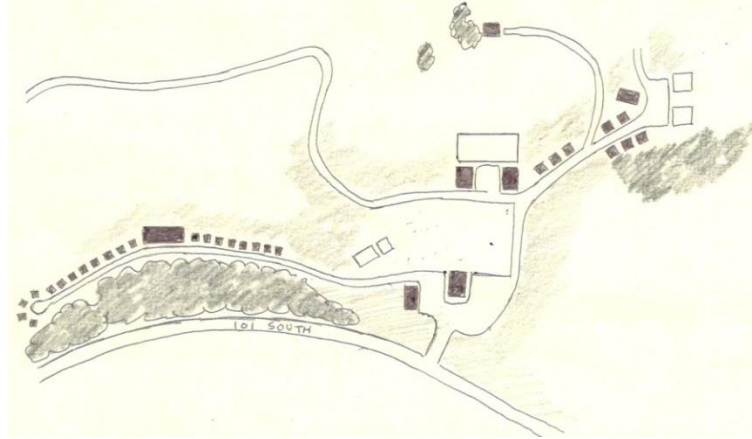
**§ 25.16.077 SPECIAL REGULATIONS FOR LIVESTOCK 101 NODE.**

The following special regulations and standards shall apply in the regional commercial node at Livestock 101.

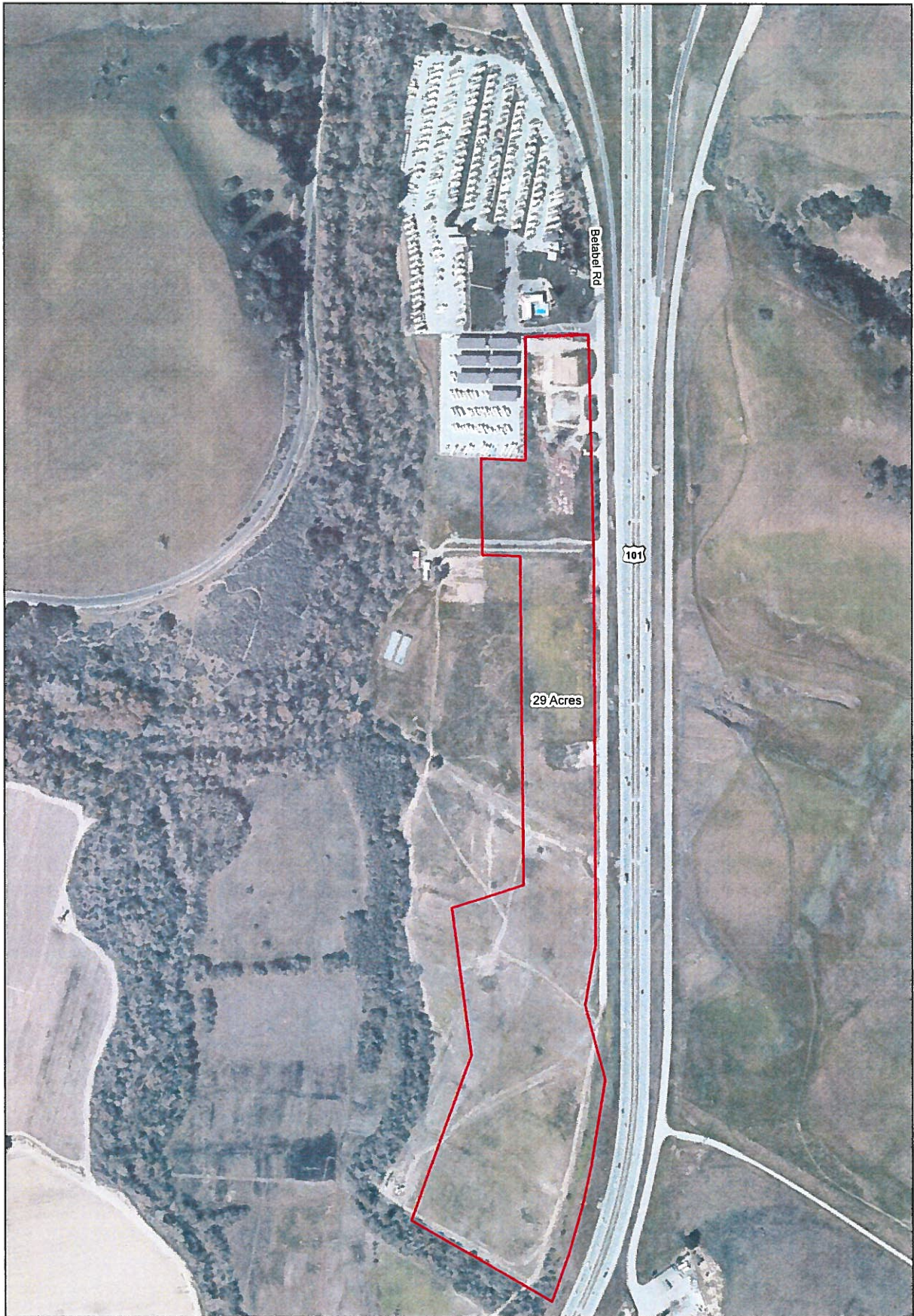
- (A) Theme. The Livestock 101 node theme is working cattle or horse ranch. Key characteristics shall include one or two major structures with smaller outlying structures and open spaces.
- (B) Architecture. Typical building types, styles and features include:
1. Barn(s) in traditional central California style, with steeper central roof pitches and side sheds or a monitor.
  2. Farmhouse in any traditional style.
  3. Weathering steel, standing seam, wood, or similar rustic finishes.
  4. The accompanying photographs portray representative architectural examples, and are not prescriptive.



- (C) Site Design and Scenic Resource Compatibility
1. Building design and placement shall emphasize compatibility with adjacent rural uses and be clustered where feasible.
  2. Views of the western tree line from U.S. Highway 101 shall be preserved.
  3. Structures in the southeast corner of the site shall be screened from U.S. Highway 101 by native vegetation.
  4. Customer or guest vehicular access from Cole Road shall be inbound only. Site operations traffic and emergency traffic may use Cole Road inbound or outbound.
  5. Access from U.S. Highway 101 shall be designed in accordance with Caltrans standards.
- (D) The accompanying sketches portray conceptual site design examples, and are not prescriptive.







Source: ESRI 2019, San Benito Engineering & Surveying, Inc. 2019, California Department of Conservation 2016



**Betabel Road Regional Commercial Area Boundary**  
Commercial Nodes Regulation





Source ESRI 2019, San Benito County GIS 2016, California Department of Conservation 2016



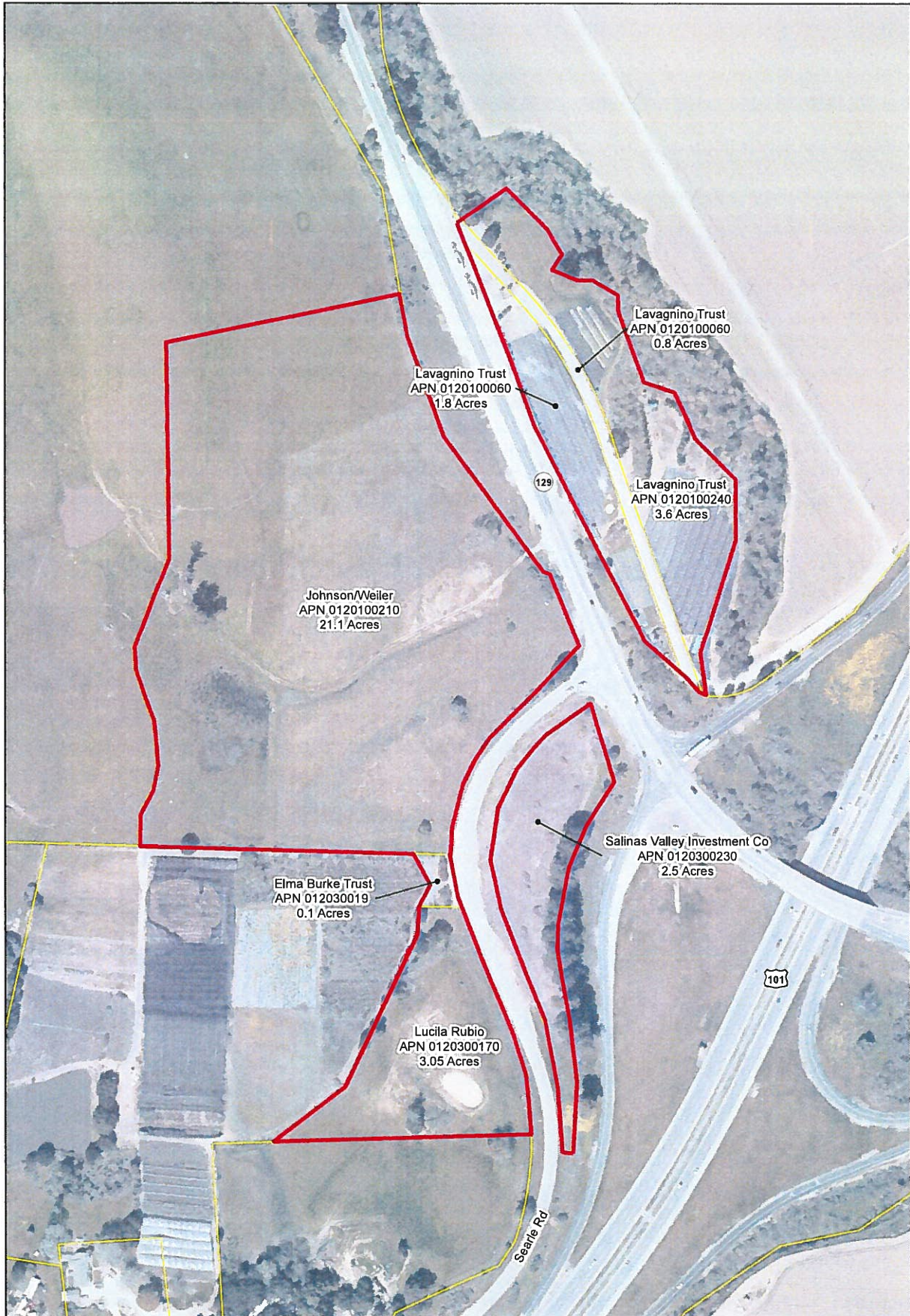

 Regional Commercial Area Boundary - 33 Acres

E M C

# Highway 129 Regional Commercial Area Boundary

Commercial Nodes Regulation





Source: ESRI 2019, San Benito County GIS 2016, California Department of Conservation 2016



# Highway 129 Regional Commercial Area Parcel Map

Commercial Nodes Regulation







Source: ESRI 2019

# Rocks Ranch Regional Commercial Area Boundary

Commercial Node Regulation

Regional Commercial Area  
Boundary - 77.3 Acres



- E
- M
- C





Source: ERSI 2019, San Benito County GIS 2016

Regional Commercial  
Area Boundary - 159.2 Acres

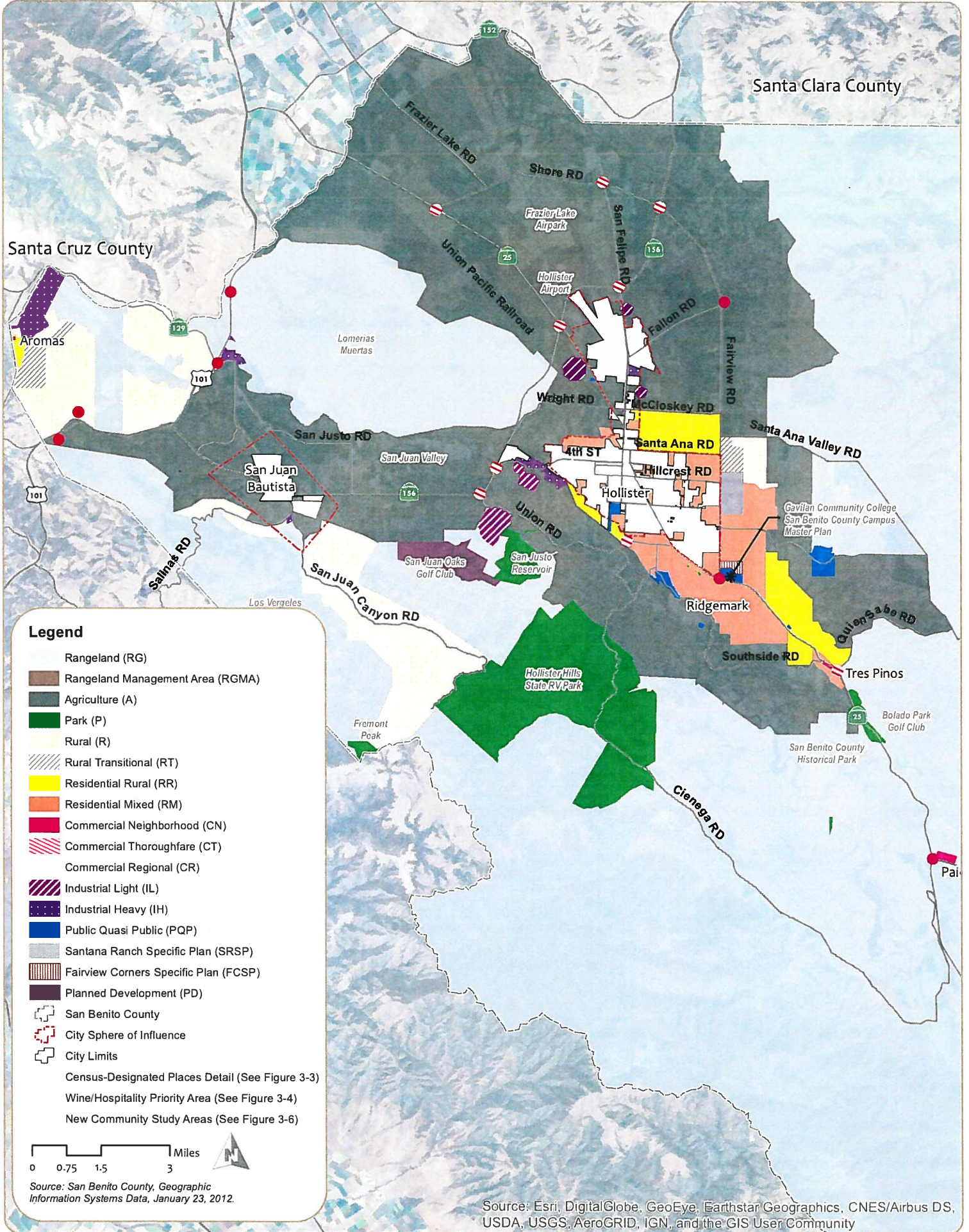


# Livestock 101 Regional Commercial Area Boundary

Commercial Nodes Regulation

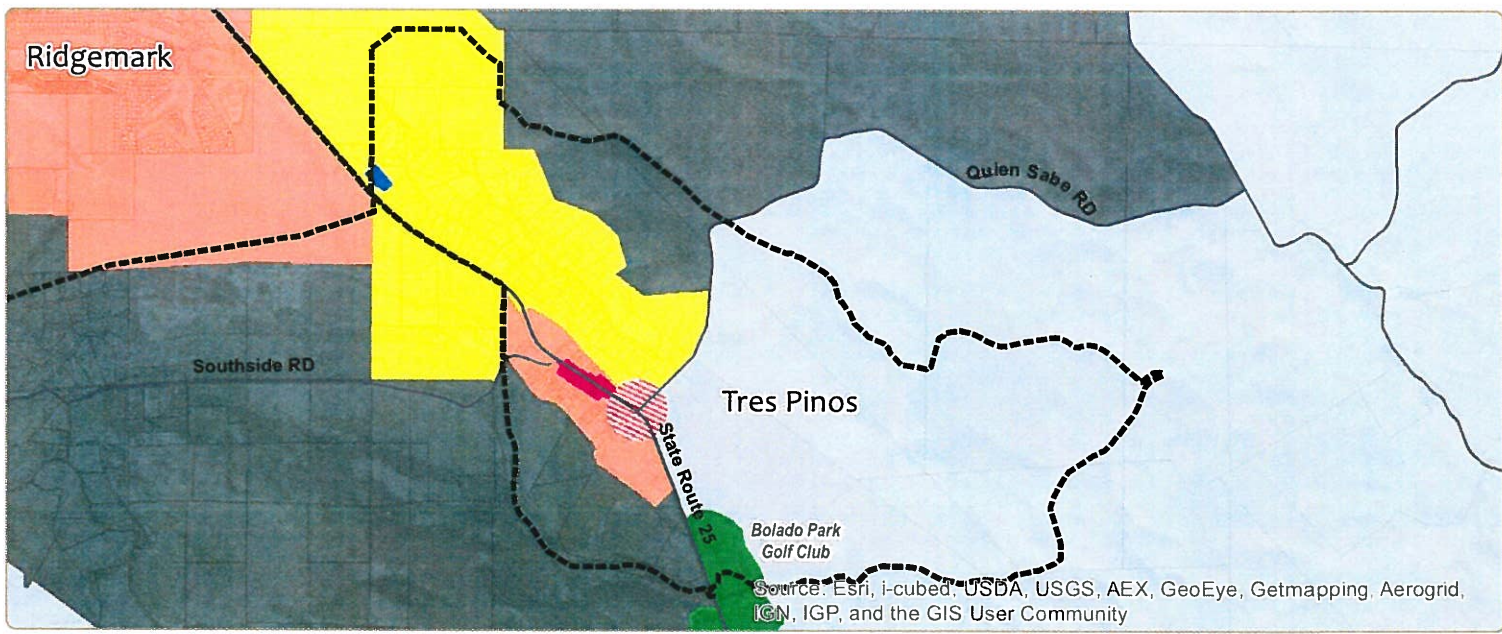
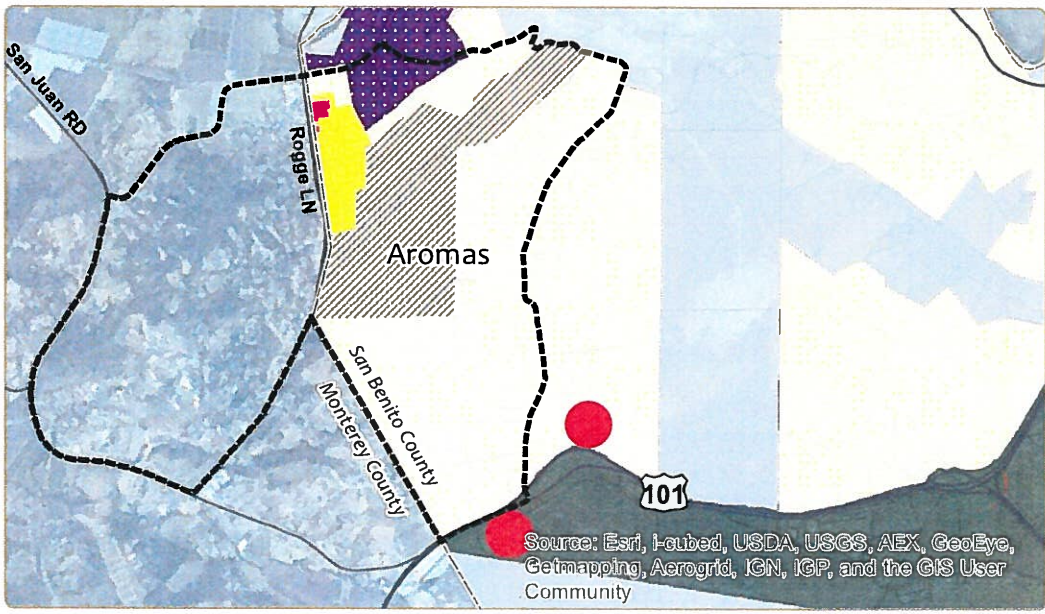
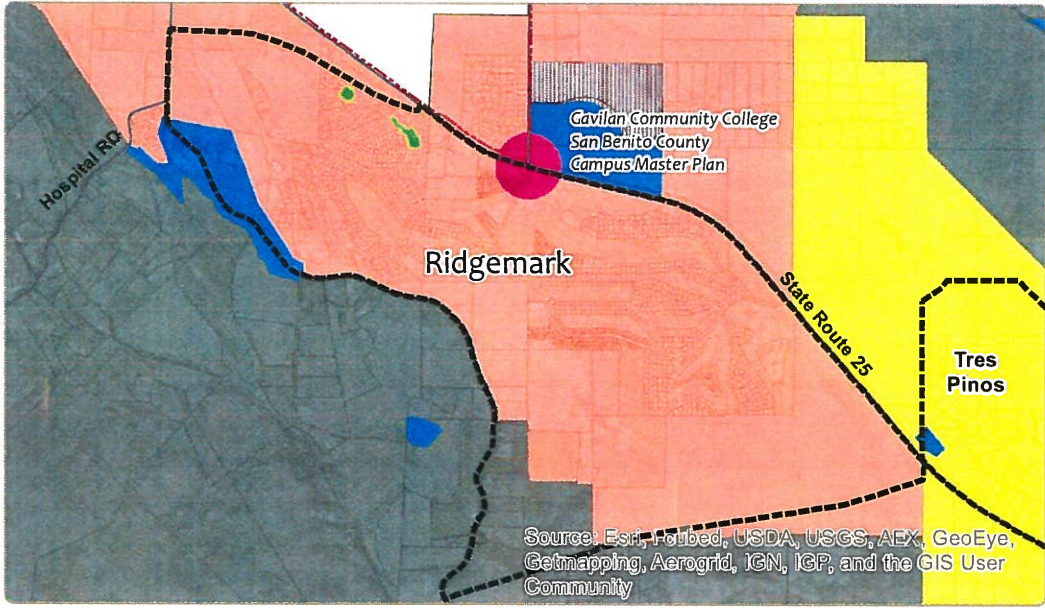
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**Figure 3-2**  
**Land Use Diagram (North County Detail)**

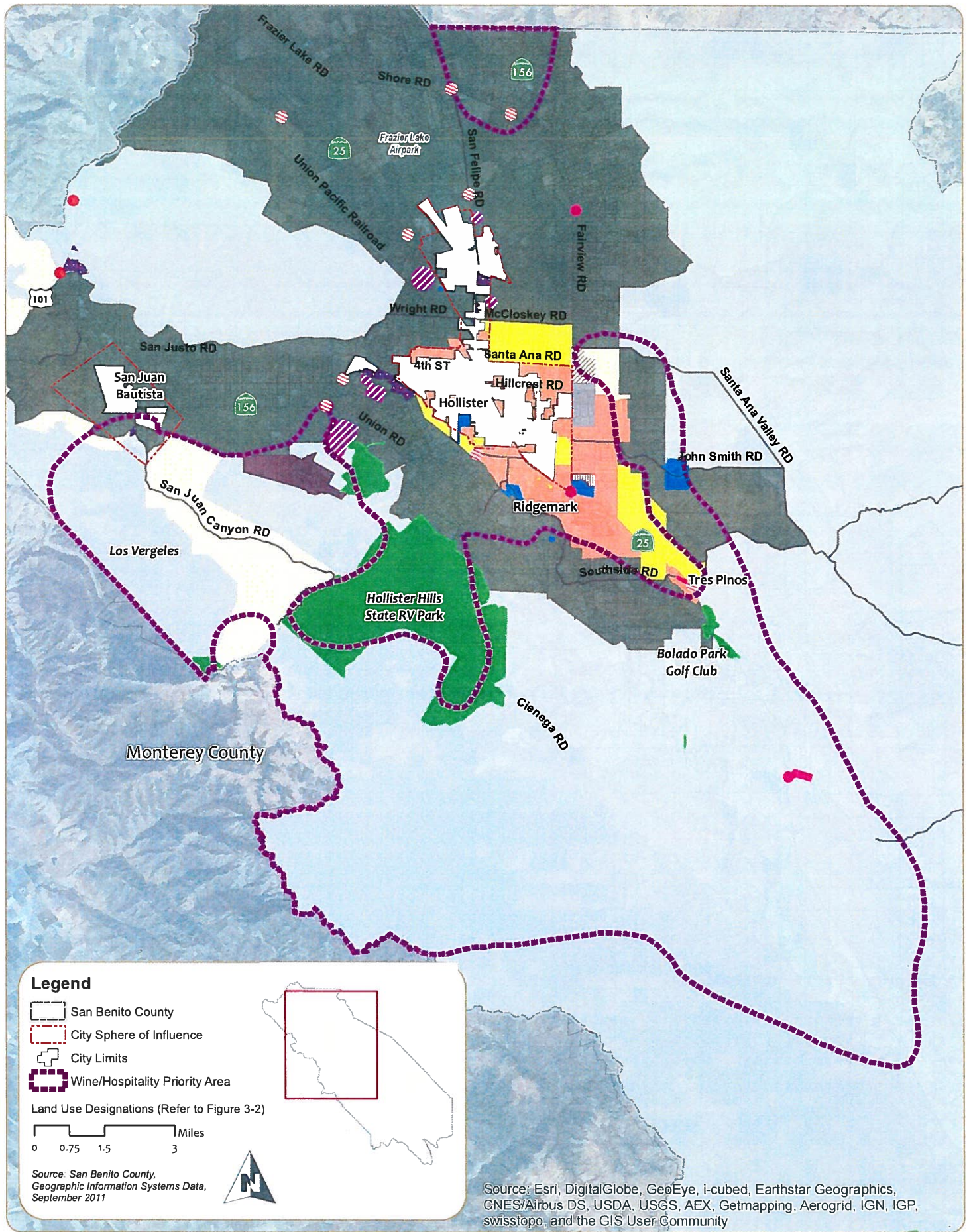




**Figure 3-3**

**Land Use Diagram (Census Designated Places Detail)**

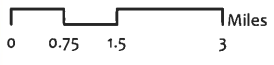




**Legend**

- San Benito County
- City Sphere of Influence
- City Limits
- Wine/Hospitality Priority Area

Land Use Designations (Refer to Figure 3-2)



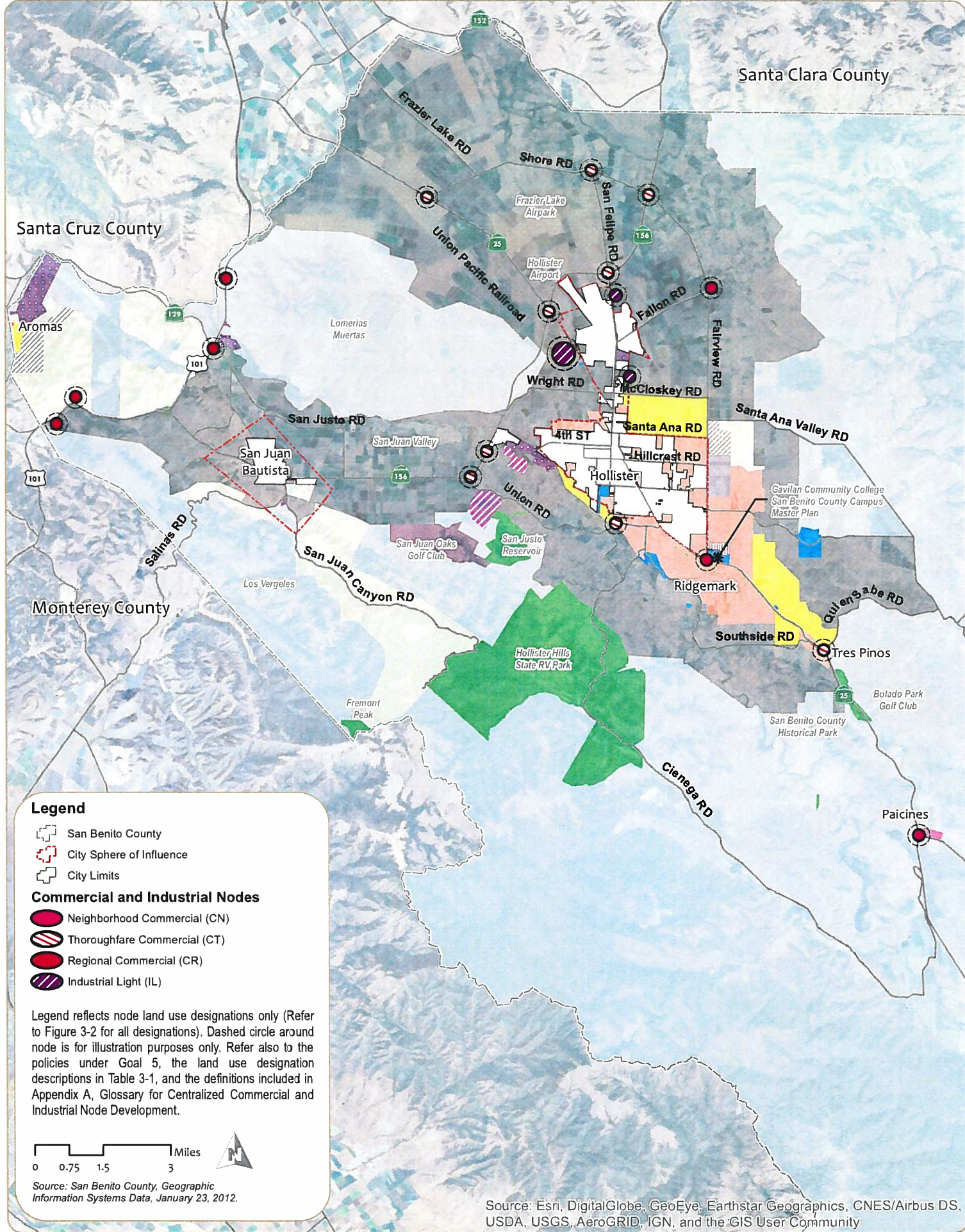
Source: San Benito County, Geographic Information Systems Data, September 2011



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Figure 3-4**  
**Wine/Hospitality Priority Area**





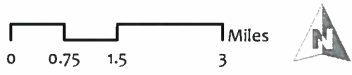
**Legend**

- San Benito County
- City Sphere of Influence
- City Limits

**Commercial and Industrial Nodes**

- Neighborhood Commercial (CN)
- Thoroughfare Commercial (CT)
- Regional Commercial (CR)
- Industrial Light (IL)

Legend reflects node land use designations only (Refer to Figure 3-2 for all designations). Dashed circle around node is for illustration purposes only. Refer also to the policies under Goal 5, the land use designation descriptions in Table 3-1, and the definitions included in Appendix A, Glossary for Centralized Commercial and Industrial Node Development.

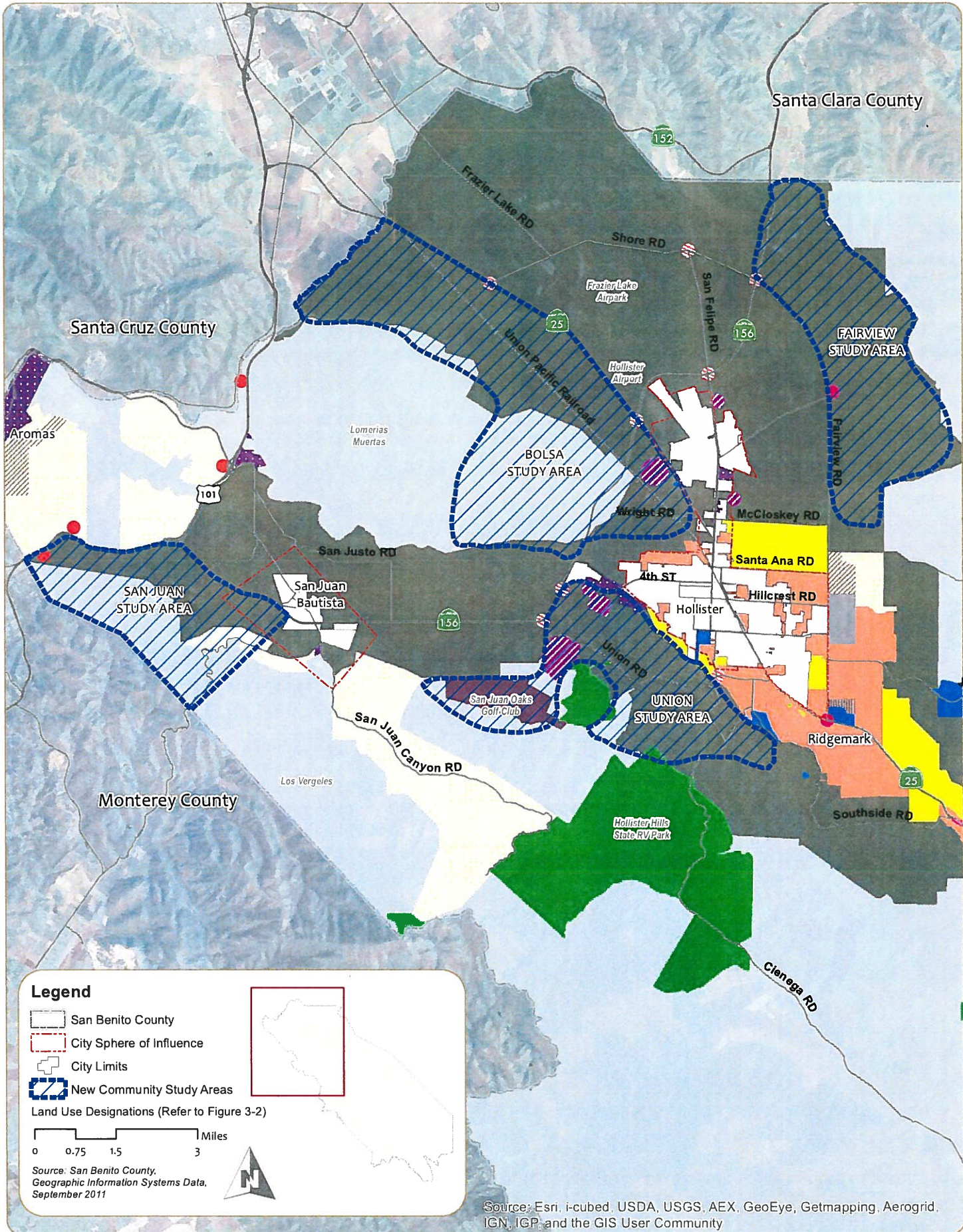


Source: San Benito County, Geographic Information Systems Data, January 23, 2012.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Figure 3-5**  
**Commercial and Industrial Nodes**





**Figure 3-6**  
**New Community Study Areas**



**BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO**

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING ) **Resolution No. 2019-10**  
COMMISSION RECOMMENDING TO THE BOARD OF )  
SUPERVISORS APPROVAL OF PLN180024, INCLUDING A )  
PETITION TO AMEND TITLE 25 AND TO AMEND THE )  
COUNTY ZONING MAP ON DISCONTINGOUS SITES. )

**[AMEND TITLE 25 incorporate Regional Commercial (C-3) District]**

**WHEREAS**, with regard to File PLN 180024-ZA the property owners have filed a petition to amend the County Zoning Code Title 25 to include provisions for the Regional Commercial (C-3) District and associated changes; and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the zoning code amendment at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, in accordance with County Code §25.45.005, the Planning Commission finds the zoning code amendment is consistent with and implements the 2035 General Plan goals and policies and is good zoning practice; and

**WHEREAS**, the Planning Commission has determined the project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines; and

**[AMEND ZONING MAP]**

**WHEREAS**, in regard to File PLN180024-ZC1 "*Betabel*" the subject parcel is located at 9664 and 9644 Betabel Road, San Juan Bautista on the west side of U.S 101 in San Benito County, California (Assessor's Parcel 013-150-017, -018, -023, -024 & -025) and is approximately 55.5-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Rangeland/Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP) and

**WHEREAS**, the property owner has filed a petition to amend the County zoning map to Regional Commercial-Floodplain (C-3/FP); and

**WHEREAS**, in regard to File PLN180024-ZC2 "*SR129/Searle Road*" the subject parcel is located on the westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista in San Benito County, California (all or a portion of Assessor's Parcel 012-010-007, -017, -021, & -024; 012-030-019 & -023) and is approximately 39.7-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Rural or Rangeland and Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) and

**WHEREAS**, the property owner has filed a petition to amend the County zoning map to Regional Commercial (C-3); and

**WHEREAS**, in regard to File PLN180024-ZC3 "*Rocks Ranch*" the subject parcel is located on the southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista in San Benito County, California (portion of Assessor's Parcel 011-310-006) and is approximately 72-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Commercial Regional and Rangeland or Agriculture and a zoning designation of Agricultural Rangeland (AR) or Agricultural Productive (AP) and

**WHEREAS**, the property owner has filed a petition to amend the County zoning map to Regional Commercial (C-3); and

**WHEREAS**, in regard to File PLN 180024-ZC4 "Livestock 101" the subject parcel is located on the northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas in San Benito County, California (Assessor's Parcel 011-280-027, -028, -029, -030, -034, -035 & -036) and is approximately 159.5-acres in area; and

**WHEREAS**, the subject property currently has a General Plan Land Use Diagram designation of Rural and a zoning designation of Rural (R) and Neighborhood Commercial Combining (C-2) on approximately 16-acres; and

**WHEREAS**, the property owner has filed a petition to amend the General Plan to Commercial Regional and County zoning map to Regional Commercial (C-3); and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the zone change at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, in accordance with County Code §25.45.005, the Planning Commission finds the zoning map amendments are consistent with the 2035 General Plan and will serve the public necessity, convenience and general welfare, and is good zoning practice; and

**WHEREAS**, the project does include or propose any new construction on the subject property; and

**WHEREAS**, the Planning Commission has determined the project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines; 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:** Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines.

***Evidence:** The proposed project is for changes to the County Zoning Map to implement the 2035 General Plan goals, policies and land use element. The project does not include allow the construction of any new buildings and creates no physical changes to the existing environment. An addendum to the Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 ("General Plan EIR") has been prepared. The General Plan EIR analyzed the San Benito County 2035 General Plan ("General Plan"), which was adopted by the San Benito County ("County") Board of Supervisors on the same date. The subject*

addressed by this addendum is the County's Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project").

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would facilitate future development petitions. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional environmental review will be required for development projects when petitions for those projects are processed.

### **2035 General Plan Amendment**

The requested General Plan Land Use Diagram designation change for "Livestock 101" from Rural to Commercial Regional was processed in accordance with the provisions of County Code Chapter 19.29 *General Plan Local Procedures* and the Planning Director has ensured compliance with all provisions of state law relevant for the consideration of a General Plan amendment.

#### **Zone Change Findings:**

**Finding 1:** This zone change is consistent with the 2035 General Plan and any applicable special plan.

*Evidence 1:* For the reasons set forth in the Staff Reports, incorporated herein by this reference, the Planning Commission finds that the zone changes are consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. No further special plan, such as a specific plan, is in effect in this location.

**Finding 2:** The approval of the zone petition will serve the public necessity, convenience and general welfare and is good zoning practice.

*Evidence 2:* The adoption of the code amendments and changes to the zoning map would serve the public necessity, convenience and general welfare in that the goals, policies and Land Use Element of the 2035 General Plan will be implemented. The amendments and changes are good zoning practice in that the provisions and requirements of the Regional Commercial (C-3) District will be implemented in accordance with the General Plan.

**BE IT FURTHER RESOLVED** by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations, and based on the evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors adopt the proposed resolution and ordinances, attached hereto as Exhibit "A," to 1) amend the provisions of County Code Title 25 to incorporate the Regional Commercial (C-3) District, 2) change the 2035 General Plan Land Use Diagram designation of "Livestock 101" from Rural to Commercial Regional and delete the Commercial Regional node at Highway 156, and 3) to amend the zoning map for the subject properties from their current zoning as noted above to Regional Commercial (C-3); and

**NOW BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors consider fiscal analysis during the future approval processes.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15<sup>TH</sup> DAY OF MAY 2019 BY THE FOLLOWING VOTE:**

AYES: *Eggers, Eglund, Gibson, Navarro, Rodriguez*

NOES: -

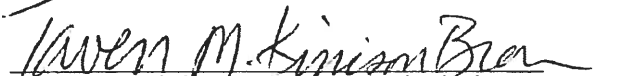
ABSENT: -

ABSTAIN: -



Robert Rodriguez, Chair  
San Benito County Planning Commission

ATTEST:



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



**BETABEL RV PARK**  
9664 Betabel Road  
San Juan Bautista, CA 95045  
(831) 623-2202 Fax (831) 623-2028  
[betabel@betabel.com](mailto:betabel@betabel.com)  
[www.betabel.com](http://www.betabel.com)

Betabel (Sugar Beet)

August 1, 2019

To whom it may concern:

I am the General Manager of Betabel RV Park which is adjacent to the project proposed by Mr. Rider McDowell on Betabel Rd. San Juan Bautista.

We are supporting the project for the following reasons:

1. We need a fuel station in this area for not only our customers but people traveling along the 101 Hwy. People run out of fuel in this area often and come to us for help. Our customers who are staying in our RV park need fuel when leaving our park.
2. Sales tax and jobs for San Benito County would be substantial for the area who need such a thing.
3. A restaurant would be fantastic for the area for our customers also for travelers using the 101 highway for a destination stop. Stopping in this area would bring in more tourism, people would explore the area and be given an introduction to the County and what it has to offer for people to do.
4. The project is dedicated for cancer research that is always a problem that has touched so many peoples lives in one way or another.
5. The project overall, we feel fits the needs of the area and the theme of the project fits the terrain of the Country at heart.

Please Approve this important project for our area  
It is in dire need.

Respectfully

Frank Paura  
General Manager of Betabel RV Park

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# City of San Juan Bautista

The "City of History"

P.O. Box 1420  
311 Second Street  
San Juan Bautista,  
California 95045  
Main: (831) 623-4661  
Fax: (831) 623-4093

## City Council

**Mayor**  
*César E. Flores*

**Vice Mayor**  
*Mary Vazquez Edge*

**Council Member**  
*Leslie Q. Jordan*

**Council Member**  
*John Freeman*

**Council Member**  
*Dan DeVries*

**City Manager**  
*Don Reynolds*

**City Clerk**  
*Laura Cent*

**City Treasurer**  
*Chuck Geiger*

July 16, 2019

Board of Supervisors of the County of San Benito  
County Government Center  
481 Fourth Street  
Hollister, California 95023

Re: Opposition of the City of San Juan Bautista to Amendment  
Amendment of County Code, Title 25 "Zoning Code"  
to Add New Regional Commercial (C-3) Zoning District.

Dear Chair Medina and Fellow Supervisors:

On behalf of the City Council of the City of San Juan Bautista ("City"), as Mayor of the City, I write in opposition to the proposal before you to add a new Regional Commercial (C-3) Zoning District to the County's Zoning Ordinance to implement the intent of the 2035 County General Plan by designating three Commercial Regional Nodes for subsequent development and amending the General Plan to designate a fourth Commercial Regional Node and to allow commercial development by changing the current zoning designations for these properties from their current designations as agricultural and rural properties.

At the City Council meeting of June 18, 2019, the members of the Council reviewed the Staff Report and the County Planning Staff's recommendation from the meeting of the County Planning Commission held on May 15, 2019, to approve the new zoning district. During the meeting the Council received numerous comments from City residents and persons residing within the County, all of whom spoke in opposition to adding the Regional Commercial Zoning District designation to the County's Zoning Ordinance in furtherance of establishing Commercial Regional Nodes ("Nodes") and thereby facilitating development on the first four of these Nodes to be located at:

1. Betabel Road
2. Highway 129/Searle Road
3. Rocks Road/Red Barn
4. Livestock 101

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PLANNING & BUILDING

The City understands that each of these four Nodes is to have a separate and distinct commercial theme as follows: the 55.5 acres of the "Betabel Node" is to



be developed with a mid-century roadside theme employing googie, streamline moderne, art deco architectural styles; the 39.7 acres of the “Highway 129/Searle Road Node” is to reflect an early farmstead theme employing Italianate, Victorian and Colonial Revival styles; the 72-acre “Rocks Ranch Node” theme is that of an old California village featuring false fronts, Spanish-influenced roof lines, Dutch gables and lean-to sheds<sup>1</sup>; while the 159.3 acres of the “Livestock 101 Node” would reflect the attributes of a working cattle or horse ranch in a Central California style. The city further understands that lodging, restaurant, gas station and fast food establishments and other visitor-serving commercial attributes, as well as a possible residential component, are to be associated with some or all of these Nodes.

The members of the public who spoke to the City Council articulated what the Council found to be well-reasoned, sincere and serious expressions of concern as to the development and the effects of development of commercial Nodes in general and to the specific conceptual development proposals. In summary, those concerns which are also shared by the City Council include:

(a) The potential to destroy forever the rural and natural attributes which make the City and the County unique and attractive places to live, work and recreate. The relatively massive nature and the aesthetics of the proposed developments would fundamentally change the character of our environment without adequate consideration for protecting the interests or the property values of residents in those areas. Despite the “country theme park” attributes for each of proposed Nodes, the inevitable result would be regional urbanization and a loss of identity.

(b) Any one of the proposed developments would have a significant and negative effect, and in combination possibly a devastating effect, on the water supplies for the entire region which are already in certain areas in a critical overdraft condition with significant numbers of wells having gone dry. For the Betabel Node, due to its location in a floodplain an above ground septic sewer systems may be the only viable wastewater alternative thereby creating the risk of a effluent discharge into the Pajaro or San Benito Rivers and local streams.

The Final Environmental Impact Report for the 2035 San Benito County General Plan Update was prepared four years ago and hydrological conditions for the prospective water supplies intended to serve each Node have almost certainly changed. The C-3 Zone District Initial Studies and Addenda to the Revised Draft EIR 2035 San Benito County General Plan for the Rocks Ranch/Red Barn Node, located within the Pajaro Valley Groundwater Basin, and the Livestock 101 Node, located predominately within the Pajaro Valley Groundwater Basin, both include the San Benito County Water District’s recommendation for further “hydrogeological study as part of a water supply report for [each] site to establish the sustainable water supply prior to development. [Emphasis added]” The City believes this should serve as a “red flag” and on that basis urges the Board of Supervisors to require that those hydrological studies be performed prior to changing the Zoning Ordinance and adding new regional commercial development on the scale contemplated which would further draw on the already limited supplies of potable water.

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<sup>1</sup> As San Juan Bautista is this year celebrating its sesquicentennial, we find it particularly ironic that Section 25.16.078 “Special Regulations for Rocks Ranch Node” of the proposed amendment to Title 25 of the County’s Zoning Ordinance uses photos of buildings located in San Juan Bautista to portray the attributes of what is sought for that Node’s “Old California Village” theme.

(c) Each of these proposed developments would create even more traffic on roads which have difficulty accommodating even the current volume of traffic. The weekly traffic jams now experienced with greater and greater frequency on Highway 101 would become an even more frequent occurrence with the associated and corresponding loss of air quality.

(d) The areas proposed for the commercial Nodes each serve as important wildlife corridors which would be negatively impacted by development.

(e) The City of San Juan Bautista will inevitably experience a significant loss of revenue as visitors are increasingly diverted to the Nodes and away from our city.

Some members of the public who addressed remarks to the City Council complained and were frustrated by their belief that there was little information provided concerning the effect of establishing zoning designation C-3 Regional Commercial when the 2035 County General Plan was adopted.

In its discussion the Council as well as some members of the public recognized that there is a legitimate need for revenue-generating commercial development options and that in the effort to facilitate commercial development the City and the County have similar and shared interests and needs. However, the City Council has significant concerns regarding the wisdom of the Board of Supervisors adopting the changes to the County's Zoning Ordinance as recommended by the Planning Commission and, on that basis, wishes to convey to the Board its opposition and objection to the amendment of Title 25, the County's Zoning Code to add a designation of Regional Commercial (C-3) Zoning District and to the creation and the development of the four Nodes as described herein.

The City appreciates the Board's attention to these concerns and the City Council is willing to work together with the County to ensure commercial development can take place in locations and in a manner and scale that continues to protect the shared interest of our residents and the unique and special attributes of our respective jurisdictions.

Respectfully,



César E. Flores  
Mayor

CEF:rwr

cc: Council Members  
City Manager

