



**SAN BENITO COUNTY  
PLANNING COMMISSION**

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

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*Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023*  
**PLANNING COMMISSION - REGULAR SESSION-**  
**AUGUST 17, 2022**  
**6:00 PM**

**NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS**

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

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

*This meeting can be accessed in the following methods:*

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

*Webinar ID: 832 2986 7966  
Webinar Password: 823351*

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

your turn arrives.

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

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

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

Ø **San Benito County Facebook Page:**

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

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

[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA)

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

**E. Public Comment Guidelines:**

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

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

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

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

**CALL TO ORDER**

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## CERTIFICATE OF POSTING

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)  
[Acknowledgement of Certificate of Posting](#)  
CERTIFICATE OF POSTING 8-17-2022.pdf

## DEPARTMENT ANNOUNCEMENTS

1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, ASST. DIRECTOR - PLANNING AND BUILDING](#)  
[Receive update on major project applications and provide staff guidance on prioritization and scheduling of public hearings in a manner in consideration pf limited staff resources.](#)  
PPT\_MajorProjectApplicationTimelines\_8-17-2022 PC Meeting.pptx

## PUBLIC COMMENT

### CONSENT AGENDA

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

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

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)  
[Acknowledgement of Public Hearing](#)  
PHN\_FREELANCE\_MULTIPLE\_220817\_Revised HFL publication 42421-6.pdf
2. [RESOURCE MANAGEMENT AGENCY-A.PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)  
[Resolution to Authorize Teleconferencing in Accordance with Assembly Bill 361 \(2021\).](#)  
PC\_Comm\_n\_Resol\_n\_Re\_Cont\_d\_Teleconf.\_Mtgs.\_Per\_AB\_361\_2022-08-17.pdf

## ADOPTION OF ACTION MINUTES

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)  
[Approve April 20, 2022 Draft Meeting Minutes](#)  
2022\_4\_20\_MinutesMeeting.pdf
2. [RESOURCE MANAGEMENT AGENCY-A.PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)  
[Approve April 27, 2022 Draft Special Meeting Minutes](#)  
2022\_4\_27\_MinutesMeeting.pdf
3. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)

[Approve May 18, 2022 Draft Meeting Minutes](#)  
[2022\\_5\\_18\\_MinutesMeeting.pdf](#)

4. [RESOURCE MANAGEMENT AGENCY-A.PRADO, ASST. DIRECTOR-PLANNING AND BUILDING](#)  
[Approve June 1, 2022 Draft Special Meeting Minutes](#)  
[2022\\_6\\_1\\_MinutesMeeting.pdf](#)

## REGULAR AGENDA

1. [RESOURCE MANAGEMENT AGENCY- A. PRADO, ASST. DIRECTOR - PLANNING AND BUILDING](#)  
[Provide staff direction on Rural Home Enterprise and Home Occupation to update code to include Rural Transitional Zoning as an allowed zoning district to operate rural home enterprises and home occupations.](#)  
[25.03 Zoning Map and Districts.pdf](#)  
[Ordinance 1034.pdf](#)
2. [RESOURCE MANAGEMENT AGENCY - A. PRADO, ASST. DIRECTOR - PLANNING AND BUILDING](#)  
[Receive informational presentation from the San Benito County Water District on water operations and condition of current drought.](#)

## PUBLIC HEARING

1. [PLN200054 \(San Juan Green Cannabis Facility Conditional Use Permit\): OWNER: Joshua B. and Robyn R. Watt. APPLICANT: Jim Keener. LOCATION: 2400 San Juan Hollister Road \(also known as San Juan Road, one-third mile west of the 4<sup>th</sup> Street bridge over the San Benito River\). APN: 021-020-029. REQUEST: To establish a commercial cannabis cultivation, manufacturing, and distribution facility, beginning with cannabis cultivation in an existing 10,608-ft<sup>2</sup> building, followed by two additional buildings later constructed with 5,760- and 8,400-ft<sup>2</sup> footprints and two stories each and containing additional cannabis cultivation plus volatile manufacturing including cannabis material extraction. The full project's floor area including multiple stories would total 46,263 ft<sup>2</sup>, including an existing 13,934 ft<sup>2</sup> floor area. Grading with 1,010 yd<sup>3</sup> cut and 1,740 yd<sup>3</sup> fill would level and prepare the site. Approximately 37,000 ft<sup>2</sup> of canopy would be grown during full operation. Initially 10 employees would work daytime all days of the week during, with staff later expanding by 16 more employees. Carbon filters and a closed-loop air environment would prevent odor. GENERAL PLAN DESIGNATION: Industrial Heavy \(IH\). ZONING DISTRICT: Heavy Industrial \(M-2\). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration. PLANNER: Michael Kelly \(\[mkelly@cosb.us\]\(mailto:mkelly@cosb.us\)\)](#)

[Planning staff requests continuation of this agenda item to a Planning Commission meeting date to be determined.](#)

[COMMENTS\\_IS\\_DCC\\_PLN200054\\_220804 Dept of Cannabis Control San Juan Green ISMND comments.pdf](#)

[COMMENTS\\_IS\\_DTSC\\_PLN200054\\_220804 Dept of Toxic Substances Control San Juan Green ISMND comments.pdf](#)

[COMMENTS\\_IS\\_PBARLET\\_PLN200054\\_220804 Peggy Barlet San Juan Green](#)

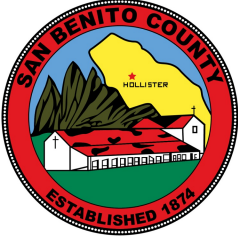
## COMMISSIONER ANNOUNCEMENTS

### ADJOURNMENT

**NOTE:** A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at [www.cosb.us](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**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 4.1**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Acknowledgement of Certificate of Posting

**AGENDA SECTION:**

CERTIFICATE OF POSTING

**BACKGROUND/SUMMARY:**

Acknowledgement of Certificate of Posting

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Acknowledge Certificate of Posting

**ATTACHMENTS:**  
[CERTIFICATE OF POSTING 8-17-2022.pdf](#)



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



## CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Dana R. Serpa-Ostoja, certify that the **REGULAR AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for August 17, 2022, was posted at the following locations, freely accessible to the public, on this day of August 11, 2022, :

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

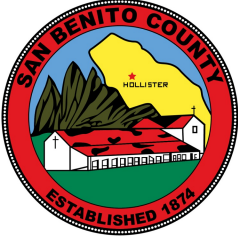
AND

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

AND

San Benito County website <https://www.cosb.us/> in the Events Calendar and Quicklinks – NOVUS Agenda and Minutes sections of the webpage.

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



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

**Item Number: 5.1**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Abraham Prado

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

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

Receive update on major project applications and provide staff guidance on prioritization and scheduling of public hearings in a manner in consideration of limited staff resources.

**AGENDA SECTION:**

DEPARTMENT ANNOUNCEMENTS

**BACKGROUND/SUMMARY:**

At its regular meeting of June 14, 2022, staff provided the San Benito County Board of Supervisors with an informational presentation on the status and timing of pending major project applications expected to come before the Planning Commission and Board of Supervisors in the near future. This report is intended to provide the public and the planning commission with an updated overview of the most current expected dates for release of public review documents and potential public hearing dates before the Planning Commission and Board of Supervisors. Planning staff and consultants are preparing draft environmental review documents for several projects of significant public interest that are expected to be released for public review and comment in the next few months. These projects include the Lee 141-unit residential subdivision, the Highway 129 & Searle Road Traveler's Station, the Ridgemark Infill Tentative Subdivision Map, and the Strada Verde Innovation Park. The Draft Environmental Impact Report (DEIR) for the John Smith Road Landfill expansion was released for public review and comment on July 15, 2022, and written comments should be received by San Benito County no later than 5:00p.m. on August 29, 2022. The County will hold a public town hall meeting about the landfill expansion project and Draft EIR on August 22, 2022, at 6:30 p.m. at the Veterans Memorial Building at 649 San Benito Street in Hollister. The DEIR for the Betabel Road commercial development was released for public review and comment on July 22, 2022, and written comments should be received by San Benito County no later than 5:00p.m. on September 6, 2022. Planning applications are ordinarily processed in the order in

which they are filed and move forward when the application is accepted as complete and environmental review documents are finalized.

Because of the number of simultaneous applications and the complexity and potential controversy of some of the projects, staff seeks guidance from the planning commission on the prioritization and scheduling of public hearings in a manner in consideration of limited staff resources, the public, and members of the Planning Commission.

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

N/A

**CONTRACT NEEDED FOR THIS ITEM:**

N/A

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends the planning commission accept presentation update on major project applications and schedule and provide staff guidance on prioritization and scheduling of public hearings in a manner in consideration of limited staff resources.

**ATTACHMENTS:**

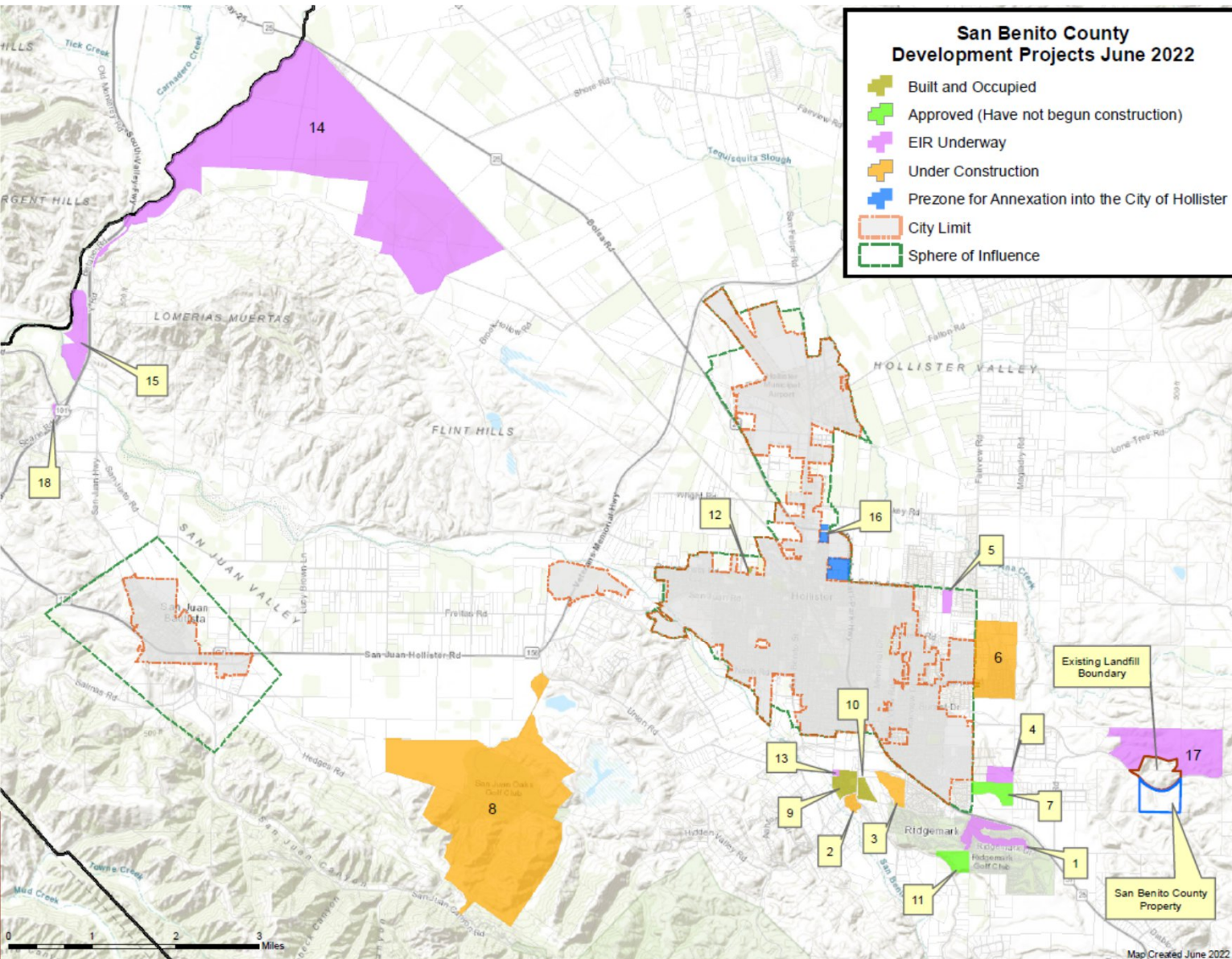
[PPT\\_MajorProjectApplicationTimelines\\_8-17-2022 PC Meeting.pptx](#)



# Major Projects & Timelines

August 17, 2022  
Planning Commission





1. Ridgemark (Wynn)
2. Riverview Estates II
3. Lico and Greco (Vista del Calabria)
4. Ross Doyle/Lands of Lee
5. Spring Meadows
6. Santana Ranch
7. Fairview Corners
8. San Juan Oaks
9. Sunnyside Estates
10. Faye Hollister Lane (Bennett Ranch)
11. Lompa (Bluffs, Promontory)
12. CHISPA
13. James Bray
14. Strada Verde
15. Betabel
16. Prezone for Annexation Properties
17. Landfill Expansion
18. Travelers Station

# Major Development Projects

- ▶ PLN200017 Travelers Station
- ▶ PLN200051 Lands of Lee
- ▶ PLN210002 John Smith Landfill  
Expansion
- ▶ PLN210054 Betabel
- ▶ PLN17008 Ridgemark Infill TSM
- ▶ PLN190029 Strada Verde Innovation  
Park



# Environmental Issues Anticipated to be Evaluated in the EIR

- ▶ Aesthetics
- ▶ Agriculture/Forestry Resources
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Cultural Resources
- ▶ Energy
- ▶ Geology and Soils
- ▶ Greenhouse Gas Emissions
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Land Use and Planning
- ▶ Mineral Resources
- ▶ Noise
- ▶ Population and Housing
- ▶ Public Services
- ▶ Recreation
- ▶ Transportation
- ▶ Tribal Cultural Resources
- ▶ Utilities and Service Systems
- ▶ Wildfire
- ▶ Cumulative Impacts
- ▶ Alternatives to the Project





# PLN200017 Travelers Station

- ▶ The project is proposed on a 2.6-acre site, located at the southwest corner of the intersection of U.S. Hwy 101 and State Route 129. The third side of the triangular site is boarded by Searle Road. The proposed Traveler's Station is 4,000 sq. ft. convenience store, auto fueling and truck fueling services, propane sales, electric vehicle charging stations and a County Informational Kiosk. Travelers Station will operate 24 hours a day.
- ▶ In order to facilitate the project, applicant is seeking the following approvals from the County:
  - ▶ Certification and adoption of environmental CEQA document
  - ▶ Use Permit



# PLN200017 Travelers Station

- ▶ MND closed public comment period May 2, 2022 – There has been new significant information identified
- ▶ Tribal consultation requested
- ▶ Projected Planning Commission Date October 19, 2022
- ▶ Projected Board of Supervisors date November 22, 2022



# PLN200051 Lands of Lee TSM

- ▶ Project proposes a Zone Change, PUD Overlay, a Vesting Tentative Map on the approximately 27.45-acre, site , to allow the development of 141 residential lots
  - (121 single-family detached units and 20 attached duet units, up to 25 accessory dwelling units (ADUs) will also be offered as an optional feature to home buyers),
  - a public park and
  - open space,
  - utilities infrastructure,
  - internal public streets and improvements to Old Ranch Road
  
- ▶ In order to facilitate the project, applicant is seeking the following approvals from the County:
  - ▶ EIR Certification and adoption of MMRP and Findings
  - ▶ Zone Change to Residential Multiple (RM) combined with a Planned Unit Development (PUD) overlay zone
  - ▶ Initial Vesting Tentative Map





# PLN200051 Lands of Lee TSM

- ▶ Projected release of DEIR August 19, 2022
- ▶ Projected Planning Commission Date October 19, 2022
- ▶ Projected Board of Supervisors date November 22, 2022



# PLN210002 John Smith Landfill Expansion

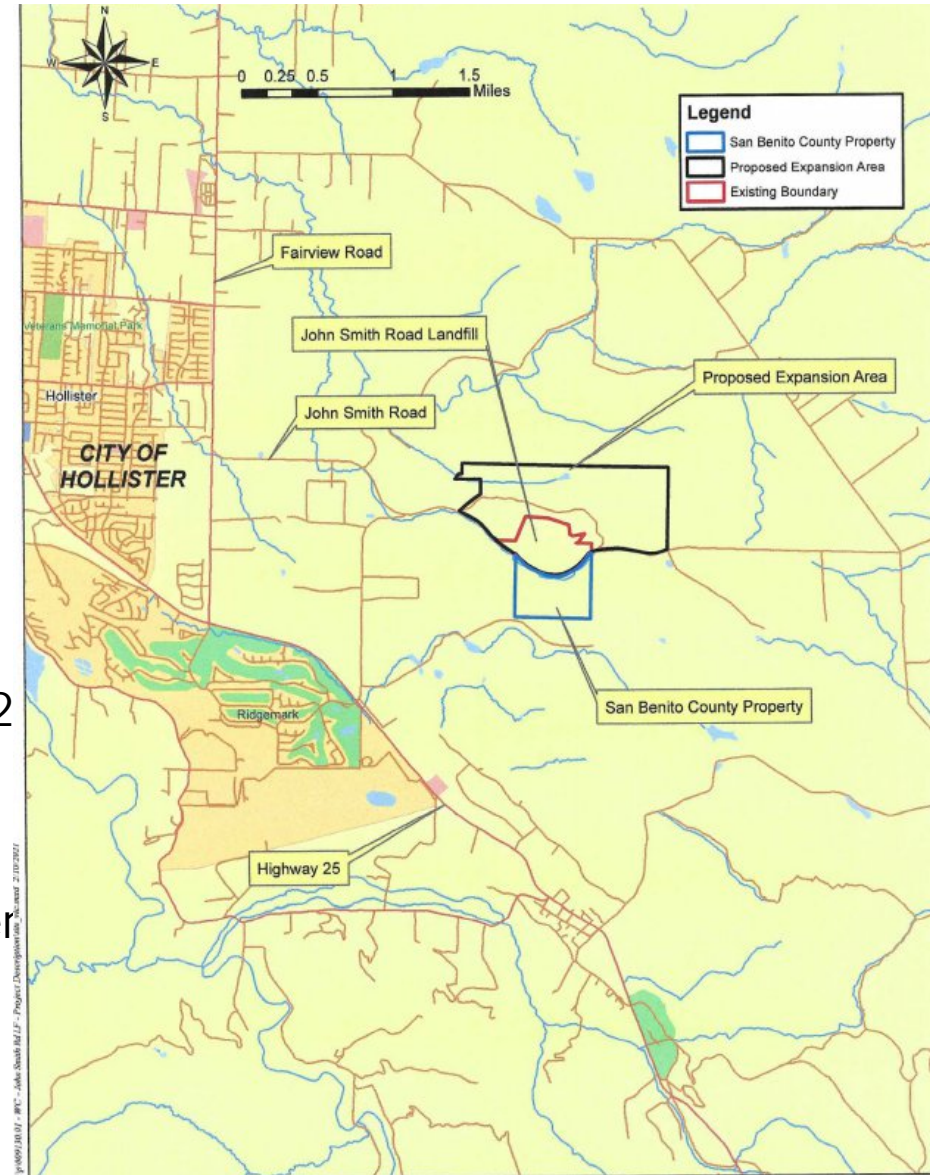
- ▶ Waste Connections, through the project applicant Waste Solutions of San Benito, LLC, is proposing an expansion of the landfill.
- ▶ The proposed project includes a 388.05-acre expansion of the existing 95.16-acre Landfill JSRL.
- ▶ This expansion would increase the landfill's disposal capacity, expand the total waste footprint, increase the maximum permitted elevation of the final landfill, and increase the maximum daily tonnage accepted at the JSRL.
  
- ▶ To accommodate these changes, several operational changes are also being proposed.
  - These include expanding the landfill entrance area to accommodate additional daily vehicle arrivals and reduce vehicle queuing on John Smith Road,
  - expanding areas for recycling and the County's Household Hazardous Waste program,
  - establishing an area for the future installation of a gas-to-energy facility, and
  - clean closing the current Class 1 area, owned by the City of Hollister and converting it to a disposal area for Class III waste.
- Additionally, the proposed project potentially would include the use of a portion of the San Benito County property located south of John Smith Road for habitat mitigation purposes.





# PLN210002 John Smith Landfill Expansion

- ▶ In order to facilitate the project, applicant is seeking the following approvals from the County:
- ▶ EIR Certification and adoption of MMRP and Findings
- ▶ Zone Change
- ▶ Use Permit
- ▶ Release of DEIR July 15, 2022 – Aug. 29, 2022
- ▶ Town hall at Vets Building Aug. 22, 2022
- ▶ Projected Planning Commission Date October 19, 2022
- ▶ Projected Board of Supervisors date November 22, 2022



# PLN210054 Betabel

- ▶ Project proposes range of new commercial, lodging, and recreational uses on the 26-acre site
- ▶ At build-out, the project would develop 108,425 square feet of commercial space, consisting of a gas station with convenience store, a restaurant, amusement buildings with exhibits, a motel with outdoor pool and outdoor movie screen, an outdoor event center



# PLN210054 Betabel

- ▶ In order to facilitate the project, applicant is seeking the following approvals from the County:
- ▶ EIR Certification and adoption of MMRP and Findings
- ▶ Use Permit
  
- ▶ Release of DEIR July 22, 2022
- ▶ Projected Planning Commission Date September 21, 2022
- ▶ Projected Board of Supervisors date October 25, 2022





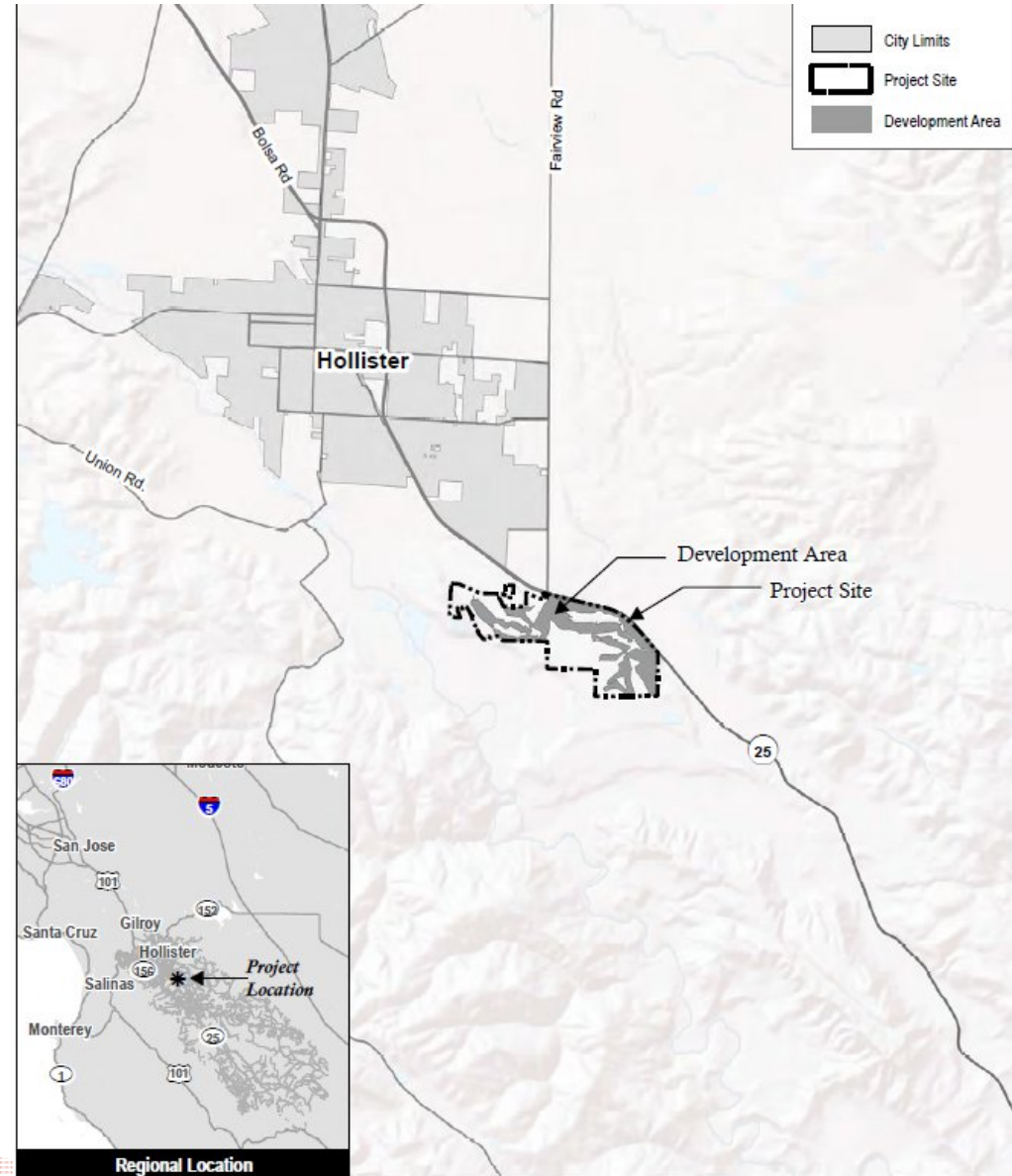
# PLN17008 Ridgemark Infill TSM

- ▶ New residential use
  - 160 single-family residential market-rate lots in phases
  - 15 duplex below-market-rate (BMR) lots with 30 dwellings
    - Plus proposed in-lieu fee equivalent to 8 BMR units
  - Total 190 new dwellings
- ▶ New commercial use
  - 107,000 ft<sup>2</sup> hotel with 154 rooms
  - 31,800 ft<sup>2</sup> other commercial
  - 19,200 ft<sup>2</sup> maintenance/service area
  - In addition to prior approved unbuilt 30,000 ft<sup>2</sup> commercial



# PLN17008 Ridgemark Infill TSM

- ▶ In order to facilitate the project, applicant is seeking the following approvals from the County:
- ▶ EIR Certification and adoption of MMRP and Findings
- ▶ Zone Change to Commercial Neighborhood (C-2) and potential PUD
- ▶ Initial Vesting Tentative Map
- ▶ Projected release of DEIR October 15, 2022
- ▶ Projected Planning Commission Date January 18, 2023
- ▶ Projected Board of Supervisors date February 28, 2023



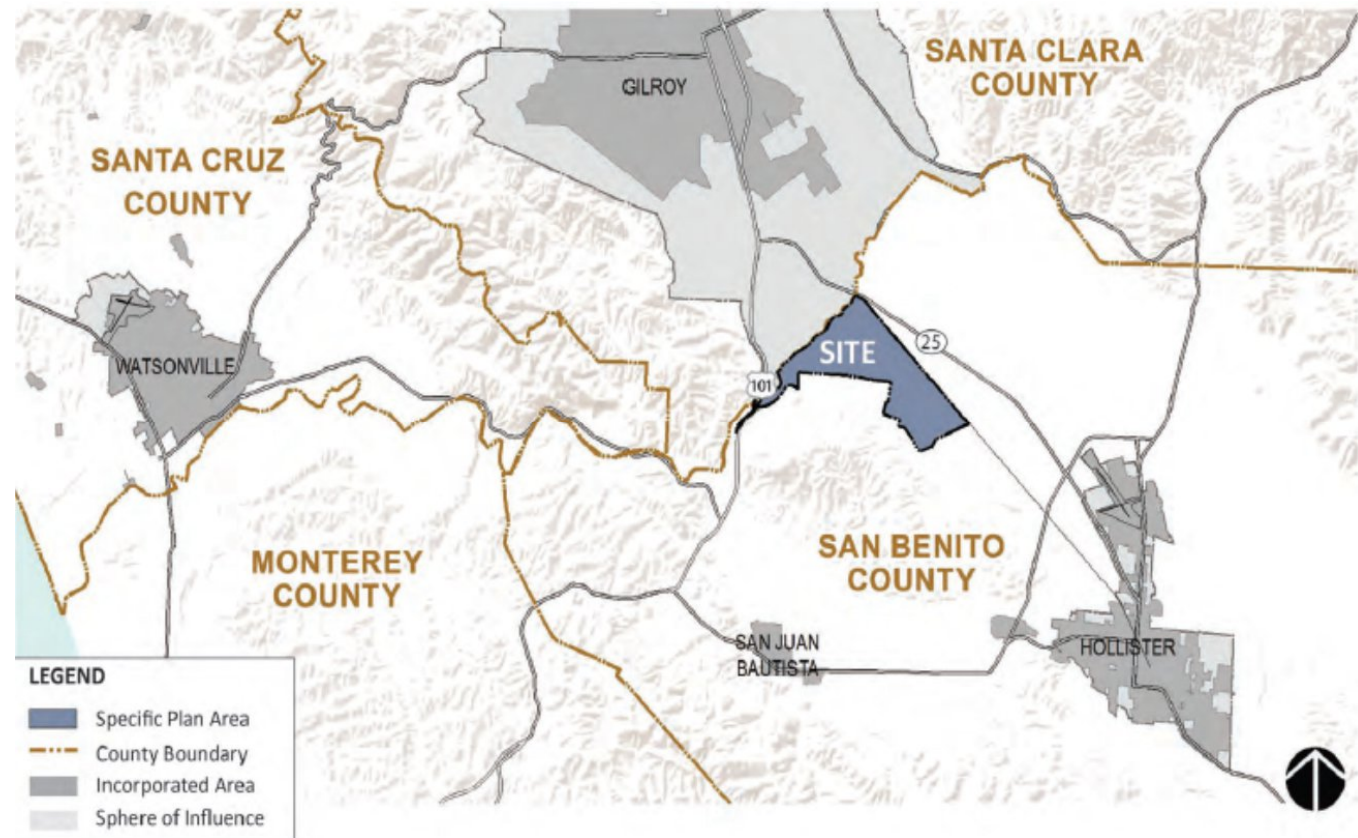
# PLN190029 Strada Verde Innovation Park

- ▶ Project proposes a General Plan Amendment, a Specific Plan, a Zone Change, a Vesting Tentative Map, and a Development Agreement to allow the creation of a new automotive research and development campus and business center on the approximately 2,767-acre, triangular-shaped site.
- ▶ At maximum build-out, the project would include approximately 7,221,159 square feet of testing grounds, research park, e-commerce, and commercial areas
- ▶ In order to facilitate the project, applicant is seeking the following approvals from the County:
  - ▶ EIR Certification and adoption of MMRP and Findings
  - ▶ General Plan Amendment
  - ▶ Specific Plan Approval
  - ▶ Zone Change
  - ▶ Initial Vesting Tentative Map
  - ▶ Development Agreement



# PLN190029 Strada Verde Innovation Park

- ▶ E. of Pajaro River, S. of the Union Pacific Railroad and SR-25, and N. of Lomerias Muertas.
- ▶ EIR preparation underway with projected DEIR first quarter 2023,
- ▶ Planning Commission and Board of Supervisors public hearings to take place in second/third quarter 2023





Project Name:	Location:	Size:	Entitlements Sought:	Processing Status:	Tribal Consultation:	DEIR/MND Projected Release Date:	Close of Public Comment Period:	Projected Potential Planning Commission Hearing Date:	Projected Potential Board of Supervisors Hearing Date:
Traveler's Station - Hwy 129-Searle Rd	Searle Rd S of Chittenden Pass Rd (Hwy 129), w of Hwy 101	2.5 acres	CUP	MND Focused EIR	requested	4/1/22 9/1/2022	5/2/22 10/17/2022	11/16/22	12/13/22
Lee Subdivision - 141 Units	Old Ranch Rd east of Fairview	27.4 acre	ZA, TSM	preparing DEIR	complete	8/26/2022	10/10/22	11/16/22	12/13/22
John Smith Road Landfill Expansion	John Smith Rd east of Fairview	388.05 acre	CUP, ZA	preparing DEIR	complete	7/1/22 7/15/2022	8/14/2022 8/29/2022	10/19/22	11/22/22
Betabel Commercial Development	Betabel Rd w of Hwy 101	26 acres	CUP	preparing DEIR	in process	7/1/22 7/22/2022	8/14/22 9/6/2022	9/21/22	10/25/22
Ridgemark Infill TSM - 190 Units	Ridgemark Drive off Hwy 25	88 acres	TSM	preparing DEIR	?	10/15/22	11/30/22	1/18/23	2/28/23
Strada Verde Innovation Park	North county, w of Hwy 25	2,776 acres	GPA, SP, DA, Phased TSM	preparing DEIR	requested not started	1st Quarter 23	2nd Quarter 23	2nd/3rd Quarter 23	2nd/3rd Quarter 23

www.cosb.us

## John Smith Road Landfill Expansion- Draft EIR

A Town Hall Presentation and Workshop on the John Smith Road Landfill Expansion Draft Environmental Impact Report will be held on August 22, 2022 at 6:30 p.m. at the Veterans Memorial Building at 649 San Benito Street in Hollister.



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EVENTS

**JOHN SMITH ROAD LANDFILL EXPANSION  
DRAFT ENVIRONMENTAL IMPACT REPORT**



**TOWN HALL  
PRESENTATION & WORKSHOP**

The County of San Benito is holding an informational meeting about the expansion project and the Draft Environmental Impact Report. The Town Hall will include a short presentation and workshop tables to learn about various aspects of the project and submit written comments. There will not be a formal public comment opportunity due to the workshop format.

Monday, August 22, 2022 at 6:30pm  
Veterans Memorial Building  
649 San Benito Street, Hollister  
[www.cosb.us/JSRExpansion](http://www.cosb.us/JSRExpansion)



The [Draft Environmental Impact Report \(Draft EIR\)](#) for the John Smith Road Landfill Expansion is available and is being circulated for a 45-day public review period beginning July 15, 2022. Written comments should be received by San Benito County no later than 5:00pm on August 29, 2022.

Draft EIR - View [here](#)

Draft EIR by sections - View [here](#)

Written comments can be submitted to:

San Benito County Planning and Land Use Division  
2301 Technology Parkway  
Hollister, CA 95023-9174  
Attention: Stan Ketchum  
Email: [SKetchum@cosb.us](mailto:SKetchum@cosb.us)





Agriculture Grand Jury Resource Management Agency Office Of The Sheriff

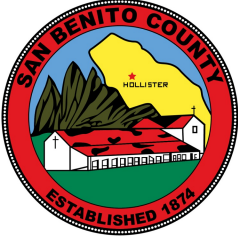
- Building and Code Enforcement Division
  - Building Services, Applications, and Forms
  - Building Inspection Services
  - Code Enforcement Division
  - Zoning and County Code Ordinances
- COSB Bids & RFPs
- County Service Areas
  - CSA #22 Cielo Vista
- Economic Development
- Housing Programs Division
- Parks & Recreation
  - Riverview Regional Park
  - Archived Meetings
- Planning and Land Use Division
  - Applications and Fee Schedule
  - Geographic Information System (GIS) Resources
  - General Plan
  - Specific Plans and Development Agreements





# Thank You

Questions



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 7.1**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Acknowledgement of Public Hearing

**AGENDA SECTION:**

CONSENT AGENDA

**BACKGROUND/SUMMARY:**

N/A

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Acknowledgement of Public Hearing

**ATTACHMENTS:**

[PHN\\_FREELANCE\\_MULTIPLE\\_220817\\_Revised HFL publication 42421-6.pdf](#)

# County of San Benito Planning Commission

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## NOTICE OF PUBLIC HEARING

### COUNTY OF SAN BENITO PLANNING COMMISSION

**MEETING OF AUGUST 17, 2022,  
at 6:00 p.m.**

**NOTICE IS HEREBY FURTHER GIVEN** that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, August 17, 2022, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address

**<https://zoom.us/join>**

or dialing one of the following telephone numbers:  
+1 408 638 0968 US (San Jose) or  
+1 669 900 6833 US (San Jose).

To access the meeting, please enter the Webinar ID **832 2986 7966** AND Webinar Password **823351**

Agenda Packet can be viewed at **[www.cosb.us/government/clerk-of-the-board-of-supervisors/calendar](http://www.cosb.us/government/clerk-of-the-board-of-supervisors/calendar)** or **<https://sanbenito.novusagenda.com/agendapublic/>** by the Friday before the meeting.

#### **PLN200054 (San Juan Green Cannabis Facility Conditional Use Permit):**

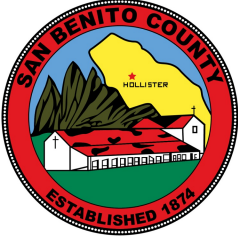
OWNER: Joshua B. and Robyn R. Watt. APPLICANT: Jim Keener. LOCATION: 2400 San Juan Hollister Road (also known as San Juan Road, one-third mile west of the 4th Street bridge over the San Benito River). APN: 021-020-029. REQUEST: To establish a commercial cannabis cultivation, manufacturing, and distribution facility, beginning with cannabis cultivation in an existing 10,608-sqft building, followed by two additional buildings later constructed with 5,760- and 8,400-sqft footprints and two stories each and containing additional cannabis cultivation plus volatile manufacturing including cannabis material extraction. The full project's floor area including multiple stories would total 46,263 sqft, including an existing 13,934 sqft floor area. Grading with 1,010 cubic yd cut and 1,740 cubic yd fill would level and prepare the site. Approximately 37,000 sqft of canopy would be grown during full operation. Initially 10 employees would work daytime all days of the week during, with staff later expanding by 16 more employees. Carbon filters and a closed-loop air environment would prevent odor. GENERAL PLAN DESIGNATION: Industrial Heavy (IH). ZONING DISTRICT: Heavy Industrial (M-2). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration. PLANNER: Michael Kelly (**[mkelly@cosb.us](mailto:mkelly@cosb.us)**)

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

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

Dated: July 29, 2022

PUBLISHED: Friday, August 5, 2022 ~ Hollister Free Lance (Pub HF 8/5)



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 7.2**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A.PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Resolution to Authorize Teleconferencing in Accordance with Assembly Bill 361 (2021).

**AGENDA SECTION:**

CONSENT AGENDA

**BACKGROUND/SUMMARY:**

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

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

Yes

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

Yes

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

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

**ATTACHMENTS:**

[PC\\_Comm\\_n\\_Resol\\_n\\_Re\\_Cont\\_d\\_Teleconf.\\_Mtgs.\\_Per\\_AB\\_361\\_2022-08-17.pdf](#)



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

**RESOLUTION 2022-\_\_**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PASSED AND ADOPTED** by the San Benito County Planning Commission, County of San Benito, State of California, on this 17<sup>th</sup> day of August 2022 by the following vote:

AYES: COMMISSIONER  
 NOES: COMMISSIONER  
 ABSTAINING: COMMISSIONER  
 ABSENT: COMMISSIONER

By: \_\_\_\_\_  
 Robert Gibson, Chair San Benito County  
 Planning Commission

ATTEST:  
 Abraham Prado,  
 Director of Planning and Building

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

By: \_\_\_\_\_

By: \_\_\_\_\_  
 Joel Ellinwood, Assistant County Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT "A"



**SAN BENITO COUNTY**

HEALTH & HUMAN SERVICES AGENCY

DAVID GHILARDUCCI, MD, FACEP  
INTERIM HEALTH OFFICER

TRACEY BELTON  
AGENCY DIRECTOR

**PUBLIC HEALTH SERVICES**  
Healthy People in Healthy Communities

September 30, 2021

CAO Ray Espinosa  
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

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

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

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

Sincerely,

David Ghilarducci MD  
Interim Health Officer

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

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

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

08/23/21



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 8.1**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Approve April 20, 2022 Draft Meeting Minutes

**AGENDA SECTION:**

ADOPTION OF ACTION MINUTES

**BACKGROUND/SUMMARY:**

N/A

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A



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

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Approve April 20,2021 Draft Meeting Minutes

**ATTACHMENTS:**

[2022\\_4\\_20\\_MinutesMeeting.pdf](#)



# SAN BENITO COUNTY PLANNING COMMISSION

---

Robert J  
Rodriguez II  
District No. 1

Richard Way  
District No. 2

Vice-Chair  
Robert  
Scagliotti  
District No. 3

Chair Robert  
Gibson  
District No. 4

G.W. Devon Pack  
District No. 5

---

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

## REGULAR MEETING MINUTES April 20, 2022 6:00 PM

### 6:00 PM ~ CALL TO ORDER

This meeting was called to order at 6:00 p.m. by Chair Commissioner Robert Gibson. Four Commissioners were present and in the chambers Commissioner Robert J. Rodriguez II absent. County staff members present included County Counsel Joel Ellinwood, Interim Director of RMA Steve Loupe, Assistant Director of Planning and Building Abraham Prado, Principal Planner Arielle Goodspeed, Office Assistant II Dana Serpa-Ostojka, and Planning Intern Jonathan Olivas.

1.

### NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

Pursuant to California Governor Gavin Newsom's [Executive Order N-29-20](#) issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, members of the County Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present. The April 20, 2022, Planning Commission meeting can be accessed in the following methods:

A. Public in-person attendance at the Board of Supervisors Chambers: 481 4<sup>th</sup> St, Hollister, CA, 95023.

Ø For the safety of public and County employees, all attendees must comply with the June 15, 2021, or any subsequently issued, California Department of Public Health face covering requirements, found at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

- **Unvaccinated Members of the Public:** Masks are required for unvaccinated individuals. If you are exempt from the CDPH face-covering guidance (above) and are not fully vaccinated, you must wear a face shield which will be provided to attend the meeting. If you cannot, or choose not to, wear a face covering or face shield, you may participate in the meeting by Zoom.

- **Fully Vaccinated Members of the Public.** Masks are not required for fully vaccinated individuals.

- **All attendees must comply with any other rules, procedures or instructions announced by the Chair.**

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

**Webinar ID: 858 9564 9042**

**Webinar Password: 363408**

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

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

- It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.

- It will then ask for a **Participant ID**, press the **“#” key** (pound key) to continue. Once inside the meeting you will automatically be placed on mute.

- **Public Comment:** If you are using a phone, please press **“\*9” (star-nine)** to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

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

Ø San Benito County Facebook Page:

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

Ø Community Media Access Page(CMAPS) YouTube Page:

[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA).

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

**F. Public Comment Guidelines:**

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

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

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

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

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

**PLEDGE OF ALLEGIANCE**

Chair Commissioner Robert Gibson instructed Commissioner Richard Way to led the meeting in the pledge of allegiance.

**ROLL CALL**

Four Commissioners were present in chambers. Commissioner Robert J. Rodriguez II was absent.

**DEPARTMENT ANNOUNCEMENTS**



Principal Planner Arielle Goodspeed announced that the County has been hiring. Thus far we have hired a new Assistant Director of Planning and building and a new Assistant Planner. Assistant Director of Planning and Building Abraham Prado Introduced himself to the Commission. Assistant Planner Stephanie Reck also introduced herself to the Commission.

Assistant Director of Planning and Building Abraham Prado announced that we will have a Special Planning Commission Meeting Wednesday April 27th 6pm for an update to the zoning ordinance for a recommendation to the Board of Supervisors. Commissioner Devon Pak wished to have the meeting moved to 5pm. However, Principal Planner Arielle Goodspeed noted that the Freelance had already been noticed that it would be at 6pm. All other Commissioners could attend at the time noticed to the Freelance and there would be enough of the Commission present for a quorum even if Commissioner Devon Pak was late.

Assistant Director of Planning and Building Abraham Prado had a second announcement about Strada Verde Innovation park. This application was received by the County for General Plan Amendment, Specific Plan, Zone change, Vesting tentative Map, and development agreement. The announcement is to inform the public San Benito County Resource Management Agency (RMA) is the lead agency on the Environmental Impact Report (EIR). The initial Scoping meetings will be on April 27th at 10am and April 28th at 6pm this is for the public and any other agency to comment so that they're input can be taken into consideration for the Draft EIR.

The County also received an application for the Betabel Commercial Development this project includes an application for a conditional Use Permit. RMA is the lead agency for this project we are finalizing the Notice of Preparation of EIR and there will be two tentative Scoping meeting dates May 3rd 2pm and May 5th 6pm to get public feedback for Draft EIR.

Chair Robert Gibson asked that dates and times be emailed to the Planning Commission and Assistant Director Abraham Prado agreed. Vice Chair Robert Scagliotti inquired as to the meetings location and Assistant Director of Planning and Building Abraham Prado said that they will be in the chambers and via zoom. Principal Planner Arielle Goodspeed noted that the packet for next week Planning Commission meeting will be going out Friday not tomorrow.

## **PUBLIC COMMENT**

There was no Public Comment in chambers or via zoom.

## **CONSENT AGENDA**

Motion carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

*Motion:* Made by **G.W. Devon Pack** and seconded by **Robert Scagliotti**

**Passed 4 - 0**

*For (4):*

*Against (0):*

*Ayes: Gibson, Pack, Scagliotti, Way*

### **2. Resolution to authorize teleconferencing in accordance with Assembly Bill 361 (2021).**

Motion Carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by **G.W. Devon Pack** and seconded by **Robert Scagliotti**

**Passed 4 - 0**

For (4): Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

### 3. Acknowledgement of Public Hearing

Motion Carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by **G.W. Devon Pack** and seconded by **Robert Scagliotti**

**Passed 4 - 0**

For (4): Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

### 4. Acknowledgement of Certificate of Posting

Motion Carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by **G.W. Devon Pack** and seconded by **Robert Scagliotti**

**Passed 4 - 0**

For (4): Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

### 5. Draft Special Meeting Minutes from March 2, 2022

Motion Carried 4-0. Commissioner Robert J. Rodriguez II was absent.

### 6. Draft Meeting Minutes from March 16, 2022

Motion Carried 4-0. Commissioner Robert J. Rodriguez II was absent.

## REGULAR AGENDA

## PUBLIC HEARING

7. **MS#1233-13 (Minor Subdivision):** OWNER: PLH Vineyard Sky LLC and Ecos Energy LLC. APPLICANT: PLH Vineyard Sky LLC and Ecos Energy LLC. LOCATION: 1850 Buena Vista Road. APN: 019-110-022. REQUEST: The development consisted of rural parcels with a 5-acre minimum size. However, the County Engineer conditioned the project to install frontage improvements be installed to the ultimate adopted geometric section for an urban subdivision (i.e., lot sizes less than 5 acres). This requirement conflicted with County Code Section 23.29.001. The request is to amend the Subdivision and Conditional Use Permit approvals so that they are applicable to lot sizes greater than 5 acres. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorically Exempt under

State CEQA Guidelines. PLANNER: Arielle Goodspeed ([agoodspeed@cosb.us](mailto:agoodspeed@cosb.us))

Interim Director Steve Loupe requested that MS # 1233-13 (Minor Subdivision) be postponed till May 18th so that they could properly notify the residents within 300ft. County Counsel Joel Ellinwood recommended that because the Freelance had already been noticed for April 20th, that Chair Robert open the public comment for those who received the initial notice and continue the item till May 18th for all other public comment. There was no comment in chambers or via Zoom. Motion to continue till May 18th carried 4-0. Commissioner Robert J. Rodriguez II was absent.

## **DISCUSSION**

No discussion.

## **BOARD ANNOUNCEMENTS**

No board announcements.

## **ADJOURN**

Meeting adjourned at 6:12pm. Motion Carried 4-0. Commissioner Robert J. Rodriguez was absent.

MOTION:

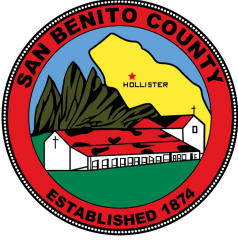
Motion: Made by **G.W. Devon Pack** and seconded by **Robert Scagliotti**

**4 - 0**

For (4):

Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 8.2**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A.PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Approve April 27, 2022 Draft Special Meeting Minutes

**AGENDA SECTION:**

ADOPTION OF ACTION MINUTES

**BACKGROUND/SUMMARY:**

N/A

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Approve April 27, 2022 Draft Special Meeting Minutes

**ATTACHMENTS:**

[2022\\_4\\_27\\_MinutesMeeting.pdf](#)





# SAN BENITO COUNTY PLANNING COMMISSION

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Robert J  
Rodriguez II  
District No. 1

Richard Way  
District No. 2

Vice-Chair  
Robert  
Scagliotti  
District No. 3

Chair Robert  
Gibson  
District No. 4

G.W. Devon Pack  
District No. 5

---

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

## **SPECIAL MEETING MINUTES April 27, 2022 6:00 PM**

### **6 P.M. ~ CALL TO ORDER**

This meeting was called to order at 6:00 p.m. by Chair Commissioner Robert Gibson. Five Commissioners were present and in the chambers. County staff members present included County Counsel Joel Ellinwood, Assistant Director of Planning and Building Abraham Prado, Principle Planner Arielle Goodspeed, Senior Planner Michael Kelly, Office Assistant II Dana Serpa-Ostojka, and Planning Intern Jonathan Olivas.

1.

### **NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS**

**Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, members of the County Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present. The April 27, 2022, Planning Commission meeting can be accessed in the following methods:**

#### **A. Public in-person attendance at the Board of**

**Supervisors Chambers: 481 4<sup>th</sup> St, Hollister, CA, 95023.**

**Ø For the safety of public and County employees, all attendees must comply with the June 15, 2021, or any subsequently issued, California Department of Public Health face covering requirements, found at:**

**<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>**

**· Unvaccinated Members of the Public:** Masks are required for unvaccinated individuals. If you are exempt from the CDPH face-

covering guidance (above) and are not fully vaccinated, you must wear a face shield which will be provided to attend the meeting. If you cannot, or choose not to, wear a face covering or face shield, you may participate in the meeting by Zoom.

- **Fully Vaccinated Members of the Public.** Masks are not required for fully vaccinated individuals.

- **All attendees must comply with any other rules, procedures or instructions announced by the Chair.**

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

Webinar ID: **894 2401 1340**

Webinar Password: **547988**

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

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

- It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.

- It will then ask for a **Participant ID**, press the **“#” key (pound key)** to continue. Once inside the meeting you will automatically be placed on mute.

- **Public Comment:** If you are using a phone, please press **“\*9” (star-nine)** to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

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

Ø San Benito County Facebook Page:

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

Ø Community Media Access Page(CMAPS) YouTube Page:

[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA).

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

your comments before the agenda item is heard.

**F. Public Comment Guidelines:**

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

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

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

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

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

**PLEDGE OF ALLEGIANCE**

Chair Commissioner Robert Gibson instructed Vice Chair Robert Scagliotti to led the meeting into the pledge of allegiance.

**ROLL CALL**

Four Commissioner were in chambers. Commissioner Robert J. Rodriguez II was absent.

**ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING**

Motion carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by Robert Scagliotti and seconded by G.W. Devon Pack

**Passed 4 - 0**

For (4):

Against (0):

Ayes: Gibson, Pack, Scagliotti, Way

2. Acknowledgement of Certificate of Posting

Motion carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by **Robert Scagliotti** and seconded by **G.W. Devon Pack**

**Passed 4 - 0**

For (4): Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

### 3. Acknowledgement of Public Hearing

Motion carried 4-0. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by **Robert Scagliotti** and seconded by **G.W. Devon Pack**

**Passed 4 - 0**

For (4): Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

## DISCUSSION - SPECIAL AGENDA ITEMS

### PUBLIC HEARING

4. **Title 25: Zoning Ordinance Update:** This ordinance will repeal San Benito County Code Title 25 entitled Zoning in its entirety and amends the San Benito County Code to add new Chapters 25.0 to 25.09 of Title 25 entitled Zoning, including table of contents, general provisions and administration, permits and other planning actions, zoning map and zoning districts, combining zones, planned unit development, specific plans, general development and design standards, standards for specific uses and areas, and glossary, in part to make the regulations more consistent with state law, achieve the vision and goals outlined in the 2035 General Plan, and make the code more clear, concise, and user friendly. The presentation will be given by staff and the County's consultant, Interwest Consulting Group, Inc. ENVIRONMENTAL REVIEW: An NOD will be filed in accordance with CEQA Section 15183 Projects consistent with a Community Plan, General Plan, or Zoning. PLANNER: Arielle Goodspeed / Presenter: Interwest Consulting Group Inc. ([agoodspeed@cosb.us](mailto:agoodspeed@cosb.us))

Principle Planner Arielle Goodspeed introduced Eric from Interwest Consulting Group. Eric presented a PowerPoint presentation on the County's progress work on the zoning ordinance update and the public draft of the zoning code update. Eric addressed the changes to the update since Mech 2022. Ending his presentation, he made the staff recommendation to the Planning Commission to approve the changes so that it could then be submitted for Board of Supervisor's approval.

Commissioner Richard Way had concerns in regard to the timing of the packet, though he did mention that it has been available online, he would like more time to review the packet. He also expressed concerns with Pg.14 of 20 Section 25.01.011 (H) of the Zoning Code update. Commissioner Way also expressed concerns with what exactly was being changed from the previous code.

Eric of Interwest stated that Zoning must under State Law be consistent with the General Plan. Chair Robert Gibson also reiterated this as well. Eric then said that if you showed a "redline version" of the changes in the code would unreadable. He did mention that we have provided a

table showing the changes made between the old and new code. County Council Joel Ellinwood also added that a disposition table is common practice and Eric showed such a table on the webpage. Principal Planner Arielle Goodspeed also noted that this update and table has been available for about 5 months.

Commissioner Richard Way also was curious why this was held as a Special Planning Commission meeting versus a regular one. Principal Planner Arielle Goodspeed explained that because of how large the update is staff felt that it needed to have its own meeting so as not to be lumped in with any other projects.

Commissioner G.W. Devon Pak also expressed concerns with not being able to review the packet as well. Stating that he felt he did not have enough time to do his due diligence because it was not available on Monday as expected. Principal Planner Arielle Goodspeed again reiterated that the draft of the Zoning Code has been available since December of 2021 and staff has made its self-available to meet with the commissioners and staff had met with 2 of the commissioners already to answer questions about the Zoning Code update(s). They also had a study session about the update as well as two workshops that were put on at the Resource Management Agencies offices. The only changes were 20 pages of redlines and they were in the slide show as noted by Chair Robert Gibson. Commissioner Robert Scagliotti had no comments at this time.

No public comment in chambers or via Zoom. Public Comment was closed.

Chair Robert Gibson had concerns with section 25.02.001 (C) pg. 3 of 30. of the Zoning Code update. Table 25.02-A Agricultural/Industrial Structures. He believed that the proposed size limits were too small for Agriculture. Vice Chair Robert Scagliotti also had concerns with this as well. Commissioner G.W. Devon Pak also expressed a similar concern with this section too. They all wished to see the thresholds increased from 5000 square feet to 25000 square feet for Exempt (Requires Zoning Clearance), 5001 to 10000 square feet changed to 25001 to 49999 square feet for Minor Development Review, and 10000 square feet or more for a major development plan review changed to 50000 square feet or more. Commission and staff agreed with the changes.

Chair Robert Gibson had concerns about tiny homes within the mobile homes section. Eric cautioned not to change this section as mobile homes are built to HUD standards and tiny homes are separate. Chair Gibson then asked where tiny homes would fit in this update. Eric said that they would not be included in mobile homes as they have separate standards. Principal Planner Arielle Goodspeed informed the Commission that this type of housing would fall under higher density Zoning (RM) to be allowed. She also noted that we have a very limited amount of this zoning in the County. Commissioner G.W. Pak noted some precedent regarding this being an alternative option for affordable housing. Chair Gibson wanted this option to be available in the County.

Chair Robert Gibson also had issues with the Food Trucks (25.02.003 pg14 of 30) portion of the update. Vice chair Robert Scagliotti and Commissioner G.W. Devon Pak also noted concerns with this section of the update as well. Principal Planner Arielle responded to this that food trucks had not been addressed in our code before. Commissioner Gibson said that this would disallow and put food trucks out of business as it is currently written. Principal Planner Arielle Goodspeed stated that the ordinance as written only disallows them in Residential areas and not anywhere else. Commissioner G.W. Pak and Vice Chair Scagliotti both noted that the current update as written would also hamper food trucks that come to agricultural areas to serve meals and for parties and weddings as well.

Currently food trucks are not in code and we added to agricultural zones they added that they can

be allowed. County Counsel Joel Ellinwood also noted that under California Law if something is not mentioned in the code that it is allowed is a fallacy. Under California law if something is not mentioned it is prohibited. This ordinance was the County's way of adding food trucks as a permitted use in the code update. Commissioner Gibson still feels that the update to the code is too strict and hampers business owners who wish to start a food service business. In particular those who cannot afford to do brick and mortar and want to do a food truck service. Commissioner Pack also expressed concerns with this ordinance affecting farmers markets. County Counsel Joel Ellinwood noted that this ordinance only applies to the unincorporated areas of the county.

Eric of Interwest stated that there is room to modify this ordinance depending on what the Commission would like to see. Principal Planner Arielle Goodspeed also noted the County is working constructing the Riverview Park this summer which will have designated area for food trucks soon. Chair Gibson wanted to see the least restrictive version of this ordinance for food trucks. Joel also noted that the Board of Supervisors wants more restrictions on food trucks. Commissioner Pack noted that the people of the County have expressed to him a need for greater food diversity and food trucks are a viable way to get there. Vice chair Scagliotti had issue with the temporary use permit time frame of 60 days. Chair Gibson suggested extending the time frame. Vice Chair Scagliotti suggested 365 days on the permit. Commissioner Pack suggested 180 days. Commissioner Way had issue with the 60 day time frame as well due to the number of permits that would be needed by the applicant per year.

Principal Planner Arielle Goodspeed also noted we are here to take comments and suggestions from the Commission to amend the parts of the code as needed. Chair Gibson asked if it was one permit for all locations within the 60 days. Principal Planner Arielle Goodspeed informed him that it is one permit for 60 days for each location. Eric of Interwest noted they needed to have a min and max time frame on the use permit as well. He also noted that if they park in the street they are not regulated by zoning but general code for parking time limits and restrains. Eric also stated that this was more so for permanent food trucks not mobile ones. Principal Planner Arielle Goodspeed said they would address these concerns on the June 1st as a special Planning Commission meeting. At that meeting the County will also address the tiny homes issue as well. Motion to continue till June 1st meeting. Motion passed 4-0. Robert J. Rodriguez II was absent.

**MOTION:**

**Motion:** Made by **Robert Scagliotti** and seconded by **G.W. Devon Pack**



**Other 4 - 0**

For (4):

Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

Principle Planner Arielle Goodspeed, introduced Eric from Interwest Consulting Group. Eric presented a PowerPoint presentation on the County's progress work on the zoning ordinance update and the public draft of the zoning code update.

**ADJOURN**

Motion Carried 4-0. Robert J Rodriguez was absent.

MOTION:

Motion: Made by **Richard Way** and seconded by **Robert Scagliotti**

**Passed 4 - 0**

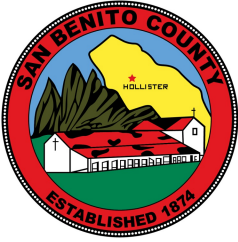
For (4):

Against (0):

*Ayes: Gibson, Pack, Scagliotti, Way*

**NOTE:** A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at www.cosb.us. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department. **APPEAL NOTICE:** Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

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



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 8.3**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Approve May 18, 2022 Draft Meeting Minutes

**AGENDA SECTION:**

ADOPTION OF ACTION MINUTES

**BACKGROUND/SUMMARY:**

N/A

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Approve May 18, 2022 Draft Meeting Minutes

**ATTACHMENTS:**

[2022\\_5\\_18\\_MinutesMeeting.pdf](#)



# PLANNING COMMISSION

Robert J  
Rodriguez II  
District No. 1

Richard Way  
District No. 2

Vice-Chair  
Robert  
Scagliotti  
District No. 3

Chair Robert  
Gibson  
District No. 4

G.W. Devon Pack  
District No. 5

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

## REGULAR MEETING MINUTES

**May 18, 2022**

**6:00 PM**

### 6 P.M. ~ CALL TO ORDER

This meeting was called to order at 6:00 p.m. by Chair Commissioner Robert Gibson. Four Commissioners were present and in the chambers, One Commissioner Robert Rodriguez II was absent. County staff members present included County Counsel Joel Ellinwood, Interim Director of RMA Steve Loupe, Assistant Director of Planning and Building Abraham Prado, Principal Planner Arielle Goodspeed, and Planning Intern Jonathan Olivas.

#### 1.

Pursuant to California Governor Gavin Newsom's [Executive Order N-29-20](#) issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, members of the County Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present. The May 18, 2022, Planning Commission meeting can be accessed in the following methods:

A. Public in-person attendance at the Board of Supervisors Chambers: 481 4<sup>th</sup> St, Hollister, CA, 95023.

Ø For the safety of public and County employees, all attendees must comply with the June 15, 2021, or any subsequently issued, California Department of Public Health face covering requirements, found at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

· **Unvaccinated Members of the Public:** Masks are required for unvaccinated individuals. If you are exempt from the CDPH face-covering guidance (above) and are not fully vaccinated, you must wear

a face shield which will be provided to attend the meeting. If you cannot, or choose not to, wear a face covering or face shield, you may participate in the meeting by Zoom.

- **Fully Vaccinated Members of the Public.** Masks are not required for fully vaccinated individuals.

- **All attendees must comply with any other rules, procedures or instructions announced by the Chair.**

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

**Webinar ID: 857 1129 4459**

**Webinar Password: 934383**

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

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

- It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.

- It will then ask for a **Participant ID**, press the **“#” key (pound key)** to continue. Once inside the meeting you will automatically be placed on mute.

- **Public Comment:** If you are using a phone, please press **“\*9” (star-nine)** to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

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

Ø San Benito County Facebook Page:

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

Ø Community Media Access Page(CMAPS) YouTube Page:

[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA).

**E. Written Comments & Email Public Comment:** Members of the



public may submit comments via email by 5:00 PM on the Tuesday prior to the Planning Commission meeting to the Resource Management Agency at [sbcplan@cosb.us](mailto:sbcplan@cosb.us). Regardless of whether the matter is on the agenda, every effort will be made to provide Planning Commission members with your comments before the agenda item is heard.

#### **F. Public Comment Guidelines:**

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

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

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

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

Planning Intern Jonathan Olivas provided instructions on how to access the Planning Commission meeting and make a public comment through Zoom. As well as instructions on how to participate in person in the chambers.

#### **PLEDGE OF ALLEGIANCE**

Chair Commissioner Robert Gibson instructed Richard Way to led the pledge of allegiance.

#### **ROLL CALL**

Four Commissioners were present and in the chambers. One Vice Chair Commissioner Robert Scagliotti was absent.

#### **DEPARTMENT ANNOUNCEMENTS**

Assistant Director of Planning and Building led the department announcements. He introduced Assistant Planner Victor Tafoya and gave the Commission updates on Strada Verde, Betabel, Santana Ranch, San Juan Oaks, and mentioned that training on July 22, 2022 in Monterey will be available for the Commissioners to take free if cost. Assistant Director Abraham Prado additionally mentioned potential joint Planning Commission meeting with City of Hollister, City of San Juan

Bautista, and San Benito County. Date to be determined.

## **PUBLIC COMMENT**

No public comment via zoom or in the chambers.

## **CONSENT AGENDA**

Motion carried 4-0. Commissioner Robert Scagliotti was absent.

MOTION:

*Motion:* Made by **Robert Gibson** and seconded by **G.W. Devon Pack**

**Passed 4 - 0**

*For (4):* *Against (0):*

*Ayes: Gibson, Pack, Rodriguez II, Way*

### **2. Resolution to authorize teleconferencing in accordance with Assembly Bill 361 (2021).**

MOTION:

*Motion:* Made by **G.W. Devon Pack** and seconded by **Robert Gibson**

**Passed 4 - 0**

*For (4):* *Against (0):*

*Ayes: Gibson, Pack, Rodriguez II, Way*

### **3. Acknowledgement of Certificate of Posting**

MOTION:

*Motion:* Made by **G.W. Devon Pack** and seconded by **Robert Gibson**

**Passed 4 - 0**

*For (4):* *Against (0):*

*Ayes: Gibson, Pack, Rodriguez II, Way*

### **4. Acknowledgement of Public Hearing**

MOTION:

*Motion:* Made by **G.W. Devon Pack** and seconded by **Robert Gibson**

**Passed 4 - 0**

*For (4):* *Against (0):*

*Ayes: Gibson, Pack, Rodriguez II, Way*

## **REGULAR AGENDA**

### **PUBLIC HEARING**

5. **PLN220008 (Minor Subdivision/Tentative Parcel Map):** OWNER: Esther L. Matthews and Jonathan Cabral. APPLICANT: Esther Matthews. LOCATION: 530 and 540 Acquistapace Road, 1 mile south-southeast of the Fairview Road–State Route 156 intersection. APN: 016-140-018. REQUEST: To subdivide a 26.37-acre parcel into two parcels, one 5.11 acres and the other 21.25 acres, each proposed lot currently built with an existing residence, with no further construction currently proposed but with potential for minor future construction. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive/Flood Plain (AP/FP). ENVIRONMENTAL REVIEW: Categorically Exempt under State CEQA Guidelines Sections 15303 (Class 3, New Construction or Conversion of Small Structures), 15304 (Class 4, Minor Alterations to Land), and 15305 (Class 5, Minor Alterations in Land Use Limitations). PLANNER: Michael Kelly (*mkelly@cosb.us*)

Principal Planner Arielle Goodspeed presented PLN220008 (Minor Subdivision/Tentative Parcel Map) on behalf of Senior Planner Michael Kelly who could not attend due to illness. Ann Hall presented on behalf of the applicant and petitioned the Commission to waive Public Works conditions of approval 21 Roadway Improvements and condition 24a to convert areal utilities to underground utilities. Interim RMA Director Steve Loupe said that the condition for the road could be rewritten as severe roadway distress shall be repaired along the applicants frontage per the recommendation of the County engineer. Commission then decided to remove condition 21 all together. Commissioner Robert Rodriguez saw no reason to enforce conditions 24a and condition 21. Commissioners G.W. Pack and Richard Way agreed. There was a motion to approve PLN220008 with the removal of conditions of approval 24a and condition 21 by Chair Gibson and Richard Way 2nd. Motion Passed 4-0. Vice Chair Robert Scagliotti was absent.

MOTION:

*Motion:* Made by **Robert J. Rodriguez II** and seconded by **Richard Way**

**Passed 4 - 0**

*For (4):*

*Against (0):*

*Ayes: Gibson, Pack, Rodriguez II, Way*

6. **UP 1079-13 (Conditional Use Permit), MS 1233-13 (Minor Subdivision):** OWNER: PLH Vineyard Sky LLC and Ecos Energy LLC. APPLICANT: PLH Vineyard Sky LLC and Ecos Energy LLC. LOCATION: 1850 Buena Vista Road. APN: 019-110-033, -034, and -035. REQUEST: This prior approved development consisted of rural parcels with a 5-acre minimum size. However, the County Engineer conditioned the project to install frontage improvements be installed to the ultimate adopted geometric section for an urban subdivision (i.e., lot sizes less than 5 acres). This requirement conflicted with County Code Section 23.29.001. The request is to amend the Subdivision and Conditional Use Permit approvals so that they are applicable to lot sizes greater than 5 acres. GENERAL PLAN DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorically Exempt under State CEQA Guidelines. PLANNER: Arielle Goodspeed (*agoodspeed@cosb.us*)

Interim Director of RMA Steve Loupe gave a Power Point presentation on Use Permit (UP) 1079-13, Minor Subdivision (MS) 1233-13, and Minor Subdivision 1235-16. The PowerPoint addressed Amendment to MS 1233-13 Condition of Approval 15 Road Improvement Standard.

This condition has been approved twice by the Planning Commission as Interim Director of RMA Steve Loupe noted in his presentation. It was approved with the solar project which was completed in February 2015 and again with the Subdivision at which time the applicant also gave a deposit for the widening, curb, gutter, and sidewalk frontage improvements. The applicant then after the second approval of the condition the applicant then asked that it be changed to the non urban standard with widening only and gravel shoulder.

Per County code Section 25 the improvement as stated in condition 15 should be upheld. Commissioner Way inquired about the parcel size being no less than 5 acres. Interim Director of RMA Steve Loupe replied that they were indeed 5 acres or more even after subdivision. County Counsel Joel Ellinwood noted that the original condition would have applied to the whole 751 feet along the original parcel along with the subdivision. Interim Director of RMA Steve Loupe also noted that the other two parcels are owned by other parties not the applicant at this time. Chair Gibson asked if the buyers of those parcels were aware of the condition. Applicants were aware of the subdivision agreement at the time of purchase said Interim Director Steve Loupe.

There was public comment via Zoom from Steve Broyer, he stated that the two 5 acre parcels were retained by the owner not that the applicant did not own the whole parcel originally. Public comment was closed. Commissioner Pack stated that he is aware of the existing sidewalk on the southern portion of Buena Vista and wanted to know where the existing sidewalk stopped on the north side of Buena Vista. Interim RMA Director Steve Loupe pointed out that the existing sidewalk stopped right before this property. County Counsel Joel Ellinwood suggested that we pull up the GIS to illustrate where the sidewalk ends in proximity to the property in question.

Assistant Director of Building and Planning Abraham Prado stated that Interim RMA Director Steve was correct about the current improvements on the road. County Counsel Joel Ellinwood stated that southern portion of Buena Vista Road is within City of Hollister and the northern portion is County and rural. Chair Gibson pointed out that this property will be annexed soon. Commissioner G.W. Pack commented that it was on the soon to be annexed list. Commissioner Rodriguez inquired about the condition being set and the applicant agreed upon it twice in the previous Planning Commission. Commissioner G.W. Pack commented that this a main street and access to Highway 156 bypass/Highway 25. Interim Director of RMA Steve Loupe confirmed that it is a collector. Chair Robert Gibson noted that the traffic is high on this street and people regularly exceed the speed limit on it. He additionally pointed out that wider roads with sidewalks would make it closer for children going to and from school given that it is within the area of Calaveras School. Interim Director of RMA Steve Loupe confirmed that this was correct. Richard Way stated that we should correct the error of preempting the improvement. However, he also noted that this is just delaying the inevitable.

Commissioner Pack also stated that this road is high-risk due to heavy accidents due to speed, pets frequently lost, and frequent street racing. He has gained this knowledge as a resident on this road. He believes that this safety improvement will be for the betterment for the public and the school children that frequent this road as well. County Counsel Joel Ellinwood inquired as to where in proximity to the project on Buena Vista Road Commissioner Pack lives. Commissioner Pack stated that he lived at 2191 Buena Vista Road and that it is between 1000 and 2000 feet from the project. County Counsel informed the Commissioner that there may be an issue due to his proximity to the project. His residence must be evaluated as to whether there is an issue or not.

Commissioner Robert Rodriguez II put forth a motion to deny the request to change the condition of approval for the frontage improvements. Chair Gibson second the motion. Motion to Denied 3-0. Commissioner Pack abstained form voting. Vice Chair Robert Scagliotti was absent.

MOTION:

Motion: Made by **Robert J. Rodriguez II** and seconded by **Robert Gibson**

**Failed 3 - 0**

For (3):

Against (0):

*Ayes: Gibson, Rodriguez II, Way*

## **BOARD ANNOUNCEMENTS**

G.W. Pack emphasized the joint planning commission meeting between the County and Cities being important and noting the issues to discuss as important to attracting future commercial growth.

## **ADJOURN**

Motion to Adjourn Passed 4-0. Vice Chair Scagliotti was absent.

MOTION:

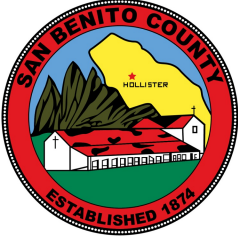
Motion: Made by **G.W. Devon Pack** and seconded by **Robert Gibson**

**4 - 0**

For (4):

Against (0):

*Ayes: Gibson, Pack, Rodriguez II, Way*



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 8.4**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojca

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A.PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**  
Approve June 1, 2022 Draft Special Meeting Minutes

**AGENDA SECTION:**

ADOPTION OF ACTION MINUTES

**BACKGROUND/SUMMARY:**

N/A

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A



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

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Approve June 1, 2022 Draft Special Meeting Minutes

**ATTACHMENTS:**

[2022\\_6\\_1\\_MinutesMeeting.pdf](#)



# SAN BENITO COUNTY PLANNING COMMISSION

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Robert J  
Rodriguez II  
District No. 1

Richard Way  
District No. 2

Vice-Chair  
Robert  
Scagliotti  
District No. 3

Chair Robert  
Gibson  
District No. 4

G.W. Devon Pack  
District No. 5

---

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

## **SPECIAL MEETING MINUTES June 1, 2022 6:00 PM**

### **6 P.M. ~ CALL TO ORDER**

This meeting was called to order at 6:00 p.m. by Chair Commissioner Robert Gibson. three Commissioners were present and in the chambers. Commissioner G.W. Pack was later present via Zoom. Commissioner Robert J. Rodriguez II was absent. County staff members present included County Counsel Joel Ellinwood, Assistant Director of Planning and Building Abraham Prado, Principle Planner Arielle Goodspeed, Senior Planner Michael Kelly, and Planning Intern Jonathan Olivas.

1.

### **NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS**

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

**The June 1, 2022, Special Planning Commission meeting can be accessed in the following methods:**

#### **A. Public in-person attendance at the Board of**

**Supervisors Chambers: 481 4<sup>th</sup> St, Hollister, CA, 95023.**

- **For the safety of public and County employees, all attendees must comply with the June 15, 2021, or any subsequently issued, California Department of Public Health face covering requirements, found at:**

**<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>**

- **Unvaccinated Members of the Public:** Masks are required for unvaccinated individuals. If you are exempt from the CDPH face-covering guidance (above) and are not fully vaccinated, you must wear a face shield which will be provided to attend the meeting. If you cannot, or choose not to, wear a face covering or face shield, you may participate in the meeting by
- Zoom. **Fully Vaccinated Members of the Public.** Masks are not required for fully vaccinated individuals.
- **All attendees must comply with any other rules, procedures or instructions announced by the Chair.**

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

**Webinar ID: 815 4425 4170**

**Webinar Password: 494585**

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

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

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

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

- **San Benito County Facebook Page:**  
**<https://www.facebook.com/sbccalifornia>**

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

**Page:**

[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA).

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

**F. Public Comment Guidelines:**

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

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

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

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

Planning Intern Jonathan Olivas, provided instructions on how to access the Planning Commission meeting and make a public comment through Zoom. As well as instructions on how to participate in person in the chambers.

**PLEDGE OF ALLEGIANCE**

Chair Commissioner Robert Gibson instructed Vice Chair Robert Scagliotti to led the meeting into the pledge of allegiance.

**ROLL CALL**

Three Commissioners were in chambers. County Counsel Joel Ellingwood stated that per San Benito County Code 3 commissioners does constitute a quarm. However, all decisions must be unanimous to pass. Commissioner G.W. Pack was present later via Zoom. Commissioner Robert J. Rodriguez II was absent.

## CONSENT AGENDA

Motion carried 3-0. Commissioner Pack was present via Zoom later. Commissioner Robert J. Rodriguez II was absent.

- These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.
- If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

## 2. ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

Motion carried 3-0. Commissioner Pack was present via Zoom later. Commissioner Robert J. Rodriguez II was absent.

## 3. ACKNOWLEDGEMENT OF PUBLIC HEARING

Motion carried 3-0. Commissioner Pack was present via Zoom later. Commissioner Robert J. Rodriguez II was absent.

## PUBLIC HEARING

4. **Title 25: Zoning Ordinance Update:** This ordinance will repeal San Benito County Code Title 25 entitled Zoning in its entirety and amends the San Benito County Code to add new Chapters 25.0 to 25.09 of Title 25 entitled Zoning, including table of contents, general provisions and administration, permits and other planning actions, zoning map and zoning districts, combining zones, planned unit development, specific plans, general development and design standards, standards for specific uses and areas, and glossary, in part to make the regulations more consistent with state law, achieve the vision and goals outlined in the 2035 General Plan, and make the code more clear, concise, and user friendly. The presentation will be given by staff and the County's consultant, Interwest Consulting Group, Inc. ENVIRONMENTAL REVIEW: An NOD will be filed in accordance with CEQA Section 15183 Projects consistent with a Community Plan, General Plan, or Zoning. PLANNER: Arielle Goodspeed / Presenter: Interwest Consulting Group Inc. ([agoodspeed@cosb.us](mailto:agoodspeed@cosb.us))

Eric from InterWest gave a PowerPoint on the Zoning Code Update and the Amendments mad based on the Planning Commissions feedback and recommendations in the areas of food trucks, tiny homes, and agricultural building size thresholds. Motion to approve the resolution to forward the Zoning Code update to the Board of Supervisors for approval. Resolution carried 4-0.

Commissioner Pack was now present via Zoom. Commissioner Robert J. Rodriguez II was absent.

MOTION:

Motion: Made by **Robert Gibson** and seconded by **Robert Scagliotti**

**Passed 4 - 0**

For (4):

Against (0):

Ayes: Gibson, Pack, Scagliotti, Way

## ADJOURN

Motion Carried 4-0. Robert J Rodriguez was absent.

**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**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

**Item Number: 9.1**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Arielle Goodspeed

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

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

Provide staff direction on Rural Home Enterprise and Home Occupation to update code to include Rural Transitional Zoning as an allowed zoning district to operate rural home enterprises and home occupations.

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

Staff has found that in utilizing the recently updated Ordinance 1034 Home Occupations and Rural Home Enterprises did not include the zoning district of Rural Transitional (RT) as a permitted zoning district for Home Occupations and Rural Home Enterprises. Currently a home occupation is allowed in the following zoning districts: AR, AP, R, RR, R1, and RM. Rural Home Enterprises are allowed in the AR, AP, and R zones. Rural Transitional (RT) is considered to be within an Agricultural Zone per our code. The RT district is intended to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban uses.

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

N/A

**CONTRACT NEEDED FOR THIS ITEM:**

N/A

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission provide direction to include Rural Transitional zoning as a permitted zoning district for both Home Occupations and Rural Home Enterprises.

**ATTACHMENTS:**

[25.03 Zoning Map and Districts.pdf](#)

[Ordinance 1034.pdf](#)

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## 25.03: Zoning Map and Zoning Districts

### 25.03.001 Purpose and Intent

Zones have been established to classify, regulate, and restrict the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards and other open spaces about buildings; and regulate the density of people.

### 25.03.002 Official Zoning Map

The boundaries of the zones established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the Planning Division. The Official Zoning Map, together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the maps, have been adopted by the Board of Supervisors and are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

A digital version of the Official Zoning Map is available on the County's web site.

### 25.03.003 Establishment and Designation of Zoning Districts

The County is divided into zones to allow for orderly, planned development and to implement the General Plan. Table 25.03-A (Zones Implementing the General Plan) identifies all zones in San Benito County. All zones shall be listed and appropriately designated on the official Zoning Map.

- A. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- B. **Specific Plan Zones.** Adopted Specific Plans located in the County are identified in Chapter 25.06 of this Code.
- C. **Combining Zones.** A combining zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the combining zone regulations, the provisions of the combining zone shall apply. Combining zones and their regulations are in Chapter 25.04 of this Code.

**Table 25.03-A**

<b>Zones Implementing the General Plan</b>		
<b>Zone Symbol</b>	<b>Zone District Name</b>	<b>General Plan Land Use Designation Implemented by Zone</b>
<b>BASE ZONES</b>		
<b>Agricultural Zones</b>		
AR	Agricultural Rangeland	Rangeland (RG)
AP	Agricultural Productive	Agriculture (A)
R	Rural	Rural (R)
RT	Rural Transitional	Rural Transition (RT)
<b>Residential Zones</b>		
RR	Rural Residential	Residential Rural (RR)
R1	Single Family Residential	Residential Rural (RR); Residential Mixed (RM)
RM	Residential Mixed	Residential Multiple (RM)
<b>Commercial Zones</b>		
C-1	Commercial Thoroughfare	Commercial Thoroughfare (CT)
C-2	Neighborhood Commercial	Commercial Neighborhood (CN)
<b>Industrial Zones</b>		
BP	Business Park	Industrial Light (IL)
M-1	Light Industrial	Industrial Light (IL)
M-2	Heavy Industrial	Industrial Heavy (IH)
<b>Public/Quasi-Public Zones</b>		
PQP	Public/Quasi-Public	Public/Quasi-Public (PQP)

RRP	Resource Recovery Park	Public/Quasi-Public (PQP)
<b>Specific Plan Zones</b>		
	Santa Ranch Specific Plan	Santana Ranch Specific Plan (SRSP)
	Fairview Corners Specific Plan	Fairview Corners Specific Plan (FCSP)
	San Juan Oaks Specific Plan	San Juan Oaks Specific Plan (SJOSP)
<b>COMBINING ZONES</b>		
ES	Emergency Shelter Combining Zone	N/A
AS	Airport Safety Combining Zone	N/A <sup>1</sup>
FLA	Frazier Lake Airpark Combining Zone	N/A <sup>1</sup>
HMA	Hollister Municipal Airport Combining Zone	N/A <sup>1</sup>

1. These combining zones implement the Airport Land Use Compatibility Plan for each airport.

### 25.03.004 Agricultural and Rural Districts

The intent of the agricultural zones is to maintain the productivity of agricultural land, especially prime farmland, as well as maintain open space and grazing in more remote areas of the county. The rural zones are intended to serve as a transitional area between agricultural to rural areas and rural to urban areas. Single-family dwellings, accessory dwellings and farm worker housing are allowed in these zones, as appropriate for the level of available infrastructure.

These zones implement the Agriculture land use designation of the General Plan.

#### A. Agricultural Rangeland (AR) District – Intent

The intent of this district is to provide for areas within the county to be used for agricultural rangeland purposes as set forth in the general plan. Very low-density residential development and farmworker housing are permitted due to the lack of public infrastructure and for the preservation of open space and agriculture.



**B. Agricultural Productive (AP) District – Intent**

The intent of the AP district is to provide for areas within the county to be used for agricultural production of any type as set forth in the general plan, including agriculture support uses, vineyards, wineries and winery supporting land uses. Low-density residential uses, and the preservation of prime farmland. Low-density and farmworker housing are also permitted.

**C. Rural (R) District – Intent**

The intent of this district is to allow very low-density residential development in areas within the county that are not primarily suited for agricultural uses, and lack infrastructure needed for higher density development. The R zone is intended to provide areas for mixtures of housing and small-scale agricultural uses.

**D. Rural Transitional (RT) District – Intent**

The RT district is intended to provide a buffer of rural development between areas of residential development and agricultural areas in order to minimize the conversion of agricultural lands to urban uses.

**E. AR, AP, R, and RT Permitted Uses**

The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in an AR, AP, R, and RT districts. These uses apply to every lot and building site in the AR, AP, R, and RT zoning districts, except where modified by a combining zone.

**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

A = Administrative Use Permit Required

C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
<b>Agricultural Uses<sup>1</sup></b> See note 1 to this table for all agricultural uses.					
Commercial agriculture (see Glossary)	P	P	P	--	
Commercial composting	C	C	C	--	
Commercial mushroom growing	C	C	C	--	
Crowing fowl (6-10)	A	A	A	--	
Crowing fowl (11+)	C	C	C	--	
Indoor commercial production of plants	C	C	C	C	
Commercial livestock farm or ranch involving poultry or small or large livestock able to roam and/or feed over a large area	P	P	P	--	

**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

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C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
Commercial livestock farm or ranch involving concentrations of poultry or small or large livestock animals in a central location, such as a chicken ranch, dairy, feed lot and similar uses	A	C	C	--	
Rangeland grazing of small or large livestock	P	P	--	--	
Non-commercial raising of poultry or other animals	P	P	P	P	See “Animal Keeping” standards in Chapter 25.08 for limits on number of animals.
Future Farmers of America (FFA) or 4-H projects, conducted by	P	P	--	--	

**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

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C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
residents of the premises.					
Wholesale Plant Nursery	P	P	P	P	
<b>Commercial Uses</b>					
Bed and breakfast establishments	C	C	C	--	
Hotel or motel	C	C	C	--	
Winery	A	A	A	--	
Sale of agricultural products, including products not produced in San Benito County	A	A	A	A	Sale of other products, including pre-packaged and prepared food, allowed as an accessory use.
Sale of agricultural products produced in San Benito County	P	P	P	P	Sale of other products, including pre-packaged and prepared food,

**Table 25.03-B**

**Land Uses - Agricultural Zones**

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C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
					allowed as an accessory use.
<b>Commercial Cannabis/Hemp Uses<sup>1</sup></b> See note 1 to this table for all cannabis uses.					
Indoor or outdoor cultivation of commercial cannabis; transport of crops to offsite locations (not including “distribution” as defined in Title 7, Chapter 7.02 of the County Code	C	C	C	--	Subject to additional requirements of Title 7, Chapter 7.02 of the County Code
Laboratory testing of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	--	
Manufacturing of commercial cannabis or hemp (mixed light,	C	C	C	--	

**Table 25.03-B**

**Land Uses - Agricultural Zones**

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“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
including nurseries and distribution)					
<b>Industrial Uses<sup>1</sup></b> See note 1 to this table for all Industrial uses.					
Abattoir (Slaughterhouse)	C	C	C	--	
Agricultural Processing of products grown onsite	P	P	P	--	
Agricultural processing of products not grown onsite	C	C	C	--	
Cannery	--	--	--	--	
Pallet and agricultural bin manufacturing	C	C	C	--	
Off-site truck parking in service of agricultural operations	C	C	C	--	

**Table 25.03-B**

**Land Uses - Agricultural Zones**

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C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
<b>Residential Uses<sup>1</sup></b> See note 1 to this table for all Residential uses.					
Single-family dwelling	P	P	P	P	Per the density requirements of the General Plan
Tiny Homes	P	P	P	P	See Chapter 25.08.029 for Tiny Homes standards
Accessory Dwelling Unit	P	P	P	P	See Chapter 25.08.002 for Accessory Dwelling Unit standards
Group Home (Small)	P	P	P	P	
Group Home (Large)	C	C	C	C	
Permanent Agricultural Employee Housing, not exceeding 12 dwelling units (including mobile	P	P	P	P	See Note 2



**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

A = Administrative Use Permit Required

C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
homes and RVs, or spaces for mobile homes and RVs), or 36 beds in group quarters					
Permanent Agricultural Employee Housing exceeding 12 dwelling units or 36 beds in group quarters	C	C	--	--	See Note 2
Labor Supply Employee Housing	P	P	P	P	See Note 2
Seasonal Agricultural Employee Housing	P	P	P	P	See Note 2
Temporary Agricultural Employee Housing	P	P	P	P	See Note 2
Senior/Congregate Care	P	P	P	P	

**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

A = Administrative Use Permit Required

C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
Transitional and Supportive Housing	P	P	P	P	
<b>Recreational Uses</b>					
Commercial outdoor recreational uses, including but not limited to RV parks, hunting clubs and riding clubs and golf courses	C	C	C	C	
Private outdoor camping facilities, including cabins and tent camping	C	C	C	C	
<b>Other/Institutional/Utility</b>					
Aircraft Landing Field/Helipad	C	C	C	C	
Assembly Uses, including places of worship, private clubs, fraternity/sorority					

**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

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C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
houses, senior centers	C	C	C	C	
Bus stops, park and ride lots, transit stops	P	P	P	P	
Cemetery (includes columbarium)	C	C	C	C	
Day Care, Small Family	P	P	P	P	
Day Care, Large Family	A	A	A	A	
Day Care Center	C	C	C	C	
Educational institution, private	C	C	C	C	Public schools are not regulated by this Code
Hobby Kennels	A	A	A	--	See “Animal Keeping” in Chapter 25.08
Hospital	C	C	C	C	

**Table 25.03-B**

**Land Uses - Agricultural Zones**

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“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
Kennels, including, without limitation, kennels for hybrid animals	C	--	--	--	See “Animal Keeping” in Chapter 25.08
Library or museum not operated by a governmental entity	A	A	A	A	Publicly operated libraries and museums are not regulated by this Code
Microwave, radio and television transmission and/or relay structures	C	C	C	C	Facilities regulated by the PUC are not regulated by this Code
Private enterprise performing governmental functions	C	C	C	C	
Radio frequency emission measuring facilities (if privately operated)	C	C	C	C	Publicly operated radio frequency emission measuring facility not

**Table 25.03-B**

**Land Uses - Agricultural Zones**

P = Permitted Use

A = Administrative Use Permit Required

C = Conditional Use Permit Required

“—” = Use Not Allowed

*Some new structures require review, per Section 25.02.001 of this Code*

<b>Land Use Classification</b>	<b>Agricultural Rangeland (AR)</b>	<b>Agricultural Productive (AP)</b>	<b>Rural (R)</b>	<b>Rural Transition (RT)</b>	<b>Notes and Additional Regulations</b>
					regulated by this Code
Railway stations, multi-modal transit centers	C	C	C	C	
Renewable Energy Generation Facilities, Commercial	C	C	C	--	See Chapter 25.08.016 for development standards
Renewable Energy Generation Facilities, Commercial and Private Non-Commercial	A	A	A	--	See Chapter 25.08.016 for development standards
Surface mining, including concrete and asphalt batch plants and concrete and asphalt recycling plants	C	C	C	C	Must comply with Surface Mining Ordinance, title 19 of the County Code

Table 25.03-B					
Land Uses - Agricultural Zones					
P = Permitted Use A = Administrative Use Permit Required C = Conditional Use Permit Required “—” = Use Not Allowed <i>Some new structures require review, per Section 25.02.001 of this Code</i>					
Land Use Classification	Agricultural Rangeland (AR)	Agricultural Productive (AP)	Rural (R)	Rural Transition (RT)	Notes and Additional Regulations
Veterinary hospitals and pet clinics	C	C	C	--	
Accessory/Incidental Uses	Regulated as a use per this table. Administrative Use Permit or Conditional Use Permit required if shown in the table above.				
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code				
Similar Uses	See “Interpretations” in Chapter 25.01				

Note 1: All Agricultural, Cannabis, Industrial and Residential uses in Agricultural zones can be a primary use, if consistent with the General Plan land use designation for the property.

Note 2: Farmworker housing provided by an employer must comply with all provisions of Section 17008(a) of the California Health and Safety Code. Farmworker housing provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.

**F. Agricultural and Rural District Development Standards**

Table 25.03-C establishes the basic development standards for the agricultural and rural zones. Development standards for specific uses are provided in Chapter 25.08. The regulations in this section apply to every lot and building site in the AR, AP, R, and RT zoning districts, except where modified by a combining zone.

Table 25.03-C				
Development Standards – Agricultural Zones				
Development Standard	Agricultural Rangeland (AR)	Agricultural Productive (AP)	Rural (R)	Rural Transition (RT)
<b>Lot and Density Standards</b>				
Maximum Density <sup>1</sup>	1 dwelling unit per 40 acres <sup>1</sup>	1 dwelling unit per 5 acres <sup>1</sup>	1 dwelling unit per 5 acres <sup>1</sup>	1 dwelling unit per 2.5 acres <sup>1</sup>
Minimum Lot Size	40 acres	5 acres	5 acres	2.5 acres
<b>Setbacks and Height Limits</b>				
Front Setback	30 feet	25 feet	25 feet <sup>2</sup>	25 feet <sup>2</sup>
Side, Interior Setback	32 feet	32 feet	32 feet <sup>2</sup>	32 feet <sup>2</sup>
Rear Setback	35 feet	35 feet required	35 feet <sup>2</sup>	35 feet <sup>2</sup>
Distance between buildings	Subject to requirements of California Building Code			
Maximum Building Height (feet)	35	35	35	35
Development standards for accessory structures are provided in sections 25.07.006, 25.07.007, and 25.07.008.				

1. Accessory dwelling units do not count toward density. See section 25.08.002.
2. R & RT zones – in state responsibility area, a vegetation clearance easement may be required for defensible space for firefighting, see County Fire Department.

**25.03.005 Residential Districts**

The intent of the residential districts is to provide for a range of housing types consistent with the general plan and other compatible land uses that will support and enhance the residential environment.

**A. Rural Residential (RR) District – Intent**

The RR zone is intended to provide areas of mixtures of housing and limited agricultural uses.

The single-family dwelling is the primary use while agricultural uses are intended to be of secondary importance. This category applies to areas in proximity to urban services. The density of this zone shall be a maximum of one dwelling unit per acre, unless a public sewer and public water service is available or the municipality accepts wastewater treatment responsibility, at which point the minimum net parcel size may be reduced to one-half acre. The following regulations except to the extent they may be modified by this title or by a combining or overlay district, shall apply to every lot and building in the RR district.

Development applications are by County policy referred to the city that would provide services to the project.

#### **B. Residential Districts**

1. These residential districts are established to provide areas in suitable locations for the various types of dwelling accommodations needed in the county and to provide a means of regulating the density and distribution of the population in conformance with the general plan.
2. There are two residential zones which implement the Residential Mixed land use designation of the General Plan:
  - a. Single-family residential; or
  - b. Residential Multiple.

#### **C. Single-Family Residential (R1) District**

The intent of the R1 district is to provide primarily for the development of single-family neighborhoods, with appropriate supporting uses. Attached or multi-family housing is not permitted, except for Accessory Dwelling Units and where state law mandates approval of these types of housing.

Development intensity is established in part by the availability of public water and sewer service. In areas where both are available, smaller lot sizes can be created. Where one or both is not available, lot sizes will be limited by the availability of local soils and underground water to provide sufficient capacity consistent with the Building Code and other health regulations.

#### **D. Residential Multiple (RM) District - Intent and Application of Article**

The intent of the RM district is to allow for areas of multiple-family dwellings, in areas already developed to urban density, as well as having utility services to allow this density to continue. This will allow unincorporated pockets of urban concentration to occur where public sewer and water, as well as circulation, other utilities and services exist or can be provided.

This zoning designation is to be located where commercial services, recreational facilities and



public services, such as shopping and health care, are available within a reasonable distance. The following regulations, as set out in this article, except to the extent that they may be modified by a combining or overlay district, or any adopted specific plan, shall apply to every lot and building site in an RM district.

An adopted specific plan may establish, without limitation, a separate list of permitted and conditionally permitted land uses, site development standards, height and coverage limitations and building setbacks for all land within the boundaries of the specific plan.

Development intensity is established in part by the availability of public water and sewer service. In areas where both are available, smaller lot sizes can be created. Where one or both is not available, lot sizes will be limited by the availability of local soils and underground water to provide sufficient capacity consistent with the Building Code and other health regulations.

**E. RR, R1, & RM Permitted Uses**

The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in an RR, R1, and RM districts. These uses apply to every lot and building site in the RR, R1, and RM zoning districts, except where modified by a combining zone.

**Table 25.03-D**

**Land Uses - Residential Zones**

*P = Permitted Use*

*A = Administrative Use Permit Required*

*C = Conditional Use Permit Required*

*“—” = Use Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Rural Residential (RR)</b>	<b>Single Family Residential (R1)</b>	<b>Residential Multiple (RM)</b>	<b>Additional Regulations</b>
<b>Agricultural Uses</b>				
Commercial agricultural as defined in the Glossary	P	--	--	
Hobby/Personal agriculture	P	P	P	
Small livestock farming	P	--	--	
Sale of agricultural produce grown on the premises	P	P	P	
<b>Residential Uses</b>				
Single-family dwelling, Primary	P	P	C	
Additional Single-Family dwellings	P	P	P	Must meet density requirements of the General Plan
Tiny Homes	P	P	P	See Chapter 25.08.029 for

				Tiny Homes standards
Accessory Dwelling Unit	P	P	P	See Accessory Dwelling Unit Standards in Chapter 25.08.002
Boarding House	P	P	P	
Duplex or Half-plex	--	--	P	
Group Home (Small)	P	P	P	
Group Home (Large)	C	C	C	
Mobile Home Park	--	--	P	
Multiple-family dwellings, condominiums and apartments	--	See Note	P	A mix of residential development types is required in the R-1 for projects of more than 5 units where public water and sewer are available. Project must meet General Plan density requirements for the RM land use designation (Land Use Table 3-1)
Senior/Congregate Care	P	P	P	
Transitional and Supportive Housing	P	P	P	

<b>Other</b>				
Assembly Uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	C	C	C	
Bus stops, park and ride lots, transit stops	P	P	P	
Cemetery (includes columbarium)	C	C	C	
Commercial outdoor recreational uses, including but not limited to RV parks, hunting clubs and riding clubs and golf courses	C	--	--	
Day Care, Small and Large Family	P	P	P	Must be operated in accordance with California Health & Safety Code, Chapter 3.6, Sections 1597.44, 1597.45, 1597.46, and 1597.465
Day Care Center	C	C	C	
Educational institution, private	C	C	C	Public schools are not regulated by this Code
Hospital	C	C	C	

Library or museum not operated by a governmental entity	A	A	A	Publicly operated libraries and museums are not regulated by this Code
Microwave, radio and television transmission and/or relay structures	C	C	C	Facilities regulated by the PUC are not regulated by this Code
Private enterprise performing Governmental functions	C	C	C	
Railway stations, multi-modal transit centers	C	C	C	
Renewable Energy Generation Facilities, Commercial Scale	--	--	--	
Renewable Energy Generation Facilities, Private Non-Commercial	A	A	A	See Chapter 25.08.016 for development standards
Recreational uses incidental to single-family residential uses and for the exclusive use of the residents residing on the same parcel	P	P	P	
Accessory/Incidental uses	Regulated as a use per this table. Administrative Use Permit or Conditional Use Permit required if shown in the table above.			
*Similar Uses	See "Interpretations" in Chapter 25.01.009			

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**F. Residential District Development Standards**

The following table establishes the basic development standards for the rural residential and urban residential zones. Development standards for some specific uses are provided in Section 25.08 of this Code.

These standards apply to every lot and building site in the RR, R-1, and RM zoning districts, except where modified by a combining zone.

<b>Table 25.03-E</b>			
<b>Development Standards – Residential Zones</b>			
<b>Development Standard</b>	Rural Residential (RR)	Single Family Residential (R1)	Residential Multiple (RM)
<b>Lot and Density Standards</b>			
Maximum Density	2 dwelling units per acre <sup>1</sup>	Up to 20 units per acre if both public water and sewer are available <sup>1</sup>	8 - 20 dwelling units per acre if both public water and sewer are available <sup>1</sup>
Minimum Lot Size	0.5 to 1 acre <ul style="list-style-type: none"> <li>• 0.5 acre: public sewer + public water</li> <li>• 1 acre: only one public water/sewer service provided)</li> </ul>	5,000 sq. ft., 1 acre, and 2.5 acres minimums for single family homes, depending on availability of services: <sup>3</sup> <ul style="list-style-type: none"> <li>• 5,000 sq. ft.: public sewer + public water</li> <li>• 1 acre: septic tanks + public water</li> </ul>	No minimum lot size for multi-family <sup>2</sup>  Single family development intensity depends on availability of services: <sup>3</sup> <ul style="list-style-type: none"> <li>• 1 acre: septic tanks + public water</li> </ul>

		• 2.5 acre: septic tanks + well water)	• 2.5 acre: septic tanks + well water)
<b>Minimum Lot Requirements</b>			
Interior lot width/lot depth	Depth of lot cannot be more than three times the width of the lot (Planning Commission can waive for parcels larger than 5 acres in size)		
Maximum lot coverage (percentage)	40%	40%	60%
FAR 0.8	N/A	0.8 FAR	0.8 FAR
<b>Building Form and Location</b>			
Front setback	25	20	20 feet, except the setback shall be 15 feet for parcels of less than 7,200 square feet if administrative approval by the Planning Director is granted
Side setback (each side)	15% of width (not less than 8 feet, but not more than 32 feet required)	10% of the lot width (not less than 6 feet, but not more than 20 feet required)	10% of the lot width (not less than 6 feet, but not more than 20 feet required)
Rear setback	20% of lot depth, not less than 20 feet, but not more than 35 feet required	20% of lot depth, not less than 20 feet, but not more than 35 feet required	20% of lot depth, not less than 20 feet, but not more than 30 feet required

Distance between main buildings	Subject to requirements of California Building Code		
Maximum Building Height (feet)	35	30	35

1. ADUs and JADUs not counted toward density.
2. 30% mixed housing types required for RM lots with public infrastructure/utilities.
3. Note: Site-specific soil characteristics may result in larger lot sizes.

**25.03.006 Commercial Districts**

The intent of the C-1 and C-2 districts is to provide for commercial development that is compatible with other land uses and will conveniently and effectively serve the needs of the people. The objective is to encourage commercial services to meet the needs of rural citizens as well as the needs of the weekend or recreational uses.

**A. Commercial Thoroughfare (C-1) District - Intent**

The C-1 district implements the Commercial Thoroughfare land use designation of the General Plan, which seeks to:

*“... provide commercial services for motorists near highway interchanges, along thoroughfares, and near Federal, State, and regional parks, and other tourist attractions to capture pass-through traffic, and to allow for commercial uses that serve the agricultural and rural unincorporated community. These uses could include small shopping centers, truck and automobile stations, and tourist-serving commercial uses.”*

*The purpose of this designation is to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along Interstate 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels.”*

The C-1 zoning district allows the establishment of businesses offering accommodations, supplies or services especially to motorists, and for certain uses such as commercial amusement and specialized automotive and related sales and service establishments which serve persons coming to them from large trading areas by automobile.

These uses ordinarily do not seek locations in shopping centers, and therefore, must be



provided at independent locations. The C-1 district, when appropriate, will be located along major thoroughfares. Special development standards are incorporated in the district regulations in order to provide for orderly development and to minimize traffic hazards.

The following regulations apply to every lot and building site in a C-1 district, except where modified by a combining zone.

**B. Neighborhood Commercial (C-2) District - Intent**

The C-2 district implements the Commercial Neighborhood land use designation of the General Plan, which seeks to:

*“... provide convenience goods within or near communities or other concentrations of population. This designation intends to reduce unnecessary vehicular trips to commercial centers in the cities of Hollister and San Juan Bautista and outlying cities in other counties, encouraging a focus on local businesses, with a destination retailer or restaurant. This designation also allows mixed-use developments that could include residential, retail, and office uses.”*

The C-2 zoning district is specifically intended to establish and provide centers for convenient shopping to residential neighborhoods.

The following regulations apply to every lot and building site in a C-2 district, except where modified by a combining zone.

**C. C-1 & C-2 Permitted Uses**

The table below designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in C-1 and C-2 districts.

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= Permitted Use

"A"= Administrative Use Permit Required

"C"= Conditional Use Permit Required

"--" = Use Not Allowed

All new structures require review, per Chapter 25.02 of this Code

Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
<b>Agricultural Uses</b>			
Commercial agriculture as defined in Glossary	P	P	
Future Farmers of America/4-H projects	--	P	Must be conducted by occupants of premises. Projects involving crowing fowl require crowing fowl affidavit
Hobby/Personal agriculture	--	P	
Grazing	P	P	
Plant Nursery, Wholesale Only	P	P	
Small livestock farming	P	P	One adult animal per acre (see Chapter 25.08)
<b>Residential Uses</b>			
Single-family dwelling	--	C	One per lot or parcel

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= *Permitted Use*

"A"= *Administrative Use Permit Required*

"C"= *Conditional Use Permit Required*

"--" = *Use Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Commercial Thoroughfare (C-1)</b>	<b>Neighborhood Commercial (C-2)</b>	<b>Additional Regulations</b>
Tiny Homes	--	C	See Chapter 25.08.029 for Tiny Homes standards
Accessory Dwelling Unit	--	P	Per Accessory Dwelling Unit regulations in Chapter 25.08.002
Caretaker unit	P	P	
Duplex or two-family dwelling	--	C	
Multiple-family dwellings, condominiums and apartments	--	C	Per General Plan density
Transitional and Supportive Housing	--	P	
<b>Commercial Uses</b>			
Alcohol sale for on-site or off-site consumption	P	P	
Automotive/vehicle related uses (see Glossary)	A	--	

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= *Permitted Use*

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"--" = *Use Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Commercial Thoroughfare (C-1)</b>	<b>Neighborhood Commercial (C-2)</b>	<b>Additional Regulations</b>
Automobile service stations and car washes (full service and self service)	C	C	
Commercial entertainment and amusement establishments	C	--	
Custom clothing retail and tailoring services	--	P	
Drive-through restaurants	C	--	
Drugstore/Pharmacy	--	A	
Eating and drinking establishments, including nightclubs	C	--	
Farm equipment sales with accessory repairs and services	A	--	
Sale of fruit and vegetable in a roadside stand	A	--	
Greenhouse, plant nursery, including sales of garden hardware	A	--	

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= *Permitted Use*

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"--" = *Use Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Commercial Thoroughfare (C-1)</b>	<b>Neighborhood Commercial (C-2)</b>	<b>Additional Regulations</b>
Home improvement stores	C	--	
House trailer sales and rentals	A	--	
Mobile home parks	--	C	
Motels and hotels	C	--	
Outdoor display and sale of merchandise, permanent	A	A	
Outdoor display and sale of merchandise, temporary	Requires Temporary Use Permit		
Outdoor storage of materials	--	--	
Restaurant	P	P	
Retail business establishments, small scale	P	P	
Retail business establishments, large scale	C	--	
Secondhand sales (auction shop, merchandise liquidator, surplus or salvage outlet or store, secondhand store or close-out store or	C	--	

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= *Permitted Use*

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"C"= *Conditional Use Permit Required*

"--" = *Use Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Commercial Thoroughfare (C-1)</b>	<b>Neighborhood Commercial (C-2)</b>	<b>Additional Regulations</b>
other business of a similar type or nature)			
Trailer rentals (U-Haul type)	A	--	
Truck stops/travel plazas	C	--	
<b>Personal Service Uses</b>			
Bank	P	P	
Personal Services, excluding massage parlors	P	P	
Retail clothes cleaning, dry cleaning, or laundry, including self-service laundromat	P	P	
Office, business or professional (including medical/dental)	P	P	
Veterinary hospitals and pet clinics	C	--	
Undertaking establishments, funeral homes, mortuaries	C	--	
<b>Other Uses</b>			

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= *Permitted Use*

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"C"= *Conditional Use Permit Required*

"--" = *Use Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Commercial Thoroughfare (C-1)</b>	<b>Neighborhood Commercial (C-2)</b>	<b>Additional Regulations</b>
Assembly Uses, including places of worship, private clubs, fraternity/sorority houses, senior centers	--	C	
Bus stops, park and ride lots, transit stops	P	P	
Day Care, Small Family	P	P	
Day Care, Large Family	A	A	
Day Care Center	C	C	
Educational institution, private	--	C	Public schools are not regulated by this Code
Hospital	--	C	
Library or museum or information center not operated by a governmental entity	--	C	Publicly operated libraries and museums are not regulated by this Code
Microwave, radio and television transmission and/or relay structures	C	C	Facilities regulated by the PUC are not

**Table 25.03-F**

**Land Use Regulations – Commercial Zones**

"P"= *Permitted Use*

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*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classification</b>	<b>Commercial Thoroughfare (C-1)</b>	<b>Neighborhood Commercial (C-2)</b>	<b>Additional Regulations</b>
			regulated by this Code
Outdoor recreation and/or education	C	--	
Private enterprise performing governmental functions	--	C	
Privately operated swimming pool	--	C	Publicly operated pools are not regulated by this Code
Recreation trailer parks	C	C	
Recycling Collection facilities	P	P	Minor Development Plan Review required. In C-1, limited to 200SF of outside storage. No outside storage in C-2
Recycling equipment to briquette, shred, transform	C	C	See chapter 25.08



Table 25.03-F			
Land Use Regulations – Commercial Zones			
<p>"P"= Permitted Use            "A"= Administrative Use Permit Required            "C"= Conditional Use Permit Required            "--" = Use Not Allowed            All new structures require review, per Chapter 25.02 of this Code</p>			
Land Use Classification	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)	Additional Regulations
or otherwise process recyclable materials			
Recycling Processing facilities	--	--	
Unmanned Aircraft takeoff and landing facilities	C	--	
Railway stations, multi-modal transit centers	C	C	
Accessory/Incidental uses	Regulated as a use per this table. Administrative Use Permit or Conditional Use Permit required if shown in the table above.		
*Similar uses	See "Interpretations" in Chapter 25.01		

**D. Commercial District Development Standards**

The table below establishes the basic development standards for the C-1 and C-2 zones.

Table 25.03-G		
Development Standards - Commercial Zones		
	Commercial Thoroughfare (C-1)	Neighborhood Commercial (C-2)
Density and Lot Requirements		
Density (units/acre)	N/A	20 dwelling units per acre

Minimum Lot Size (square feet)	20,000	20,000
<b>Building Form and Location</b>		
Floor Area Ratio (FAR)	0.8	0.8
Maximum Height (feet)	35	35 feet or more as determined by the Planning Commission as part of Development Plan Review
Maximum lot coverage	40%	50%
Front setback	10 feet or as determined by the Planning Commission as part of Development Plan Review	10 feet or as determined by the Planning Commission as part of Development Plan Review
Side setback (each side) <sup>1, 2</sup>	0 unless required by Planning Commission, then a minimum of 10 feet, <b>or</b> 10 feet when adjacent to a residential zone	Same as most restrictive adjacent zone
Rear setback <sup>1, 2</sup>	0 unless required by the Planning Commission, then a minimum of 10 feet, <b>or</b> 10 feet when adjacent to a residential zone	Same as most restrictive adjacent zone

1. In C-1 zone - in state responsibility area, a vegetation clearance easement may be required for defensible space for firefighting, see County Fire Department.

2. In C-1 zone – a commercial use abutting a residential use shall provide a ten- foot screened and landscaped setback buffer. Walls shall be not less than five feet nor more than eight feet in height.

### 25.03.007 Industrial Districts

The BP, M-1, and M-2 districts are intended to provide specialized areas where industrial uses can be located in a setting which will preserve and enhance the existing environment and where such uses will be compatible with other uses. These zoning categories implement the Industrial

Light and Industrial Heavy land use designations of the General Plan.

**A. Business Park (BP) District – Intent**

The business park district is intended to provide specialized areas where industrial uses of high quality can be located in a park-like setting which will preserve and enhance the existing environment and will be compatible with multiple residential and institutional uses.

**B. Light Industrial (M-1) District – Intent**

The M-1 district is intended to allow light industrial development near existing transportation systems (e.g., highways, rail, air). This includes: warehouses, contractor yards, nurseries, lumber yards, auto repair shops, light manufacturing and/or assembly, and research and development operations that do not cause significant environmental hazards or create major pollution.

**C. Heavy Industrial (M-2) District – Intent**

The M-2 district is intended to provide areas for heavy industrial activities that are not suitable for urban areas because of their size, noise, dust, traffic, or safety concerns. This could include large-scale manufacturing operations, mining and aggregate production facilities, recycling transfer centers, chemical and explosives manufacturing, or other similar uses.

**D. BP, M-1 & M-2 Permitted Uses**

The table below designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in BP, M-1 and M-2 districts.

The regulations in this section apply to every lot and building site in the BP, M-1 and M-2 zoning districts, except where modified by a combining zone.

**Table 25.03-H**

**Land Use Regulations -Industrial Zones**

*"P" = Permitted Use*

*"A" = Administrative Use Permit Required*

*"C" = Conditional Use Permit Required*

*"--" = Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classifications</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
<b>Residential Uses</b>				
Caretaker units	P	P	P	As an accessory use to a primary industrial use
<b>Commercial Cannabis/Hemp Uses</b>				
Cultivation of commercial cannabis or hemp (mixed light, including nurseries)	C	C	C	Subject to Title 7, Chapters 7.02 and 7.04 of the Municipal Code
Cultivation of commercial cannabis or hemp (indoor, including nurseries)	C	C	C	
Distribution of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	
Laboratory testing of commercial cannabis or hemp and/or cannabis or hemp products	C	C	C	
Manufacturing of cannabis or hemp and/or	C	C	C	

**Table 25.03-H**

**Land Use Regulations -Industrial Zones**

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*“C” = Conditional Use Permit Required*

*“--” = Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classifications</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
cannabis or hemp products				
Microbusiness for commercial cannabis (excluding retail activity)	C	C	C	Subject to Title 7, Chapter 7.02 of the Municipal Code
<b>Commercial and Office Uses</b>				
Building material sales, including the sale of rock, sand, gravel and the like	--	P	P	
Executive and professional offices as a standalone use	P	A	A	
Mini-Storage	--	A	--	See Chapter 25.08.015 for development standards
Offices associated with an industrial use	P	P	P	
Plant nurseries and greenhouses	--	C	C	

**Table 25.03-H**

**Land Use Regulations -Industrial Zones**

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*“C” = Conditional Use Permit Required*

*“--” = Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classifications</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
Restaurants, bars, coffee shops	A	--	--	
Retail lumberyard, including mill or cabinet work	--	A	A	
Retail sale of products manufactured on-site, including food and beverage products (including on-site consumption)	--	C	C	Allowed as an accessory use to the manufacturing facility
<b>Industrial Uses</b>				
Bus stops, park and ride lots, transit stops	P	p	P	
Contractor’s equipment storage or plant, or rental of equipment commonly used by contractors	--	A	A	
Explosives handling, storage or manufacture	--	--	C	
Fuel manufacturing, refining or storage	--	--	C	Liquid, gas or solid

**Table 25.03-H**

**Land Use Regulations -Industrial Zones**

*"P" = Permitted Use*

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*"C" = Conditional Use Permit Required*

*"--" = Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classifications</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
Industrial activity occurring outdoors	--	--	C	
Industrial cleaning and laundry facilities	--	--	C	
Junkyard or wrecking yard	--	--	C	
Nuclear generator	--	--	C	
Outdoor activity	--	--	C	
Outdoor storage, incidental to a primary use	--	C	C	See Standards for Specific Uses Chapter
Outdoor storage as a primary use	--	--	C	See Standards for Specific Uses, Chapter 25.08
Public utility service yard for electrical receiving or transformer station	P	P	P	Facilities regulated by the PUC are not regulated by this Code
Recycling	--	--	C	

**Table 25.03-H**

**Land Use Regulations -Industrial Zones**

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*"A" = Administrative Use Permit Required*

*"C" = Conditional Use Permit Required*

*"--" = Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classifications</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
Recycling Collection facilities	--	P	P	Requires Minor Development Plan Review
Recycling equipment to briquette, shred, transform or otherwise process recyclable materials			C	See chapter 25.08.014
Recycling Processing facilities	--	--	C	Must operate within an enclosed building; no outdoor storage allowed
Renewable Energy Generation Facilities, Private and Non-Commercial	--	A	A	See Chapter 25.08 for development standards
Renewable Energy Generation Facilities, Commercial	--	C	C	See Chapter 25.08.016 for development standards
Research and development laboratories	A	A	--	Provided such use does not cause any danger or produce undue odor, smoke,



**Table 25.03-H**

**Land Use Regulations -Industrial Zones**

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*“--” = Not Allowed*

*All new structures require review, per Chapter 25.02 of this Code*

<b>Land Use Classifications</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
				noise, pollution of surface or underground water or other objectionable effects
Warehouses	A	A	P	
Logistics Facility	--	C	A	
Light Industrial facilities (see glossary)	A	A	A	
Heavy Industrial facilities (see glossary)	--	--	A	
Railway stations, multi-modal transit centers	C	C	C	
Accessory/Incidental Uses	Per the use table. Administrative Use Permit or Conditional Use Permit required if shown in the table above.			
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code			
Similar Uses	See “Interpretations” in Chapter 25.01			

## E. Industrial District Development Standards

The table below establishes the basic development standards for the light and heavy industrial zones. Development standards for specific uses are established in Section 25.08 of this Code.

<b>Table 25.03-I</b>				
<b>Development Standards - Industrial Zones</b>				
<b>Development Standard</b>	<b>Business Park (BP)</b>	<b>Light Industrial (M-1)</b>	<b>Heavy Industrial (M-2)</b>	<b>Additional Regulations and Notes</b>
<b>Lot and Density Standards</b>				
Minimum Lot Size (square feet unless otherwise indicated)	No minimum	No minimum	No minimum	
<b>Building Form and Location Standards</b>				
Maximum Floor Area Ratio (FAR)	0.8	0.8	0.8	
Maximum Height (feet)	40	40	40	
Maximum Lot coverage	50%	50%	50%	
<b>Minimum Setbacks (feet)</b>				
Front	25	25	25	Front setback shall be landscaped
Street side	25	25	25	Shall also apply to lots adjacent to residential zones
Interior Side	10 <sup>1</sup>	10 <sup>1</sup>	10 <sup>1</sup>	25-foot side setback required for uses

				adjacent to residential zones
Rear	10 <sup>1</sup>	10 <sup>1</sup>	10 <sup>1</sup>	

1. 10 feet landscape strip or less as determined by Planning Commission as part of Development Plan Review, and as determined by the Fire Department for emergency access.

**F. Industrial District Special Regulations**

In the BP, M-1, and M-2 districts, any building type is permitted if permitted by other regulations.

**25.03.008 Public/Quasi-Public Districts**

The purpose of the Public/Quasi-Public Districts is to provide for needed community and infrastructure supporting services. This designation is typically applied to lands owned by the County or other public agencies. These zoning districts implement the Public/Quasi Public land use designation of the General Plan.

**A. Public/Quasi-Public (PQP) District – Intent**

The PQP district is intended to provide for the public and quasi-public uses, including public facilities and services. This designation applies to the following uses: schools, landfills, recycling, resource recovery, government lands (non-parkland), sewage treatment plants, fire stations, sheriff stations/substations, jails, libraries, energy generation and distribution, water distribution, and public meeting halls, and other similar uses related to the operation of County government services.

**B. Resource Recovery Park (RRP) District - Intent**

The RRP District is intended to provide specialized areas where diverted material resources from local and regional waste streams are directed to a controlled, central facility where recycling, co-locating reuse, manufacturing, and both wholesale and retail businesses can develop and thrive. The following regulations shall modify the regulations of the base zone with which the RRP district is combined within San Benito County. Except as modified herein, the base zone regulations apply.

1. The purposes of the RRP district are as follows:
  - a. To provide economic development opportunities through materials management, thereby facilitating job creation in the green economy.
  - b. To further the public health, safety and general welfare in a time of increasing waste

generation, emphasizing material diversion requirements and promoting the growing demand for the recycling and reuse of resources diverted from local and regional waste streams;

- c. To encourage innovations in the manufacturing of value-added products that are created from materials diverted from landfills;
- d. To create greater opportunities for the reuse of discarded materials to extend their useful life and conserve waste disposal space;
- e. To encourage energy-producing businesses that use recycled materials, such as landfill gas, biomass, anaerobic digestion and renewable energy sources;
- f. To centralize the county’s waste disposal, waste diversion, waste materials reuse, waste materials recycling and waste materials remanufacturing activities to reduce traffic and circulation effects and to reduce greenhouse gas generation;
- g. To provide a campus setting where the type, design and layout of development to the particular site and the particular demand for recycled materials can be developed in a unified and complimentary manner while preserving the property uses and values within adjacent areas; and
- h. To provide a modern and convenient household hazardous waste and electronics recycling facility for county residents.

**C. PQP and RRP Permitted Uses**

The following table designates uses are permitted, administratively permitted, conditionally permitted, or prohibited in RRP and PQP districts.

<b>Table 25.03-J</b>			
<b>Land Use Regulations -Public/Quasi-Public Zones</b>			
<p>“P” = Permitted Use</p> <p>“A” = Administrative Use Permit Required</p> <p>“C” = Conditional Use Permit Required</p> <p>“--” = Not Allowed</p>			
<b>Land Use Classification</b>	<b>Resource Recovery Park (RRP)</b>	<b>Public/Quasi-Public (PQP)</b>	<b>Additional Regulations</b>

<b>Agricultural Uses</b>			
Agriculture	A	--	
Grazing	A	--	
<b>Residential Uses</b>			
Caretaker quarters	P	P	
Labor Supply Employee Housing	A	--	<p>Farmworker housing provided by an employer must comply with all provisions of Section 17008(a) of the California Health and Safety Code.</p> <p>Farmworker housing provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.</p>
Permanent Employee Housing, not exceeding 12 dwelling units (including mobile homes and RVs, or spaces for mobile homes and RVs), or 36 beds in group quarters	A	P	

Permanent Employee Housing exceeding 12 dwelling units or 36 beds in group quarters	--	--	
Seasonal Employee Housing	P	--	As defined by Section 17010 (b) of the California Health and Safety Code
Temporary Employee Housing	P	--	As defined by Section 17010 (a) of the California Health and Safety Code
Transitional and Supportive Housing	--	P	
<b>Industrial Uses</b>			
Construction and demolition materials sorting and management	A	--	
Energy and gas recovery	C	--	
Recycling, buy back, salvage, repair, and restoration of all household goods, indoor	P	--	
Recycling, buy back, salvage, repair, and restoration of all household goods, with outdoor operations	A		
Wood and green waste grinding	A	--	
Household hazardous waste collection, processing and transportation, indoors	P	--	
Household hazardous waste collection, processing and transportation, with outdoor operations	A		

Renewable Energy Generation Facilities, Commercial and Private Non-Commercial	A	A	See Chapter 25.08.016 for development standards
Research and development laboratories	A	--	
RRP-supporting operations facilities such as offices, equipment and materials, etc., indoor	P	--	
Outdoor equipment or materials storage or handling	A		
Wholesale and retail sales of RRP materials	A	--	
<b>Institutional/Administrative Uses</b>			
Conference Centers	--	C	
Educational demonstrations of use of compost in gardens and landscaping and use of recycled building products in construction	P	--	
Education facilities, private	--	A	Public uses not regulated by this Code
Facilities owned and operated by other government agencies	--	P	Public uses not regulated by this Code
Hospital	--	C	
Museums and Libraries, public	--	P	
Private enterprise performing governmental functions	--	A	
Public facilities owned or operated by the County	P	P	Public uses not regulated by this code

<b>Other Uses/Utilities</b>			
Aircraft Landing Field/Helipad	--	C	
Bus stops, park and ride lots, transit stops	P	P	
Cemetery (includes columbarium)	C	C	
Microwave, radio and television transmission and/or relay structures	--	C	
Radio frequency emission measuring facilities (if privately operated)	--	P	
Railway stations, multi-modal transit centers	C	C	
Wireless telecommunication facilities	See the Wireless Telecommunication regulations in Title 7 of the County Code.		
Accessory uses	Per the use table. Administrative Use Permit or Conditional Use Permit required if shown in the table above.		
Uses similar to the above determined by the Director or the Planning Commission	P/A/C	P/A/C	Based on the Director's determination

**D. Public/Quasi-Public District Development Standards**

The following table establishes the basic development standards for the RRP and Public/Quasi-Public zones.



<b>Table 25.03-K</b>		
<b>Development Standards – Public/Quasi-Public Zones</b>		
<b>Development Standard</b>	<b>Resource Recovery Park (RRP)</b>	<b>Public/Quasi-Public</b>
<b>Lot and Density Standards</b>		
Minimum Lot Size	1 acre	Subject to Design Review
Minimum Lot Width (feet)	150	
Minimum Lot Depth to Width (feet)	150	
Minimum Lot Frontage (feet)	100	
<b>Building Form and Location Standards</b>		
Maximum Floor Area Ratio (FAR)	1.0	Subject to Design Review
Maximum Height (feet)	40 <sup>1</sup>	
<b>Minimum Setbacks (feet)</b>		
Front	22 <sup>2,3</sup>	Subject to Design Review
Street side	22 <sup>2,3</sup>	
Interior Side	0	
Rear	0	
Minimum distance between buildings and/or structures	Subject to requirements of California Building Code	

1. Accessory structures, such as barns, silos, grain elevators, oil derricks, mechanical devices, radio, communication and antenna, and other similar structures shall be allowed to exceed the height limitations in accordance with Chapter 25.02 of this Code.

2. Vegetated biofiltration treatment areas can be included within the front and corner yard setbacks.
3. Heating, ventilation, air conditioning, cooling, electrical, structural equipment, water heating equipment and architectural projections may project into front and corner yard setbacks up to (one) 1 foot.

**E. Special Regulations for RRP**

Any building type is permitted if permitted by other regulations set forth in this title. Effort shall be made to reflect the architecture of its surroundings.

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

**ORDINANCE NO. 1034**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SAN BENITO TO DELETE CHAPTER 25.29,  
ARTICLE IV. BUSINESSES IN THE HOME, SECTIONS  
25.29.090 TO 25.29.104 OF THE SAN BENITO COUNTY CODE  
IN THEIR ENTIRETY AND ADOPT CHAPTER 25.29,  
ARTICLE IV. HOME OCCUPATIONS AND RURAL HOME  
ENTERPRISES.**

The Board of Supervisors of the County of San Benito Ordains as follows:

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

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

**Section 2.** Delete San Benito County Code Chapter 25.29, Article IV. Businesses in the Home, Sections 25.29.090 to 25.29.104 in their entirety,

**Section 3.** Amend the San Benito County Code to add Chapter 25.29, Article IV. Home Occupations and Rural Home Enterprises, as follows:

**ARTICLE IV. HOME OCCUPATIONS AND RURAL HOME ENTERPRISES**

**25.29.090 Home Occupations Defined**

A Home Occupation is defined as the operation of a business in a dwelling by an occupant as an accessory use. For the purpose of this title a Cottage Food Operation will be considered a Home Occupation but will have additional requirements as regulated by the State law and San Benito County Department of Public Health.

**25.29.091 Permitted Zoning Districts for Home Occupations**

A home occupation is allowed in the following zoning districts: AR, AP, R, RR, R1 and RM, including where these zones are overlaid by a Combining Zone, unless the standards of the Combining Zone would not permit the use.

**25.29.092 No Permit Required for Home Occupation**

No permit is required for a Home Occupation.

**25.29.093 Home Occupation Regulations**

The following regulations apply to all Home Occupations:

- (A) A Home Occupation must be operated entirely inside of the primary dwelling unit or an accessory dwelling unit. Any dwelling which is used for a home occupation must be the primary residence of the person operating the business.
- (B) No persons who are not residents of the primary dwelling or accessory dwelling unit may work onsite as part of the Home Occupation. Any number of on-site residents may work as part of a Home Occupation.
- (C) Any number of Home Occupations may be operated at a single location, provided that the requirements of this section are followed.
- (D) A home occupation shall be limited to only one client or customer visits to the site shall normally be limited to not more than three (3) per day, and (10) per week.
- (E) Home Occupations shall not include any of the following:
  - i. Employment of any person not a resident of the dwelling unit.
  - ii. Generation of pedestrian or vehicular traffic beyond that normal to the district.
  - iii. Storage of materials or supplies outdoors.
  - iv. Show windows, window displays or on-site advertising to attract customers, clients or the general public to the premises.
  - v. Any construction feature or alteration not of a residential character.
  - vi. Any operational characteristic or effect, including color, lighting, noise, vibration, electrical disturbance, smoke or odor discernable at the exterior boundaries of the building site which would identify the premises as serving a non-residential purpose.
  - vii. Storage or use of flammable or toxic substances or other materials deemed hazardous, beyond that normal to a residential or agricultural district.

**25.29.094 Permitted Home Occupations**

Any business not specifically prohibited may be operated as a Home Occupation, so long as all of the limitations in this section are complied with.

**25.29.095 Prohibited Home Occupations**

The following uses shall not be operated as a Home Occupation:

- (A) Animal hospital or animal clinic.
- (B) Clinic, hospital or facility for the care or treatment of human ills, including medical and non-medical treatments.
- (C) Vehicle repair.
- (D) The sale of vehicles by a Dealer as defined in section 285 of the California Vehicle Code.
- (E) Day Care Center.
- (F) Massage parlors, saunas, Turkish baths or similar uses.
- (G) Uses listed as permitted or conditionally permitted in the zoning district in which

the home occupation is located shall be regulated as provided in that chapter.

- (H) Any Home Occupation working outside the regulations set forth in this code will be subject to code enforcement procedures as outline under Title 1: General Provisions; Code Enforcement.

#### **25.29.096 Home Occupation Signs**

- (A) A Home Occupation may display one non-illuminated, single-faced sign for the purposes of advertisement not more than three square feet in area, displaying the name of the person conducting the Home Occupation or rural home enterprise use and/or the street address of the property shall be allowed.
- (B) The sign must be located either flat against the front wall of the dwelling or not closer than 20 feet from the parallel of the front street property line.
- (C) One sign is permitted at one address, regardless of the number of Home Occupations operating at the address.

#### **25.29.097 Business License Tax**

All Businesses are subject to Title 5 Article IV Business License Tax.

#### **25.29.098 Cottage Food Operations**

All cottage food operations shall comply with the standards and provisions in the Home Occupations section, as well as regulatory standards established by State law (Government Code Section 51035 et seq. and Health and Safety Code Section 114365 et seq.) and the San Benito County Department of Public Health.

#### **25.29.099 Rural Home Enterprise Defined**

A Rural Home Enterprise is defined as the operation of a business in a dwelling or accessory structure by an occupant and a limited number of non-resident employees as an accessory use.

#### **25.29.100 Permitted Zoning Districts for Rural Home Enterprises**

Rural Home Enterprises are allowed in in the AR, AP and R zones, including where these zones are overlaid by a Combining Zone, unless the standards of the Combining Zone would not permit the use.

#### **25.29.101 Permit Required for Rural Home Enterprise**

A Rural Home Enterprise requires the issuance of an Administrative Use Permit. As provided in this section, a Conditional Use Permit may be used to allow certain expansions in the operations of a Rural Home Enterprise.

#### **25.29.102 Rural Home Enterprise Regulations**

The following regulations apply to all Rural Home Enterprises. Additional limitations

may be imposed as part of an Administrative Use Permit or Conditional Use Permit for the Rural Home Enterprise.

- (A) A Rural Home Enterprise must be operated entirely inside of the primary dwelling unit or accessory dwelling unit or entirely within one (1) accessory structure.
- (B) A Rural Home Enterprise may be operated on any parcel in the allowed zoning districts. No minimum parcel size is required.
- (C) Up to five (5) non-residents may work onsite as part of a Rural Home Enterprise, unless additional non-resident onsite employees are permitted via a Conditional Use Permit.
- (D) Any number of on-site residents who may work as part of a Rural Home Enterprise.
- (E) A maximum of one (1) Rural Home Enterprise may be operated at a single location.
- (F) A Rural Home Enterprise may be operated at the same location as one or more Home Occupations.
- (G) Businesses must operate between 8 am and 7 pm weekdays, unless different hours and days of operation are approved through a Conditional Use Permit.
- (H) Rural Home Enterprises shall not include any of the following:
  - (I) Employment on the premises of more than five (5) persons other than members of the family occupying the dwelling unit, unless permitted via a Conditional Use Permit.
  - (J) Generation of pedestrian or vehicular traffic which would negatively affect the surrounding properties.
  - (K) Storage of materials or supplies outdoors.
  - (L) Show windows, window displays or on-site advertising to attract customers, clients or the general public to the premises;
  - (M) Any operational characteristic or effect, including color, lighting, noise, vibration, electrical disturbance, smoke or odor discernable at the exterior boundaries of the building site which would identify the premises as serving a nonresidential purpose.
  - (N) The sale of products on the premises not related to the Rural Home Enterprise;
  - (O) The storage or use of flammable or toxic substances or other materials deemed hazardous, beyond that normal to a residential or agricultural district.

#### **25.29.103 Permitted Rural Home Enterprises**

Any business not specifically prohibited may be operated as a Home Occupation, so long as all of the limitations in this section are complied with.

Uses listed as permitted or conditionally permitted in the zoning district shall be regulated as provided in that chapter.

#### **25.29.104 Prohibited Rural Home Enterprises**

The following uses may not be operated as a Rural Home Enterprise:

The sale of vehicles by a Dealer as defined in section 285 of the California Vehicle Code.

**25.29.105 Rural Home Enterprise Permit Filing Requirements**

An application for an Administrative Use Permit or Conditional Use Permit shall be filed as provided in this Code.

**25.29.106 Rural Home Enterprise Permit Review and Findings**

An Administrative Use Permit or Conditional Use Permit for a Rural Home Enterprise shall be reviewed, and findings made as provided in this Code, including the following findings:

- (A) That the proposed use, if it complies with all conditions upon which approval is made contingent, is in conformance with the “Home Occupations” and “Rural Home Enterprises” regulations of this Code.
- (B) Conditions of approval may be imposed to ensure that all required findings for approval can be made and the use will operate as provided in this section.

**25.29.107 Business License Tax**

All Business’ are subject to Title 5 Article IV Business License Tax.

**25.29.108 Permit Modification or Revocation**

An Administrative Use Permit or Conditional Use Permit for a Rural Home Enterprise can be modified or revoked per the procedures set forth in this Code. Any Rural Home Enterprise working outside the regulations set forth in this code will be subject to code enforcement procedures under Title 1: General Provisions; Code Enforcement.

In regular session of the Board of Supervisors of the County of San Benito, adopted this 12th day of April, 2022, on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s) Gonzales, Tiffany, Dirks, Kosmicki

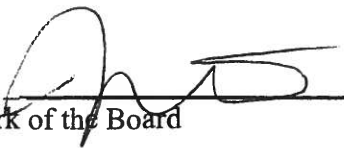
NOES: Supervisor(s) Hernandez


ABSENT OR NOT VOTING: None ~~o~~

  
Bea Gonzales, Chair, Board of Supervisors

ATTEST:  
Jennifer Frechette, Clerk of the Board

APPROVED AS TO LEGAL FORM:  
Barbara J. Thompson, County Counsel

By:   
Clerk of the Board

By:   
Joel Ellinwood, Assistant County Counsel



## EXHIBIT “A” FINDINGS AND DETERMINATIONS

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

1. Principles:
  - a. Ensure that agriculture and agriculture-related industries remain a major economic sector by protecting productive agriculture lands and industries, promoting new and profitable agricultural sectors, and supporting new technologies that increase the efficiency and productivity of commodity farming.
  - b. Encourage agriculture that is locally-produced, profitable, and attracts related businesses.
  - c. Expand and diversify the local economy by supporting businesses, supporting jobs for the diverse population, and capitalizing on the county’s natural and human resources.
  - d. Support existing and establish new local businesses that are based on industries that are innovative, technology-based, and sustainable.
  - e. Support programs that educate the local workforce on conventional, productive, sustainable, and organic agriculture concepts; water conservation strategies; high-tech industries; and alternative energy production.
  - f. Support the county’s growing tourism industry.
  - g. Protect natural resources and open space areas from incompatible uses.
  - h. Preserve the county’s environmental quality and diverse natural habitats.
  
2. Goals and Policies:
  - a. LU-5.6 The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g. agriculture, wineries, recreation), and market locally-produced agricultural products.
  - b. LU-5.8 Live-Work Development The County shall encourage mixed-use developments to include live-work floor plans for residents who desire office, commercial, or studio space adjacent to their living space. (RDR)
  - c. ED-1 To sustain the long-term economic wellbeing of the county by promoting economic sustainability and diversification
  - d. ED-2 To support and promote the retention and expansion of existing businesses within the county
  - e. ED-3 To attract new high quality businesses and investment that complement the county’s rural character and provide high wage jobs for local residents

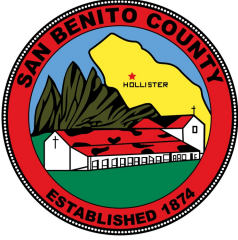
The Board of Supervisors finds that the business in the home offers numerous opportunities for robust economic development within San Benito County. Building upon and updating the existing ordinance language allowing the permitted use of home occupations and modifications to rural home enterprise provide revenue and employment opportunities.

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

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

**B. Amendments not subject to the California Environmental Quality Act (CEQA)**

The Board of Supervisors hereby finds that the adoption of amendments Chapters 25.29 of the San Benito County Code Business in the Home is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, section 15061(b)(3), CEQA review is not required because it can be seen with certainty that there is no possibility that the adoption of the ordinance will have significant effect on the environment in that home occupations and rural home enterprises will be operated in existing structures and that any activities proposed would not have operational characteristics that at the exterior boundaries of the building site which would identify the premises as serving a nonresidential purpose and have minimal effect on the environment.



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 9.2**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Arielle Goodspeed

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

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

Receive informational presentation from the San Benito County Water District on water operations and condition of current drought.

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

The Planning Commission requested an update on current drought conditions and the effect that they will have on residents of Benito County. On April 12, 2021, the Governor declared a state of emergency for drought, listing San Benito County and other counties, stating it is necessary to expeditiously mitigate the effects of the drought conditions to ensure health and safety protections and the environment. The San Benito County Water District will be providing a presentation on the recent drought and provide history, what is being done, and actions to take. In January 2022, the North San Benito Basin Groundwater Sustainability Plan will be sent to the Department of Water Resources for review and approval by the San Benito County Water District, which can be found at the link below:  
<https://www.sbcwd.com/gsp-development/>

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

N/A

**CONTRACT NEEDED FOR THIS ITEM:**

N/A

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

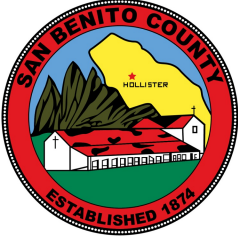
**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Receive an informational presentation from San Benito County Water District on water operations and condition of current drought and if desired provide staff direction.

**ATTACHMENTS:**



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Betsy Dirks  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Peter Hernandez  
District No. 3  
Chair

Bob Tiffany  
District No. 4

Bea Gonzales  
District No. 5

**Item Number: 10.1**

**MEETING DATE:** 08/17/2022

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Michael Kelly

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**PLN200054 (San Juan Green Cannabis Facility Conditional Use Permit):** OWNER: Joshua B. and Robyn R. Watt. APPLICANT: Jim Keener. LOCATION: 2400 San Juan Hollister Road (also known as San Juan Road, one-third mile west of the 4<sup>th</sup> Street bridge over the San Benito River). APN: 021-020-029. REQUEST: To establish a commercial cannabis cultivation, manufacturing, and distribution facility, beginning with cannabis cultivation in an existing 10,608-ft<sup>2</sup> building, followed by two additional buildings later constructed with 5,760- and 8,400-ft<sup>2</sup> footprints and two stories each and containing additional cannabis cultivation plus volatile manufacturing including cannabis material extraction. The full project's floor area including multiple stories would total 46,263 ft<sup>2</sup>, including an existing 13,934 ft<sup>2</sup> floor area. Grading with 1,010 yd<sup>3</sup> cut and 1,740 yd<sup>3</sup> fill would level and prepare the site. Approximately 37,000 ft<sup>2</sup> of canopy would be grown during full operation. Initially 10 employees would work daytime all days of the week during, with staff later expanding by 16 more employees. Carbon filters and a closed-loop air environment would prevent odor. GENERAL PLAN DESIGNATION: Industrial Heavy (IH). ZONING DISTRICT: Heavy Industrial (M-2). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration. PLANNER: Michael Kelly ([mkelly@cosb.us](mailto:mkelly@cosb.us))

**Planning staff requests continuation of this agenda item to a Planning Commission meeting date to be determined.**

**AGENDA SECTION:**

PUBLIC HEARING

**BACKGROUND/SUMMARY:**

The project proposes cannabis cultivation, manufacturing, and distribution. Preceding the use permit application, the County performed prior screening of this manufacturing activity, including confirming the eligibility of the business operator and project location under the County's Cannabis Business Regulatory Program per County Code Chapter 7.02.

The County's first cannabis-business ordinances focused cannabis business activity on manufacturing districts, including this project's M-2 zone, by conditionally allowing cultivation, manufacturing, testing, distribution, and microbusiness there while allowing no cannabis business in other zones except for cultivation in agricultural districts.

Planning staff has prepared an initial study/mitigated negative declaration to consider the environmental effects of the project. The study proposes a mitigated negative declaration based on conclusions that no significant environmental effects would occur, provided compliance with measures to mitigate environmental effects to levels less than significant. This initial study was circulated to receive public comment during a review period beginning July 6 and ending August 4, 2022.

**Staff will request the Planning Commission continue this public hearing to a later date in response to comments received during the initial study/mitigated negative declaration public review period.** To present the Planning Commission with an analysis suitable for adoption, more information must be added to the initial study. In its comment letter, the **State Department of Cannabis Control (DCC)** requests greater detail and analysis in the interest of the department's role as the primary State-level oversight agency for the business's ongoing operation. The letter asks for more discussion and clarification of existing points on topics including hazardous substances, emissions, equipment use, renewable energy, water demand, transportation, and cumulative impacts. Planning staff received two other comment letters, one from the State Department of Toxic Substances Control asking that any imported fill be tested for preventing introduction of contaminants, and the other from a nearby resident with concerns on security and on enforcing applicable code and limits on the project's scope.

An IS/MND or other environmental document under CEQA serves as disclosure to the public on environmental effects of a public decision, and shortcomings in an environmental document can undermine the public decision that the document is intended to support. Therefore, Planning staff requests an opportunity to improve the IS/MND to create a stronger basis for a future Planning Commission decision on this project.

The three comment letters are attached here. The draft IS/MND can be viewed on the Planning and Land Use Division webpage, on the State CEQAnet database as State Clearinghouse entry 2022070046, or on the Accela Citizen Portal by searching Planning cases for record PLN200054 (followed by selecting "Record Info" and "Attachments").

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

N/A

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

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

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A



**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Staff requests that the Planning Commission continue this public hearing to a Planning Commission meeting date to be determined.

**ATTACHMENTS:**

[COMMENTS\\_IS\\_DCC\\_PLN200054\\_220804 Dept of Cannabis Control San Juan Green ISMND comments.pdf](#)

[COMMENTS\\_IS\\_DTSC\\_PLN200054\\_220804 Dept of Toxic Substances Control San Juan Green ISMND comments.pdf](#)

[COMMENTS\\_IS\\_PBARLET\\_PLN200054\\_220804 Peggy Barlet San Juan Green ISMND comments.pdf](#)



August 3, 2022

Michael Kelly, Senior Planner  
San Benito County Resource Management Agency  
2301 Technology Parkway  
Hollister, CA 95023-2513

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for San Juan Green Cannabis Facility; PLN200054 (SCH No. 2022070046)

Dear Mr. Kelly:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of San Benito for the proposed San Juan Green Cannabis Facility project (Proposed Project).

DCC has jurisdiction over the issuance of licenses of all commercial cannabis businesses in California. DCC issues licenses to cannabis cultivation, retail, laboratory testing, and distribution businesses, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/resources/rulemaking/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation, manufacturing, and distribution licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in San Benito County.

DCC offers the following comments concerning the IS/MND.

### **General Comments (GCs)**

#### ***GC 1: Proposed Project Description***

Certain comments provided in the comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project description would be helpful to DCC. The following information would make the IS/MND more informative:

- Equipment that would be used for general facility operations, including forklifts, trucks, etc.;
- Equipment that would be used for cannabis manufacturing operations;
- Amounts of water that would be used for cultivation activities and a description of any water efficiency equipment that would be used;
- Types of lighting that would be used;
- Daily vehicle trips generated by the project, including employee commute trips, deliveries of materials and supplies, and trips for distribution of products;
- Environmental protection measures that would be incorporated into the Proposed Project; and
- Total amounts of energy expected to be used in operating the project, as well as energy management and efficiency features incorporated into the Proposed Project.

The document would be improved if it included location maps, local street maps, topographic maps, aerial photographs, property diagrams, and other graphics to show the specific location of the Proposed Project and the surrounding area. This would allow DCC to understand the general location and surrounding features, as well as to visualize the layout of existing and Proposed Project features. Most importantly, these maps could help clarify some of the information described in the document. While there is a map on the Notice of Intent to Adopt a Mitigated Negative Declaration, it is not of a scale or resolution that would allow DCC to decipher the specific features of the Proposed Project.

### ***GC 2: Manufacture Using Volatile Solvents***

The IS/MND indicates that the Proposed Project would include manufacturing using volatile solvents, but the analysis contains very little information about the hazardous substances that would be used or the processes that would limit environmental impacts that could result from the use of these substances. The IS/MND should provide a description of the volatile substances that would be used in product manufacture and should include analyses of the potential environmental impacts that may result from the use of these substances. In addition, the analyses should describe and consider any measures the Proposed Project would implement that may lessen or reduce potential impacts. In particular, the document should include detailed analyses of impacts related to air quality (toxic air contaminants), hazards and hazardous substances, and greenhouse gas emissions.

### ***GC 3: Acknowledgement of DCC Regulations***

The IS/MND acknowledges that the Proposed Project would require one or more manufacturing and cultivation licenses from DCC. The IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's regulations. The impact analysis for each resource topic could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic.

### ***GC 4: Phasing***

The Project Description indicates that the Proposed Project would be constructed in two distinct phases. To the extent that details are reasonably foreseeable, the IS/MND would be strengthened if it clarified how and/or whether corresponding operations would vary across phases of the project (e.g., changes in the number of employees hired, vehicle trips, equipment usage, and/or requirements for physical resources [e.g., water, energy]). DCC assumes that, to comply with the requirement that “[t]he lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect (CEQA Guidelines Section 15003[h]), the IS/MND evaluates Proposed Project operations and maintenance activities as they are anticipated at full buildout (e.g., when all project phases have been completed). The IS/MND would be improved if the County clearly confirmed (or clarified) this assumption.

#### ***GC 5: AB 52 Compliance***

The document would be strengthened if it contained a description of the Assembly Bill (AB) 52 compliance process for the Proposed Project. The IS/MND should include a list of the tribes that were contacted, the dates on which such contacts were made, a description of any requests for consultation, and a summary of the results from such consultations.

#### ***GC 6: Project-specific Plans and Supporting Documentation***

The IS/MND references several project-specific surveys, reports, and plans, including the Biological Resources Survey, Cultural Resources Review, Water Management Plan, and Stormwater Pollution Prevention Plan (SWPPP), as well as other supporting license application materials. To ensure that DCC has supporting documentation for the IS/MND, the Department requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application packages for annual cannabis business licenses to DCC.

#### ***GC 7: Evaluation of Cumulative Impacts***

It is important for CEQA analyses to consider the cumulative impacts of commercial cannabis businesses in San Benito County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by analyzing the potential for cumulative impacts resulting from the Proposed Project coupled with other cannabis cultivation projects being processed by the County, and any other reasonably foreseeable projects in the County that could contribute to

cumulative impacts similar to those of the Proposed Project. For impacts that would result in potentially significant impacts, the document should specify mitigation measures to reduce or avoid such impacts. If mitigation measures are not available that would reduce impact to less-than-significant levels, an IS/MND would not be the appropriate CEQA document for the Proposed Project.

**Specific Comments and Recommendations**

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
1	Introduction, Question 8	2	Description of Project	<p>As currently proposed, the full project’s floor area including multiple stories would total 46,263 square feet, of which 13,934 square feet currently exist, and would contain:</p> <ul style="list-style-type: none"> <li>• Cultivation—22,174 square feet (9,965 square feet in existing built space)</li> </ul> <p>[...]</p> <p><b>Crop area.</b> Approximately 37,000 square feet of canopy would be grown.</p>	<p>The IS/MND contains conflicting descriptions of the anticipated cultivation canopy size. The document would be improved if it consistently described the Proposed Project operations and based its analysis on those descriptions.</p>
2	Introduction, Question 11	3	Other Public Agencies whose Approval is Required	N/A (General Comment)	<p>The document would be more informative if it listed the California Department of Fish and Wildlife (CDFW) as an agency whose approval is required for implementation of the Proposed Project. The Proposed Project would require either a Lake and Streambed Alteration Agreement from CDFW or a statement from CDFW that one is not required.</p>
3	III(a) and (b)	7	Air Quality	<p>With the proposed land use resembling the assumptions in place at the time of the AQMP’s preparation, this proposal would not conflict with that plan.</p>	<p>The IS/MND relies on the AQMP and the General Plan EIR for its analysis of the Proposed Project’s air quality impacts. However, the AQMP and the EIR were adopted before commercial cannabis cultivation was legal in California. The IS/MND would be strengthened if it described how the</p>

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					assumptions in the AQMP would apply to the Proposed Project.
4	III(b)	9	Air Quality	The project's air quality impacts were analyzed using CalEEMod Version 2020.4.0 [29].	The IS/MND would be strengthened if it provided information about whether its emissions analysis considers the use of volatile solvents in manufacturing.
5	III(c)	10	Air Quality	The two nearest dwellings are respectively 350 feet and 700 feet from the business site. Although the neighboring residences would not necessarily house sensitive receptors, emissions of operation- and construction-related pollutants could reach these sites in a manner typical of businesses in industrially-zoned locations.	The document should describe and analyze whether emissions from the Proposed Project would reach neighboring residences in levels that would create significant impacts. Note that occupants of neighboring residences are, by definition, considered sensitive receptors.
6	V (a-c)	13	Cultural Resources	The following conditions are typically applied to discretionary project approvals in unincorporated San Benito County, and the applicant's compliance with these conditions will both comply with the cultural resources review's recommendations and avoid impacts beyond an insignificant level to cultural resources:	The IS/MND would be strengthened if it described the cultural resources review's recommendations and provided an analysis of how the project conditions would avoid significant impacts to cultural resources.
7	VI(a)	14	Energy	No features are proposed to suggest that operation would	The document would be improved if it provided a description or summary of

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				use significantly more energy than the average industrial and office land uses of the same intensity, although crop-production lighting and climate-control equipment could require somewhat greater energy use than comparable industrial use.	proposed operation equipment that is anticipated to require energy. This might include lighting systems, manufacturing equipment, ventilation equipment, pumping systems, carbon scrubbers, heavy machinery, and vehicles. If possible, the use of energy should be quantified to the extent feasible. Then, the document should contain an analysis of whether the Proposed Project’s energy use would result in wasteful, inefficient, or unnecessary consumption of energy resources.
8	VI(b)	14	Energy	The County of San Benito does not have a local renewable energy or energy efficiency plan in place, and therefore the project proposal is not in conflict with such an unwritten plan.	The document would be strengthened if it described how the Proposed Project would comply with DCC regulations relating to the use of renewable energy in cultivation projects. (Cal. Code Regs., tit. 4 § 16305.)
9	VIII(a-b)	16	Greenhouse Gas Emissions	N/A (General Comment)	The IS/MND would be strengthened if it disclosed the assumptions and inputs used to generate the data presented in the GHG Emissions table, and explained whether the table considers all proposed operation equipment that is anticipated to require energy or generate emissions.
10	IX(a-c)	18	Hazards and Hazardous Materials	The use would require some degree of potentially hazardous materials such as pesticide for cultivation and	The IS/MND would be improved if it provided a list of the hazardous materials that would be used in the Proposed Project. Additionally, the



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				extraction chemicals for manufacturing.	document should include a summary of the practices and procedures that would ensure there would be no significant impacts to human health or the environment due to the use of hazardous materials.
11	X(a)	20	Hydrology and Water Quality	The nature of cannabis production also demands that valuable matter found in the water be retained rather than be discarded;	The document would be improved if it described what substances in wastewater would be retained, and how such substances would be stored and treated.
12	X(b)	20	Hydrology and Water Quality	County Code §19.43.050(A)(5) requires that cannabis businesses present a water management plan that includes, in addition to a water demand estimate, “a detailed description of how the new water demand will be offset,” with the requirement that this demand “be offset at a 1:1 ratio.”	The IS/MND would be strengthened if it provided a description of how the Proposed Project would meet the 1:1 offset ratio required.
13	X(b)	20	Hydrology and Water Quality	The applicant has submitted an estimate of water use based on evidence from prior cultivation projects, the Monterey County Agricultural Commissioner’s office, and the University of California Berkeley Cannabis Research Center.	The IS/MND would be improved if it included the sources for water use information in the reference list included in the IS/MND.
14	X(b)	20	Hydrology and Water Quality	Using this information, the estimate found the initial	The document would be improved if it clearly identified which submittal is

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
				project submittal’s proposed 37,000 cultivated square feet to use 0.91 acre feet per year, although a later project submittal showed 15 percent less floor area, potentially resulting in smaller cultivated area and less water use.	being evaluated and provided consistent information about project features and operations.
15	X(b)	20	Hydrology and Water Quality	The water-use estimate compares this to prior business activity on the site, measured in the estimate as having consumed more water at 0.96 acre-feet per year,	If the IS/MND intends to use the prior operations as the project baseline for water use, it should include additional details regarding the prior operations, including the nature of those operations, the time period when the prior operations occurred, and the source of its water use estimates.
16	X(c)	20	Hydrology and Water Quality	N/A (General Comment)	The document would be strengthened if it provided a description of how irrigation runoff would be managed, and an analysis of whether such runoff would result in significant hydrology and water quality impacts.
17	XIII(a)	23	Noise	N/A (General Comment)	The IS/MND would be more informative if it described the noise standards for project operations that would apply to the Proposed Project. In addition, the document could describe all sources of operational noise (e.g., vehicle traffic, delivery trucks, HVAC system, heavy machinery) and provide an analysis of whether the Proposed Project would meet such standards.

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18	XVII(b)	26	Transportation	In addition, these land uses and those available in CalEEMod likely envision a use more intensive and more traffic-generating than the currently proposed use, a large proportion of which being devoted to stationary cultivation of plants, with most or all of which later transported no farther than a neighboring building. These factors indicate likely fewer daily trips than the OPR threshold and that this project’s transportation impacts would not be significant in relation to criteria under CEQA Guidelines §15064.3(b).	The document indicates that the Proposed Project would be likely to generate fewer daily vehicle trips than those predicted by the CalEEMod analysis. The IS/MND would be strengthened if it provided a specific number of estimated daily vehicle trips that would be anticipated for the Proposed Project, based on the anticipated number of employee trips and the number of trips for delivery of materials and products. Then, the document should provide an analysis of potential transportation impacts based on that estimate.
19	XIX (a-c)	28	Utilities and Service Systems	N/A (General Comment)	The document would be improved if it provided a description of whether the Proposed Project would require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities, and provided an analysis of whether such relocation or construction would result in significant impacts to the environment.
20	XIX (a-c)	28	Utilities and Service Systems	The business would incrementally increase use of the water system.	The document would be strengthened if it described how the conclusion that the Proposed Project would increase use of the water system would correspond with its requirement to

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					offset water use by a 1:1 ratio. (See Specific Comment 12.)
21	XIX (a-c)	28	Utilities and Service Systems	N/A (General Comment)	The IS/MND would be improved if it provided an analysis of whether sufficient water supplies would be available to serve the Proposed Project and reasonably foreseeable future development during normal, dry, and multiple dry years.
22	XXI(b)	29-30	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND would be more informative if it identified whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project site, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 7.)
23	XXI(b)	29-30	Mandatory Findings of Significance	N/A (General Comment)	The IS/MND relies on the General Plan EIR for its analysis of the Proposed Project’s cumulative impacts. However, the EIR was adopted in 2015, before commercial cannabis cultivation was legal in California. The IS/MND would be strengthened if it described how the assumptions in the EIR would apply to the Proposed Project.

## Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 247-1659 or via e-mail at [Kevin.Ponce@cannabis.ca.gov](mailto:Kevin.Ponce@cannabis.ca.gov).

Sincerely,

Lindsay Rains  
Licensing Program Manager



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

August 4, 2022

Mr. Michael Kelly  
Senior Planner  
San Benito County Resource Management Agency  
2301 Technology Parkway  
Hollister, CA 95023  
[MKelly@cosb.us](mailto:MKelly@cosb.us)

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE PLANNING FILE PLN200054 (SAN JUAN GREEN CANNABIS FACILITY) – DATED JULY 2022 (STATE CLEARINGHOUSE NUMBER: 2022070046)

Dear Mr. Michael Kelly:

The Department of Toxic Substances Control (DTSC) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Planning File PLN200054 (San Juan Green Cannabis Facility) (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities and/or importation of backfill soil.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#).

Mr. Michael Kelly  
August 4, 2022  
Page 2

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3582 or via email at [Brian.McAloon@dtsc.ca.gov](mailto:Brian.McAloon@dtsc.ca.gov).

Sincerely,



Brian McAloon  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

## Michael Kelly

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**From:** Peggy Barlet <pegpal@roadrunner.com>  
**Sent:** Thursday, August 4, 2022 10:58  
**To:** Michael Kelly  
**Subject:** Planning file PLN200054 2400 San Juan Rd.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Kelly-

I appreciate your time on the phone yesterday. I am the property owner at 2081 San Juan Rd. which is adjacent to Brigantino Park. Following are my comments regarding the proposed commercial cannabis site at 2400 San Juan Rd.

My chief concern is that the proposed business is the only business that takes place at the site- that it not be expanded in any way to include distribution to end users. Being on the outskirts of Hollister's city limits, law enforcement is split between police and sheriff which can create gaps in service and the parking lot at Brigantino Park can fall into that gap. Because the park is unsupervised, suspect behavior already takes place there and I would not want exposure to anything more. Also, I would be concerned that the agencies, offices or departments-regardless of the level-that are responsible for code enforcement of the conditions under which the business can operate do their job and visit and audit the site on a regular basis.

I will not be able to attend the hearing on August 17 as I am previously scheduled out of town, but I am hopeful that my comments will be included in the record.

Sincerely-  
Peggy Barlet  
Carol Burnip Trust