

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

A RESOLUTION OF THE SAN BENITO )  
COUNTY PLANNING COMMISSION )  
RECOMMENDING APPROVAL OF AN ) Resolution No.  
~~2007~~2016-1005  
ORDINANCE AMENDING ~~AMENDING~~ HILLSIDE )

INCLUSIONARY HOUSING~~DEVELOPMENT~~ REGULATIONS )  
HILLSIDE ORDINANCE ~~(ORDINANCE NO. 781~~66 )  
\_\_\_\_\_ )

*WHEREAS*, the revisions to San Benito County Ordinance No. ~~781~~766, codified as Section ~~34.5018-148.121.003.01~~ et seq. of ~~Chapter 18~~Title 21 (~~Zoning Ordinance~~Building and Engineering) of the San Benito County Code, revising ~~Hillside Development~~Inclusionary Housing Regulations, ~~will bring the Ordinance more in compliance~~is consistent with the General Plan and will better achieve the goals, policies, and objectives in the General Plan; and

~~*WHEREAS*, amendments to the Hillside Ordinance will continue to protect the aesthetic resource of hillsides while not prohibiting hillside development; and~~

~~*WHEREAS*, amendments to the Hillside Ordinance will balance the interests of the community and property owner, without imposing arbitrary limits on height, size or other design characteristics, but rather to ensure that each lot is developed in accordance with its unique location, topography, and vegetation, and to incorporate reasonable hillside mitigation measures, such as landscaping, building material(s) and color palettes and which ensure the property owner(s) of the reasonable use and enjoyment of their property; and on June 15, 2016, at a duly noticed and regularly scheduled public hearing, the Planning Commission heard and considered all oral and written testimony relating to the Inclusionary Housing Ordinance; and~~

~~*WHEREAS*, the Planning Commission of the County of San Benito finds that the revision to Ordinance No. 781 qualifies for a Class 7 categorical exemption from the California Environmental Quality Act (CEQA Guideline 15307) as an action by a regulatory agency for protection of natural resources~~*WHEREAS*, amending the Inclusionary Housing Requirements will further enhance the public welfare, benefit the property being developed, assure compatibility between future housing development and the housing units affordable to persons of very low, low, and moderate income, ensure that remaining developable land in the County is utilized in a manner consistent with state and local housing policies and needs, and provide more flexibility to the County in providing affordable housing; and

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

**Finding 1:** That amending the San Benito County Inclusionary Housing Ordinance is not a project under the California Environmental Quality Act and could not have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3).

Evidence: It can be seen with certainty that there is no possibility that the adoption of the proposed Inclusionary Housing Ordinance may have a significant effect on the environment, in that the Ordinance affects only the affordability of residences constructed in the County of San Benito and does not contain provisions modifying development, design, or construction of residences.

~~;~~ and

~~**WHEREAS,** the Planning Commission of the County of San Benito reviewed the proposed revisions to Ordinance 781 at a regularly scheduled public hearings held on March 2, March 16, April 6, April 25, May 4, and May 18, 2005, October 18, 2006, and April 18, May 2, May 16, August 29, September 19, October 3, October 17, November 15, and December 5, 2007; and~~

**BE IT FURTHER RESOLVED** by the Planning Commission of the County of San Benito that it hereby finds as follows: ~~**NOW THEREFORE, BE IT RESOLVED**~~ ~~†~~ That, based on the foregoing findings and determinations, the Planning Commission of the County of San Benito hereby declares its recommendation to the Board of Supervisors that the Board of Supervisors ~~to~~ approve the revisions to Ordinance No. 78166 by adopting the proposed Ordinance attached hereto and ~~changes~~ incorporated herein by reference as in Exhibit 1.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF  
SAN BENITO THIS ~~5<sup>TH</sup>~~15<sup>th</sup> DAY OF ~~DECEMBER~~JUNE, ~~2007~~2016 BY THE  
FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

~~MARK TOGNAZZINI~~Ray Pierce, ~~2007~~  
2016 Chair

***ATTEST:***

Byron Turner, Assistant Director  
San Benito County Planning & Building Inspection Services  
Resource Management Agency