

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

**Resolution No. 2020-\_\_\_**

**A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE TO APPROVE A ZONING MAP CHANGE FOR THE REAL PROPERTY DESCRIBED HEREIN TO RESCIND ORDINANCE NO. 993 (C-3 DISTRICT), REVERT TO THE PREVIOUS “R” DISTRICT AND ADD THE COMMERCIAL THOROUGHFARE (C-1) COMBINING DISTRICT TO APPROXIMATELY 21.1-ACRES**

**WHEREAS**, in regard to File PLN200001 “*State Route 129/Searle Road*,” the subject parcel is located at the northwest corner of State Route 129 and Searle Road, San Juan Bautista on the west side of U.S. 101 in unincorporated San Benito County, California (Assessor’s Parcel 012-010-021) and is approximately 197 acres in area; and

**WHEREAS**, the Planning Commission of the County of San Benito reviewed the SR129 zoning map change at its duly noticed, regularly scheduled meeting held on November 18, 2020, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

**WHEREAS**, the San Benito County 2035 General Plan Figure 3-2 “Land Use Diagram (North County Detail)” and Figure 3-5 “Commercial and Industrial Nodes” identify a Commercial Regional “node” at State Route 129 and Searle Road and the subject property currently has a General Plan Land Use Diagram designation of Rural (R) and Commercial Regional (CR); and

**WHEREAS**, by Ordinance 993 as adopted by the Board of Supervisors on September 24, 2019, the zoning map was amended to designate 33 acres as Regional Commercial (C-3) at State Route 129 and Searle Road including a portion of the subject property and the subject property’s zoning is Rural (R) and Regional Commercial (C-3); and

**WHEREAS**, the Board of Supervisors adopted the Article IV Regional Commercial (C-3) District Zoning Regulations by Ordinance 991 on September 24, 2019; and

**WHEREAS**, by a citizens’ referendum petition and through defeat of Measure K in the March 3, 2020 election Ordinance 991 has been repealed, thereby repealing the C-3 District Zoning Regulations; and

**WHEREAS**, Ordinance 993 remains in effect and the C-3 zoning classification of the site remains valid, due to the repeal of the C-3 zoning regulations there are no corresponding Commercial Regional zoning regulations that can currently implement the C-3 zoning classification or Commercial Regional land use designation at State Route 129; and

**WHEREAS**, the Planning Commission found that rescinding the Regional Commercial (C-3) Zoning District designation (Ordinance No. 993) and reverting to the previous Rural (R) District implements the purpose and intent of the Rural and Commercial Regional General Plan land use designations due the repeal of Ordinance 991; and

**WHEREAS**, the Planning Commission found that adding the Commercial Thoroughfare (C-1) Combining District to approximately 21.1-acres of the subject property implements the purpose and intent of the General Plan Commercial Regional land use designation; and

**WHEREAS**, rescinding the Regional Commercial (C-3) District, reverting to the Rural (R) District and the application and implementation of the rezone to add the Commercial Thoroughfare (C-1) Combining District to the Rural (R) base zoning district requires amendments to the County Zoning Map; and

**WHEREAS**, the property owner executed a reimbursement agreement with the County to fund the change of the County Zoning Map to add a Commercial Thoroughfare (C-1) Overlay; and

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

**WHEREAS**, the project does not currently propose any new construction on the subject property; and

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

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

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

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

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

***Evidence:** The project proposes changes to the Zoning Map to implement the 2035 General Plan goals, policies and land use element. The project does not include the construction of any new buildings and creates no physical changes to the existing environment. An addendum to the Final Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 (“General Plan EIR”) has been prepared for the zoning action. The General Plan EIR analyzed the San Benito County 2035 General Plan Update (“General Plan”), which was adopted by the San Benito County (“County”) Board of Supervisors on the same date. The subject addressed by this addendum is the change to the Zoning Map to rezone the SR 129/Searle Road site to rescind the C-3 District, revert to the R District and add the C-1 Combining District on approximately 21.1-acres (referred to interchangeably as “proposed project”).*

**Zone Change Findings:**

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

***Evidence 1:** For the reasons set forth in the staff report, incorporated herein by this reference, the Planning Commission finds that the zone change is consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. The Zoning Map changes are consistent with the General Plan Land Use Element and the Rural and C-1 Districts. No other special plan, such as a specific plan, is in effect at this location.*

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

***Evidence 2:** The changes to the Zoning Map would serve the public necessity, convenience and general welfare in that the 2035 General Plan goals and policies, and Land Use and Economic Development*

*Elements will be implemented. The zoning map change is a good zoning practice in that allows for the implementation of the 2035 General Plan Rural and Commercial Regional land use designations.*

**BE IT FURTHER RESOLVED** by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations, and based on the evidence in the record, the Planning Commission hereby makes the following findings and recommends that the Board of Supervisors adopt the proposed ordinance, attached hereto as Exhibit “A,” to amend the County Zoning Map for the subject location from its current zoning as noted above to Rural (R) and Commercial Thoroughfare (C-1) on approximately 21.1-acres.

1. The program level 2035 General Plan EIR (Resolution 2015-58) is adequate and sufficient to provide environmental clearance of the proposed project based on substantial evidence in the record.
2. The zone change is consistent with the 2035 General Plan, and there is not any applicable special plan.
3. The approval of the zone petition will serve the public necessity, convenience, and general welfare, and is a good zoning practice.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO ON THIS 18<sup>th</sup> DAY OF NOVEMBER 2020 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Valerie Eglund, Chair  
San Benito County Planning Commission

ATTEST:

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

*(Continued on next page for Exhibit A Draft Zone Change Ordinance)*