

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution No. 2021-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, RECOMMENDING THE BOARD OF SUPERVISORS 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 REPLACE WITH THE ATTACHED RELATING TO HOME OCCUPATIONS AND RURAL HOME ENTERPRISES.

WHEREAS, on August 18, 2021, the Planning Commission held a duly noticed public hearing on the proposed regular ordinance amending Chapters 25.29.090 to 25.29.104 in their entirety and replace with the, related to Businesses in the Home and Rural Home Enterprise regulations within San Benito County and recommended it to the Board of Supervisors for review; and

WHEREAS, on September 28, 2021, the Board of Supervisors held a duly noticed public hearing on the proposed regular ordinance amending Chapters 25.29.090 to 25.29.104 in their entirety and replace with the, related to Businesses in the Home and Rural Home Enterprise regulations within San Benito County and recommended additional items to be addressed including but not limited to allowing limited retail under Home Occupation, code enforcement, business license requirements, and adding cottage food operations in unincorporated San Benito County; and

WHEREAS, on November 9, 2021, the Planning Commission held a duly noticed public hearing on the proposed regular ordinance amending Chapters 25.29.090 to 25.29.104 in their entirety and replace with the, related to Businesses in the Home and Rural Home Enterprise regulations within San Benito County with additional items addressed as recommended by the Board of Supervisors on September 28, 2021 and recommended it to the Board of Supervisors for review and approval; and

WHEREAS, because current Businesses in the Home and Rural Home Enterprise regulations have proved to be inefficient and present barriers to a robust local economy; and

WHEREAS, the proposed ordinance amendments seek to enhance economic development in San Benito County; and

WHEREAS, the proposed changes to the portion of Businesses in the Home include, but are not limited to the following items: 1) linking a Home Occupation to a resident; 2) permits required; 3) simplified regulations

WHEREAS, the additional proposed changes to the portion of Rural Home Enterprise ordinance include, but are not limited to the following items: 1) allowing limited retail in Home Occupation; 2) code enforcement; 3) business license requirements; and 4) adding cottage food operations in unincorporated San Benito County.

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:

Pursuant to Section 15061(b)(3) of the CEQA Guidelines, the County of San Benito has determined, on the basis of substantial evidence in the light of the whole record, that:

(a) Under CEQA Guidelines 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.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito recommends that the Board of Supervisors adopt the attached proposed ordinance provisions to delete Sections 25.29.090 to 25.29.104 in their entirety and replace with the attached Sections 25.29.090 to 25.39.108, related to Home Occupations and Rural Home Enterprises within San Benito County.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF
SAN BENITO THIS 17th DAY OF NOVEMBER 2021 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair

San Benito County Planning Commission

ATTEST:

By: _____

Robin Bolster-Grant, Assistant Director – Planning & Building
Resource Management Agency San Benito County