

### **25.01.003 Relationship to Prior Ordinances, Rights, and Violations**

The provisions of this Code supersede all prior ordinances codified in Title 25 of the San Benito Code and any amendments. No provisions of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.

The regulations of this Code and requirements or conditions imposed pursuant to this Code shall also not supersede any other regulations or requirements adopted or imposed by the San Benito County Board of Supervisors, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other County ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

### **25.01.004 Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The San Benito County Board of Supervisors hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

### **25.01.005 Relationship to the General Plan**

This Code implements the goals and policies of the San Benito County General Plan by regulating the use of land and structures within the county. This Code shall be consistent with the General Plan. Any permit, license, or approval issues pursuant to this Code must be consistent with the General Plan and all applicable Specific Plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

### **25.01.006 Authorities**

#### **A. Purpose**

This Chapter lays out the basic roles, responsibilities, and functions of all planning authorities, including the Board of Supervisors, Planning Commission, and Planning Director.

#### **B. Board of Supervisors**

The powers and responsibilities of the Board of Supervisors include, but are not limited to the following: [The relationship of the Board of Supervisors to the Planning Commission and staff in the approval process is shown in Table 25.01-A, "Review Authorities."](#)

1. Consider and adopt, reject or modify proposed amendments to the General Plan, Zoning Code, Zoning Map, development agreements, specific plans, and environmental

documents related to any of the foregoing, pursuant to the provisions of the Amendments to the General Plan, Zoning Code, and Zoning Map section in Chapter 25.01.

2. Hear and decide appeals from decisions of the Planning Commission pursuant to the provisions of the Appeals section in Chapter 25.01.
3. Consider and adopt, reject, or modify Development Agreements, following a public hearing and recommended action by the Planning Commission, pursuant the provisions of the Development Agreements section in Chapter 25.01.
4. Establish, by resolution, a County Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Title.

#### C. Planning Commission

The powers and responsibilities of the Planning Commission include, but are not limited to the following: The relationship of the Planning Commission to the Board of Supervisors and staff in the approval process is shown in Table 25.01-A, "Review Authorities."

1. Approve, modify, or deny Parcel Maps, Tentative Maps, Conditional Use Permits and Variances.
2. Make recommendations to the Board of Supervisors on development agreements.
3. Make recommendations to the Board of Supervisors on proposed amendments to the General Plan, Zoning Code, and Zoning Map, specific plans, and environmental documents related to any of the foregoing.
4. Hear and decide appeals from decisions of the Planning Director.
5. Hear and decide proposals to revoke permits.
6. Consider and adopt environmental determinations on any approvals that are subject to environmental review under the California Environmental Quality Act, pursuant to State law.
7. Annually review progress towards implementation of the General Plan and make recommendations to the Board of Supervisors based on any new legislation, development trends, or changing economic, social, and environmental conditions.
8. Such other powers and responsibilities as assigned or directed by the Board of Supervisors.

#### D. Planning Director

The powers and responsibilities of the Planning Director (“the Director”), or his/her designee, include, but are not limited to the following. The relationship of the Planning Director to the Board of Supervisors and Planning Commission in the approval process is shown in Table 25.01-A, “Review Authorities.”

1. Perform all the functions designated by State law, including, but not limited to the following:
  - a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
  - b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
  - c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
2. Maintain and administer the Zoning Code, including the processing of applications, abatements, and other enforcement actions.
3. Clarify or make determinations when ambiguities exist with regard to the meaning of any provision of this Code or their application to a specific parcel or project.
4. Prepare rules and procedures necessary for conducting the Director’s business. They may include the administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure, and recordkeeping). These rules and procedures must be approved by Board of Supervisors resolution, following review and recommendation by the Planning Commission.
5. Issue administrative regulations for the submission and review of applications subject to the requirements of Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.
6. Issue a Zoning Clearance pursuant to provisions of the Zoning Clearance section in Chapter 25.01.012.
7. Approve, modify, or deny Administrative Use Permits, pursuant to the provisions of the Use Permits section in Chapter 25.02.002.
8. Approve, modify, or deny Home Occupation Permits and Rural Home Enterprises, pursuant to the provisions of Chapter 25.08.004.
9. Approve, modify, or deny Temporary Use Permits, pursuant to the provisions of the Temporary Use Permits section in Chapter 25.01.004.

#### Table Notes

1. "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Issue" means that the Director grants the Zoning Clearance after confirming compliance with all applicable provisions of this Zoning Code; and "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body.
2. When necessary, the Director may defer action and refer the request to the Planning Commission for consideration and final decision or may bring an Action from the Planning Commission to be made by the Director.
3. When necessary, the Planning Commission may defer action and provide a recommendation to the Board of Supervisors for consideration and final decision.

### 25.01.007 Public Hearing Procedures and Noticing

#### A. Noticing Requirements

Notice of public hearings shall be provided consistent with County procedures and as specified in this Code. §[LG1] 65090-96

#### B. Conduct of Public Hearings

The conduct of public hearing(s) shall include the following elements identified below.

1. Discretionary Review. At the public hearing, the authorized hearing body shall review the application and any pertinent materials submitted with the application, and any report based on County staff's investigation of the application.
2. The Applicant's Rights at Public Hearing. During any public hearing, the applicant for the application shall have the right to be represented to provide testimony and to present evidence.
3. The Public's Rights at Public Hearing. All other persons shall have the right to comment on any relevant aspect of the application under consideration.
4. Discretionary Action. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement, the subject of the public hearing.
5. Continuation of Public Hearing. If the action is taken to continue the item being considered or to take the matter under advisement, before adjournment or recess, the person presiding at the public hearing shall publicly announce the time and place to which the hearing will be continued. No further notice shall be required.

amendment; and

2. Amendments to the Zoning Code and Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

#### **B. Applicability**

The procedures in this Chapter shall apply to:

1. All proposals to change the text of the General Plan, including any maps which are part of the General Plan; and
2. All proposals to change the text of this Zoning Code or to revise a zone or boundary line shown on the Zoning Map.

#### **C. Authority**

The Planning Commission shall act as the advisory body for all Amendments to the General Plan text, General Plan Land Use Map, Zoning Code text, and Zoning Code Map and provide recommendations to the Board of Supervisors. The Board of Supervisors shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all Amendments to the General Plan text, General Plan Land Use Map, Zoning Code text, and Zoning Code Map.

#### **D. Initiation of Amendment**

An Amendment to the General Plan, Zoning Code, or Zoning Map may be initiated by any qualified applicant identified in Section 25.01.013, Application Forms and Fees, the Director, or by a motion of the Board of Supervisors or Planning Commission.

#### **E. Procedures**

1. Application. A qualified applicant shall submit an application for amendment accompanied by the required fees by the County. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Planning Division may allow Amendments to the General Plan, Zoning Code, and Zoning Map to be processed concurrently with other applications.
2. Staff Report. The Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in this section for Zoning Amendments (if applicable), as well as an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). Applications involving projects for which an environmental document is required shall not be heard until the environmental assessment procedures required by CEQA are satisfied.

## 25.02: Permits and Other Planning Actions

### 25.02.001 Development Plan Review

The Development Plan Review process provides for the review of new construction and additions or other physical modifications to sites and buildings.

Two types of Development Review are established:

- A. Minor Development Plan Review, a staff-level review and approval of new, non-exempt development
- B. Major Development Plan Review, review of new, non-exempt development by the Planning Commission

A third type of project review ~~for the simplest projects to determine compliance with development standards~~, Zoning Clearance, is described in 25.02.011.

#### A. Approving Authority

1. Zoning Clearance does not involve approval of a project and is described elsewhere in this Chapter (25.02.011).
2. Minor Development Plan Reviews. The Planning Director shall act as the Review Authority for Minor Development Plan Reviews.

The Planning Director may, at his or her discretion, forward any application for a Minor Development Plan Review to the Planning Commission.

The Planning Director must refer an application for a Minor Development Plan Review to the Planning Commission if the applicant or applicant's representative, or any member of the public, requests a public hearing in writing. Such forwarded applications shall be processed as a Major Development Plan Review.

3. Major Development Plan Reviews. The Planning Commission shall act as the Review Authority for Major Development Plan Reviews.

## B. Review of Exempt Projects

The Director may, at his or her discretion, require that a project which is defined as exempt from Development Plan Review be processed as a Minor or Major Development Plan Review, as deemed appropriate by the Director.

The Director's decision to process an otherwise exempt project may be appealed as provided in this Code.

## C. Thresholds for Types of Development Plan Review

New construction and additions or physical modifications to buildings shall be categorized as Exempt or subject to Minor or Major Development Plan Review as shown below.

**Table 25.02-A**

<b>Development Plan Review Thresholds</b>			
	<b>Exempt (Requires Zoning Clearance)</b>	<b>Minor Development Plan Review</b>	<b>Major Development Plan Review</b>
<b>Single-Family Residential Structures in All Zoning Districts<sup>1</sup></b>	Additions or exterior modifications to existing single-family residences and accessory structures  New construction of a custom single-family home and accessory structures	Master home plans for subdivisions of up to 10 lots  Master landscaping, lighting, and fencing plans for single-family residential subdivisions	Master home plans for residential subdivisions greater than 10 lots
<b>Multi-Family Residential Structures in All Zoning Districts<sup>1</sup></b>	Additions or modifications to multi-family residential structures which do not result in an increase in the number of residential units	New multi-family development with 4 or less dwelling units	New multi-family development with 5 or more dwelling units

<b>Non-Residential (Commercial, Office, Institutional) Structures<sup>1</sup></b>	New buildings, additions or modifications to structures that add less than 2,500 square feet to an existing building	Additions or modifications to structures that add 2,501 to 5,000 square feet to an existing building  New structures of 3,000 square feet or less	Additions or modifications to structures that add 5,001 square feet or more to an existing building  New structures greater than 5,000 square feet
<b>Agricultural / Industrial Structures<sup>2</sup></b>	Barns, garages, workshops, and other similar structures up to 5,000 square feet  Additions to existing structures are exempt	Barns, garages, workshops, and other similar structures 5,001 square feet to 10,000 square feet  Additions to existing structures are exempt	Barns, garages, workshops, and other similar structures greater than 10,000 square feet  Additions to existing structures are exempt
<b>Other<sup>1</sup></b>	Interior alterations that do not change the permitted use of the structure  Signs, including freestanding signs and signs attached to a building  Fences and Walls: <ul style="list-style-type: none"> <li>• Retaining walls less than thirty-six (36) inches in height.</li> <li>• Fences located on residential or agricultural property constructed in compliance with</li> </ul>	Other development of similar scale and impact, as determined by the Director, that is not explicitly subject to Major Development Plan Review per this section	Hillside Development, per Chapter 25.07 of this Code  Other development of similar scale and impact, as determined by the Director, that is not explicitly subject listed in this subsection

	<p>the standards of this section</p> <ul style="list-style-type: none"> <li>• Fences and walls required by a state or federal agency, or by the County for public safety.</li> </ul> <p>Other development of similar scale or impact, as determined by the Director, that is not explicitly subject to Minor or Major Development Plan Review per this section</p>		
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1. General accessory in all non-Agricultural zones are regulated in sections 25.07.006 and 25.07.007

2. Accessory structures in Agricultural zones are regulated in section 25.07.008

#### **D. Application**

Applications for Development Plan Review shall be filed with the Planning Division on prescribed application forms and all application fees paid.

#### **E. Notice of Application Filing**

Notices of the application filing shall be distributed as follows:

1. Notices for Major Development Plan Reviews shall meet the criteria for public notice and hearing before the Planning Commission. Notices shall include the following:
  - a. A statement that staff is considering the application (but not necessarily staff's recommendation); and
  - b. A statement that a public hearing will be held; and
  - c. A specific deadline (of not less than seven calendar days from the date of the mailing) to respond in writing to provide comments.

Applications which have been appealed or scheduled for review at the request of the Planning Commission shall be deemed not approved until the Planning Commission takes action to approve or deny.

**K. Expiration**

No automatic expiration for an Administrative Use Permit is imposed by this Code. Conditions may be required to be complied with by a certain date.

**L. Revocation**

An Administrative Use Permit can be revised or revoked following a public hearing by the Planning Commission based on non-compliance with conditions of approval or to address issues which have arisen due to the operation of the use despite adherence to all approved condition of approval. Noticing and hearing procedures for revocation shall be the same as for the initial consideration of the Administrative Use Permit.

### **25.02.003 Conditional Use Permits**

Conditional Use Permits are provided for the individual review of uses at specific locations to ensure that their operation will be compatible with surrounding areas and uses.

**A. Approving Authority**

The Planning Commission shall act as the Review Authority for Conditional Use Permits.

**B. Uses Requiring ~~Administrative~~ Conditional Use Permits**

Uses which require Conditional Use Permits are shown in the use tables in Chapter 25.03 of this Zoning Code.

**C. Application**

Applications for Conditional Use Permits shall be filed with the Planning Division on the prescribed application forms.

**D. Public Notice and Hearing**

All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to the provisions of Public Hearings section in Chapter 25.01.007 of this Zoning Code.

**E. Findings**

All of the following findings must be made in order to approve a Conditional Use Permit:

1. The proposed use is conditionally permitted within the applicable zone and complies with

the first sale of homes. In addition, conditions of approval regulating the hours of operation, landscaping, or other aspects as deemed necessary may be imposed as part of the Temporary Use Permit;

e. Seasonal sales lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a collector or arterial roadway as designated in the General Plan. Seasonal sales may be permitted in any non-residential zoning district upon issuance of a Temporary Use Permit. The term of permit shall not exceed sixty (60) days per calendar year, which may be used in up to three (3) consecutive or nonconsecutive periods (e.g. 20+20+20 or 10+10+40)..

e.f. ~~Food Trucks. may be p~~Permitted on private property in any commercial or industrial zoning district, or on any religious facility or school site that abuts a collector or arterial roadway as designated in the General Plan. Food Trucks may be may operate permitted on private property in any non-residential zoning district upon issuance of a Temporary Use Permit. The term of permit shall not exceed sixty (60) days per calendar year, which may be used in up to three (3) consecutive or nonconsecutive periods (e.g. 20+20+20 or 10+10+40).

f.g. Temporary dwellings, including mobile homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued. The temporary dwelling shall be limited to a maximum of one year.

g.h. Other temporary uses and activities that typically occur on private property.

3. When a temporary use is not specifically listed in this section, the Director shall determine whether the proposed use is similar in nature to listed uses(s) and shall establish the term and make necessary findings and conditions for the particular use.

#### **D. General Standards for Temporary Uses**

Each use granted a Temporary Use permit shall comply with all applicable zoning district and development standards as outlined in this Zoning Code. The Director shall establish the following standards in combination with the provisions above and, based on the type of temporary use, in addition to standards within the Zoning Code for guidance:

1. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code.
2. Limitation on the duration of approved temporary structures to a maximum of one year, so they shall not become permanent or long-term structures.
3. Other requirements as appropriate to minimize any adverse impacts of the use.

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)
Lot and Density Standards				
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
<del>Minimum Lot Requirements</del> Setbacks and Height Limits				
Front Setback	30 <u>feet</u>	25 <u>feet</u>	25 <u>feet</u> <sup>12</sup>	25 <u>feet</u> <sup>12</sup>
Side, Interior Setback	<del>20% of width (not less than 8 feet, not more than 32 feet required)</del>	<del>20% of width (not less than 8 feet, not more than 32 feet required)</del>	<del>20% of width (not less than 8 feet, not more than 32 feet <sup>2</sup>required)</del> <sup>1</sup>	<del>20% of width (not less than 8 feet, not more than 32 feet <sup>2</sup>required)</del> <sup>1</sup>
Rear Setback	<del>20% of lot depth (not more than 35 feet required)</del>	<del>20% of lot depth, not less than 20 feet, but not more than 35 feet required</del> <sup>1</sup>	<del>20% of lot depth, not less than 20 feet, but not more than 35 feet required</del> <sup>12</sup>	<del>20% of lot depth, not less than 20 feet, but not more than 35 feet required</del> <sup>12</sup>
Distance between buildings	Subject to requirements of California Building Code			

Maximum Building Height (feet)	35	35	35	35
<u>Development standards for accessory structures are provided in sections 25.07.006, 25.07.007, and 25.07.008.</u>				

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. Applications. For the above standards, the following apply:

- i. Proper drainage must be provided to collect a 100-year storm event runoff and meter the flow out at the ten-year pre-development level for the new parking provided.
- ii. All activities or encroachments in the county or state right-of-way shall obtain an encroachment permit and are required to be paved to county or state standards.
- iii. For non-paved parking, a minimum surface of compacted CALTRANS grade aggregate base (or compacted decomposed granite with surface treatment) shall be provided built to a thickness to meet the County Engineer's approval.
- iv. Surface treatments used to control dust shall be approved by the Public Works Department.
- v. Parking areas where over 10% of the vehicles using the area have a gross vehicle weight over 10,000 pounds shall provide paving.
- vi. The parking areas shall be maintained in a manner where they do not generate visible dust, do not create erosion or hazards, and do not adversely affect neighboring parcels or environmentally sensitive areas.
- vii. General plan noise limits shall be met at the property line. Where the property line bounds two different zoning districts, the limits of the most restrictive district shall apply.

9. Entrance and Exit Visibility Requirements. Each exit and entrance to a parking lot shall be constructed and maintained such that any vehicle entering or leaving the parking lot shall be clearly visible for a distance of at least ~~ten~~ twenty-five (25) feet to any person on a walk or footpath intersected by such exit or entrance.

#### J. **Truck Loading and Unloading Space**

All retail and wholesale stores, warehouses, supply houses, buildings devoted to manufacturing trade, hotels, hospitals or other buildings where large amounts of goods are received or shipped, shall provide loading and unloading space adequate to handle the volume and frequency of truck traffic to the building or shopping center. The number and minimum dimensions of loading spaces shall be at the discretion of the Planning Director.

#### K. **Additional Requirements**

The Planning Commission may make such additional requirements in connection with off-street parking areas as will protect the character of other property in the neighborhood. This may include, but not be limited to, adequate screening of the lot by a fence or wall, landscaping, provision for suitable surfacing and lighting.

twenty-four (24) box size. Shrubs shall be a minimum five (5) gallon size; however, the use of smaller plants may be approved as part of Development Plan Review.

### C. Grading Plan Requirements

The grading plan shall include:

1. Existing and proposed contours at a suitable scale for clarity and readability.
2. Cross-sections of cuts, fills, building pads and driveways.
3. Tops and toes of proposed cut and fill slopes.
4. Property lines.
5. Existing and proposed buildings, including buildings proposed to be demolished.
6. Existing trees, including trees proposed to be removed.
7. The drainage of all planting areas and the heights of mounds. Mounds shall not exceed three-to-one (3:1) slope, and no mound over thirty (30) inches high shall be placed within twenty-five (25) ~~ten~~ feet of any street and/or alley intersections.
8. An adequate erosion control plan.

### D. Irrigation Plan Requirements

An irrigation plan shall show the following:

1. Locations of all irrigation components, such as sprinkler heads, valves, pipes, backflow prevention devices and water taps, drip irrigation, automatic controllers, and quick couplers.
2. Proposed radius or diameter of throw (sprinkler coverage) at a stated pressure (pounds per square inch, or psi) for each sprinkler head and drip irrigation specifications.
3. Worst case irrigation system pressure loss calculations.
4. Static water pressure psi, available gallons per hour (gph), water pressure zone, agency reading locations, and source of information for each one.
5. Required water budget calculations based on the Water Efficient Landscape ordinance requirements.

## F. Landscaping Design Standards

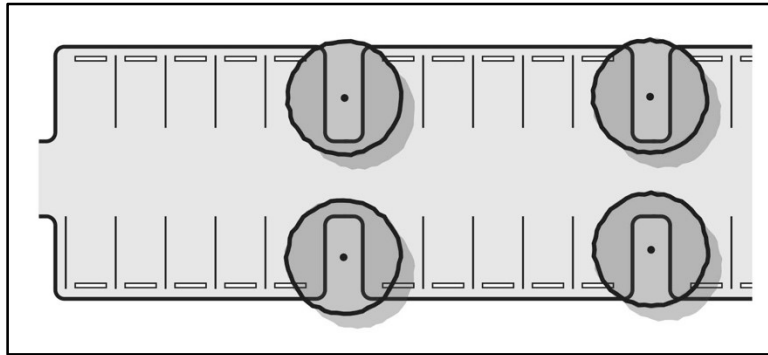
Landscaping shall be incorporated into the design of all off-street parking areas, including covered and decked, as follows:

### 1. General landscaping provisions

#### a. These provisions apply to:

- i. Landscaping throughout and immediately surrounding parking areas; and,
- ii. Additional landscaping as required by this Zoning Code.

#### b. Landscaped areas shall be distributed throughout the entire off-street parking area as evenly as is approved in the design of the parking facility. Landscape planters shall be located at least every fifth parking space, as shown below.



- c. Nothing in this section shall preclude the installation of additional landscaping and the planting of additional trees so long as such planting is consistent with visibility regulations;
- d. Any open areas in the interior shall be landscaped with appropriate plant materials and maintained in good condition as provided in this code;
- e. All landscaped areas shall be designed so that plant materials are protected from vehicle damage, encroachment or overhang;
- f. All trees shall be double-staked and secured with a rubber or plastic strip, or other commercial tie material. Wire ties and twist-a-brace shall not be used;
- g. No trees shall be planted within ~~ten~~twenty-five (25) feet of driveways, alleys and/or street intersections;
- h. All landscaping shall be within planters bounded by a curb at least (6) six inches high;

used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

2. Detached Accessory Dwelling Units. Up to (2) two detached Accessory Dwelling Units shall be allowed on a parcel with one or more multi-family structures, subject to compliance with the development standards for Detached Accessory Dwelling Units in this Chapter.

#### I. Development Standards for Attached and Detached Accessory Dwelling Units

##### 1. Attached Accessory Dwelling Units

- a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling (above or below the primary dwelling unit).
- b. Size. The total floor area of an Attached Accessory Dwelling Unit shall not exceed 1,500 square feet or 50% of the size of the primary dwelling unit, whichever is less. This limit does not include up to (150) one hundred-fifty square feet of area added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit.
- c. Setbacks.
  - i) Front yard setback: Per the zoning district standard for the primary dwelling.
  - ii) Side yard: Four (4) feet.
  - iii) Rear yard: Four (4) feet.
- d. Height. Per the zoning district standard for the primary dwelling.
- e. Access. An attached Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.
- f. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit. Accessory Dwelling Units built using County-approved designs may differ in architectural style and materials.
- g. See subsection K, below, for parking requirements.
- g-h. Environmental Health clearance is required for water and wastewater systems serving the Accessory Dwelling Unit.

##### 2. Detached Accessory Dwelling Unit Development Standards

- a. Location. Shall be located on the same lot or parcel as a primary dwelling unit.

- b. Size. No minimum size, except as needed to conform with the requirements for an Efficiency Unit as defined in the Building Code. A Detached Accessory Dwelling Unit shall not exceed 1,500 square feet in size.
- c. Setbacks.
  - i) Front yard setback: Per the zoning district standard for the primary dwelling.
  - ii) Side yard: (4) Four feet.
  - iii) Rear yard: (4) Four feet.
- d. Height. ~~16-25~~ feet for new structures built specifically as an Accessory Dwelling Unit. Existing structures ~~taller than (16) sixteen feet~~ can be converted to an Accessory Dwelling Unit consistent with the requirements of this Chapter 25.08.002.
- e. Design. Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit. Accessory Dwelling Units built using County-approved designs may differ in architectural style and materials.
- f. See subsection K, below, for parking requirements.
- ~~d.g.~~ Environmental Health clearance is required for water and wastewater systems serving the Accessory Dwelling Unit.

### 3. Junior Accessory Dwelling Unit Development Standards

- a. Location. Shall be located on the same lot or parcel as a primary dwelling unit and be attached to the primary dwelling unit by at least one wall or by a ceiling. The Junior Accessory Dwelling Unit may be located above or below the primary dwelling unit.
- b. Size. Maximum of (500) five hundred square feet of living area. Up to (150) one hundred fifty square feet of building space may be added to the primary dwelling for the sole purpose of providing access to the Accessory Dwelling Unit; this shall not count toward the maximum area for the Junior Accessory Dwelling Unit.
- c. Setbacks. If the primary dwelling unit is expanded to create the Junior Accessory Dwelling Unit, the addition shall maintain setbacks of four feet from side and rear yards or the same setback as the existing structure, whichever is less. Front setback shall be the same as the existing structure or per the zoning district for the primary structure, whichever is less. Larger setbacks shall apply if required by Fire or Building codes on a case-by-case basis.
- d. Access. A Junior Accessory Dwelling Unit shall have direct exterior access separate from the main entrance to the primary dwelling.

e. Kitchen. Each Junior Accessory Dwelling Unit shall include an efficiency kitchen.

f. Utilities.

- i) Whether built as part of a new dwelling or converted from space in an existing dwelling, a Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for the purposes of calculating connection fees or County charges for utilities, including water, sewer, or power service, or impact fees.
- ii) No new or separate utility connection between the Junior Accessory Dwelling Unit and the utility shall be required, although the property owner may voluntarily install a submeter for the Junior Accessory Dwelling Unit.
- iii) Any utility charges or fees shall be consistent with state law.

g. Parking. No additional off-street parking is required for the Junior Accessory Dwelling Unit.

g.h. Environmental Health clearance is required for water and wastewater systems serving the Accessory Dwelling Unit.

h.i. Owner Occupancy Requirements for Junior ADUs.

- i) A person with legal or equitable title to the primary dwelling shall reside on the property in either the primary dwelling or Junior Accessory Dwelling Unit as that person's legal domicile and permanent residence.
- ii) The owner occupancy requirement does not apply if the property is entirely owned by a governmental agency, land trust, or non-profit housing organization.
- iii) Prior to issuance of a Building Permit for a Junior Accessory Dwelling Unit, a deed restriction shall be recorded in the chain of title of the primary single-unit property. The form of the deed restriction shall be approved by the County and shall provide that the Junior Accessory Dwelling Units shall not be sold separately from the primary dwelling.
- iv) The deed restriction shall run with the land and shall be enforced against future property owners.

## J. Impact Fees

### 1. Impact Fee Requirements

- a. No County-imposed impact fees shall be charged for an Accessory Dwelling Unit that is less than (750) seven hundred fifty square feet in size.

for Suburban and Rural Fire Fighting”, 1989 Edition, or mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8, 2nd Edition 3-80, standard shall be accepted as meeting the requirements of this article. These documents are available at CDF Ranger Unit Headquarters.

- ii. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Where freeze protection is required by local jurisdictions, the protection measures shall be provided.

#### 24. Hydrant/fire valve

- a. The hydrant or fire valve shall be 118 inches above grade, eight feet from flammable vegetation, no closer than four feet nor farther than (12) twelve feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.
- b. San Benito County has adopted two types of fire hydrants for use in its protection area. The “county standard” hydrant is compatible with Sunnyslope County Water District and the City of Hollister. The “wharf” hydrant may be used only on private water systems (i.e., single-family dwellings, on previously established lots), subdivision of more than one acre lots, minor subdivisions and areas served by the San Benito County Water District. Planned unit developments will require the use of “county standard” hydrants.
  - i. “County standard” hydrant specifications. All hydrants shall meet AWWA C502 standards and shall have a six-inch inlet with one ~~four-four-and-one-half~~ inch (4.5”) outlet and one ~~two--and--one-half~~-inch (2.5”) outlets.
  - ii. “Wharf hydrant” specifications. Four-inch inlet, tapered IPT female with one two and one-half inch NSHT male outlet, cap and chain with pentagon stem nut.
  - iii. Installations. Installation will be done using standard construction practices. Thrust blocks will be used at all pressure points. The minimum bedding will require six inches of jetted sand backfill.
  - iv. Identified. Each hydrant/fire valve or access to water shall be identified by a reflectorized blue marker, with a minimum dimension of three inches.

#### 25. Signing of water sources. Each hydrant/fire valve or access to water shall be identified as follows:

- a. If located along a driveway, a reflectorized blue marker, with a minimum dimension of three inches shall be located on the driveway address sign and mounted on a fire-retardant post; or

## I. Exemption for Existing Residences

Single-family residences and related accessory structures lawfully existing in the floodplain at the time the ordinance codified in this title becomes effective shall be allowed to remain subject to the restrictions set forth in section 25.01.012 of this Code.

## 25.08.027 Scenic Highway Corridor Development Standards

### A. Intent

The intent of these Scenic Highway Corridor development standards is to preserve the scenic qualities of the county along scenic highways.

The standards in this section supplement those of the underlying zoning district(s). Where the standards of this section and those of the base zone conflict, this section's standards apply.

### B. Scenic Highway Corridors

The Scenic Highway Corridor development standards shall apply to all lands meeting the following criteria:

<i><b>Designated Highway</b></i>	<i><b>Corridor Width</b></i>
All of State Highway 101	All land 400 feet on either side of the centerline of the road
A portion of State Highway 129 as designated on the county general plan map	All land 340 feet either side of the centerline of road
All of State Highway 146 as designated on the county general plan map	All land 340 feet either side of the centerline of road

The areas described above are not shown on the Zoning Map. Parcels proposed for development which ~~area-are~~ adjacent to or near any of the designated highways should be checked to determine whether this section applies.

### C. Permitted and Conditionally Permitted Uses

The uses permitted and conditionally permitted in scenic highway corridors shall be those permitted in the base zoning district, except as provided in this section.

**Accessory Use.** A use which is subordinate or incidental to the principal use on the same lot and serving a purpose customarily incidental to the principal use such as a parking garage and storage building.

**Acreage, Gross.** The entire acreage of a parcel or lot, including any proposed public roadways and all other areas which may be ultimately excluded from development. See also, “Acreage, Net”.

**Acreage, Net.** The acreage of a parcel or lot, excluding areas to be dedicated for public purposes or other reasons. See also, “Acreage, Gross”.

**Adult Animal.** Any animal attaining an age when one of the following applies:

1. It attains 90% of the size, measured by height and/or weight, of an average adult of the species;
2. It no longer requires its mother’s care; or
3. It attains the age when an average adult of the species is able to breed

**Adult Cat.** A domestic cat (*Felis catus*) that has reached the age of four months

**Adult Dog.** A dog that has reached the age of four months. See also “Dog”

**Agriculture.** The cultivation of soil for the growing of crops and the rearing of animals to produce food, wool, and other products.

**Agricultural Employee Housing.** Residential housing whose occupancy is restricted to persons who are employed in, raising or harvesting any agricultural commodities. All occupants of the housing unit(s) must be agricultural employees. The housing shall be provided by someone other than an agricultural employer, as defined in Section 1140.4 of the State of California Labor Code. Agricultural employee housing is not a business run for profit; it does not differ in any way from a traditional dwelling.

**Agricultural Employer.** An employer engaged in agricultural operations who employ employees, as defined in Labor Code Section 1140.4(c).

**Agricultural Processing.** The washing, sorting, packaging, and shelling of harvested agricultural products, in a covered and/or enclosed structure, for shipment or sale. Also includes the production of wine, including crushing of grapes, fermenting, storing, and bottling of wine produced on site. See also “Cannery” and “Winery”

**Agricultural Products.** Any product produced by a commercial agricultural operation, either in its

raw form (e.g., whole eggs) or processed to make it ready for wholesale or retail sale (e.g., packaged broccoli). Does not include products which require heating, cooking or baking. Also includes the production of eggs. See also “Commercial Agriculture”

**Agricultural Storage.** The storage of harvested or processed agricultural products in a covered and/or enclosed structure.

**Airport.** A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargo and passengers, make repairs and take in fuel. See also “Unmanned Aerial Vehicle Takeoff and Landing Facility”



*Aerial view of Hollister Municipal Airport.*

**Alley.** A passage or way open to public travel, affording secondary means of vehicular access to abutting lots, and not intended for general traffic circulation.

**ALUC.** Airport Land Use Commission of San Benito County

**ALUCP.** The most recently adopted Airport Land Use Compatibility Plan for Frazier Lake Airpark, as adopted by the San Benito County Airport Land Use Commission.

**Animal.** Birds, fishes, reptiles and all non-human mammals. [See also “Livestock”](#)

**Animal Control Officer.** The Chief Animal Control Officer or his or her agents and/or deputies.

**Animal Shelter.** A premise selected by the Chief Animal Control Officer with the approval of the Board of Supervisors for the care, confinement, isolation or detention of animals.

**Approach Safety Zone.** The inner edge of this zone coincides with the outer edge of the clear zone and is 450 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the runway. Its centerline is the continuation of the centerline of the runway.

unit development. The area may contain complementary structures and improvement as are necessary and appropriate. Fee title to common open space may be held by the homeowner's association or by another approved entity

**Community Assembly.** A facility for public or private meetings, including community centers, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

**Composting, Agricultural.** An operation where a combination of agricultural commodities and by-products such as feedstock, vegetable waste, cannery waste, soils or yard trimmings are processed to a stabilized state through controlled biological decomposition for the purpose of making compost to amend soils.

**Composting, Commercial.** An operation where a combination of materials such as feedstock, vegetable waste, cannery waste, soils or yard trimmings are processed to a stabilized state through controlled biological decomposition for the purposes of making compost for commercial sales to persons other than the composter.

**Conditional Use Permit.** A discretionary permit required for certain uses specified in this Code to provide for the review of proposed uses, with the intent of ensuring that, if approved, such use can be operated in a manner compatible with surrounding uses.

**Condominium.** As defined in California Civil Code section 1351.

**Constraints.** A factor or factors that restrict development of a site due to environmental hazards or conditions, including but not limited to wildlife habitat, slope, flooding, fire hazard, fault zone, and landslides.

**Construction Sign.** A sign displayed on the site of a construction project during the period of time that construction is diligently pursued.

**Contour.** A line drawn on a plan which connects all points of equal elevation.

**Contour Grading.** A grading concept designed to result in earth forms, which resemble natural terrain characteristics. Horizontal and vertical variations are often used for slope banks. Contour Grading does not necessarily minimize the amount of cut and fill occurring.

**Cottage Food Operation.** As defined in California Health and Safety Code section 113758.

**County.** When capitalized, refers to the governmental agency of the County of San Benito (e.g., "The County regulates land uses."). When lowercase, refers to the geographic area (e.g., "There are many beautiful areas in the county.").