

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN BENITO TO DELETE TITLE 25, OF THE
SAN BENITO COUNTY CODE IN THEIR ENTIRETY AND
ADOPT TITLE 25, CHAPTERS 25.01 – 25.09.**

WHEREAS, the Board of Supervisors recognized that portions of the San Benito County Zoning Code required updates since the last comprehensive zoning code update was in 1984, to conform with recently enacted provisions of state law, implement the 2035 General Plan, make the code more clear, concise, and user friendly, modernize land uses and regulations, and to streamline development review; and

WHEREAS, the County applied to the State of California for grant funding under the “SB 2” process to fund the updating of the Zoning Code consistent with the purposes of SB 2, the Building Homes and Jobs Act (Stats 2017, Ch. 354) codified at Health and Safety Code § 50470 (b)(1)(A) to update planning documents and zoning ordinances in order to streamline housing production, including, but not limited to, local process updates that improve and expedite local permitting; and

WHEREAS, the County received a grant from the State of California to fund updates to the Zoning Code and Accessory Dwelling Unit (ADU) Program of the General Plan to further the objectives listed above; and

WHEREAS, work on the updated Zoning Code commenced in late 2020; and

WHEREAS, staff and the County’s consultants have created a draft updated Zoning Code which achieves the goals set forth in the County’s application to the State of California through the SB-2 grant process; and

WHEREAS, the updates revise the text of the following sections of the Zoning Code: 25.01, 25.03, 25.05, 25.07, 25.09, 25.11, 25.12, 25.13, 25.14, 25.15, 25.16, 25.17, 25.19, 25.21, 25.23, 25.25, 25.27, 25.29, 25.31, 25.33, 25.37, 25.39, 25.41, 25.43, 25.45, 25.47, 25.49, 25.51; and

WHEREAS, new Zoning Code sections have been reorganized by grouping similar topics together into 9 chapters to make them easier to find, putting all administrative functions are now in one section, added chapter for Specific Use standards, eliminated redundant sections, added numerous explanatory illustrations, moving topics into a more logical order—like topics grouped together, added tables for permitted uses and development standards, revised and simplified permitted and conditional uses, especially to streamline review and approval of agricultural uses, eliminated some types of permits that were seldom or never used, added sections required by changes in state law such as “Accessory Dwelling Units,” at Government Code §65862.2; in order to comply with the requirements of state law and provide specific guidance to staff, the public, and businesses on these topics; and

WHEREAS, the draft updated Zoning Code was made available for public review in December 2021; and

WHEREAS, the draft updated Zoning Code was reviewed by the San Benito County Planning Commission at a duly noticed public hearing, which on April 27, 2022, voted to recommend adoption of the updated Code by the Board of Supervisors; and

WHEREAS, the environmental impacts of the Zoning Code Update have generally been addressed in the Final General Plan EIR prepared for the most recent update of the San Benito County General Plan; and

WHEREAS, the Board of Supervisors finds that the foregoing recitals and findings are true and correct, and adopts this Ordinance based on the entirety of the record;

WHEREFORE, 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 Attachment “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 Title 25 in their entirety,

Section 3. Amend the San Benito County Code to add Title 25 Chapter 25.01-25.09, as attached Exhibit B:

Section 4. Effective Date and Codification. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and, before expiration of fifteen (15) days after passage of this ordinance, a post-adoption summary shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the *Hollister Free Lance*, a newspaper of general circulation published in the County of San Benito, State of California.

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

YES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

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

