
PLN180024 REGIONAL COMMERCIAL (C-3)
PLANNING COMMISSION RESOLUTIONS 2019-18 & 2019-10
Board of Supervisors
September 4, 2019

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2019-18**
COMMISSION RECOMMENDING TO THE BOARD OF)
SUPERVISORS APPROVAL OF FILE PLN180024, INCLUDING)
AMENDING TITLE 25 AND CHANGING THE COUNTY ZONING)
MAP ON DISCONTIGUOUS PROPERTIES ALONG U.S. HWY 101.)

[AMEND TITLE 25 to incorporate Regional Commercial (C-3) District]

WHEREAS, with regard to File PLN 180024-ZA the property owners executed a reimbursement agreement with the County to fund the work necessary to amend County Zoning Code Title 25 to include provisions for the Regional Commercial (C-3) District and associated changes; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the Zoning Code amendments at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission found the Zoning Code amendments both consistent with the 2035 General Plan goals and policies and good zoning practice; and

WHEREAS, in accordance with County Code §25.45.004, the Planning Commission passed and adopted Resolution No. 2019-10 recommending the Board of Supervisors approve the Zoning Code amendments; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the Zoning Code amendments, as modified from those considered on May 15, 2019, at its duly noticed, special scheduled meeting held on September 4, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

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

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission finds the Zoning Code amendment, as modified, is both consistent with and implements the 2035 General Plan goals and policies and a good zoning practice; and

WHEREAS, the application and implementation of the Regional Commercial (C-3) District requires amendments to the County Zoning Map; and

WHEREAS, in regard to File PLN180024-ZC1 "*Betabel*," the subject area is located at 9664 and 9644 Betabel Road, San Juan Bautista on the west side of U.S. 101 in San Benito County, California (Assessor's Parcel 013-150-017, -018, -023, -024 & -025) and is approximately 29-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rangeland/Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP) and

WHEREAS, the property owner executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial-Floodplain (C-3/FP); and

WHEREAS, in regard to File PLN180024-ZC2 "*SR129/Searle Road*," the subject area is located on the westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista in San Benito

County, California (all or a portion of Assessor's Parcel 012-010-007, -017, -021, & -024; 012-030-019 & -023) and is approximately 33-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rural or Rangeland and Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) and

WHEREAS, the property owners executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial (C-3); and

WHEREAS, in regard to File PLN180024-ZC3 "*Rocks Ranch*," the subject area is located on the southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista in San Benito County, California (portion of Assessor's Parcel 011-310-006) and is approximately 77.3-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Commercial Regional and Rangeland or Agriculture and a zoning designation of Agricultural Rangeland (AR) or Agricultural Productive (AP) and

WHEREAS, the property owner executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial (C-3); and

WHEREAS, in regard to File PLN 180024-ZC4 "*Livestock 101*," the subject parcels are located on the northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas in San Benito County, California (Assessor's Parcel 011-280-027, -028, -029, -030, -034, -035 & -036) and is approximately 159.3-acres in area; and

WHEREAS, the Planning Commission previously recommended in its adopted Resolution 2019-10 approval of a General Plan Land Use Diagram amendment change to designate the Livestock 101 property as Commercial Regional; and

WHEREAS, the County has subsequently determined based on the available record that Livestock 101 was designated as Commercial Regional by the Board of Supervisors as part of the approval of the 2035 General Plan Update and not correctly identified as intended on several of the adopted Land Use Diagrams; and

WHEREAS, the Planning Commission considered the corrected General Plan Land Use Figures 3.2-3.6 that accurately depict Livestock 101 designated as a Commercial Regional Node; and

WHEREAS, the Planning Commission withdraws its previous recommendation included in Resolution 2019-10 that the General Plan be amended to designate Livestock 101 as Commercial Regional based on the conclusions of the subsequent County research; and

WHEREAS, the subject Livestock 101 property currently has a General Plan Land Use Diagram designation of Rural and Commercial Regional and a zoning designation of Rural (R) on approximately 143.3-acres and Neighborhood Commercial Combining (C-2) on approximately 16-acres; and

WHEREAS, the property owner executed a reimbursement agreement with the County to fund the work to change the County Zoning Map to Regional Commercial (C-3); and

WHEREAS, the Planning Commission of the County of San Benito reviewed the proposed changes to the County Zoning Map at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission found the four Zoning Map amendments are (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, in accordance with County Code §25.45.004, the Planning Commission passed and adopted Resolution No. 2019-10 recommending the Board of Supervisors approve the four Zoning Map amendments; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the proposed changes to the County Zoning Map, as modified from the maps considered on May 15, 2019, at its duly noticed, special scheduled meeting held on September 4, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

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

WHEREAS, the project (code amendments and zoning map changes) does not currently propose any new development or construction on the subject properties; and

WHEREAS, pursuant to the Regional Commercial (C-3) Code regulations, subsequent environmental review will be required when new development or construction is proposed; and

WHEREAS, the Planning Commission considered and concurs the project (code amendments and zoning map changes) qualifies for an Addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 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 code amendments and zoning map changes,

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

2035 General Plan Amendment

The previously recommended General Plan Land Use Diagram designation change for “Livestock 101” is not necessary based on the County’s determination as evidenced in the entire record that the Board of Supervisors approval of the 2035 General Plan did include the deletion of the U.S. 101 and Highway 156 node and its transfer to the Livestock 101 property. Due to a clerical error this was shown incorrectly on the General Plan Figures 3.2-3.6. This error has been corrected with the preparation of revised Figures that have been reviewed by the Planning Commission and will be considered by the Board of Supervisors for accuracy.

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 Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines.

Evidence: *The Project proposes changes to the County Zoning Code Title 25 and 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. Addenda to the Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 (“General Plan EIR”) have been prepared for each of the five project components. 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 subjects addressed by these addenda are the County's Zoning Code update to add regulations for a new C-3 zoning district and changes to the Zoning Map to apply the new C-3 zoning district to four specific locations (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project").

In addition to the addendum for the C-3 District Zoning Code, a separate addendum has been prepared for each of the four sites. The C-3 District Zoning Code addendum analyzes cumulative impacts of the proposed project, and the four site addenda also each analyze cumulative impacts for certain environmental issue areas where the combined effects from the four sites are considerable. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would facilitate future development petitions. When a development project on any of the four Nodes is proposed, the County will further comply with California Environmental Quality Act as required by the Regional Commercial (C-3) Code and California Environmental Quality Act. In accordance with the CEQA Guidelines, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional environmental review will be required for development projects when petitions for those projects are processed.

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 reports, incorporated herein by this reference, the Planning Commission finds that the zone changes are consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. The zoning code amendments have been written to be consistent with the applicable General Plan goals and policies. The Zoning Map changes are consistent with the General Plan Land Use Element and the Regional Commercial (C-3) district. No other special plan, such as a specific plan, is in effect at any of these locations.

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

Evidence 2: The adoption of the Zoning Code amendments and 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 Code amendments and zoning map changes are a good zoning practice in that the provisions, standards and requirements of the Regional Commercial (C-3) District will be implemented in accordance with the General Plan.

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 proposed ordinances to 1) amend the provisions of County Code Title 25 to incorporate the Regional Commercial (C-3) Zoning District, and 2) to amend the County Zoning Map for the four subject land areas from their current zoning as noted above to Regional Commercial (C-3).

1. The program level 2035 General Plan Update Final 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 changes are consistent with the 2035 General Plan, and there is not any applicable special plan.
3. The approval of the zone changes 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 4TH DAY OF SEPTEMBER 2019 BY THE FOLLOWING VOTE:

AYES: (5) Commissioner Robert Rodriguez, Valerie Eglund, Robert Gibson, Robert Eggers & Edward Navarro

NOES: 0

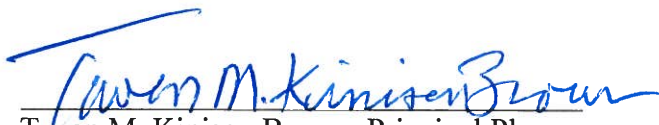
ABSENT: 0

ABSTAIN: 0



Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:



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

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2019-10**
COMMISSION RECOMMENDING TO THE BOARD OF)
SUPERVISORS APPROVAL OF PLN180024, INCLUDING A)
PETITION TO AMEND TITLE 25 AND TO AMEND THE)
COUNTY ZONING MAP ON DISCONTINGUOUS SITES.)

[AMEND TITLE 25 incorporate Regional Commercial (C-3) District]

WHEREAS, with regard to File PLN 180024-ZA the property owners have filed a petition to amend the County Zoning Code Title 25 to include provisions for the Regional Commercial (C-3) District and associated changes; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zoning code amendment at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission finds the zoning code amendment is consistent with and implements the 2035 General Plan goals and policies and is good zoning practice; 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 15164 and 15162 of the California Environmental Quality Act Guidelines; and

[AMEND ZONING MAP]

WHEREAS, in regard to File PLN180024-ZC1 "*Betabel*" the subject parcel is located at 9664 and 9644 Betabel Road, San Juan Bautista on the west side of U.S 101 in San Benito County, California (Assessor's Parcel 013-150-017, -018, -023, -024 & -025) and is approximately 55.5-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rangeland/Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP) and

WHEREAS, the property owner has filed a petition to amend the County zoning map to Regional Commercial-Floodplain (C-3/FP); and

WHEREAS, in regard to File PLN180024-ZC2 "*SR129/Searle Road*" the subject parcel is located on the westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista in San Benito County, California (all or a portion of Assessor's Parcel 012-010-007, -017, -021, & -024; 012-030-019 & -023) and is approximately 39.7-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rural or Rangeland and Commercial Regional and a zoning designation of Agricultural Rangeland-Floodplain (AR-FP), Rural (R) or Commercial Thoroughfare (C-1) and

WHEREAS, the property owner has filed a petition to amend the County zoning map to Regional Commercial (C-3); and

WHEREAS, in regard to File PLN180024-ZC3 "*Rocks Ranch*" the subject parcel is located on the southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista in San Benito County, California (portion of Assessor's Parcel 011-310-006) and is approximately 72-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Commercial Regional and Rangeland or Agriculture and a zoning designation of Agricultural Rangeland (AR) or Agricultural Productive (AP) and

WHEREAS, the property owner has filed a petition to amend the County zoning map to Regional Commercial (C-3); and

WHEREAS, in regard to File PLN 180024-ZC4 "*Livestock 101*" the subject parcel is located on the northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas in San Benito County, California (Assessor's Parcel 011-280-027, -028, -029, -030, -034, -035 & -036) and is approximately 159.5-acres in area; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rural and a zoning designation of Rural (R) and Neighborhood Commercial Combining (C-2) on approximately 16-acres; and

WHEREAS, the property owner has filed a petition to amend the General Plan to Commercial Regional and County zoning map to Regional Commercial (C-3); and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zone change at its duly noticed, regularly scheduled meeting held on May 15, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, in accordance with County Code §25.45.005, the Planning Commission finds the zoning map amendments are consistent with the 2035 General Plan and will serve the public necessity, convenience and general welfare, and is good zoning practice; and

WHEREAS, the project does include or 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 15164 and 15162 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 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 Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15164 and 15162 of the California Environmental Quality Act Guidelines.

Evidence: *The proposed project is for changes to the County Zoning Map to implement the 2035 General Plan goals, policies and land use element. The project does not include allow the construction of any new buildings and creates no physical changes to the existing environment. An addendum to the Revised Draft Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 ("General Plan EIR") has been prepared. The General Plan EIR analyzed the San Benito County 2035 General Plan ("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 County's Zoning Code update to add regulations for a new C-3 zoning district, and map applicability of the new zoning district (referred to interchangeably as "proposed C-3 Zoning Code" or "proposed project").

A separate initial study has been prepared for each of the four sites; however, for environmental issue areas where the combined effects from the four sites are considerable, that situation has been identified in all of the initial studies. The environmental review does not analyze any specific development project, but rather the establishment of the zoning code and zoning map amendments that would facilitate future development petitions. In accordance with the CEQA Guidelines, and based on the findings in this initial study, the County has determined that an addendum to the General Plan EIR is an appropriate environmental document for the proposed project. Additional environmental review will be required for development projects when petitions for those projects are processed.

2035 General Plan Amendment

The requested General Plan Land Use Diagram designation change for "Livestock 101" from Rural to Commercial Regional was processed in accordance with the provisions of County Code Chapter 19.29 *General Plan Local Procedures* and the Planning Director has ensured compliance with all provisions of state law relevant for the consideration of a General Plan amendment.

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 Reports, incorporated herein by this reference, the Planning Commission finds that the zone changes are consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. No further special plan, such as a specific plan, is in effect in this location.

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

Evidence 2: The adoption of the code amendments and changes to the zoning map would serve the public necessity, convenience and general welfare in that the goals, policies and Land Use Element of the 2035 General Plan will be implemented. The amendments and changes are good zoning practice in that the provisions and requirements of the Regional Commercial (C-3) District will be implemented in accordance with the General Plan.

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 recommends that the Board of Supervisors adopt the proposed resolution and ordinances, attached hereto as Exhibit "A," to 1) amend the provisions of County Code Title 25 to incorporate the Regional Commercial (C-3) District, 2) change the 2035 General Plan Land Use Diagram designation of "Livestock 101" from Rural to Commercial Regional and delete the Commercial Regional node at Highway 156, and 3) to amend the zoning map for the subject properties from their current zoning as noted above to Regional Commercial (C-3); and

NOW BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors consider fiscal analysis during the future approval processes.

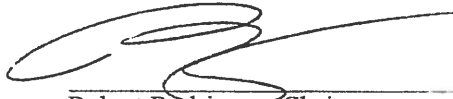
PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 15TH DAY OF MAY 2019 BY THE FOLLOWING VOTE:

AYES: Eggers, Eglund, Gibsan, Navarro, Rodriguez

NOES: -

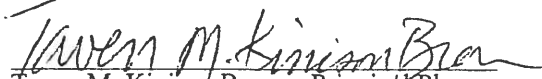
ABSENT: -

ABSTAIN:



Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:



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