

STAFF REPORT

PROJECT INFORMATION:

Application: PLN180033 / Use Permit / Panoche RV Park
Public Hearing: November 20, 2019
Applicant/Owner: Frank Saunders
Location: 29960 Panoche Road, Paicines, CA
APN: 027-280-011
General Plan: Rangeland (RG)
Zoning: Neighborhood Commercial (C-2)
Planner: Richard Felsing

PROJECT DESCRIPTION

The proposed Panoche RV Park project would establish an RV Park with 21 stalls at 29960 Panoche Road, APN 027-280-011, currently occupied by the Panoche Inn. The RV Park would be operated by the live-in managers of the Panoche Inn and would function as an extension of the Inn. The first row of seven RV stalls will have full hookups for water, sewer, and electricity at the outset; while the rear 2 rows will initially have water service until demand justifies the

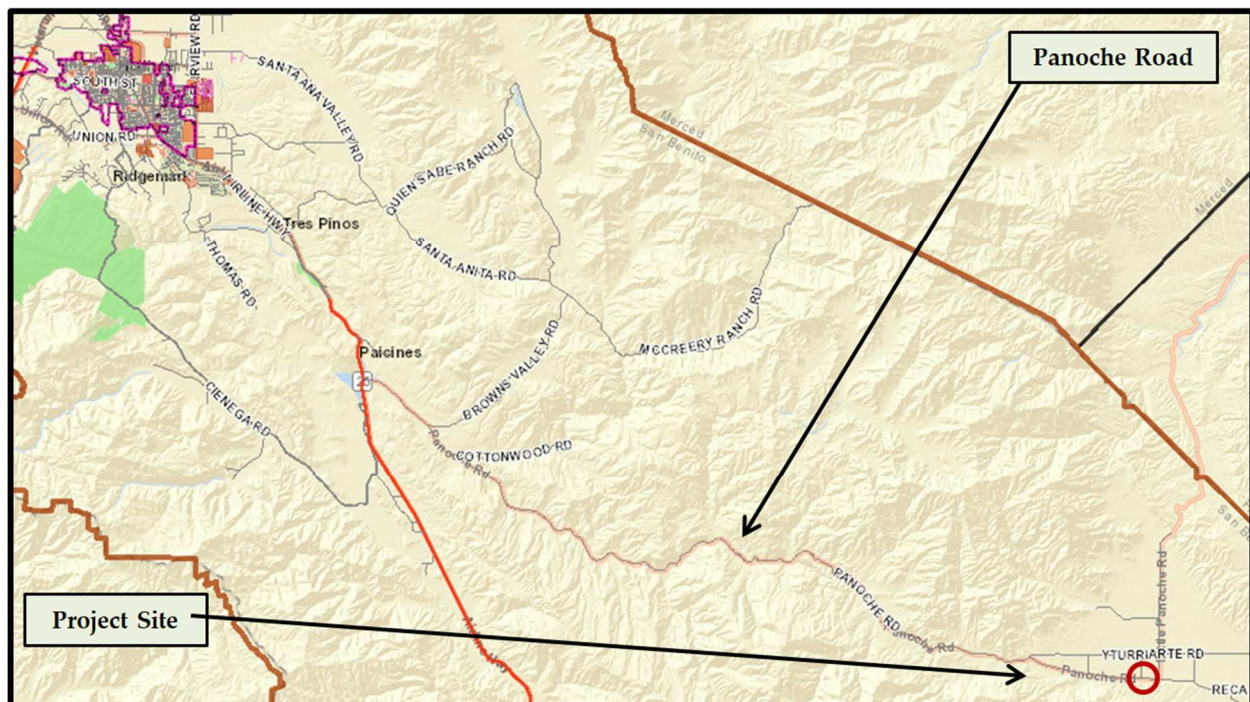


Figure 1. Regional Context

extension of sewer and electrical service. RV stalls and driveways will be aggregate base (AB), with dual access points onto Panoche Road located at the existing driveway entrances at the northeast and northwest corners of the property. The main RV Park entrance will be through the northwest driveway, which will have a new asphalt driveway apron onto Panoche Road.

Scenic Highway: None

Seismic: Not Within an Alquist Priolo Earthquake Fault Zone

Fire Hazard: Moderate

Floodplain: Flood Zone X; not susceptible to flooding

Archaeological Sensitivity: High Sensitivity on the front one-third, heavily developed portion of the property that contains the Panoche Inn, parking and driveways, accessory garage, and ADU

Other Endangered or Sensitive Species: None observed in biological field surveys

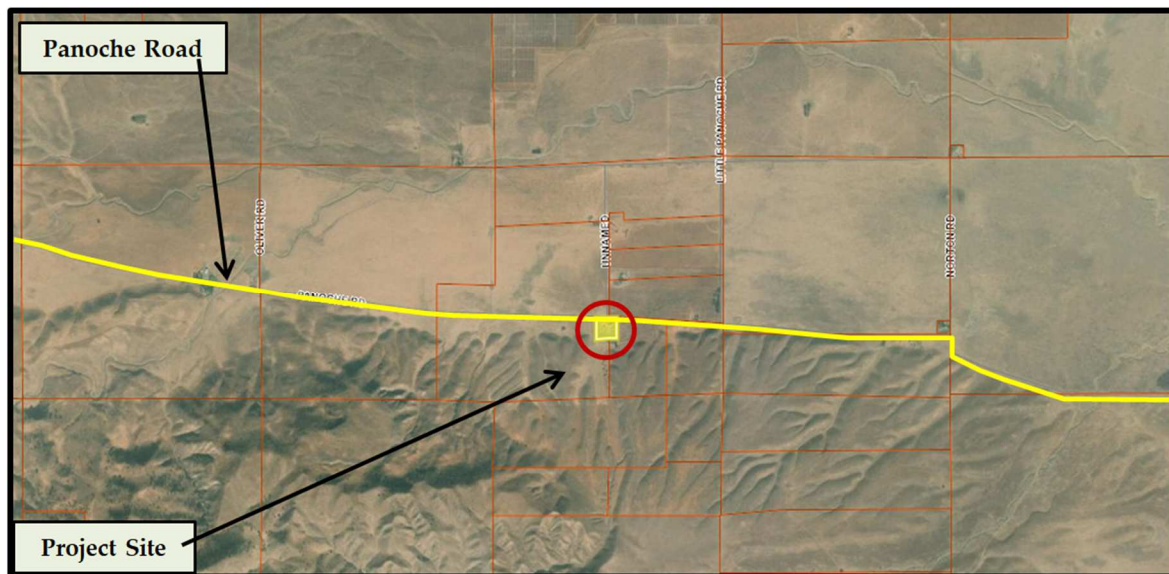


Figure 2. Vicinity Map

SITE DESCRIPTION

The subject parcel consists of 6.53 acres of nearly level ground that rises gently toward the rear of the property. The front one-third contains the Panoche Inn, customer parking in the entire area between the Inn and Panoche Road, and paved and hard-packed driveways on either side that accommodate overflow parking. A barbeque and shaded outdoor seating area is situated in the east side yard just off the Inn's side entrance.

The side and rear yards are heavily used, bearing the appearance of a standard farmyard or commercial operations lot with associated outdoor storage and accessory structures. A garage, accessory dwelling unit, and scattered smaller structures (pump house, storage shed) are present. Water tanks, equipment, and outdoor storage areas are evident on the property.

The bar/commercial operation was reported to sell motor oil and two grades of gasoline during the 1950s. A Phase 1 Environmental Site Assessment & Limited Phase II Subsurface Reconnaissance was performed and found no evidence of Underground Storage Tanks (USTs) or any associated impacts. A "reliable local resident ... witnessed the excavation and removal of two 1,000 gallon underground fuel tanks ... in 1976." Soils borings yielded no signs of petroleum contamination. The Site Assessment also found large disused container drums stored on-site, old tires, paint cans, and small amounts of waste oil; proper disposal recommended but

no major concerns registered. No evidence of hazardous materials use, or their improper storage or disposal, were discovered (with the exception of residual paint and waste oil).

Database searches using the MapHazardsPro Environmental Database platform found no hazardous or toxic waste sites on or near the property, past or present.

Grassy yard areas adjacent to the Panoche Inn/residence are seasonally/routinely disked to maintain defensible firefighting space and reduce potential fuel loads. Toward the rear of the property, a somewhat larger vegetated area is also disked routinely and while apparently vacant has similarly been heavily impacted by human usage over the decades. Stacks of old pallets, disturbed soils, and remnants of a long-disused burn pit and refuse heap remain evident as indicators of the degraded condition of the property.

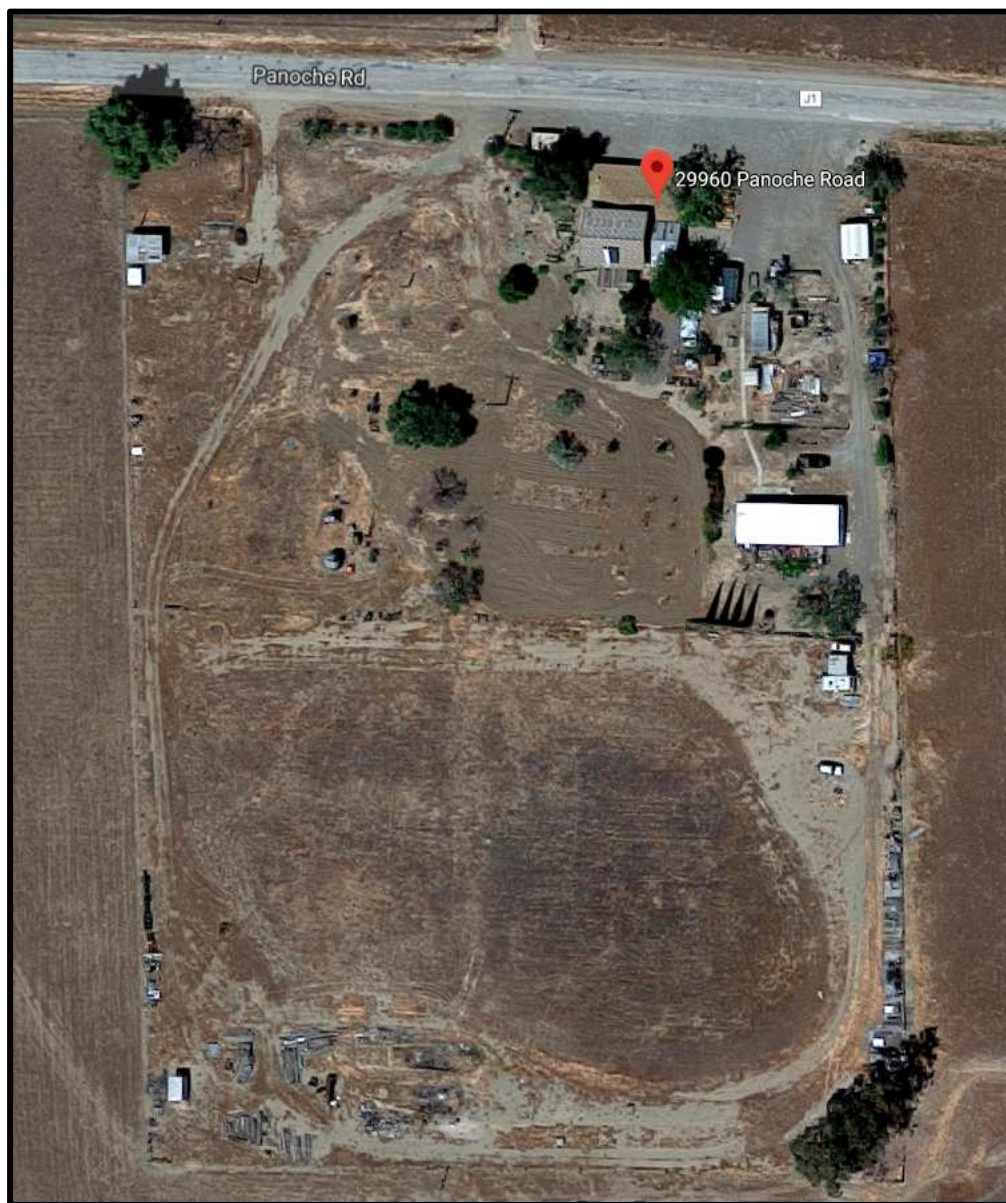


Figure 3. Project Site

BACKGROUND

County records indicate the Panoche Inn, or a bar in some form, has operated continuously on this site for the past 85 years, minimum. A 2003 Commercial District Review (CDR 48-03) approved a request to enlarge the Inn's living quarters by expanding the ground floor and adding a second floor to the existing structure. The prevailing General Plan stated that:

[T]he Commercial land use category contains three subcategories: neighborhood commercial, regional commercial, and thoroughfare commercial. The commercial lands in the unincorporated areas of the County will be designed to serve existing markets and reduce unnecessary trips to the major retail centers in the incorporated areas of the County. In some limited cases, isolated commercial uses will continue to be permitted as overlay zoning without a general plan amendment.

These purposes conform to (and are the roots of) the County's current CN Commercial Neighborhood land use designation, "which intends to reduce unnecessary vehicular trips to commercial centers in the cities . . . encouraging a focus on local businesses, with a destination retailer or restaurant," essentially describing the function that the Panoche Inn has served over the years for Paicines and Panoche communities generally (see Table 3-1, 2035 General Plan).

The County's project files for CDR 48-03 confirms this approach in practice:

The project is located within an area designated in the General Plan and Zoning maps as Agricultural Rangeland with a Neighborhood Commercial (C-2) overlay zoning district. The intent of the C-2 zone is to provide specialized areas in the county for providing service to neighborhoods. Section 20.1(x), Permitted Uses, Neighborhood Commercial District, states that a restaurant is a permitted use. (CDR 48-03)

TRAFFIC and TRANSPORTATION

The project site plan consists of 21 RV stalls. The ITE Trip Generation Manual's Land Use 416 Campground/Recreational Vehicle Park observed average peak commute-hour generation rates between 0.27 and 0.48 trip-ends per occupied campsite/RV stall. This rate should be adjusted downward due to project remoteness, total absence of nearby destinations, and projected customer base. A trip generation rate of 0.32 trip ends per occupied RV stall (ITE Manual, p. 634) works out to an average of 6.72 trip ends per peak commute-hour, or 3.35 vehicle trips. As noted, traffic counts would likely be lower and total daily trip ends can be revised downward. Off-peak traffic is projected to be significantly lower than standard projections.

The initial study/mitigated negative declaration found that transportation for the project would not have a significant effect on the environment. *See* conditions of approval Nos. 16 and 17.

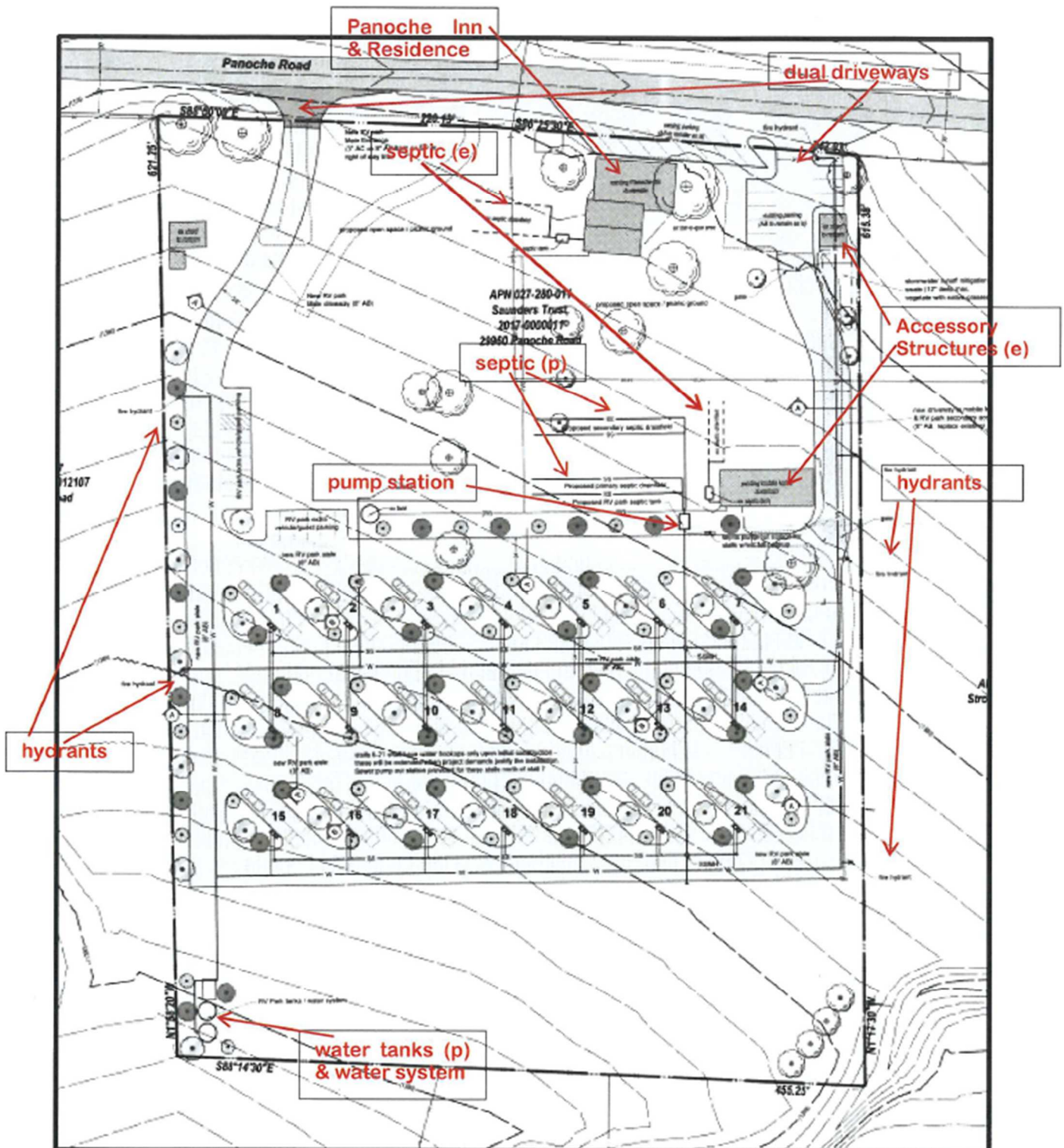


Figure 4. Project Site Map

PLANNING AND ZONING

The subject parcel is zoned Neighborhood Commercial (C-2). Ample documentation exists to consider it an overlay district with underlying Agricultural Rangeland (AR) zoning. RV Parks are allowed under both C-2 and AR zoning. The proposed use conforms to the General Plan in fulfilling several agricultural-supportive and visitor-serving land use policies designed to maintain the agricultural economy and enhance access to the County's environmental amenities. As stated in the General Plan, this project also meets the purposes of Rangeland (R) and Commercial Neighborhood (CN) land use designations.

Zoning. RV parks or resorts are permitted in C-2 zoned districts with a conditional use permit pursuant to section §25.16.043(G) Recreational Trailer Parks. RV parks or resorts are permitted in AR zoned districts with a conditional use permit pursuant to §25.07.005(G) Private Parks and (I) Commercial Recreational Uses including RV parks.

General Plan. Isolated commercial uses were permitted as a default Commercial overlay zoning district without requiring an amendment to the General Plan, as early as 1984 (an arrangement confirmed in County documentation for the Commercial Development Review performed in 2003 (CDR 48-03; 1984 County of San Benito General Plan; §25.15.001, Neighborhood Commercial)). The project meets the County's purpose, then and now, to allow commercial businesses to serve remote areas with RG Rangeland or A Agricultural land use designations.

ENVIRONMENTAL EVALUATION

An Initial Study and Mitigated Negative Declaration was prepared by County Planning staff. The document was circulated from October 21, 2019 to November 19, 2018. *See Exhibit C: Initial Study/Mitigated Negative Declaration (IS/MND).* Mitigation measures have been prepared for potential impacts on biological resources. Implementation of the Mitigation Monitoring Reporting Program (MMRP) will assure a less than significant impact on the environment. Therefore staff recommends that the Planning Commission consider the study with the draft mitigation measures and that a determination be made to prepare and adopt a Mitigated Negative Declaration.

Finding 1: The initial study/mitigated negative declaration for the Panoche RV Park—29960 Panoche Road, Use Permit PLN180033—has been prepared in compliance with provisions of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: *Materials in the preparation of the initial study/mitigated negative declaration are filed in the project record, file PLN180033, at the San Benito County Planning Department. Public review of the initial study was conducted from October 21, 2019 to Tuesday, November 19, 2019. Notice of Availability of the proposed Mitigated Negative Declaration was mailed to interested parties and to property owners within 300 feet of the project site and posted at public locations in the County, including the County of San Benito website.*

Finding 2: The Planning Commission has considered the initial study/mitigated negative declaration together with all comments received from the public review process.

Evidence: *The Planning Commission considered all evidence regarding this project, including any written and verbal responses from the public hearing on November 20, 2019.*

Finding 3: The initial study/mitigated negative declaration reflects the independent judgment of the Planning Commission.

Evidence: *The San Benito County Planning Department prepared the initial study, and incorporated the biological survey report prepared by biological consultant Ed Mercurio of Salinas, California. The Planning Commission considered and reviewed the initial study/mitigated negative declaration and considered public comments and supplemental information prior to action on the mitigated negative declaration.*

Finding 4: The Planning Commission has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: *After consideration of the initial study/mitigated negative declaration, the Planning Commission found that the project as proposed, with the adoption of the mitigation measures and conditions of approval, would not have a significant effect on the environment.*

STAFF ANALYSIS

As outlined above, RV Parks are permitted with a conditional use permit under C-2 and AR zoning. The proposed project meets the purposes of any applicable General Plan land use designation, whether CN or RG.

The surrounding Panoche Valley landscape carries a Rangeland (RG) land use designation in the County General Plan. The County's 1984 General Plan indicated that commercial uses are permitted to serve remote areas where properties carry a Rangeland (RG) classification.

Land use policies specified by the County General Plan spell this out in more specific terms. The proposed RV Park conforms to several General Plan Policies, among them LU-3.7, Visitor Serving Uses in Agricultural Areas, and LU-3.6, Agricultural Support Services. Overnight accommodations in this remote location would be 'visitor-serving' in that it will improve access to remote areas by visitors seeking to enjoy recreational lands and unique ecosystems. The proposed overnight RV accommodations constitute an agricultural-support use in that employees commuting into the Panoche Valley for work on area farms have the option to reduce VMT by staying overnight instead of making the long trek back over the mountains at nightfall to Hollister or Los Banos. The applicant's own employees must make this journey in commuting to work on their nearby organic farm. The project meets the purposes of the Commercial Neighborhood (CN, current) and Commercial (C, former) General Plan land use designations in that it would "serve existing markets and reduce unnecessary trips to the major retail centers."

Finally, while the Panoche Valley generally offers a wealth of biological resources in the form of unique habitats and sensitive species, the history of intensive use on the degraded parcel make it the most appropriate location for additional development; a location that complements but does not negatively impact the set of important and sensitive biological resources. Considerable attention has been paid by County staff to the status, location, and conservation requirements of the sensitive species and habitats specific to the region and to San Benito County.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the staff report, draft resolution with findings and conditions of approval, and initial study/mitigated negative declaration with mitigation measures. Staff recommends that the Planning Commission make the findings and adopt the resolution to approve Use Permit PLN180033, subject to the conditions of approval found in the resolution.

Exhibits and Attachments

Exhibit A. Resolution for approval, with attachments:

Attachment 1. Project Site Plan

Exhibit B: Project Data Sheet

Exhibit C. Initial Study/Mitigated Negative Declaration

Attachment 1. Biological Survey Report

Attachment 2. Response Letter, Water Resources Control Board

Note: Additional attachments to the Initial Study/Mitigated Negative Declaration are available upon request and at the Planning Commission hearing.

Exhibit B: Project Data Sheet PLN180033

Panoche RV Park / 29960 Panoche Road, Paicines

Project proposal: To establish an RV Park or Resort on the parcel at 29960 Panoche Road. The property now hosts the Panoche Inn and the RV Park would be managed in conjunction with the Inn.

Assessor Parcel Number: 027-280-011

Legal Lot of Record: The 6.53-acre subject parcel was established as a legal lot of record by grant deed conveying the parcel from Frank & Juana Mendez to Svend A. Severinsen, and recorded September 10, 1958, as found in Vol. 242 Page 335, Official Records of the County of San Benito.

Permit Requirement: Conditional Use Permit

Zoning: C-2 Neighborhood Commercial

General Plan: RG Rangeland

Land Use: Commercial. The parcel currently hosts the Panoche Inn, which has operated continuously on the site for at least the past 85 years.

Minimum Building Site Allowed: 20,000 square feet

Lot Size: 6.53 acres

Water & Sewage Disposal: The applicant has worked with County Environmental Health and the Central Coast Regional Water Quality Control Board, complying with requirements to meet water quality and sewage disposal requirements standards.

CEQA Determination: An Initial Study/Mitigated Negative Declaration was prepared and circulated from October 21–November 19th.

FEMA Flood Zone: In Flood Zone X, according to FEMA FIRM 06069C0550D, April 15, 2009.

Fire Severity: Moderate Fire Hazard Severity Zone

Within earthquake fault zone: No. Not Within an Alquist Priolo Earthquake Fault Zone. The site is 5.7 miles due south of the Oligalita Fault and roughly 15 miles east of the San Andreas, Pine Rock and San Benito Faults.

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Yes