



## SAN BENITO COUNTY PLANNING COMMISSION

Eduardo  
Navarro  
District No. 1

Valerie Eglund  
District No. 2

Robert Eggers  
District No. 3

Robert  
Gibson  
District No. 4

Robert Rodriguez  
District No. 5

*County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister,  
California*

### REGULAR MEETING AGENDA May 15, 2019 6:00 PM

**6:00 PM ~ CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**COMMISSIONER ANNOUNCEMENTS**

**DEPARTMENT ANNOUNCEMENTS**

**PUBLIC COMMENT**

**The San Benito County Planning Commission welcomes you to this meeting and encourages your participation.**

- If you wish to speak on a matter which does **NOT** appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide to the Clerk prior to the meeting. Except as otherwise provided by law; no action shall be taken on any item NOT appearing on the Agenda or items that have been continued to a future public hearing date. When addressing the Commission, **please state your name for the record**. Please address the Commission as a whole through the Chair. This open forum period is provided to allow members of the public an opportunity to address the Planning Commission on general issues of land use planning and community development. It is not intended for comments on items on the current agenda, any pending items.
- If you wish to speak on an item contained in the Agenda, please complete a Speaker Card identifying the Item(s) and provide it to the Clerk prior to consideration of the item.
- **Each individual speaker will be limited to a three (3) minute presentation.**

**CONSENT AGENDA**

**ACKNOWLEDGEMENT OF PUBLIC HEARING**

**ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING**

- These items will be considered as a whole without discussion unless a particular item is requested by

a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

- If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

## **ADOPTION OF ACTION MINUTES**

### **CONSENT - PUBLIC HEARING - MINOR PROJECT REVIEW**

1. **CC190001 (Certificate of Compliance):** OWNER: John P. Haruff & Deborah L. Cote. APPLICANT: Deborah Cote. APN: 016-100-035 and -036. LOCATION: 8061 Fairview Road and its northwest neighbor lot, 5½ miles north of Hollister. REQUEST: To recognize two parcels of 7.90 and 8.00 acres as separate parcels each compliant with the State Subdivision Map Act (State Government Code §66499.35) and the Subdivision Ordinance of the County of San Benito (County Code §23.23.003). GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15061(b)(3) ("common sense exemption") and §15261(b) (entitlements preceding CEQA). PLANNER: Michael Kelly (*mkelly@cosb.us*)
2. **PLN190001 (Minor Subdivision):** APPLICANT: Gordon Wynn. OWNER: Wynn 1999 Revocable Trust. APN: 025-570-005. LOCATION: 201 Tortola Way, 1 1/3 mile east of Fairview Road–Santa Ana Valley Road intersection. REQUEST: To subdivide a 20-acre property into two parcels each with 10 acres, with Parcel 2 already developed with a residence and with a new drive and building site for Parcel 1. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: State CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations in Land Use Limitations). PLANNER: Michael Kelly (*mkelly@cosb.us*).
3. **PLN180030 (Use Permit):** OWNER/APPLICANT: Kenneth Harlan/Cingular Wireless–AT&T Mobility (TSJ Consulting & Vinculums). APN: 011-130-023. LOCATION: 2015 School Road. REQUEST: To install a wireless telecommunications facility in the form of an 87-foot tall mono-pine. GENERAL PLAN: Rural (R). ZONING: Rural (R). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15303(d). PLANNER: Richard Felsing (*rfelsing@cosb.us*).

### **PUBLIC HEARING**

4. **PLN190010 (Use Permit):** OWNER/APPLICANT: Troy & Michelle Van Dam. APN: 023-280-006. LOCATION: 11736 Cienega Road. REQUEST: To re-establish a winery /agricultural processing use on the property, and to establish a wine tasting room accessory use. GENERAL PLAN: Rangeland (R). ZONING: Agricultural Rangeland (AR). ENVIRONMENTAL EVALUATION: State CEQA Guidelines §15301 (Existing Facilities). PLANNER: Richard Felsing (*rfelsing@cosb.us*).
5. **Use Permit UP 1168-17 (Swank Farms — Continued from March 20, 2019):** OWNER/APPLICANT: Richard & Bonnie Swank. APN: 026-130-026 and a portion of 016-140-012. LOCATION: 4751 Pacheco Pass Highway (the frontage road). REQUEST: To use the 21.3-acre parcel for an agritourism operation and event venue, to include Swank Farms' annual corn maze and related

seasonal attractions. GENERAL PLAN: Agriculture (A). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorically Exempt. §15301, §15303(e), 15304(e). PLANNER: Richard Felsing (*rfelsing@cosb.us*).

6. **PLN180024-ZA (Zoning Code Amendment)**: Change provisions of County Code including Chapter 25.16 and Sections 25.03, 25.05 and 25.29 to adopt by ordinance the Regional Commercial (C-3) Zoning District and associated minor Code amendments. ENVIRONMENTAL EVALUATION: The proposed Code changes are not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162. The creation and adoption of a new zoning district to implement the General Plan was considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. The code amendment does not approve any development projects. PLANNER: Darryl Boyd (*dboyd@cosb.us*).
7. **PLN180024-ZC1 "Betabel" (Zone Change)**: OWNER/APPLICANT: McDowell Charitable Trust and Betabel RV Park, LLC. LOCATION: West side of U.S. 101 at Betabel Road interchange, 9664 and 9644 Betabel Road, San Juan Bautista, CA (APN 013-150-017, -018, -023, -024 & -025). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP) to Regional Commercial-Floodplain (C-3-FP) on approximately 55.5-acres. GENERAL PLAN LAND USE DESIGNATION: Rangeland/Commercial Regional. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (*dboyd@cosb.us*).
8. **PLN180024-ZC2 "SR 129 / Searle Road" (Zone Change)**: OWNER/APPLICANT: Weiler Family, Johnson Family, Lavagnino Family & Burke Family Trusts, Mohssin & Saleh, and Rubio. LOCATION: Westerly side of U.S. 101 at Highway 129/Searle Road, San Juan Bautista, CA (APN 012-010-007, -017, -021, -024, 012-030-019 & -023). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland-Floodplain (AR-FP), Rural or Commercial Thoroughfare (C-2) to Regional Commercial (C-3) on approximately 39.7-acres. GENERAL PLAN DESIGNATION: Rural or Rangeland/Commercial Regional. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd (*dboyd@cosb.us*). PLANNER: Darryl Boyd (*dboyd@cosb.us*).
9. **PLN180024-ZC3 "Rocks Ranch" (Zone Change)**: OWNER/APPLICANT: Bingaman Trust. LOCATION: Southerly side of U.S. 101 at San Juan Road interchange, San Juan Bautista, CA (portion of APN 011-310-006). ZONING DESIGNATION: Request to change zoning from Agricultural Rangeland (AR) or

Agricultural Productive (AP) to Regional Commercial (C-3) on approximately 72-acres. GENERAL PLAN DESIGNATION: Commercial Regional and Rangeland or Agriculture. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed change in zoning consistent with CEQA Guidelines Section 15164. The zone change is not subject to further environmental review because in accordance with CEQA Guidelines Sections 15126 and 15162 changes in zoning consistent with the General Plan update project were considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd ([dboyd@cosb.us](mailto:dboyd@cosb.us)).

10. **PLN180024-GPA “Livestock 101” (General Plan Amendment)**: Request to change and correct by resolution the 2035 General Plan Land Use Figures 3.2, 3.3, 3.4 & 3.5 to change the land use designation from Rural to Commercial Regional (CR) on approximately 159.3-acres at the location stated above, and remove the incorrect Commercial Regional designation shown at Hwy 156, OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). PLANNER: Darryl Boyd ([dboyd@cosb.us](mailto:dboyd@cosb.us)).
11. **PLN180024-ZC4 “Livestock 101” (Zone Change)**: OWNER/APPLICANT: Warren Family Trust. LOCATION: Northerly side of U.S. 101 and easterly side of Cole Road, 4400 Hwy 101, Aromas, CA (APN 011-280-027, -028, -029, -030, -034, -035 & -036). If the General Plan amendment is approved, request to amend the Zoning Map by ordinance to change the zoning district for the land area included in the Livestock 101 CR node from Rural (R) and Neighborhood Commercial (C-2) to Regional Commercial (C-3) on approximately 159.3-acres. The site will have its own unique theme and undergo design review in accordance with General Plan Policy LU.5-4 and Code provisions included in new Article IV of Chapter 25.16. ENVIRONMENTAL EVALUATION: An addendum was prepared for the proposed general plan amendment and the change in zoning consistent with CEQA Guidelines Section 15164. The general plan amendment and the zone change are not subject to further environmental review because in accordance with CEQA Guidelines Sections 15162 and 15126 both changes are consistent with the General Plan update project as considered in the preparation of the Final Environmental Impact Report for the 2035 General Plan Update, as certified and adopted by Resolution No. 2015-58. PLANNER: Darryl Boyd ([dboyd@cosb.us](mailto:dboyd@cosb.us)).
12. **Hemp Regulations (County Code Chapter 7.04)**: Adopt a Resolution recommending adoption of an ordinance by the Board of Supervisors adding Chapter 7.04 to Title 7 of the San Benito County Code related to Hemp regulation, including but not limited to definitions, prohibitions, the establishment of the Hemp Entity Management Program, registration requirements and regulations, fees, zoning for cultivation, required setbacks, odor and pollen drift mitigation, minimum parcel size, other requirements and administration and enforcement provisions. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308. APPLICANT/PROPONENT: San Benito County. PROPERTY: Unincorporated San Benito County.
13. **Cannabis and Hemp Regulations (County Code Chapter 19.43 and Section**

**25.07.005):** Adopt a Resolution recommending adoption of two ordinances by the Board of Supervisors: The First ordinance would amend Chapter 19.43 of the San Benito County Code relating to the land use regulations applicable to the manufacture and laboratory testing of Commercial Cannabis and/or Cannabis products. The second ordinance would amend Section 25.07.005 of Title 25 of the San Benito County Code to permit as a conditional use in agricultural districts the manufacture and laboratory testing of commercial cannabis and/or cannabis products as well as hemp or hemp products. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308.

## ADJOURN

**NOTE:** A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at [www.cosb.us](http://www.cosb.us). All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

**APPEAL NOTICE:** Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

**NOTE:** In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.