



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1

Kollin Kosmicki
District No. 2

Mindy Sotelo
District No. 3
Vice-Chair

Angela Curro
District No. 4
Chair

Bea Gonzales
District No. 5

Item Number: 3.1

MEETING DATE: 01/16/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Abraham Prado

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR - PLANNING AND BUILDING

Adopt resolution to initiate a General Plan amendment process to amend Agriculture Policy, the Land Use Element, the Housing Element, and the Circulation Element of the 2035 San Benito County General Plan.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2024-7

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

At the regular meeting of the San Benito County Planning Commission of October 18, 2023, the Planning Commission recommended to the Board of Supervisors in the form of a unanimous consensus, the "initiation of a general plan amendment" to amend the Agricultural Policy, the Land Use Element, the Housing Element, and the Circulation Element of the 2035 San Benito County General Plan. The discussion for the initiation of a general plan amendment originated at the Special Joint Board of Supervisors and Planning Commission Meeting that occurred on June 6, 2023 (Joint BOS and PC Special Meeting). The general plan amendment to modify or eliminate the New Community Study Areas of the general plan was also discussed at the Joint BOS and PC Special Meeting, however, this item already received an "initiation of a general plan amendment" approval by the Board in accordance with San Benito County Code §19.29.003 at its regular meeting of September 13, 2022, and the public

hearing for the general plan amendment of the New Community Study Areas is expected to occur in December 2023 with the Planning Commission and early 2024 with the Board. Therefore, the New Community Study Areas general plan amendment is not included within this request for an “initiation of a general plan amendment.” Pending approval by the Board of this “initiation of a general plan amendment” per Section 19.29.003 of the San Benito County Code, staff will begin the formal general plan amendment process pursuant to California Government Code § 65350, et seq., and proceed with the environmental review pursuant to the California Environmental Quality Act (CEQA) and schedule public hearings of the general plan amendments with the planning commission and subsequently with the Board.

Agriculture:

The contemplated amendments to the general plan that pertain to agriculture are as follows:

1). Amend Land Use Policy 3.10 “Agricultural Land Mitigation” located on page 3-21 of the 2035 San Benito County General Plan pertaining to the ag preservation ratio.

The existing Land Use Policy 3.10 Agricultural Land Mitigation indicates that “if new development permanently converts Prime Farmland that is Class 1 soil to non-agricultural uses, the County shall encourage project applicants to preserve up to an equal number of Prime Farmland acres (i.e. up to a 1:1 ratio) either on-or-off site...”

At the June 6, 2023, Joint BOS and PC Special Meeting it was discussed that the 1:1 prime ag land ratio is not enough, and that it should be increased to 2:1, 3:1, or 5:1 and to begin the discussion at a 3:1 ratio with the goal of increasing ag preservation. The planning commission, at its regular meeting of October 18, 2023, requested that the discussion for ag preservation begin at a 10:1 ratio with the goal of increasing ag preservation. Staff will work with the environmental consultant selected for this general plan amendment to consider the ag preservation ratios discussed and bring this back in the form of a general plan amendment to a public hearing with the planning commission and subsequently to the Board.

2). Amend Land Use Policy 3.10 Agricultural Land Mitigation on page 3-21 of the 2035 San Benito County General Plan replacing the phrase “shall encourage” to “shall require.”

The existing Land Use Policy 3.10 Agricultural Land Mitigation indicates that the County “shall encourage” ag preservation of prime farmland acres. At the June 6, 2023, joint BOS and PC Special Meeting it was discussed that the phrase within Land Use Policy 3.10 that indicates “shall encourage” shall be replaced with “shall require” to eliminate any type of ambiguity as to whether the preservation of prime ag land is a requirement or not. By replacing the phrase “shall encourage” with the phrase “shall require” the project applicant would be expected to preserve the number of acres of Prime Farmland determined by the Board per number 1 above.

3). Include the State's definition of Prime Farmland in the general plan modifying or eliminating the statement which indicates that land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

The California Department of Conservation Farmland Mapping and Monitoring Program includes in their definition of Prime Farmland that the land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. It also indicates that "land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date." At the June 6, 2023, joint BOS and PC Special Meeting and again at the October 18, 2023 planning commission meeting it was discussed that the County's position should be that if the property is considered prime ag, it should continue to be considered prime ag regardless of whether the prime ag land was used for irrigated agricultural production at some time during the four years prior to the mapping date.

4). Amend Land Use Policy 3.8 Urban Residential Buffer Requirement on page 3-18 of the 2035 San Benito County General Plan.

This would amend the general plan to include language and potential illustrations of feasible examples that can be implemented as an urban residential buffer between new urban density residential development and existing conventional agricultural operations. The existing Land Use Policy 3.8 only indicates that "the County shall encourage the establishment of a buffer, by the residential developer, between new urban density residential development (i.e., greater than two dwelling units per acre) and existing conventional agricultural operations.

5). Amend the Agriculture (A) Land Use Designation in the Land Use Element of the 2035 San Benito County General Plan by increasing the minimum lot size for the purpose of ag preservation.

The purpose of the Agriculture Land Use designation of the 2035 San Benito County General Plan is to maintain the productivity of agricultural land, especially prime farmland, in the county. This designation is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands and allows agricultural support uses, such as wineries. Currently, the maximum density allowed within the Agriculture Land Use is 1 dwelling unit per 5 acres. Presently, this allows for properties to be potentially subdivided into a minimum of 5 acres. Therefore, at this time, a 120-acre lot may potentially be subdivided into 24 lots at 5 acres each (120 acres / 5 acres minimum lot size = 24 lots of 5 acres each). At the June 6, 2023, Joint BOS and PC Special Meeting it was suggested that the 5-acre minimum ag land be replaced with the requirement of 40-acre minimum parcels with the purpose of agricultural preservation. Therefore, with this amendment, a 120-acre lot may potentially be subdivided into 3 lots at 40 acre each (120 acres / 40 acres minimum lot size = 3 lots of 40 acres each).

The Agricultural and Rural Zoning Districts of the San Benito County Code implements the Agricultural

Land Use Designation of the 2035 San Benito County General Plan. The Agricultural and Rural Zoning Districts consists of the following:

- A). Agricultural Rangeland (AR) which allows 1 dwelling unit per 40 acres;
- B). Agricultural Productive (AP) which allows 1 dwelling unit per 5 acres;
- C). Rural (R) which allows 1 dwelling unit per 5 acres; and,
- D). Rural Transitional (RT) which allows 1 dwelling unit per 2.5 acres.

At the October 18, 2023, Planning Commission Meeting, the planning commission recommended the minimum acreage for AR zoning to be amended from 40 acres to 320-acres, the AP zoning from 5 acres to 320-acres, the R zoning from 5 acres to 40-acres, and RT zoning from 2.5 acres to 40-acres. During the joint Planning Commission and Board of Supervisors meeting, it was discussed that as the cities grow, they absorb prime ag land. It was suggested to replace the minimum lot size of 5-acre parcels to 40-acre parcel closer to the City and amend the Rangeland Land Use Designation of the general plan which is located farther out of the city limits from a minimum of 40 acres to 320 acres to preserve ag land.

6). Amend the Rangeland (RG) Land Use Designation in the Land Use Element of the 2035 San Benito County General Plan by increasing the minimum lot size for the purpose of open space and ag preservation.

Currently, the maximum density allowed within the Rangeland Land Use is 1 dwelling unit per 40 acres which could allow for properties to be subdivided into a minimum of 40 acres. The purpose of this designation is to maintain open space and grazing land on hills, mountains, and remote areas of the county. This designation is applied to areas that have minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county. This designation also allows support uses that directly support agricultural operations and one (1) principal residential unit per lot. Currently, a 320-acre lot may potentially be subdivided into 8 lots at 40 acres each (320-acre lot / 40 acres minimum lot size = 8 lots of 40 acres each). At the June 6, 2023, Joint BOS and PC Special Meeting it was suggested that the 40-acre minimum Rangeland Land Use Designation be replaced with the requirement of 320-acre minimum parcels with the purpose of agricultural and open space preservation. Therefore, with this general plan amendment, a Rangeland Land Use Designated lot could not be potentially subdivided unless the lot is at minimum 640-acres in size and in this example, the lot may potentially be subdivided into 2 lots at 320 acres each (640 acre lot / 320 acres minimum lot size = 2 lots at 320 acres each).

7). Amend the 2035 San Benito County General Plan to include an Agricultural Element.

The Planning Department has applied to a grant with the Sustainable Agricultural Land Conservation

program (SALC), which is a program administered by the Strategic Growth Council and implemented by the California State Department of Conservation (DoC) and if awarded, the grant funding will be used to process and implement the agriculture policy amendments within this initiation of a general plan amendment, as identified in the first six items in this staff report above, as well as the implementation of the policy within the initiation of a general plan amendment that was approved by the Board of Supervisors per Resolution 2023-31 attached as Exhibit A to this resolution, at its regular meeting of March 14, 2023 pertaining to amending the general plan to establish a comprehensive set of goals, policies, and objectives to support long-term protection of agricultural land. The pre-proposal for the grant was due on June 30, 2023, and the application was due on September 8, 2023. Staff has met all deadlines for the grant and is awaiting an award determination in December 2023.

Land Use Element:

The contemplated amendments to the general plan that pertain to the Land Use Element are as follows:

8). Amend the existing land use map in the 2035 San Benito County General Plan to change the land use designations east of Fairview Road and south of Ridgemark from Residential Mixed (RM) to the Agriculture (A) Land Use Designation.

Currently, the maximum density allowed within the RM Land Use Designation of the 2035 San Benito County General Plan is up to twenty (20) dwelling units per acre. The purpose of the RM designation is to “allow areas of unincorporated urban uses where circulation and utility services exist. This will provide individuals with the opportunity to live in an unincorporated village or neighborhood atmosphere composed primarily of residential land uses with some commercial uses serving the residences.” At the June 6, 2023, Joint BOS and PC Special Meeting and again at the October 18, 2023 San Benito County Planning Commission Meeting it was suggested that the land use designation east of Fairview Road and south of Ridgemark should be amended from its existing RM land use designation to the Agriculture (A) designation.

9). Amend the Residential Mixed (RM) Land Use Designation in the Land Use Element of the 2035 San Benito County General Plan by increasing the maximum residential density, concurrently or after amending the land use designation east of Fairview Road and south of Ridgemark per number 8 above.

At the June 6, 2023, Joint BOS and PC Special Meeting, the amendment of the land use designation east of Fairview and south of Ridgemark from Residential Multiple to Agriculture per number 8 above was discussed. At the October 18, 2023, San Benito County Planning Commission Meeting, the planning commission recommended to the board the amendment and also requested that the RM land use designation that would not be amended, such as west of Fairview and south of Santa Ana Road amongst other locations, begin at a minimum density of twenty (20) units per acre instead of having 20 units per acre be a maximum density as it is now. It was discussed that the RM designation that would remain RM shall develop up in a vertical way with higher densities instead of out provided that the infrastructure would be extended such as sewer, water, and drainage. This would allow for a higher number of multifamily units closer to the city limits where there is infrastructure such as sewer and

drainage and this can help meet the need for multifamily in the County as well as balance the multifamily versus single family housing in the county.

10). Amend the Land Use Designation in the Land Use Element of the 2035 San Benito County General Plan by increasing commercial land use designations adjacent to cities.

At the June 6, 2023, Joint BOS and PC Special Meeting and at the October 18, 2023, San Benito County Planning Commission Meeting, the various commercial zoning districts throughout the County were discussed. Pending approval of this initiation of a general plan amendment, this item would allow for a thorough review of the general plan land use designations for the consideration of incorporating additional commercial land uses within the land use map of the general plan. If additional commercial sites are identified during the general plan amendment process, then there would be multiple public hearings with the planning commission and Board to consider whether to implement new commercial land use designations in the County.

11). Public Quasi Public Land Use Overlay north of Buena Vista Road.

Over the past several years, the San Benito High School District has been planning for a second high school to relieve overcrowding at Hollister High School. Through a school site selection process, led by the District's Facilities Needs Committee (FNC) in which County staff, including planning department staff participated in, the Buena Vista area emerged as the best location for the second high school. At the request of the District, the City of Hollister is expanding their sphere of influence to include the area north of Buena Vista Road.

The FNC reasoning for the Buena Vista Road area as an ideal location for a high school is as follows:

1. Proximity to existing and future residents and students;
2. Create a walkable, bikeable, friendly community;
3. Reduce vehicle miles traveled for a large portion of the community;
4. Reduce traffic congestion and improve pedestrian, bicycle, and traffic safety surrounding a future high school;
5. Availability of water, power, and sewer services;
6. Convenient transportation corridors, including Highway 156 and 25; and
7. Availability of a 50-acre school site as recommended by the California Department of Education.

Staff presented this information to the San Benito County Planning Commission at the regular planning commission meeting of October 18, 2023, and discussed the possibility of a Public Quasi Public (PQP) Land Use overlay north of Buena Vista Road. The PQP overlay offers an additional land use designation that is important to procuring a suitable site for a second high school. The purpose of the PQP land use designation is to provide for public and quasi-public uses, including public utility facilities and services. If

north of Buena Vista Road is a potential site, it is important for the High School to have a land use consistency and the consistency would be a Public Quasi Public land use designation. Per the 2035 San Benito County General Plan, the purpose of the PQP land use designation is to provide for public and quasi-public uses, including public utility facilities and services. This designation applies to the following uses: schools, landfills, recycling, resource recovery, government lands, sewage treatment plants, fire stations, sheriff stations/substations, jails, religious meeting areas, libraries, energy generation and distribution, water distribution, public meeting halls, and other similar uses related to the operation of County government services. It is important to note that with the PQP designation as an overlay, the Board can determine what land uses within the PQP are compatible within an overlay and which uses should not be allowed within an overlay. For example, pending approval of the initiation of a general plan amendment and after the environmental review pursuant to CEQA is complete, it can be determined that only schools, government buildings such as fire stations, sheriff stations/substations, libraries, public meeting halls, and other similar uses related to the operation of County government services are allowed within the overlay.

Housing Element:

The contemplated amendment to the general plan that pertains to the Housing Element is as follows:

12). Amend the Housing Element in the 2035 San Benito County General Plan by implementing a growth management ordinance.

At the June 6, 2023, Joint BOS and PC Special Meeting and at the October 18, 2023, San Benito County Planning Commission Meeting, the topic of preparing and implementing a growth management ordinance was discussed. This would allow for a predetermined number of residential allocations to be approved per year for the life of the ordinance.

The general plan establishes policies that are intended to guide the location and nature of future development, including residential development, in order to ensure that the county's goals are achieved. Included are policies which require the county development to that which can be supported by an adequate water supply and other infrastructure services, adequate fire and sheriff protection, an adequate transportation system meeting the prescribed levels of service, as well as other services that are required to maintain desired goals of the county. The general plan requires that development, including residential development, be located and designed to ensure that the public is safe from flooding and earthquake hazards, and that development is in conformance with federal, state and local regulatory programs designed to protect the historical and biological environments of the county, and that there are adequate park and recreational facilities available to serve county residents. The county has adopted fiscal neutrality measures such as the Community Facilities Districts (CFD's) requiring new residential development to provide adequate revenues to fund the cost of the services required by the development. In order to implement the general plan, and to protect the health, welfare and safety of the county's population, the county has adopted regulatory ordinances such as the city zoning ordinance and subdivision ordinance. The adopted zoning and subdivision regulations alone can be insufficient to provide for comprehensive development review and approval procedures, including review and approval procedures for residential development that will accommodate various levels of housing needs, while ensuring the availability of adequate services and facilities, within the context of environmental, safety and infrastructural constraints. Therefore, the county's consideration of a potential growth management

ordinance has emerged.

At the June 6, 2023, Joint BOS and PC Special Meeting and at the October 18, 2023, San Benito County Planning Commission Meeting, the potential of implementing a growth management program was discussed. The Board has expressed interest in the need of affordable housing, rental multifamily housing, special needs housing such as age restricted “senior housing” and farmworker housing, and therefore, consideration can be given to exempt this housing from the growth management program. At the October 18, 2023, San Benito County Planning Commission Meeting, the planning commission recommended the implementation of a growth management ordinance to the Board. The commission requested that County Counsel review the San Luis Obispo’s growth management ordinance to determine what may be applicable to San Benito County.

The approval of the “initiation of a general plan amendment” before you today would allow for staff to work with an environmental consultant pursuant to CEQA, to prepare the parameters of the ordinance and conduct formal public hearings with the planning commission and board of supervisors prior to the consideration of the adoption of the ordinance and general plan amendment.

Circulation Element:

The contemplated amendments to the general plan that pertain to the Circulation Element are as follows:

13). Re-evaluate the Roadway Classifications throughout the County of San Benito and amend the Circulation Diagram (San Benito County Roadway Classifications) within the Circulation Element of the general plan with any changes produced as a result of the re-evaluation of the Roadway Classifications.

The existing 2035 San Benito County General Plan was adopted by the Board of Supervisors on July 21, 2015. Since the adoption of the general plan, the County has seen growth throughout the County, within the incorporated and unincorporated areas of the County. At the October 18, 2023, San Benito County Planning Commission Meeting, the planning commission recommended to the Board the re-evaluation of roadway classifications throughout the County of San Benito.

14). Review the Caltrans project for the Santa Teresa Blvd. extension and if plans have moved forward in the approval process, then amend the general plan to address this change.

At the June 6, 2023, Joint BOS and PC Special Meeting, the potential Santa Teresa Blvd. extension was discussed. If approved by the State, the Santa Teresa Blvd. extension could potentially occur from Castro Valley Road to the Highway 25/101 interchange and potentially extend to Hwy. 152 through San Benito County. If plans are moving forward by the state and the proper environmental reports have been prepared, then staff can review any identified impacts pursuant to CEQA such as potential loss of ag

land and flood zone issues along with potential opportunities for economic development and amend the 2035 San Benito County General Plan to address this change.

15). Address the Highway 25 expansion from Hollister to Santa Clara County and evaluate potential policy that can be implemented to address this project.

At the June 6, 2023, Joint BOS and PC Special Meeting, the Highway 25 expansion was discussed. If the proper environmental reports have been prepared, then staff can review any identified impacts pursuant to CEQA such as loss of ag land and flood zone issues along with potential opportunities for economic development and amend the 2035 San Benito County General Plan to address this change.

Conclusion

The 2035 San Benito County General Plan would have to be amended to implement this

change in policy. The request before you now is to begin the formal general plan amendment process. The amendment process can be initiated by the Board of Supervisors in accordance with San Benito County Code (SBCC) section 19.29.003: "Either the county, or any interested party, may initiate the consideration of a General Plan amendment or a Specific Plan or Specific Plan amendment. The county may initiate a General Plan amendment or consideration of a Specific Plan by formal action of the Planning Commission or the Board of Supervisors."

Although the amendment to the General Plan would not take effect until the process outlined

above is complete and approved, the "initiation of a general plan amendment" approval before you with this item is required for staff to prepare and send a request for proposal (RFP) to qualified environmental consultants for them to submit proposals that would include the following: 1). a complete scope of work fully detailing the work that would be involved in the preparation of the general plan amendment, including, but not limited to any studies that would need to be prepared pursuant to CEQA; 2). Timeline for the work to be complete and all tentative public hearing meetings in which the public would have the opportunity to participate; and 3). Cost of the work and process.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

N/A

CONTRACT AND RFP HISTORY:

N/A

LAST CONTRACT AMOUNT OR N/A:

N/A

**STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR
N/A:**

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

No

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

N/A

BUDGET ADJUSTMENT NEEDED:

N/A

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

Staff recommends that the Board of Supervisors:

1. Adopt resolution to initiate the formal General Plan amendment process to amend Agriculture Policy, the Land Use Element, the Housing Element, and the Circulation Element of the 2035 San Benito County General Plan.
2. Provide staff direction to prepare a request for proposal (RFP) and send the RFP to qualified CEQA consultants to receive proposals for the general plan amendment.

BOARD ACTION RESULTS:

1. Resolution was Not adopted.

2. Provided staff redirection:

There was a consensus to eliminate items of discussion #14 and 15.

Moved items of discussion #1-8 on the presentation to an advisory committee. (3/2 vote, Kosmicki and Zanger - No)

Returned items of discussion #9, 10 and 12 to the Planning Commission for discussion. (3/2 vote, Kosmicki and Zanger)

Tabled item of discussion #13 until more information is available. (3/2 vote, Kosmicki and Zanger - No)

Moved item of discussion #11 regarding a potential second high school to the Governance Committee. (3/2 vote, Kosmicki, Zanger - No)

ATTACHMENTS:

[Presentation - PowerPoint Initiation of a GPA 1-16-2024](#)

[Resolution for Initiation of General Plan Amendment](#)

[Exhibit A - Resolution No. 2023-31 Approved BOS 3-14-2023](#)