

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO, AMENDING THE SAN BENITO COUNTY CODE BY AMENDING SECTION 25.05.001, SECTION 25.03.002 OF CHAPTER 25.03, AND SECTION 25.16.001 AND AMENDING CHAPTER 25.16 TO ADD ARTICLE IV "REGIONAL COMMERCIAL (C-3) DISTRICT."

ORDINANCE NO. 991

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

SECTION 1. Section 25.05.001 of Chapter 25.05 shall be amended to add to the table:

C-3	Regional Commercial
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SECTION 2. Section 25.03.002 of Chapter 25.03 shall be amended to add the following definitions:

DESIGN THEME. A conceptual description of the physical and visual characteristics of a development proposal, with emphasis on the aesthetic qualities.

NODE. A concentration of development at or within a reasonable distance of an intersection of interchange.

TRUCK GARDENING. The growing of vegetables, herbs, or flowers for sale.

SECTION 3. The title of Section 25.16 shall be amended to read:

CHAPTER 25.16: COMMERCIAL THOROUGHFARE (C-1), NEIGHBORHOOD COMMERCIAL (C-2), AND REGIONAL COMMERCIAL (C-3) DISTRICTS

SECTION 4. Section 25.16.001 shall be amended to add:

(C) The C-3 Regional Commercial district shall act as an independent standalone (not combining) district. All of the C-3 district regulations, development standards and procedures are set forth in Article IV.

SECTION 5. Chapter 25.16 shall be amended to add:

ARTICLE IV. REGIONAL COMMERCIAL (C-3) DISTRICT

§ 25.16.060 INTENT.

§ 25.16.061 PERMITTED USES

- § 25.16.062 PERMITTED USES, SITE PLAN REVIEW.
- § 25.16.063 PERMITTED USES, USE PERMIT REQUIRED IN EACH CASE.
- § 25.16.064 PERMITTED USES, MASTER DEVELOPMENT PLAN.
- § 25.16.065 DEVELOPMENT STANDARDS.
- § 25.16.066 YARDS AND RESERVATIONS.
- § 25.16.067 PARKING, LOADING AND ACCESS/CIRCULATION.
- § 25.16.068 SIGNS.
- § 25.16.069 LIGHTING.
- § 25.16.070 GRADING AND LANDSCAPING.
- § 25.16.071 THEME AND TOURISM MARKETING PLANS.
- § 25.16.072 PROCEDURES AND FINDINGS.
- § 25.16.073 CONTINUANCE OF EXISTING USES.
- § 25.16.074 SPECIAL REGULATIONS FOR BETABEL ROAD NODE.
- § 25.16.075 SPECIAL REGULATIONS FOR HIGHWAY 129 NODE.
- § 25.16.076 SPECIAL REGULATIONS FOR ROCKS RANCH NODE.
- § 25.16.077 SPECIAL REGULATIONS FOR LIVESTOCK NODE.

§ 25.16.060 INTENT.

The Regional Commercial (C-3) district is specifically intended to serve tourist traffic by providing for establishments offering accommodations, supplies, or services geared to travelers and visitors, and to provide for select uses such as commercial amusement or recreation, and sales and promotion of regionally sourced goods that showcase San Benito County’s history and agricultural economy and heritage. The C-3 district will be positioned at limited and well-spaced nodes along state or federal highways as designated on the General Plan Land Use Diagram and specifically defined on the Zoning Map. Special development standards are incorporated in the district regulations in order to provide for visually appropriate development that preserves and complements the scenic rural setting, and ensures orderly site design that facilitates access and minimizes traffic hazards. Each C-3 district node is to have a theme that establishes architectural style and character for that node. Each C-3 district node shall integrate displays dedicated to the marketing of San Benito County tourism themes and information, art, products, and services.

§ 25.16.061 PERMITTED USES

The following uses shall be permitted by right in the C-3 district:

- (A) Crop and tree farming and truck gardening;

- (B) Grazing;
- (C) Uses allowed in the Article I. Agricultural and Rangeland (AR) District; and,
- (D) Existing and future C-2 uses identified in Article III, Neighborhood Commercial (C-2) District, shall be allowed within the boundaries of areas previously designated as C-2. New Neighborhood Commercial C-2 uses must comply with the level of approval identified in Article III for each permitted use. In lieu of Site Plan Review, Administrative Permit, and/or Conditional Use Permits required by Article III, the applicant for new development within the C-3 district previously designated as a C-2 district, may prepare a Master Development Plan consistent with § 25.16.064. Existing C-2 uses are presumed consistent with the C-3 district regulations, development standards, and procedures set forth in Article IV.

§ 25.16.062 PERMITTED USES, SITE PLAN REVIEW.

The following uses are permitted in the C-3 district with an administrative Site Plan Review approved by the Planning Director in accordance with §25.16.072 (A) 1:

- (A) Changes of existing commercial uses pre-existing or established under this code, within an existing site or structure, provided that the change will not alter the nature or intensity of the use of the site or structure, and subject to submittal and review of a site plan and/or project summary detailing the change and demonstrating how it is similar to the previously approved use;
- (B) Public parks, playgrounds, and open spaces;
- (C) Uses for which a determination of consistency with an approved Master Development Plan is necessary;
- (D) Uses for which a general or conceptual description is approved in a Master Development Plan, or additional detail is provided after approval of a Master Development Plan; and
- (E) Final site plans, lighting plans, landscape plans, and sign programs, where such have not been approved in final form as part of a Planning Commission approval.

§ 25.16.063 PERMITTED USES, USE PERMIT REQUIRED IN EACH CASE.

The following uses are permitted in the C-3 district with a Master Development Plan in accordance with § 25.16.064, or a Conditional Use Permit issued by the Planning Commission at a noticed public hearing. If the proposed site development includes 1 acre or more or a mix of use types within any node, a Master Development Plan shall be required for that node or portion of that node.

- (A) Retail business establishments, including drugstore; fruits, vegetables, and groceries; plants; art or antiques; books; camping and recreational gear and supplies; hardware; clothing; souvenirs; etc.;
- (B) Eating and drinking establishments, including restaurants; delicatessens; bakeries; coffee houses; and soda fountains;
- (C) Drive-in eating and drinking establishments;
- (D) Off-sale of alcoholic beverages, with an emphasis on San Benito County products;

- (E) Motels, hotels, bed and breakfasts, and other overnight accommodations limited to stays of 30 nights or fewer;
- (F) Recreational trailer parks, campgrounds, and resorts;
- (G) Commercial entertainment and amusement, including theaters;
- (H) Museums; exhibits; and information centers;
- (I) Outdoor recreation or education;
- (J) Miniature golf; swimming; tennis; sporting and social clubs;
- (K) Automobile service stations with incidental minor repair;
- (L) Agricultural product sampling and/or agricultural production or processing not occupying more than 5,000 square feet;
- (M) Laundromat and laundry services;
- (N) Caretaker units and employee housing;
- (O) Limited medium or high density residential uses secondary to commercial uses and provided as part of an integrated mixed use development;
- (P) Customary accessory uses to the above;
- (Q) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;
- (R) Themed wall and billboard-type murals, not including business identification names, logos, or iconography;
- (S) Design Themes and Marketing Plans;
- (T) Outdoor display or storage of merchandise, if not pre-existing;
- (U) Vehicle repair shops including system and component repair and service, glass, tires, and similar, but not including painting, body and fender work, or motor and transmission rebuilding as principal uses;
- (V) Truck stops/travel plazas;
- (W) Medical or veterinary offices or clinics;
- (X) Limited business or professional offices not secondary to commercial uses;
- (Y) Customary accessory uses to the above;
- (Z) Wayfinding signs, lighting, circulation, landscaping, or operational programs associated with the above uses;
- (AA) Themed wall and billboard-type murals, that do include business identification names, logos, or iconography;
- (BB) Fruit and vegetable stands
- (CC) Souvenir and curio shops, roadside stands; and,
- (DD) Other uses similar to the above as may be determined by the Planning Commission.

§ 25.16.064 PERMITTED USES, MASTER DEVELOPMENT PLAN.

- (A) In lieu of Site Plan Review and/or Conditional Use Permits, the applicant for development within the C-3 district may prepare a Master Development Plan subject to approval by the Planning Commission, consisting of a narrative and standards, theme and marketing plan, site plan, lighting plan, landscaping plan, and sign programs for the entirety of the District node, or a sub-section not immediately contiguous (e.g., separated by a street, property line, etc.) with the remainder of the District node, within which development is proposed.

(B) Architectural Theme, drawn from San Benito County history and landscapes. The submittal shall include proposed architectural concept and general site theme, including architectural materials, colors, building elevations, site planning, layout of connecting spaces and pathways, landscaping, wayfinding, and signs.

(C) The narrative and standards shall provide the following information:

1. A description of the land uses to be included within the District, correlating those uses to the site plan.
2. A table of approximate square footage of each proposed use.
3. A description of any deviations from established development standards.

(D) A site plan shall provide the following information:

1. Lot boundaries and names of adjacent streets.
2. Adjacent structures, public utilities, and all easements within 50 feet of the lot boundary.
3. Existing built features and trees.
4. Topographic contour lines, existing water features, and flood zone boundaries.
5. Existing utilities and easements.
6. Yard and building setback lines.
7. Locations of proposed buildings, paved areas, and landscaped areas.
8. Proposed access, circulation and parking plan including typical dimensions.
9. Size of proposed building footprints and floor areas and lot coverage.
10. Locations of proposed freestanding signs and lights.
11. Proposed site drainage features and non-point source compliance.
12. Proposed wastewater disposal facilities and generation calculations.
13. Proposed water supply wells, water lines, and utility lines and demand calculations.
14. The final site plan shall contain additional detail as determined necessary by the Planning Director.

(E) A lighting plan shall provide the following information:

1. Drawings and specifications required by §19.31.011.
2. Coordination with lighted signs included in a sign program.
3. The lighting plan shall conform to the requirements of §25.16.069.
4. A final lighting plan shall specify bulb type and color, specific lighting fixtures, and be accompanied by a photometric analysis and graphics.

(F) A landscaping plan shall provide the following information:

1. Overall plan matched to the site plan, showing general location of planting and hardscape areas.
2. Location, species, size, and health of any tree, meeting the definition in §25.29.212, to be removed.

3. Location, species, size, and health of any tree, meeting the definition in §25.29.212 and located within 20 feet of proposed development, to be preserved.
4. Locations and general description of new trees and shrubs.
5. Location and type of groundcover plants or materials.
6. Description of hardscaped areas, including materials, colors, and typical dimensions.
7. Descriptions of landscape structures including benches, arbors, fences, and screens.
8. On sites where improvements are proposed on slopes of five percent or greater, the landscape plan or a separate grading and erosion control plan, shall provide a map of cut and fill areas, earthwork quantities, construction and post-construction erosion control details, retaining structures, and vegetative screening plans.
9. The landscaping plan shall conform to the requirements of §25.16.070.
10. Irrigation plan.
11. The final landscape plan shall provide compliance with the Model Water Efficient Landscape Ordinance.
12. The final landscape plan shall list the species and container size of each plant.

(G) A sign program shall provide the following information:

1. Site plan showing location and orientation for each attached and detached sign.
2. Schematic drawing showing approximate size, shape, colors, and materials of each sign.
3. Schematic drawing showing type and size of supporting components.
4. Elevation views of the building(s) showing the proposed sign(s).
5. Description of sign illumination method and intensity.
6. The sign program shall conform to the requirements of §25.16.068.
7. If a height exception is requested in accordance with §25.16.068(E), a visual study demonstrating that the requested sign height is warranted.
8. The final sign program shall provide exact heights, sign dimensions, materials, anchoring details, and lighting specifications if applicable.

(H) Final site plans, lighting plans, landscape plans, and sign programs shall include detail and specifications adequate for the Planning Director to ascertain that the plans and programs meet all County requirements.

(I) Proof of a sustainable water source sufficient to serve the use or uses identified in the Master Development Plan or Use Permit shall be submitted with the Master Development Plan or Use Permit application for review and approval by the Planning Director. This could come in the form of a will serve letter from a water purveyor or, for on-site water a hydrogeological report with well springs or surface water locations and sustainable production yield tests. The

hydrogeological report would be subject to review and approval of the Health Department prior to its submittal to the Planning Director.

§ 25.16.065 DEVELOPMENT STANDARDS.

- (A) The minimum lot area in the C-3 district shall be one acre.
- (B) The maximum height of structures in the C-3 district shall generally be 35 feet; however, a Master Development Plan may allow heights up to 65 feet.
- (C) Buildings, including accessory buildings, shall not cover a total of more than 40 percent of the lot area, exclusive of any portion of the lot area located within riparian or hillside reservations.
- (D) Motel, hotel, bed and breakfast, and other overnight accommodations shall be limited to stays of 30 nights or fewer, and shall not exceed 125 rooms within any node. The hotel rooms (and associated public and back-of-house space) shall not exceed 750 square feet per room.
- (E) Total retail commercial floor area within any node shall not generally exceed 85,000 square feet, however, a Master Development Plan may allow up to 100,000 square feet.
- (F) Residential and caretaker units shall not exceed 30 units per node at 1,400 square feet per unit, and shall be a minor component within any node, as established by the Master Development Plan.
- (G) All storage shall be within a completely enclosed building unless otherwise allowed by an approved use permit.
- (H) Auxiliary uses serving the development, such as access ways, water and sewer infrastructure including water tanks, water lines, sewer and septic areas and lines, utilities, or other similar uses, may be developed outside of the node boundaries.

§ 25.16.066 YARDS AND RESERVATIONS.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, yards shall be consistent with the provisions of §25.29.005 and §25.29.006.
- (B) Yards contiguous to streets shall be a minimum of 35 feet measured from the right-of-way or plan line. Yards contiguous to rural or residential zoning districts shall be a minimum of 50 feet measured from the contiguous property line with the exception that non-commercial structures may be set back from the property line in accordance with the requirements of the adjoining district.

- (C) No structures, parking, or storage shall be permitted within the yards required in subsection (B), with the exception that non-commercial structures and freestanding signs may be located within yards contiguous to streets or highways.
- (D) Notwithstanding §19.27.001 or subsection (B), no structures shall be located closer than 150 feet from the side line of the nearest U.S. Highway 101 travel lane, or closer than 50 feet from the side line of an on- or off-ramp with the exception that freestanding signs may be located within these areas.
- (E) Flood zones designated by the Federal Emergency Management Agency shall be included within flood zone reservations. Development in flood zone reservations shall be restricted to driveways, parking, signs, picnicking, sports, temporary structures, freestanding signs and permanent structures that are in compliance with the provisions of chapter 19.15.
- (F) Water courses and associated riparian vegetation, inclusive of a 100 foot wide buffer area from top of bank and edge of vegetation of the Pajaro River or San Benito River, and 50 foot wide buffer area from top of bank and edge of vegetation of other natural water courses, shall be included within riparian reservations. Development in riparian reservations shall be restricted to storm water management, habitat restoration, access drives not resulting in a net loss of vegetation, and passive recreational activities.
- (G) Slopes in excess of 30 percent shall be included within slope reservations. No development shall be allowed within slope reservations.
- (H) The requirements of §25.15.060 through §25.15.068 shall apply to locations within the defined scenic corridor, except that application of §25.15.063 and §25.15.064 shall be modified for consistency with the list of uses established by the Master Development Plan.

§ 25.16.067 PARKING, LOADING AND CIRCULATION.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, parking shall be required in the C-3 district as provided in chapter 25.31.
- (B) When considering multiple use parking in accordance with §25.31.042, the lowest number of parking spaces that is adequate shall be provided in order that parking areas be kept as compact as possible.
- (C) Unless specifically authorized by the Planning Commission, no parking area shall exceed a single double-loaded aisle without a landscaped separation of at least 12 feet between aisles.
- (D) Parking lots shall be landscaped to include native shade trees.

- (E) Parking lots and loading areas shall be visually screened from public roadways.
- (F) Loading and unloading areas shall be required to comply with §25.31.064.
- (G) Each lot or contiguous development site shall have not more than two access-ways to any one street or highway, which shall comply with the following requirements:
 - 1. The width of any access-way leading to or from a street or highway shall not exceed 36 feet nor be less than 15 feet at the right-of-way line. The alignment of access-ways and curb return dimensions shall be determined by the County Engineer.
 - 2. At its intersection with the lot line, no part of any access-way shall be nearer than 20 feet to any other access-way on the same lot, nor shall any part of any access-way be nearer than ten feet to any side or rear property line at its intersection with a right-of-way line. The use of common access-ways by two or more permitted uses shall be required in order to reduce the number and closeness of access points along highways. When a site is adjacent to both a local County road and a State Highway, access shall be limited to the local County road and/or existing or historic access points onto the State Highway.
 - 3. The location and number of access-ways shall be so arranged in relation to other access-ways, streets or highways, and site improvements, that they will reduce the possibilities of traffic hazards to the extent feasible in the judgment of the County Engineer.

§ 25.16.068 SIGNS.

- (A) Except as otherwise required or allowed in this section, or as established in a Master Development Plan, on-site signs shall be consistent with the provisions of §25.29.060 through §25.29.076.
- (B) In addition to the signs described in §25.29.070, the following sign types shall be prohibited.
 - 1. Internally illuminated plastic signs;
 - 2. Signs with flashing or animated lights, or moving or changing text, or images;
 - 3. Signs that conflict with the lighting requirements of §25.16.069.
- (C) Sign types to be encouraged include sandblasted redwood or similar hand-crafted, hand-painted custom signs with “elemental” components, such as wood, steel, iron, brick, stone, etc. and exterior down-oriented lighting fixtures, if lighting is provided.
- (D) An alternative calculation of sign area may be used, allowing one square foot of sign area for each 150 feet of building coverage area, with no single sign or group of signs exceeding 150 square feet.

- (E) Maximum height of signs shall be 45 feet. On sites where views from the highway of a sign constructed to the maximum height would be demonstrated obscured by terrain or vegetation, a sign height exception may be granted through the Master Development Plan, provided no additional height shall be allowed than is necessary to make the sign visible to travelers.

- (F) Regional signs to promote San Benito County and the commercial nodes shall located at or near entry points to the County.
 - 1. The regional signs shall alert travelers of entry into San Benito County, and provide information on services and tourism destinations within the County.
 - 2. The regional signs shall only be located at or near the north and south ends of the County along U.S. Highway 101, and along State Route 129 within or west of the Highway 129 node.
 - 3. The regional signs shall be designed to harmonize with the natural scenery, with a distinctive design that relates to the history, pre-history, landscape, or culture of San Benito County. The regional signs shall not have the appearance of a billboard.
 - 4. The northern regional sign should be visible in advance of the Betabel Road off-ramp from southbound U.S. Highway 101. The northern regional sign may optionally be located outside of the Betabel Road node to the north.
 - 5. The southern regional sign should be visible in advance of the San Juan Road off-ramp from northbound U.S. Highway 101. The southern regional sign may optionally be located outside of the Rocks Ranch node to the south, subject to agreement with the County of Monterey; the County may enter into a reciprocal agreement to permit a Monterey County sign within San Benito County.
 - 6. The Highway 129 regional sign should be visible in advance of Searle Road.
 - 7. The regional signs should identify all of the commercial nodes along U.S. Highway 101 and provide wayfinding information.
 - 8. The regional signs may be placed on private property or within County right-of-way, but shall not be located within State right-of-way. As part of approval of a Master Development Plan, the County may require establishment of an easement to accommodate the sign.
 - 9. The County may establish a special development impact fee or other financing mechanism within the C-3 district to fund construction and maintenance of the regional signs by the County.

§ 25.16.069 LIGHTING.

- (A) Except as otherwise required in this section, or as established in a Master Development Plan, lighting shall be consistent with the provisions of chapter 19.31.

- (B) Exterior lighting shall not be positioned in excess of 25 feet above the ground surface, except as may be allowed under §25.16.068 (E) for a sign height exception.

- (C) Lighting shall be designed to minimize light spill into natural areas by using cut-off fixtures directing light to the ground, and not flooding the site or adjacent areas with light.
- (D) Lighting for signs shall be designed to illuminate the sign without direct visibility of the light source.
- (E) Permanently installed lighting shall not blink or flash unless required for navigation, safety, or similar purposes.
- (F) LED or other energy efficient lighting technologies shall be required.
- (G) Light color should generally be between 2,200 and 3,000 Kelvin, subject to the discretion of the approving authority for special circumstances.
- (H) No lighting that is directed upward shall be allowed.

§ 25.16.070 GRADING AND LANDSCAPING.

- (A) Development on slopes of 15 percent or greater shall be subject to the provisions of §25.29.030 through §25.29.036.
- (B) Visibility of driveways and access roads on slopes of greater than five percent shall be minimized to the extent feasible using careful siting, terracing, existing vegetation, or new vegetation. Visibility of driveways and access roads on slopes of greater than five percent shall be fully screened from views from scenic highways.
- (C) Portions of a site not covered by structures, pavement, or natural vegetation/rock shall be landscaped with native drought tolerant or low water usage.
- (D) Landscaping and screening trees shall be selected from the list of native trees included in Exhibit A to chapter 19.33.
- (E) Woodlands canopy cover shall be retained in accordance with chapter 19.33.
- (F) No oak tree, as included within the definition in §25.29.212, shall be removed for construction of structures, utilities, parking, or roads; all development shall primarily be sited within areas clear of oak trees. Careful and thoughtful site planning may allow for selected trimming of such trees to best accommodate structures or pathways.
- (G) No greater than 10 percent of total landscape planting areas may be irrigated, unless a rainwater catchment system is used as the sole source of irrigation on areas exceeding the 10 percent limit.

- (H) Grading and ground disturbance shall be subject to the provisions of chapter 19.05.
- (I) All site improvements shall be in compliance with applicable state and local fire-resistance and fire protective standards.
- (J) Utilities and support systems, including transformers, conducting wires, pipes, trash enclosures, and heating or cooling equipment, shall be screened from view, with a door or gate at the access point. Structural screens shall be of compatible design to the primary buildings; fences or walls shall be of decorative design or screened at least 50 percent by vegetation. Public safety or convenience items (e.g. fire hydrants, trash receptacles, and drinking fountains) shall not be subject to this section.

§ 25.16.071 THEME AND TOURISM MARKETING PLANS.

- (A) The applicant and/or property owners within each C-3 district node shall prepare a comprehensive design theme description and tourism marketing plan, which shall be consistent throughout that C-3 district node (see § 25.16.064, Architectural Theme).
- (B) The design theme description shall be consistent with §25.16.074 et seq. and provide the following information at a minimum:
 1. Verbal description of the intended overall visual character of the node, and accompanying photographs or illustrations as needed to augment the verbal description.
 2. Description of the architectural style or defining architectural characteristics.
 3. Description of the intended types of uses, structures, lighting, landscaping, and signs, and how those embody and reinforce the theme.
- (C) The County tourism marketing program shall provide the following information at a minimum:
 1. Designation and description of a space, building, or scheme comprising at least 300-square feet.
 2. Description of the San Benito County tourism themes and information, art, products, and services to be showcased.
 3. Description of the presentation of the tourism themes.
- (D) The theme and tourism marketing plans shall be approved prior to consideration of development applications.

§ 25.16.072 PROCEDURES AND FINDINGS.

- (A) Permitting Procedures.

1. Site Plan Review. Site Plan Review permits shall be limited to the minor use applications as listed in § 25.16.062, and determinations shall be made based on materials necessary to adequately describe the proposed use, in a letter issued by the Planning Director, without the need for public notice. If a Master Development Plan has been approved, the determination shall be made by the Planning Director with a pre-noticed administrative determination.
2. Master Development Plan. Master Development Plans, including amendments thereto, shall be approved by the Planning Commission, or the Board of Supervisors on appeal, and approved by resolution.
3. Master Development Plan Implementation. The Planning Director shall make the following determinations within areas with an approved Master Development Plan: approvals of final site plan, sign program, lighting plan, or landscape plans; interpretations of uses permitted by a Master Development Plan; and minor adjustments to standards within a Master Development Plan, not to exceed 10 percent of the established standard. Uses conceptually described in an approved Master Development Plan shall require administrative Site Plan Review by the Planning Director, in accordance with § 25.16.062, to establish consistency with the Master Development Plan.

(B) Findings. As part of a pre-noticed administrative determination by the Planning Director or after a public hearing by the Planning Commission, the Planning Director or Planning Commission may approve or conditionally approve the application under its purview if the following findings can be made:

1. That the proposed use is properly located in relation to the district regulations, the general plan, and to the community as a whole. Other land uses, transportation, service facilities, and utilities shall be considered in the review;
2. That the proposed use is designed for visual compatibility with the environment and scenic qualities of the scenic corridor;
3. That the proposed use will not cause any damage, hazard or nuisance to persons or property.

If the Planning Director is unable to make these findings, the request may be appealed to the Planning Commission, and if upon appeal the Planning Commission cannot make these findings, the application must be denied, and their decision is final. A subsequent use permit request can be made for consideration by the Planning Commission. If the Planning Commission cannot make those findings, the request may be appealed to the Board of Supervisors, and if on appeal, the Board of Supervisors cannot make these findings, the application must be denied the their decision is final.

(C) Review by Other Agencies. Every application accepted for a proposed use in the C-3 district, lying within the boundaries of the "sphere of influence" of any governmental agency, shall be submitted for review and comment to said agency

within five (5) days of acceptance of said application. Said agency shall have fifteen (15) days to review and comment upon the application.

- (D) Appeals. Appeals of decisions shall be as set forth in chapter 25.47.
- (E) Termination of Inactive Permits and Uses. If operation of an approved use fails to commence within the timeframe identified in the Master Development Plan, two (2) years from approval of the Master Development Plan if not otherwise stated, the use shall be deemed to have been abandoned, and an amendment to the Master Development Plan shall be required to re-establish the use. A notice of pending termination shall be posted no less than eleven (11) months after presumed abandonment, and the permit shall expire thirty (30) days after the two (2)-year anniversary date contained in notice as posted if the use is not reactivated per the determination of the Planning Director. If an operating use is suspended for more than one year, a Site Plan Review shall be required to re-establish the use.
- (F) Establishment of C-3 District Nodes. Establishment of an additional C-3 district node on the zoning map shall not be approved without concurrent adoption of a zoning code amendment to provide special regulations for the proposed additional node, and designation as a regional commercial node on General Plan Land Use Figure 3-5, Commercial and Industrial Nodes.
- (G) Legal descriptions shall be required as part of final engineering in implementation of a Master Development Plan.

§ 25.16.073 CONTINUANCE OF EXISTING USES.

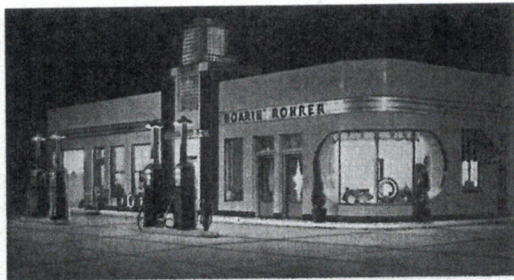
Legal uses existing upon adoption of this chapter shall be allowed uses, provided legal operations continue with no suspension or abeyance in excess of one year. If operation of a use is suspended for more than one year, the use shall be deemed to have been abandoned and §25.16.072 (E) shall apply.

§ 25.16.074 SPECIAL REGULATIONS FOR BETABEL ROAD NODE.

The following special regulations and standards shall apply in the regional commercial node at Betabel Road.

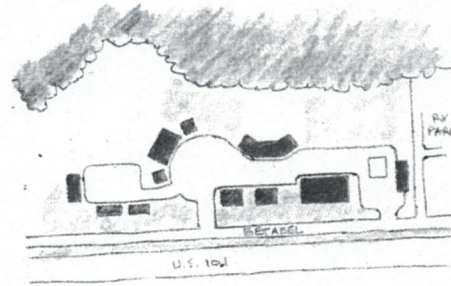
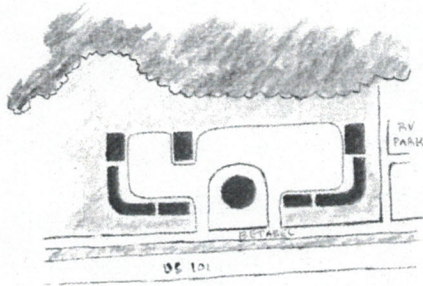
- (A) Theme. The Betabel Road node theme is mid-century roadside. Key characteristics shall relate to the auto-oriented development of the pre- and post-World War II eras.
- (B) Architecture. Typical building types, styles, and features include:
 1. Post-modern styles including Googie, streamline moderne, and/or art deco, and variations thereof.
 2. Steel, glass, illuminated paneling, and other fabricated materials associated with the architectural styles.

3. Unique sweeping, cantilevered, or projecting rooflines.
4. Neon or lighting as an architectural element but not as the dominant feature.
5. Fins, cut-outs, stylized shapes, and other decorative embellishments.
6. The accompanying photographs portray representative architectural examples, and are not prescriptive.



(C) Site Design and Scenic Resource Compatibility. The following site design features shall be required:

1. Landscaping shall be designed to reduce visibility of parking lots from U.S. Highway 101.
2. Landscaping shall feature full-sized trees to the eastern side of the buildings to partially screen the buildings from U.S. Highway 101. Unobscured views of the buildings are permitted from Betabel Road.
3. Buildings should be clustered near the north end of the node, and less intense development shall be located nearest to the San Benito River.
4. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



- (D) Regional Sign for Southbound Traffic. Development within the Betabel Road node shall include a regional sign oriented for southbound U.S. Highway 101 visibility, subject to §25.16.068 (E).

§ 25.16.075 SPECIAL REGULATIONS FOR HIGHWAY 129 NODE.

The following special regulations and standards shall apply in the regional commercial node at Highway 129/Searle Road.

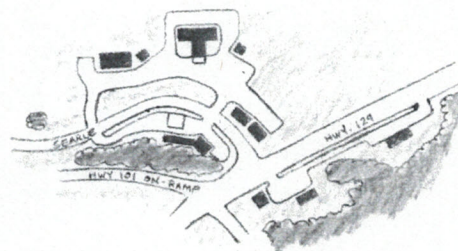
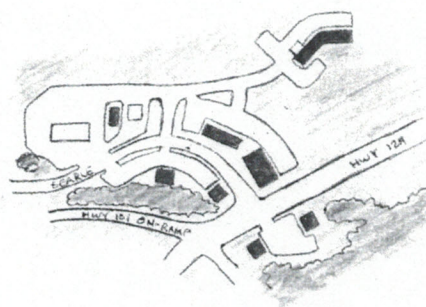
- (A) Theme. The Highway 129 node theme is early farmstead. Key characteristics shall include a primary building evoking a farmhouse, a secondary building emulating a barn, with various out-buildings (which can include accessory structures such as a windmill or water tank) and an overall pastoral feel.
- (B) Architecture. Typical building types, styles, and features include:
1. Italianate, Victorian, Colonial Revival, or similar period style for the main building. Secondary buildings should be simpler and less-decorated, but employing characteristics of the main building architectural style. Barn and outbuildings may utilize a rural rustic style if desired.
 2. Lap siding, shingles, and/or stucco.
 3. Massing, roof forms, windows, and trim associated with the selected architectural style.
 4. The accompanying photographs portray representative architectural examples, and are not prescriptive.





(C) Site Design and Scenic Resource Compatibility.

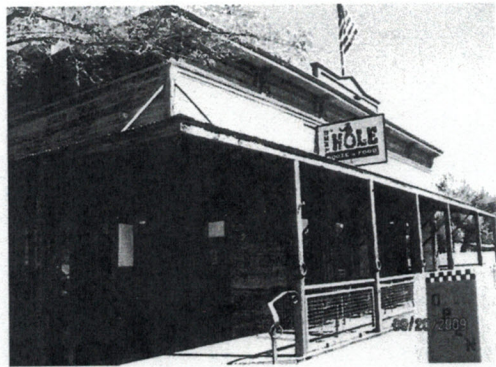
1. As viewed from U.S. Highway 101 and State Route 129, no roofline shall extend above the ridgeline or hilltop.
2. Development shall be clustered where feasible and focused along Searle Road, the northwest side of State Route 129, and the strip along the eastern side of State Route 129.
3. The hillside to the southwest side of State Route 129, and immediately adjacent to the highway, shall remain in open space.
4. Development shall be designed to protect upland habitat and protected-species migration areas associated with the off-site pond to the southwest.
5. Building colors shall be chosen from palettes historically associated with the selected architectural style.
6. Access from and street improvements at intersections with State Route 129 shall be designed in accordance with Caltrans standards.
7. Regional Sign for Eastbound Traffic. Development within the Highway 129 node shall include a regional sign oriented for eastbound State Route 129 visibility, subject to §25.16.068 (E).
8. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



§ 25.16.076 SPECIAL REGULATIONS FOR ROCKS RANCH NODE.

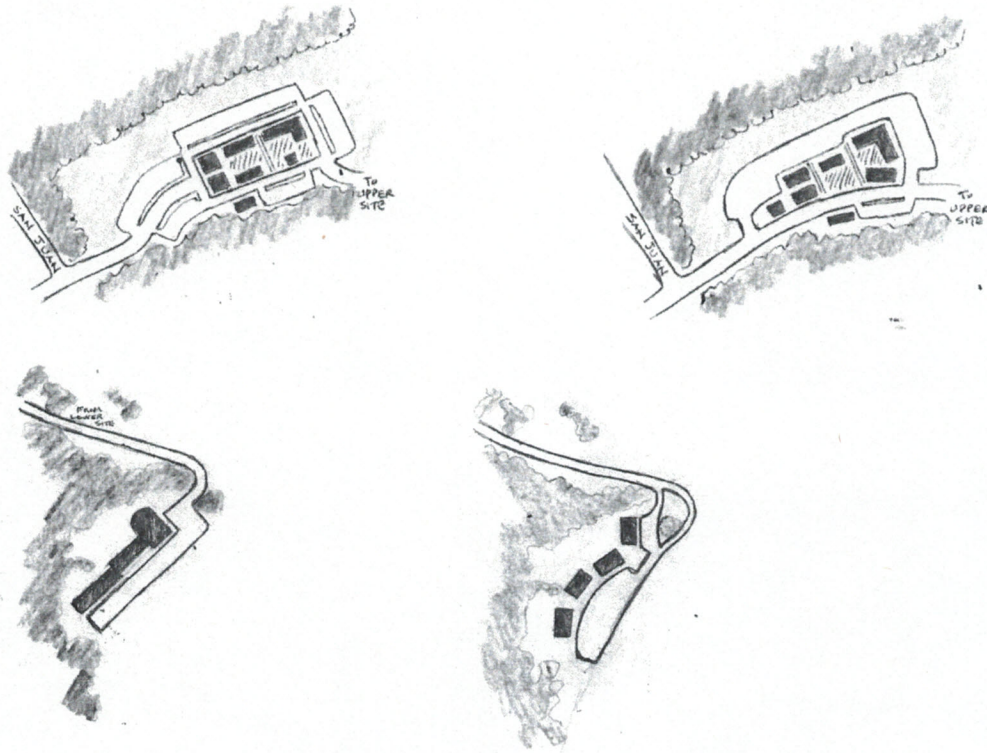
The following special regulations and standards shall apply in the regional commercial node at Rocks Ranch/Red Barn.

- (A) Theme. The Rocks Ranch node theme is Old California village or small town. Key characteristics include small-scale buildings arranged to enclose outdoor public space.
- (B) Architecture. Typical building types, styles, and features include:
 - 1. Individual small-scale buildings.
 - 2. Variable roofs including gables, Dutch gables, Spanish-influenced roof parapets, false fronts, and lean-to sheds.
 - 3. Clapboard siding or bare wood.
 - 4. Double-hung or casement windows.
 - 5. Covered arcades fronting buildings.
 - 6. The accompanying photographs portray representative architectural examples, and are not prescriptive.



- (C) Site Design and Scenic Resource Compatibility.
 - 1. Structures shall be organized along street frontages, and/or clustered, in either case providing for interconnecting pedestrian ways and public plaza or park space.

2. Buildings and signs on the lower portion of the site shall be only minimally visible from U.S. Highway 101.
3. Buildings and signs on the upper portion of the site shall be nestled into the hillsides and trees, and not visible from U.S. Highway 101. A single larger building may be included on the upper site.
4. The accompanying sketches portray conceptual site design examples, and are not prescriptive.



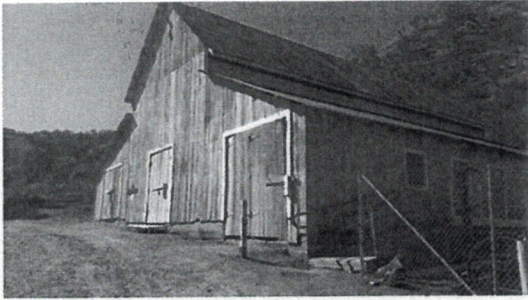
- (D) Regional Sign for Northbound Traffic. Development within the Rocks Ranch node shall include a regional sign oriented for northbound U.S. Highway 101 visibility, subject to §25.16.068 (E).

§ 25.16.077 SPECIAL REGULATIONS FOR LIVESTOCK 101 NODE.

The following special regulations and standards shall apply in the regional commercial node at Livestock 101.

- (A) Theme. The Livestock 101 node theme is working cattle or horse ranch. Key characteristics shall include one or two major structures with smaller outlying structures and open spaces.
- (B) Architecture. Typical building types, styles and features include:
 1. Barn(s) in traditional central California style, with steeper central roof pitches and side sheds or a monitor.
 2. Farmhouse in any traditional style.

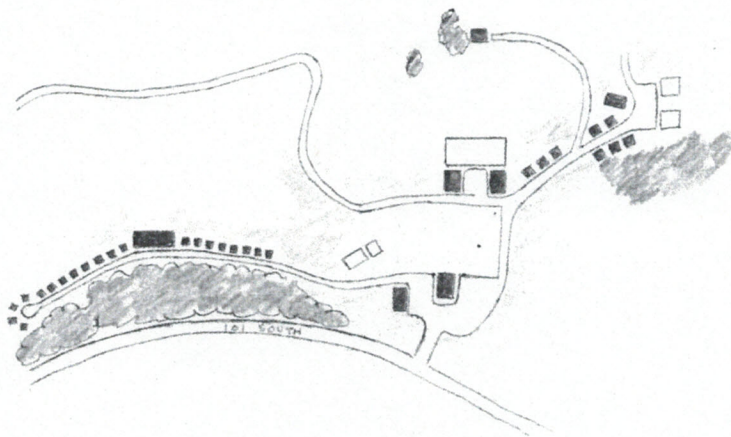
3. Weathering steel, standing seam, wood, or similar rustic finishes.
4. The accompanying photographs portray representative architectural examples, and are not prescriptive.

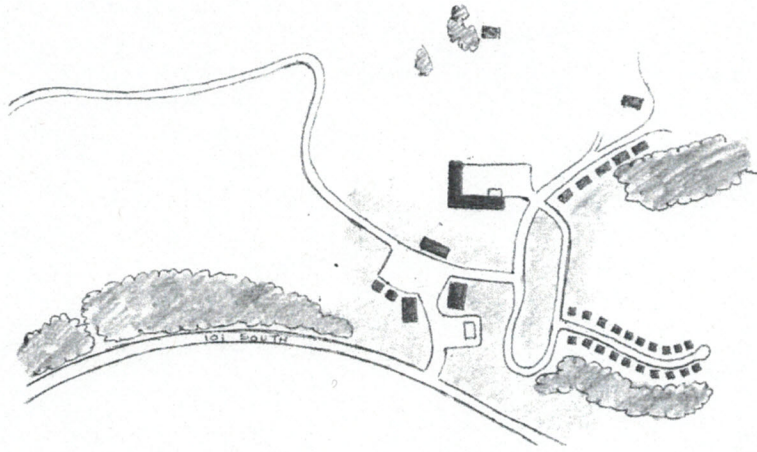


(C) Site Design and Scenic Resource Compatibility

1. Building design and placement shall emphasize compatibility with adjacent rural uses and be clustered where feasible.
2. Views of the western tree line from U.S. Highway 101 shall be preserved.
3. Structures in the southeast corner of the site shall be screened from U.S. Highway 101 by native vegetation.
4. Customer or guest vehicular access from Cole Road shall be inbound only. Site operations traffic and emergency traffic may use Cole Road inbound or outbound.
5. Access from U.S. Highway 101 shall be designed in accordance with Caltrans standards.

(D) The accompanying sketches portray conceptual site design examples, and are not prescriptive.





SECTION 6:

A. Severability. If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

B. Codification. Sections 1-5 of this ordinance shall be codified. The remaining portions of this ordinance shall not be codified.

C. Captions. The titles and headings of this ordinance and the sections hereunder are not part of this ordinance and shall have no effect upon the construction or interpretation of any part thereof.

D. Effective Date. This ordinance shall become effective thirty (30) days after adoption. Prior to the expiration of fifteen (15) days from the adoption thereof, this ordinance shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same, or a display ad or summary may be published as allowed by law.

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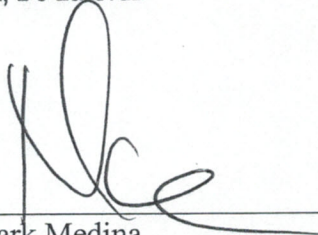
In regular session of the Board of Supervisors of the County of San Benito, adopted this 24th day of September, 2019 by the following vote:

AYES: Supervisor(s) *Medina, Botelho, Gnilo, Hernandez, De La Cruz*

NOES: Supervisor(s) *none*

ABSENT: Supervisor(s) *none*

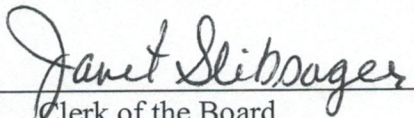
ABSTAIN: Supervisor(s) *none*



Mark Medina,
Chair, Board of Supervisors

ATTEST:

Janet Slibsager, Clerk of the Board

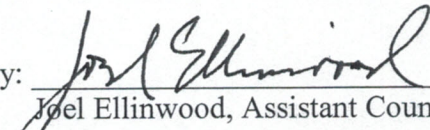
By: 

Clerk of the Board

Date: 9-24-19

APPROVED AS TO LEGAL FORM:

San Benito County Counsel

By: 

Joel Ellinwood, Assistant County Counsel

Date: Sept 24, 2019



This is a true and correct copy of the original on file in this office, and passed by the Board of Supervisors on:

9/24/19

ATTEST: 9/24/19
JANET SLIBSAGER, Clerk of the Board of Supervisors,
San Benito County, CA

BY: 

Janet Slibsager