STAFF REPORT
Planning Commission
April 23, 2015
Item #7

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File: 10571-14CP
General Plan and Zoning Updates regarding Local-Serving Uses in Rural Districts

Summary: The Santa Clara County Planning and Development Department is proposing a General Plan Amendment to land use policy R-LU57, which relates to allowable uses in Rural Residential land use designations, and related minor modifications within the General Plan and Zoning Ordinance provisions, to better reflect policy intent and provide for more practical implementation.

Applicant: Santa Clara County
Applicability: Rural unincorporated Base Zoning - Districts (A, AR, HS, and RR) and the San Martin Commercial Use Permit Area, San Martin Planning Area

RECOMMENDED ACTIONS

Staff recommends that the Planning Commission:

A. Accept presentation and report and provide comments regarding draft General Plan and Zoning Ordinance amendments relating to local serving uses in rural areas.

B. Provide comment on the "Draft Guidelines for Local Serving Industrial, Commercial, and Institutional Uses in Rural Zoning Districts."

C. Receive public comments regarding proposed modifications.

Note: No action will be taken at this hearing.

PROJECT DESCRIPTION

The Department of Planning and Development is proposing general plan amendments to R-LU 57 and 127 and other related general plan and zoning ordinance language to better reflect policy intent, provide practical implementation tools for Staff, and to be consistent with federal law. These modifications are being vetted through community outreach and the public hearing process to receive feedback from the public and the Commission.

POLICY SETTING

The Santa Clara County (County) General Plan focuses on preserving the resources and rural character of the rural lands outside Urban Service Area, and directing urban development into the incorporated cities or the Urban Service Areas of the fifteen cities. These strategies promote compact forms of urban development and infill within city boundaries, thus preventing urban sprawl from spilling into the County and further eliminating the remaining rural and open space resources.

Given these fundamental General Plan goals and policies implemented over the last several decades, land uses within the rural base districts of the County can be thought of as falling within two broad categories, with some exceptions, as described below: -

(a) primary uses, including those that are related to agricultural and other natural resources, which may be appropriately located within rural areas, such as agricultural and agricultural-supportive uses, including farmland; low density residential uses; surface mining (quarries); open space uses, such as golf courses, hunting reserves, or camps; wineries; and; stables/equestrian facilities; and

(b) support uses that have a nexus or rationale supporting a rural location and that in various ways serve the needs of the local communities, also known as "local serving uses," such as small retail stores, restaurants, schools, community care facilities, religious institutions, non-profit uses, clinics, and others.

Specifically, the County General Plan land use policies R-LU 57 and R-LU 127, which apply to Rural Residential areas and the San Martin Commercial Use Permit Area, are intended to limit the size, scale and intensity of commercial, industrial, and institutional land uses that are allowed within those areas. A key policy concept qualifying such uses is that they be of such size, scale, and intensity that they are "local serving", in order to differentiate them from uses that are regional serving in nature or scale, particularly for commercial and institutional uses. The concept is also distributed through the Zoning Ordinance for many such uses in the rural districts, either in use regulation tables or supplemental use regulations. The intent of these policies is based upon the foundational goals of the General Plan to preserve open space, natural resources, and agricultural lands within the rural areas of the County and to protect these areas from urban development.

CURRENT CHALLENGES

Several challenges with the policies R-LU 57 and R-LU127 have arisen or been identified recently as a result of use permit applications, including:

1. *Lack of Definitions*: The County General Plan policy R-LU 57 as written is not practically implementable. The "resident population" language found in R-LU57 and Zoning Ordinance Section 2.20.020 can be misconstrued as establishing residency requirements for customers or users of a proposed land use or development. In addition, there is a lack of clarity on what constitutes a "local serving" use in R-LU127, which Staff determines through a comparison of size, scale, and intensity with other such uses within the County and neighborhood compatibility. This existing practice of evaluating projects based on size, scale, and intensity is also not fully reflected in these policies and related general plan and zoning ordinance language. See Exhibit A which identifies the problem policies and standards.

2. *Practical Difficulties in Implementation*: With respect to existing requirements for a proposed use to result in an overall net traffic reduction, requirements in R-LU57 and R-LU127, evaluating net traffic effects is often speculative, lacking sufficient data, and is not an ideal basis for evaluating a project for consistency with the General Plan. Furthermore, analysis of users' place of origin can be interpreted as supporting a regulatory framework based on the origins of patrons/customers and users of new development rather than on a project's compatibility with surrounding uses as it relates to size, scale and intensity.

3. *Compliance with the Religious Land Use and Institutionalized Person's Act*: Federal regulations, specifically the 2000 Religious Land Use and Institutionalized Persons Act (RLUIPA) restricts the kind of land use regulations that local jurisdictions may impose on religious institutions. Policies based on an analysis of a project's compatibility with surrounding uses rather than origin of patrons will help ensure that the policies are consistent with the requirements of RLUIPA.

PROPOSAL

To address the challenges and issues described above, Staff proposes a two-part solution:

1. *Policy/Regulatory Framework*: Modifications to the General Plan policies R-LU 57 and R-LU 127 and minor revisions to related policies and zoning ordinance standards to clarify policy intent for appropriately limiting the size, scale, and intensity of non-residential development in rural areas of the County. See Exhibit A for proposed modifications.

2. *Guidelines*: New "Guidelines for Local Serving Industrial, Commercial, and Institutional Uses in Rural Areas" (Guidelines) that provide direction on building size, occupancy, and traffic parameters, based on existing and past development approvals. While Exhibit B provides the public draft Guidelines that was presented first to the community in

February 2015, a revised set of guidelines is under preparation which incorporates community input and suggestions since February 2015.

PROJECT APPLICABILITY

The proposed General Plan and Zoning Ordinance modifications and the new Guidelines affect local serving industrial, commercial, and institutional uses within the rural General Plan land use designations and zoning districts of the County – Rural Residential (RR), Hillsides (HS), Agriculture (A), and Agricultural Ranchlands (AR), and within the San Martin Planning Area – Commercial Use Permit District.

REASONS FOR RECCOMENDATION

Zoning Ordinance/General Plan Modifications

As discussed above under Project Description, the proposed modifications to the County General Plan and Zoning Ordinance are intended to address practical implementation challenges while still preserving County rural and open space resources. Current regulations may be misinterpreted to require restrictions on patrons to only County residents, which was never the intent. Instead, the policy intent was to limit the size, scale and intensity to better fit the rural context.

BACKGROUND

PUBLIC OUTREACH

To provide opportunity to engage with the public and obtain early public input to the project, two community outreach meetings were conducted in February of 2015. The first was held, at the Gilroy Library on February 25, 2015, to serve the South County geographic area, attendance was approximately 30 people. A second meeting was held at the Hillview Branch Library in San Jose on February 26, 2015, to serve residents of the eastern foothills of the North County. Attendance at this meeting was approximately 20 people, many of whom were San Martin residents who had also attended the first meeting.

The South County Joint Planning Advisory Committee also received a presentation, took public comments, and discussed the project as a part of its March 19, 2015 meeting. The San Martin Planning Advisory Committee also received a presentation and provided comment at its April 22, 2015 meeting.

Then following summarizes the key public comments to date, received largely from residents of the San Martin community:

1. *Local-serving Language*: Initially staff had proposed eliminating references to the term "local-serving" or its equivalents, as it is hard to quantify and not adequately defined in General Plan. Many community members felt strongly about retaining the language. Staff further refined the General Plan Amendment language to link "local serving uses" to "size, scale, and intensity," instead of origin of patrons.

2. *Statistical Approach based on a Flawed Data Set*: The data used in the guidelines to establish parameters is being further refined to address comments that indicated possible flaws in the data or highlighted that some approved uses were considered too large or intensive to be good models for development appropriate for rural areas.

3. *Potential Increase in Impacts*: The community had a number of concerns related to potential impacts to the following:

   - Traffic
   - Drainage
   - Water Quality
   - Noise
   - Visual Resources
   - Rural Character

   Staff will modify the guidelines to integrate existing standards that protect these resources for consistency and clarity.

4. *Follow-through*: Enforcement of use permit conditions was another concern expressed by the community. These concerns were acknowledged and conveyed to the Code Enforcement Division of the Department of Planning and Development.

All written public comments, including those received via email are posted to the project webpage and included in Exhibit C. Meeting minutes from the two community outreach meetings and the SCJPAC meeting are posted to the project webpage and included in Exhibit D. The meeting summary from the SMPAC meeting is not yet available.

RELEVANT INFORMATION

Supervisorial District:	All
Gen. Plan Designations:	Rural Residential, Hillsides, Agriculture, Ranchlands, San Martin Planning Area – Commercial Use Permit Area (Partial)
Current Zoning:	RR, HS, A, AR, A1 (San Martin Commercial Use Permit Area only)

STAFF REPORT REVIEW

Reviewed by: Bill Shoe, Principal Planner
Approved by: Kirk Girard, Interim Director of Planning & Development

Exhibits Included with this Staff Report:

Exhibit A –	Proposed General Plan and Zoning Ordinance Amendments
Exhibit B –	Draft Guidelines for Local Serving Industrial, Commercial and Institutional Uses in Rural Districts
Exhibit C –	Public Comments and Staff Responses
Exhibit D	Public Meeting Minutes

Exhibit A

Proposed General Plan and Zoning Ordinance Amendments

Existing Regulatory Framework	Proposed Changes
GENERAL PLAN	
STRATEGY #1: PRESERVE THE RESOURCES AND CHARACTER OF RURAL LANDS **Low Density, Non-Urban Land Use** Under the "joint urban development policies," the 15 cities are responsible for managing urban growth through various means, including infill, expansion if appropriate, or both, but only on lands within each city's established USA boundary. On lands outside of cities' USAs, it is incumbent upon the County to allow only nonurban, low density uses. In allowing only non-urban uses and densities outside USAs, the County simultaneously: • maintains the integrity of the Urban Service Area concept; • conserves valuable natural resources; • avoids natural hazards and constraints which could pose a threat to public health, safety, and welfare, such as landslides and earthquake faults; • minimizes demand for public services and the costs to the general public of providing and maintaining roads and services; • helps preserve scenic qualities of the rural landscape; and • prevents unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation. In order to help preserve rural character and scenic values of the rural unincorporated area, application of design guidelines may also be of benefit. Design or development guidelines can help further carry out the intent of the General Plan by assuring that (a) the development is consistent with community goals to preserve rural character; (b) is not obtrusive or in conflict with the architecture of its surroundings; and, (c) minimizes other potential environmental impacts.	In allowing only non-urban uses and densities outside USAs, the County simultaneously: • maintains the integrity of the Urban Service Area concept; • conserves valuable natural resources; • avoids natural hazards and constraints which could pose a threat to public health, safety, and welfare, such as landslides and earthquake faults; • minimizes demand for public services and the costs to the general public of providing and maintaining roads and services; • helps preserve scenic qualities of the rural landscape; and • prevents unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation. <u>With the exception of unique and specialized land uses (Strategy #3), the types of non-urban, low density uses allowed in the rural areas consist of rural residential and commercial, institutional, and industrial uses that either (a) are directly associated with open space, resources, and agriculture found in the rural areas, such as wineries, camps and retreats, or surface mining operations, or (b) are "local serving" in nature by providing goods and services to the rural resident community.</u> In order to help preserve rural character and scenic values of the rural unincorporated area, application of design guidelines may also be of benefit. Design or development guidelines can help further carry out the intent of the General Plan by assuring that (a) the development is consistent with community goals to preserve rural character; (b) is not obtrusive or in conflict with the architecture of its surroundings; and, (c) minimizes other potential environmental impacts.

Existing Regulatory Framework	Proposed Changes
RURAL RESIDENTIAL AREAS - Allowable Uses **Policy R-LU 57** Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.	Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature.~~serve the needs of the resident population and do not result in significant traffic impacts to the community.~~
R-LU 119 Non-residential development in the San Martin Planning Area shall conform to adopted development and design guidelines for the San Martin Community.	R-LU 119 Non-residential development in the San Martin Planning Area shall conform to adopted development and design guidelines for the San Martin Community contained within the -"San Martin Integrated Design Guidelines." Commercial, Industrial, and Institutional uses of a local-serving nature shall also comply with the "*Guidelines for Industrial, Commercial and Institutional Uses in Rural Areas*"
SAN MARTIN PLANNING AREA - Commercial Use Permit Area **Policy R-LU 127** New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [Amended Dec. 5, 1995; File #: 6009-00-00-95GP; Mar. 9, 1999; File# 7200-00-00-98GP]	New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or ~~satisfy the local day-to-day~~ commercial needs of the residents of San Martin~~ and do not result in significant additional traffic from outside the community.~~

Existing Regulatory Framework	Proposed Changes
ZONING ORDINANCE	
Chapter 2.20 RURAL BASE DISTRICTS	
§ 2.20.010 PURPOSES B. AR Agricultural Ranchlands. The purpose of the Agricultural Ranchlands district, also known as the AR district, is to preserve ranching, the natural resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Very-low-intensity residential, commercial, industrial and institutional uses may also be allowed if they primarily serve the rural ranchland residents or are necessary for the enhancement and protection of the natural resources of the area and do not require a substantially higher level of service than presently provided. This district is meant to apply to all parcels designated Ranchlands in the general plan. Note that § 2.20.060 applies to this district. C. HS Hillside. The purpose of the Hillside district, also known as the HS district, is to preserve mountainous lands unplanned or unsuited for urban development primarily in open space and to promote those uses which support and enhance a rural character, which protect and promote wise use of natural resources, and which avoid the risks imposed by natural hazards found in these areas. These lands are watersheds and may also provide such important resources as minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeological sites, scenic beauty, grazing lands, and recreational areas. Additionally, lands zoned Hillside define the setting or viewshed for the urban area of the county. Development shall be limited to avoid the need for public services and facilities. Permitted uses include agriculture and grazing, very low	B. AR Agricultural Ranchlands. The purpose of the Agricultural Ranchlands district, also known as the AR district, is to preserve ranching, the natural resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Very-low-intensity residential, commercial, industrial and institutional uses may also be allowed if they <u>are sized to</u> primarily serve the rural ranchland residents or are necessary for the enhancement and protection of the natural resources of the area and do not require a substantially higher level of service than presently provided. This district is meant to apply to all parcels designated Ranchlands in the general plan. Note that § 2.20.060 applies to this district. C. HS Hillside. The purpose of the Hillside district, also known as the HS district, is to preserve mountainous lands unplanned or unsuited for urban development primarily in open space and to promote those uses which support and enhance a rural character, which protect and promote wise use of natural resources, and which avoid the risks imposed by natural hazards found in these areas. These lands are watersheds and may also provide such important resources as minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeological sites, scenic beauty, grazing lands, and recreational areas. Additionally, lands zoned Hillside define the setting or viewshed for the urban area of the county.

Existing Regulatory Framework	Proposed Changes
density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state. Low-intensity commercial, industrial, and institutional uses may also be allowed if they require a remote, rural setting in order to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings. This district is meant to apply to all parcels designated Hillside in the general plan. Note that § 2.20.070 applies to this district.	Development shall be limited to avoid the need for public services and facilities. Permitted uses include agriculture and grazing, very low density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state. Low-intensity commercial, industrial, and institutional uses may also be allowed if they require a remote, rural setting and are sized in order to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings. This district is meant to apply to all parcels designated Hillside in the general plan. Note that § 2.20.070 applies to this district.
D. RR Rural Residential. The purpose of the Rural Residential district, also known as the RR district, is to permit rural residential development in certain limited unincorporated areas of the county designated by the general plan. Residential, agricultural and open space uses are the primary uses intended within the district. Agriculture-related uses that are not permitted by right may also be permitted through the applicable discretionary review process if deemed compatible with residential uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident rural population and result in a net overall reduction in travel demand for rural residents. This district is meant to apply to all parcels designated Rural Residential in the general plan. Note that § 2.20.080 applies to this district.	D. RR Rural Residential. The purpose of the Rural Residential district, also known as the RR district, is to permit rural residential development in certain limited unincorporated areas of the county designated by the general plan. Residential, agricultural and open space uses are the primary uses intended within the district. Agriculture-related uses that are not permitted by right may also be permitted through the applicable discretionary review process if deemed compatible with residential uses. Commercial, industrial and institutional uses may be established only where they are sized to be local serving in nature~~serve the needs of the resident rural population and result in a net overall reduction in travel demand for rural residents~~. This district is meant to apply to all parcels designated Rural Residential in the general plan. Note that § 2.20.080 applies to this district.

Existing Regulatory Framework	Proposed Changes
§ 2.20.020 USE REGULATIONS Table 2.20-2 Non-Residential Uses in Rural Base Districts Note 5 The use shall be limited in scale and shall primarily serve the local (rural) community. The location shall be accessible and convenient to the local population to be served. **Note 12** Restaurants and bars in rural districts shall be limited in scale, with a maximum floor area of 1,200 square feet, and shall primarily serve the local (rural) residents.	**Note 5** The use shall be limited in scale and shall be sized to be local serving in nature, ~~primarily serve the local (rural) community~~ and shall comply with the "*Guidelines for Local Serving Industrial, Commercial and Institutional Uses in Rural Areas*." ~~.~~ The location shall be accessible and convenient to the ~~local~~ population to be served. **Note 12** Restaurants and bars in rural districts shall be limited in scale, with a maximum floor area of 1,200 square feet, and shall be sized to primarily serve the local (rural) residents.
Chapter 4.10 SUPPLEMENTAL USE REGULATIONS	
§ 4.10.310 Retail Sales & Services: Local-Serving A. **Locally Oriented.** The use shall primarily serve the local community, and the location shall be accessible and convenient to the local population to be served. In rural districts, the term "local community" shall refer to rural, unincorporated residents of the area or community. In R1S and R3S districts applicable to Stanford University lands, "local community" shall refer to the campus residents, pursuant to the applicable provisions of Chapter 2, Land Use, of the 2000 Stanford University Community Plan. A business plan, demonstrating that the business will primarily serve the local community, shall be provided as a basis for review and approval of proposed uses. In R3 Multiple Family districts, "local community" shall refer primarily to the residents of the particular multi-family development. B. **Size**. Maximum area of public-accessible floor space (measured from outer surfaces of enclosing walls, includes bathrooms) shall not exceed 1,200 square feet.	§ 4.10.310 Retail Sales & Services: Local-Serving A. Locally Oriented. The use shall be sized to primarily serve the local community, and the location shall be accessible and convenient to the ~~local~~ population to be served. In rural districts, the term "local community" shall refer to rural, unincorporated residents of the area or community. In R1S and R3S districts applicable to Stanford University lands, "local community" shall refer to the campus residents, pursuant to the applicable provisions of Chapter 2, Land Use, of the 2000 Stanford University Community Plan. In Stanford residential districts, a~~A~~ business plan, demonstrating that the business will primarily serve the local community, shall be provided as a basis for review and approval of proposed uses. In R3 Multiple Family districts, "local community" shall refer primarily to the residents of the particular multi-family development.

Existing Regulatory Framework	Proposed Changes
C. **Demand.** The number and capacity of other existing similar uses in the area, together with the proposed use, can be supported by the local community.	

Exhibit B

Draft Guidelines for Local Serving Industrial, Commercial and Institutional Uses in Rural Districts

DRAFT
Size, Scale and Intensity Guidelines:
Industrial, Commercial and Institutional Uses in Rural Areas

1 INTRODUCTION

Intent of Guidelines

The Santa Clara County (County) General Plan and Zoning Ordinance contain policies and regulations that are intended to limit the size, scale and intensity of commercial, industrial, and institutional land uses that are "local serving" or "service oriented" in nature for the County's rural communities. These types of land uses are oriented towards providing goods and services to the rural resident population and are often referenced as "local serving" in the General Plan. They are differentiated from land uses that are located in the rural areas in direct association with open space, natural resources, and agriculture, such as wineries, agricultural processing facilities, or quarry operations. These policies are based upon the foundational goals of the General Plan to preserve open space, natural resources, and agriculture within the rural County and protect these areas from urban development.

These policies and regulations are implemented through an evaluation of the size, scale and intensity of proposed "local serving" development in relation to the existing or typical size of similar land uses that serve the resident rural population. Proposed development is benchmarked against existing locally serving land uses in terms of building size, building massing and the intended number of customers or users of the facilities.

The purpose of the "Size, Scale and Intensity Guidelines for Industrial, Commercial and Institutional Uses in Rural Areas" (Guidelines) is to document this approach, through summary statistical data of previously approved and existing service oriented uses in the rural districts (See Section 3) . This data and subsequent guidelines (Section 4) are intended as a resource for decision makers, planning staff, and applicants when considering the size, scale and intensity of proposals for new service-oriented commercial, industrial, and institutional uses.

The Guidelines are intended to accomplish the goal of the County's policies and ordinances so that supporting commercial, institutional, and industrial uses are not in conflict with primary rural uses such as agriculture and do not significantly undermine the aesthetics, biological resources, open space, noise, traffic intensity, and population density of rural areas.

The historical development patterns summarized within these Guidelines will be updated periodically as new "local serving" development is approved in the rural districts. These Guidelines are not intended to supplement or replace the applicability of other general plan policies or zoning ordinance standards to

development projects, such as those related to environmental protection or neighborhood preservation.

2 REGULATORY FRAMEWORK

The County's General Plan policies and Zoning Ordinance standards and provisions addressing the size, scale and intensity of "local serving" commercial, institutional, and industrial uses in rural districts are listed in Appendix A.

3 DEVELOPMENT IN RURAL AREAS - SIZE, SCALE, AND INTENSITY

Commercial, Industrial and Institutional Uses Permitted in Rural Areas

To establish parameters for size, scale and intensity of use, Table 3-1 identifies the range of County approved or existing commercial and institutional uses in rural districts with their occupancy and building size. There were no available records for permitted industrial uses in rural zones, therefore occupancy and building size data for industrial uses is absent from this table.

The data for commercial, and institutional uses permitted in rural districts was collected based on a review of all County use permit records issued since adoption of the November 1980 County General Plan, up until December 2014. Pertinent data related to size, scale and intensity of each use, including building sizes and occupancy, was extracted from permit records (see Appendix B). Table 3-1 will be updated periodically as future use permits are approved.

Table 3-1: Occupancy and Building Square Footage of "Local Serving" Uses

GP Land Use Designation	Maximum Occupancy				Building Square Footage			
	Min.	Max.	Average	Median	Min.	Max.	Average	Median
ALL RURAL DISTRICTS								
Commercial Uses	5	299	63	33	720	81,510	13,667	7,250
Institutional Uses	16	340	163	125	1,034	50,680	11,314	5,842
RURAL RESIDENTIAL								
Commercial Uses	14	36	27	30	2,000	28,900	12,733	7,300
Institutional Uses	16	330	144	110	1,034	10,000	5,466	5,644

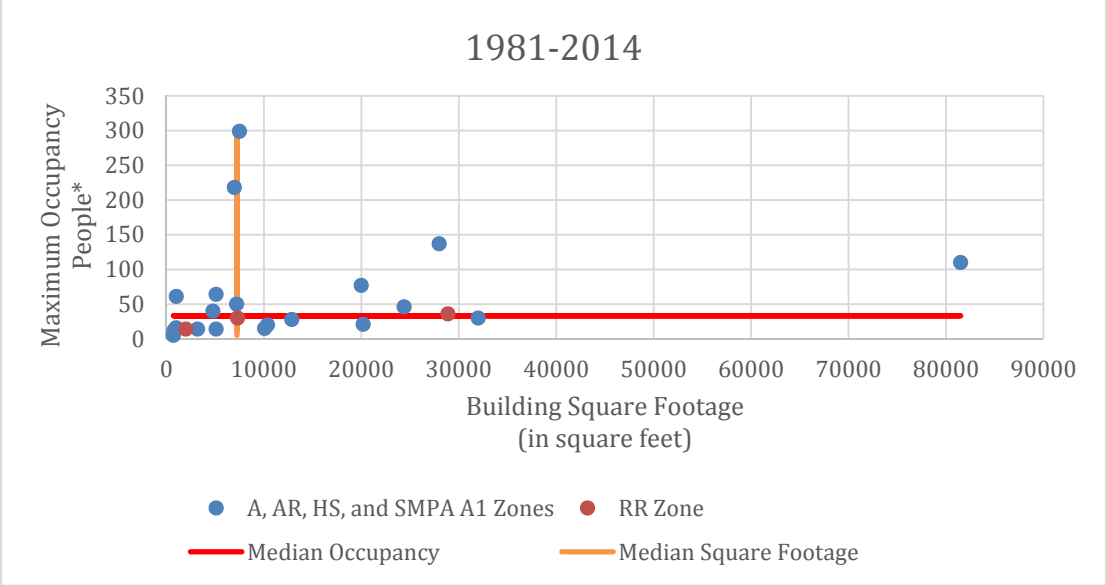
As can be seen in Table 3-1, the median maximum occupancy approved under the use permits is fairly similar between all rural districts and rural residential areas. For commercial uses, the median maximum occupancy is in the thirties and for institutional uses, it is in the low hundreds. Building sizes on the other hand, are larger in other rural districts than in rural residential areas.

The data summarized above does not include several land uses for which the County has no records (since these policies came into effect in1980). These uses, that could potentially be located in the rural districts if approved through the use permit process, include Recycling Facilities, Hospitals and Clinics, and Schools.

The diagrams entitled Figure 3-1 and Figure 3-2 provide a graphical representation of the building square footage and occupancy data of commercial and institutional uses granted use permits since 1980. Figure 3-3 provides the events frequency with permitted occupancy, where such data was available. There was no supporting data for industrial uses. Appendix B provides the data collection methodology and the raw data tables used to create these figures.

Since many variables impact size, scale and intensity, the diagrams below only provide general direction regarding building square footage and occupancy for commercial and institutional uses. Within commercial and institutional uses, different size, scale and intensity needs can also exist. For example, a hospital would have different needs from a community care facility.

Figure 3-1: Historic Size, Scale, and Intensity of Commercial Uses



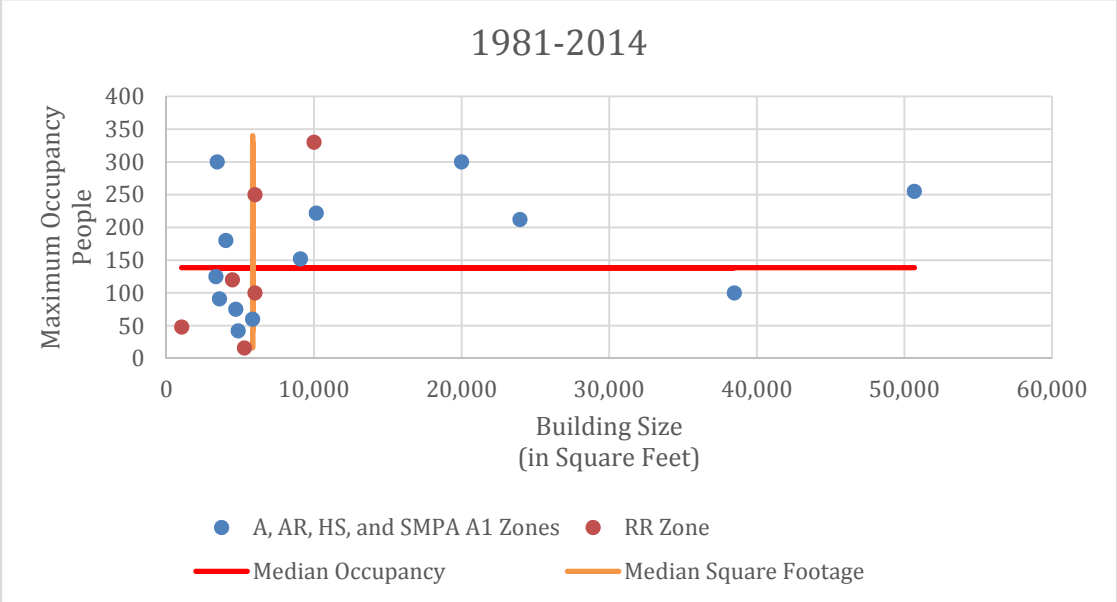
Notes:

*Can also refer to animals, as in the case of veterinary hospitals or stables.

Zones: A – Exclusive Agriculture, AR - Agricultural Ranchlands, HS – Hillside, SMPA A1 – San Martin Planning Area - General Use, RR – Rural Residential

Source – Santa Clara County Planning Office; see Appendix B

Figure 3-2: Historic Size, Scale, and Intensity of Institutional Uses

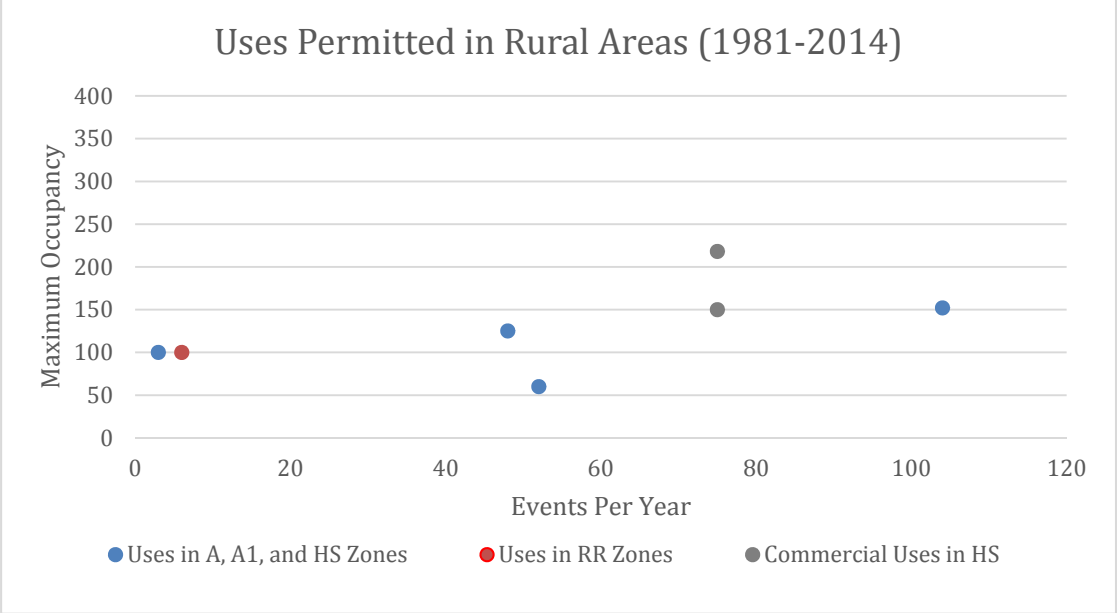


Notes:

Zones: A – Exclusive Agriculture, AR - Agricultural Ranchlands, HS – Hillside, SMPA A1 – San Martin Planning Area General Use, RR – Rural Residential

Source: Santa Clara County Planning Office (See Appendix B)

Figure 3-3: Historic Event Frequency



Notes:
Zones: A – Exclusive Agriculture, HS – Hillside, SMPA A1 – San Martin Planning Area General Use, RR – Rural Residential
Source: Santa Clara County Planning Office (See Appendix B)

As seen in Figure 3-1, the majority of the commercial uses have building sizes under 10,000 square feet, with less than a 100 occupants at a time.

For institutional uses, Figure 3-2 represents that the majority of the uses are less than 10,000 square feet. The larger sized buildings are country clubs and other private development that provide wedding and/or reception facilities.

Figure 3-3 shows the special event frequency of approved use permits where available, normalized to indicate the events per year with the maximum occupancy permitted at a time. As shown, the event frequency varies widely, most likely due to variability in site location and context, but the maximum occupancy averages at 125

4 Guidelines for Size, Scale, and Intensity of Proposed Uses

The following guidelines provide direction regarding the size, scale and intensity of any new "service based" or "local serving" commercial, institutional, and industrial uses in rural districts. These guidelines are intended to assist implementation of the applicable general plan policies and zoning ordinance standards (as listed in Appendix A) regarding these facilities.

DRAFT

Size, Scale and Intensity Guidelines:
Industrial, Commercial and Institutional Uses in Rural Areas

A proposed "service based" or "local serving" commercial, institutional, and industrial use in the rural areas is also subject to compliance with the General Plan policies and Zoning Ordinance standards that are not referenced in this document. These include standards related to environmental protection and neighborhood integrity.

Size, Scale and Intensity of Use

1. All new uses shall be appropriately designed and scaled to accommodate the proposed use and occupancy. Size needs may vary within the commercial, industrial and institutional designations given the range of use classifications within each category.

2. Proposed use shall be comparable in size, scale and intensity to like uses in rural districts.

3. The diagrams in Section 3.1 shall be utilized to determine whether the project fits within the general range of building square footage and occupancy approved for that land use designation to assist in determining if the proposed use is comparable in size, scale and intensity to l local-serving uses.

Building Size:

4. The scale, massing, and size of proposed buildings should be compatible with existing surrounding rural setting, as appropriate.

5. Building size shall be proportionate to intended occupancy and use.

Parking Design Guidelines

6. For uses that propose both a normal operating occupancy and a small number of events with large assemblies, permanent parking with impervious surfaces shall be designed based on the smaller number. The purpose of this guideline is to avoid large surface parking areas that are underutilized for majority of the time.

Appendix A

General Plan and Zoning Ordinance Requirements

Policy/ Code Section	Policy/ Code Language	Applies to
General Plan		
R-LU 11	Allowable land uses shall be limited to: a. agriculture and ancillary uses; b. uses necessary to directly support local agriculture; and c. other uses compatible with agriculture which clearly enhance the long term viability of local agriculture and agricultural lands.	Agriculture
R-LU 25	Non-residential land uses allowed in 'Hillsides' areas shall be of a generally low density or low intensity nature, depending on the use, as is consistent with the basic intent of the Hillsides designation to preserve the resources and rural character of the land. Non-residential uses shall: a. avoid or minimize any potentially significant adverse environmental impacts; b. provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes; c. demonstrate no significantly increased risks associated with natural hazards; d. not create adverse visual impacts as viewed from the Valley floor or from adjacent public recreational areas; and e. cause no significant increase in the demand for public services or infrastructure, including potential impacts on school districts.	Hillsides
R-LU 26	For recreational, commercial, or other uses which permit or involve overnight accommodations for temporary guests, allowable densities and the design of development shall also adhere to the following principles: a. proposed densities must be consistent with the scale of the allowed recreational or commercial use, if applicable; b. design and appearance shall blend harmoniously with the natural setting; and	Hillsides

Policy/ Code Section	Policy/ Code Language	Applies to
	c. development shall be located, and if possible, clustered within the minimum area necessary to accommodate it, in order to avoid or reduce the need for improvements and minimize any potential environmental impacts.	
R-LU 27	Land uses proposed for inclusion within the Hillside zoning ordinance may be evaluated for conformity with the intent of this land use designation by various measures of land use intensity, including but not limited to: a. waste water generation rates; b. traffic generation rates; c. extent of grading, vegetation removal, drainage modifications, or other alteration of the natural environment; d. noise or other nuisance potential; and e. growth-inducing potential.	Hillsides
R-LU 57	Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas.	Rural Residential Areas
R-LU 127	New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin	San Martin Planning Area – Commercial Use Permit Area
R-LU 150	While the predominant land use in the rural unincorporated areas of South County is agriculture, the County recognizes that there are along Monterey Road, within the areas designated 'Agriculture' and 'Rural Residential,' established, non-agricultural land uses serving the South County community. It is the policy of the County that they continue within the 'Agriculture' and 'Rural Residential' land use designations so that the needs of	Monterey Highway Use Permit Area

Policy/ Code Section	Policy/ Code Language	Applies to
	the South County may be served, provided that their legal status is secured in conformance with the following policies.	
Zoning Ordinance		
§ 2.20.010	PURPOSES B. AR Agricultural Ranchlands. The purpose…… and institutional uses may also be allowed if they are sized to primarily serve the rural ranchland residents or are necessary for the enhancement and protection of the natural resources of the area and do not require a substantially higher level of service than presently provided. This district is meant to apply to all parcels designated Ranchlands in the general plan. Note that § 2.20.060 applies to this district. C. HS Hillside. The purpose ….. if they require a remote, rural setting and are sized in order to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings. This district is meant to apply to all parcels designated Hillside in the general plan. Note that § 2.20.070 applies to this district. D. RR Rural Residential. The purpose ….. discretionary review process if deemed compatible with residential uses. Commercial, industrial and institutional uses may be established only where they are comparable in size, scale and intensity to local-serving uses in rural residential areas. This district is meant to apply to all parcels designated Rural Residential in the general plan. Note that § 2.20.080 applies to this district.	As specified under Policy/Code Language
Table 2.20-2, Note 5 and 12	Note 5	Note **5** **(A, AR, HS and RR zones unless specified in parenthesis)**

Policy/ Code Section	Policy/ Code Language	Applies to
	The use shall be limited in scale and shall be sized to primarily serve the local (rural) community. The location shall be accessible and convenient to the population to be served. Note 12 Restaurants and bars in rural districts shall be limited in scale, with a maximum floor area of 1,200 square feet, and shall be sized to primarily serve the local (rural) residents.	• Clubs – Private and Non-Profit; • Hospitals and Clinics; • Manufacturing – Small Scale Rural (A and AR); • Nonprofit Institutions; • Religious Institutions; • Retail Sales & Services: Local Serving (AR & HS); • Schools; **Note 12:** • Restaurants & Bars (AR and HS).
§ 4.10.070 Camps and Retreats	The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.	Agriculture – Medium Scale Lands
§ 4.10.080 Cemeteries		Agriculture – Medium Scale Lands
§ 4.10.090 Community Care	C. Limitations in Agriculture, Hillsides, Ranchlands, and Rural Residential General Plan Designations. Uses classified as Community Care: Expanded, shall be subject to the following criteria when proposed in any of the above designations and corresponding A, A1, AR, HS or RR zoning districts: 1. Minimum lot size shall be 10 acres.	As specified under Policy/Code Language

Policy/ Code Section	Policy/ Code Language	Applies to
	2. The maximum floor area of buildings for residential use shall be 10,000 square feet. This limitation shall be applied cumulatively to any facility with multiple residential buildings. 3. Capacity of residential facilities shall not exceed 36 residents. 4. The use must be intended, designed, and sized to primarily serve the local rural unincorporated population.	
§ 4.10.140 Golf Courses & Country Clubs	The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.	Agriculture – Medium Scale
§ 4.10.150 Golf Driving Ranges		Agriculture- Medium Scale
§ 4.10.190 Hospitals & Clinics		Agriculture- Medium Scale
§ 4.10.230 Nonprofit Institutions		Agriculture-Medium Scale
§ 4.10.270 Recreational Playgrounds & Sports Fields		Agriculture- Medium Scale

Policy/ Code Section	Policy/ Code Language	Applies to
§ 4.10.290 Religious Institutions		Agriculture- Medium Scale
§ 4.10.300 Residential – Communal Institutional		Agriculture- Medium Scale
§ 4.10.310 Retail Sales & Servicing: Local-Serving	A. Locally Oriented. The use shall be sized to primarily serve the local community, and the location shall be accessible and convenient to the population to be served. In rural districts, the term "local community" shall refer to rural, unincorporated residents of the area or community. In R1S and R3S districts applicable to Stanford University lands, "local community" shall refer to the campus residents, pursuant to the applicable provisions of Chapter 2, Land Use, of the 2000 Stanford University Community Plan. A business plan, demonstrating that the business will primarily serve the local community, shall be provided as a basis for review and approval of proposed uses. In R3 Multiple Family districts, "local community" shall refer primarily to the residents of the particular multi-family development.	AR ad HS
§ 4.10.330 Schools	The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population.	Agriculture- Medium Scale

APPENDIX B
Commercial & Institutional Use Data
Rural Districts

1 Data Collection Methodology

To establish the history of commercial, industrial and institutional uses in the "Size, Scale, and Intensity Guidelines: Industrial, Commercial, and Institutional Uses in Rural Areas" data was extracted from various sources and is provided in this Appendix as Table B-1 and Table B-2.

The data was initially filtered for all use permits in the rural zones identified above using Geographic Information Systems (GIS) and the County's databases. Thereafter, planning staff went through each of the physical files to glean occupancy and building size data. Occasionally, staff was unable to find data and/or files for certain projects so these were dropped out from consideration. In the absence of specific numbers, maximum occupancy was sometimes based on existing parking spaces determined by a review of aerials.

The data in these tables will be updated periodically to accommodate new uses that are approved in the future in the rural areas.

Table B-1: Raw Data for Insitutional Uses In Rural Districts

BASE_ZONE	File_Number	DATE	sq__ft_	Permitted Daily occupancy	Maximum Event Occupancy	Event Frequency per year	size_of_property__ac_	Name	Description
A	2714-91P	1991	5,842	60	60	52	5.5	Morgan Hill Bible Church	Community Center / Church
A	3113-91P	1991	3,600	91	91		132		Child Care Facility
A	5121-91P	1991	9,077	38	152	104	5.7		Church and Preschool
A	1427-11P	2011	50,680		255		6.04	Los Altos Country Club	Clubhouse Expansion
HS	1061-80P	1983	4,032		180		44		Rod and Gun Club
HS	1311-83P	1983	4,864		42		110	Sveadal	Recreational Clubhouse and Additional Private Cabin For Weekend Use
HS	2020-83P	1983		86	340		5.6	Church of Latter Day Saints	
HS	1754-86P	1986	4,702	50	75		40.8		Gun Club
HS	3785-88P	1988	20,000	175	300		1650	Hidden Villa	Existing Farm and Youth Hostel, and construction of a Visitor's Welcome Center
HS	4385-90P	1990	3,440	133	300		75.2		Replace-Repair E.Q. Damages for Private Recreational Club, Lupin Naturist Club
HS	6273-96P	1996	38,480	30	100	3	10	Dharma Realm Budhist Association	Religious Center and Monastery Using Existing Buildings
HS	8351-02P	2002	10,155	150	222		27.5		Expansion of an Interfaith Retreat and Conference Center
HS	304-08P	2008	3,356	40 (200 per year)	125	48	6.44		Use Permit Modification to allow Public Use of Redwood Estates Pavilion
HS	952-10P	2010	23,950	165	212		37.3	Walden West	Renovations to Walden West Center
HS	2156-84P			98			(APN -28) 3.15 (APN -27) 0.96	South Valley Christian Church (West Hills Community Church)	
RR	2899-86P	1986	1,034	48	48		11.26	Persian Zoroastrian Organization (Trustees of the Rustam)	Church of the Zoroastrian Community Temple
RR	3554-88P	1988	4,472	35	120		1.9	South County Church of Christ	
RR	241-00P	2000	6000		250		5	San Martin Lion's Club	Renewal Community Assembly Facility with Caretaker's Residence
RR	6992-00P	2000	10000		330		10		Church, Extension Of Time
RR	7495-00P	2000	5288	12	16		5		A Congregate Living Health Facility
RR	9013-05P	2005	6000	50	100	6	4.6	Vo Vu Zen Center (Buddhist Meditation Association)	Legalize an existing religious facility

Table B-2 : Raw Data for Commercial Uses In Rural Districts

BASE ZONE	File_Number	File	DATE	sq__ft_	Occupancy	Occupancy Frequency per year	size_of_property__ac_	Name	Description
A	1410-81P	1410	1981	720	5		0.8		Veterinary Clinic
A	2008-03P	2008	2003	81,510	110		20	equestrian facility	Cattle Management Activities (Equestrian and Dog training and events) and Agricultural Employee housing
A	2647-05P	2647	2005	1021	61		1.75		Restaurant, Renewal
A	2706-11P	2706	2011	783.00	12		0.22	Joe's Gas, Bait, & Tackle Shop	Bait Shop
A1	470-86P	470	1986	10377	20		0.16		Veterinary Hospital and Clinic
A1	3335-87P	3335	1987	24,400	46		13.5		Wholesale/Retail Building Supplies
A1	4042-90P	4042	1990	28000	137		10		Commercial-Retail Center for Recreatinal (sic) Vehicle Owners
A1	470-92P	470	1992	12,877	28		2.28		Veterinary Hospital and Commercial Office
A1	1323-99P	1323	1999	3,200	14		5.28		Wholesale and Retail Nursery, Renewal
A1	36-99P	36	1999	7200	50		9.64		Sales, Storage and Repair of Portable, Modular Buildings
A1	7060-99P	7060	1999	32,000	30		9.26		Tractor Equipment Rental, Sales and Repair
A1	2228-00P	2228	2000	4774	40		0.35		Tire Shop
A1	7615-00P	7615	2000	10,075	15		2.14		Bottled Water Distribution Facility
A1	1323-07P	1323	2007	20200	21		5.28		Sales of Machinery, equipment, RV's, trailers, campers and similar equipment
A1	36-08P	36	2008	5,100	14		9.64		Modular storage facility
A1	9413-14P	9413	2014	20000	77		4.21		New dog training facility and day/night boarding
AR	3484-92P	3484	1992	7,500	299		25.41		Modification of B&B Use Permit to Allow Reception Facilities of Up to 299 Guests
HS	5623-94P	5623	1994	1000	16		1.18		Grocery Store, Convenience Store, Bait Shop
HS	5836-94P	5836	1994	5,105	64		56.04	MidPen Open Space Trust	Office Building and Facilities
HS	5624-12P	5624	2012	6978	218	75	7	Nestldown Ranch	Reception Facility
HS	5624-12P	5624	2012	6978	150	75	7	Nestldown Ranch	Reception Facility
RR	1953-95P	1953	1995	28900	36		12.76		Horse Boarding Facility and Veterinary Clinic
RR	6765-99P	6765	1999	7,300	30		4.9		Large Animal Hospital
RR	3035-04P	3035	2004	2000	14		2.35		Commercial Kennel

Exhibit C

Public Comments and Staff Responses

Sandhir, Manira

From: Rick Spohn <raspohn@gmail.com>
Sent: Sunday, February 22, 2015 10:22 PM
To: Sandhir, Manira
Subject: Proposed changes to LU 57 and LU 127

Hi Manira. I live in San Martin and would like to know why the changes are being proposed for LU 57 and 127? Some of the language is very subjective such as what is being proposed in LU 57: Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas. What exactly does this mean? Thanks.

RURAL RESIDENTIAL AREAS - Allowable Uses Policy R-LU 57

Existing - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

Proposed - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas.

SAN MARTIN PLANNING AREA - Commercial Use Permit Area Policy R-LU 127

Existing - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [Amended Dec. 5, 1995; File #: 6009-00-00- 95GP; Mar. 9, 1999; File# 7200-00-00-98GP]

Proposed - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin.

--
Rick

Sandhir, Manira

From: Sandhir, Manira
Sent: Monday, February 23, 2015 11:59 AM
To: 'Rick Spohn'
Cc: Eastwood, Rob; Colleen Tsuchimoto (Colleen.Tsuchimoto@pln.sccgov.org)
Subject: RE: Proposed changes to LU 57 and LU 127

Rick:

As currently written, these policies have practical challenges for implementation of the current traffic standards language as end users and their origin are nearly impossible to determine. The proposed changes are staff's approach to try and create a practicable method to measure rural size, scale and intensity of commercial, industrial, and institutional uses.

The policy language modifications would attain a two-fold purpose: to represent the intent of the policies, which is to regulate such uses so they are scaled to suit the rural character, and to document the County's review approach, which is to compare the proposed size, scale and intensity of the use with existing uses.

The proposed guidelines provide the necessary implementation tools by documenting the existing approved size, scale and intensity of commercial, industrial, and institutional uses in terms of building sizes, maximum occupancy, and rate of special events. These guidelines would help stakeholders determine appropriate size, scale and intensity for proposed projects.

I hope my response provides the answers you were seeking. If you would like to discuss further, please feel free to give me a call or join us at one of the two outreach meetings this week. We welcome your suggestions and input.

Best regards,

Manira Sandhir, AICP
Planner II
County of Santa Clara - Department of Planning and Development
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110
Phone: (408) 299-5787
manira.sandhir@pln.sccgov.org

From: Rick Spohn [mailto:raspohn@gmail.com]
Sent: Sunday, February 22, 2015 10:22 PM
To: Sandhir, Manira
Subject: Proposed changes to LU 57 and LU 127

Hi Manira. I live in San Martin and would like to know why the changes are being proposed for LU 57 and 127? Some of the language is very subjective such as what is being proposed in LU 57: Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas. What exactly does this mean? Thanks.

RURAL RESIDENTIAL AREAS - Allowable Uses Policy R-LU 57

Existing - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

Proposed - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas.

SAN MARTIN PLANNING AREA - Commercial Use Permit Area Policy R-LU 127

Existing - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [Amended Dec. 5, 1995; File #: 6009-00-00- 95GP; Mar. 9, 1999; File# 7200-00-00-98GP]

Proposed - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin.

--
Rick

Sandhir, Manira

From: Rick Spohn <raspohn@gmail.com>
Sent: Thursday, February 26, 2015 9:10 AM
To: Sandhir, Manira
Subject: Re: Proposed changes to LU 57 and LU 127

Thanks for getting back to me. One of my concerns is the striking of the language to limit traffic. Every day you read in the paper how bad traffic is in the Bay Area. It's gotten worse in the Morgan Hill area too. I'd like to see them keep that language in so our rural community doesn't become another San Jose!

On Mon, Feb 23, 2015 at 11:58 AM, Sandhir, Manira <Manira.Sandhir@pln.sccgov.org> wrote:

> Rick:
>
> As currently written, these policies have practical challenges for implementation of the current traffic standards language as end users and their origin are nearly impossible to determine. The proposed changes are staff's approach to try and create a practicable method to measure rural size, scale and intensity of commercial, industrial, and institutional uses.
>
> The policy language modifications would attain a two-fold purpose: to represent the intent of the policies, which is to regulate such uses so they are scaled to suit the rural character, and to document the County's review approach, which is to compare the proposed size, scale and intensity of the use with existing uses.
>
> The proposed guidelines provide the necessary implementation tools by documenting the existing approved size, scale and intensity of commercial, industrial, and institutional uses in terms of building sizes, maximum occupancy, and rate of special events. These guidelines would help stakeholders determine appropriate size, scale and intensity for proposed projects.
>
> I hope my response provides the answers you were seeking. If you would like to discuss further, please feel free to give me a call or join us at one of the two outreach meetings this week. We welcome your suggestions and input.
>
> Best regards,
>
> **Manira Sandhir, AICP**
>
> Planner II

Sandhir, Manira

From: Fawn Vinh <FVinh@ortc.com>
Sent: Monday, February 23, 2015 11:49 AM
To: Sandhir, Manira
Subject: FW: Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Attn: Manira Sandhir,

As a taxpayer, we are not happy with the proposed ordinance below. It's limiting. It's controlling. It's not allowing us to exercise our constitutional rights that our forefathers worked so hard to obtain. We, the people, should have the freedom to expand our horizon and seek the services wherever it suits us most...

Fawn Vinh
408-693-8076

In response to the inquiries of this morning asking for the weblink to the proposed ordinance updates – see below weblink for further information.
http://www.sccgov.org/sites/planning/PlanningStudies/LU57/Pages/LocalServingUses.aspx
You can also find a direct link to this page from the Santa Clara County Planning Office home page at www.sccplanning.org.
For further information, you may contact Manira Sandhir at (408) 299-5787, Manira.Sandhir@pln.sccgov.org

From: Tsuchimoto, Colleen
Sent: Friday, February 13, 2015 11:40 AM
To: Sandhir, Manira
Subject: Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts
See attached notice regarding upcoming Feb. 25th and 26th Community Meetings. If you receive duplicative emails we do apologize. This notice is being sent to all interested parties from a number of different projects, and groups that expressed interest in this subject matter. For further information on the upcoming meetings, you may contact Manira Sandhir at (408) 299-5787, Manira.Sanhir@pln.sccgov.org

Sandhir, Manira

From: Tulan <tulandalat2003@yahoo.com>
Sent: Monday, February 23, 2015 1:01 PM
To: Sandhir, Manira
Subject: Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Subject: Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Dear Manira Sandhir,

How are you doing? I hope you are always doing well and successful in your career. I would to introduce myself to you. My name is Tulan Luong. I am working for the State of California as an auditor. I have been serving the Santa Clara county taxpayers for 8 years right after I graduated from San Jose State University. My job is very intensive and stressful because I have to deal with many different kinds of taxpayers. Some of them are very nice, but some others are very hard to deal with. I tried my best to serve the taxpayer well thanks to the Buddhism and many temples where I have been joining with. They teach me how to release my stress from work and how to listen to help others.

I practice meditation every day and always follow the Buddha teachings so that I have patience, loving-kindness and compassionate enough to help my taxpayers to solve their situations.

I am a Buddhist and also a Santa Clara resident, I don't think it is right to limit our religion boundary. We are working and paid tax to the county, we need the religious institutions everywhere in the county, to server everyone in the county. People have a right to go any church, temples and the land of the county, not only serve for rural resident. We left the original country and came to the United States. We are proud of being an America because we have right of freedom, right of free religion and the right of speech….The United States country are different from other countries in the world due to these freedoms. So please don't limit our spiritual life of practicing our religion.
I am writing this letter to against the proposal of the zoning **Ordinance Updates for Local Serving Uses in Rural Districts.**

Thank you very much for your understanding and considerations.
Best regards,
Tulan Luong

********Nam Mô A Di Đà Phật********
Trăm năm trước thì ta chưa gặp
Trăm năm sau biết có gặp nhau không?

Cuộc đời sắc sắc không không
Thôi thì hãy sống hết lòng với nhau!!!

****

Nam Mô Hoan Hỷ Tạng Bồ Tát Ma Ha Tát

****

TúLan

(408) 891-3267

Sandhir, Manira

From: Bart Hechtman <bgh@matteoni.com>
Sent: Tuesday, February 24, 2015 11:48 AM
To: Sandhir, Manira
Subject: "local serving" regulations

Hi Manira,
I want to send in a comment letter on the proposed revisions to the “local serving” regulations. Would I send that to your attention? What is the timing to take the issue to the Planning Commission?
Thanks,
Bart

Matteoni O'Laughlin & Hechtman
LAWYERS

BARTON G. HECHTMAN
Matteoni, O'Laughlin & Hechtman
848 The Alameda
San Jose, California 95126
T: (408) 293-4300
F: (408) 293-4004

T: (408) 293-4300
F: (408) 293-4004

Sandhir, Manira

From: Sandhir, Manira
Sent: Tuesday, February 24, 2015 11:58 AM
To: 'Bart Hechtman'
Cc: Eastwood, Rob; Colleen Tsuchimoto (Colleen.Tsuchimoto@pln.sccgov.org)
Subject: RE: "local serving" regulations

Hi Bart:

Thank you for your interest in the topic. You may send the comment letter to my attention, or email me a copy.

We also have two community meetings scheduled for this week to solicit community input. Subsequently we'll be taking the proposal in a public hearing format before the San Martin Planning Advisory Committee (3/25), South County Joint Planning Advisory Committee (March or April), and the Planning Commission (3/26th) to provide recommendations to the Board of Supervisors. All these meetings will be duly noticed by the usual County process.

Please feel free to call or email me if you have further questions.

Best regards,

Manira Sandhir, AICP
Planner II
County of Santa Clara - Department of Planning and Development
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110
Phone: (408) 299-5787
manira.sandhir@pln.sccgov.org

From: Bart Hechtman [mailto:bgh@matteoni.com]
Sent: Tuesday, February 24, 2015 11:48 AM
To: Sandhir, Manira
Subject: "local serving" regulations

Hi Manira,
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Thanks,
Bart

Matteoni O'Laughlin & Hechtman
LAWYERS

BARTON G. HECHTMAN
Matteoni, O'Laughlin & Hechtman
848 The Alameda
San Jose, California 95126

Sandhir, Manira

From: Zachary Alexander <zalexander@openspace.org>
Sent: Wednesday, February 25, 2015 3:39 PM
To: Sandhir, Manira
Subject: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hello Manira,

My name is Zachary Alexander and I am a Planner II with the Midpeninsula Regional Open Space District. A community meeting notice for minor modifications to some GP and Zoning Ordinance standards in rural areas just came across my desk, and I was hoping you could provide me with some additional information on what changes are being proposed. I am wanting to determine if the proposed changes will have an effect on District owned property in Santa Clara County.

Thank you,
Zach

Zachary Alexander
Planner II
zalexander@openspace.org
Midpeninsula Regional Open Space District
330 Distel Circle, Los Altos, CA 94022
P: (650) 691-1200 - F: (650) 691-0485

Sandhir, Manira

From: Sandhir, Manira
Sent: Thursday, February 26, 2015 11:27 AM
To: Zachary Alexander
Cc: Eastwood, Rob; Colleen Tsuchimoto (Colleen.Tsuchimoto@pln.sccgov.org)
Subject: RE: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Zach:

It includes local-serving uses so schools are covered in that definition. Also, commercial, industrial, institutional uses that provide support services for rural residents – tax services, retail stores, vet clinics, hospitals, religious institutions, community-care facilities, etc., are also covered. What the proposed guidelines do not cover are primary uses within the rural areas, which includes ag-related uses, wineries, quarries, open spaces, residential uses, and recreational uses.

As currently written, these policies have practical challenges for implementation of the current traffic standards language as end users and their origin are nearly impossible to determine. The proposed changes are staff's approach to try and create a practicable method to measure rural size, scale and intensity of commercial, industrial, and institutional uses.

The policy language modifications would attain a two-fold purpose: to represent the intent of the policies, which is to regulate such uses so they are scaled to suit the rural character, and to document the County's review approach, which is to compare the proposed size, scale and intensity of the use with existing uses. The proposed guidelines provide the necessary implementation tools by documenting the existing approved size, scale and intensity of commercial, industrial, and institutional uses in terms of building sizes, maximum occupancy, and rate of special events. These guidelines would help stakeholders determine appropriate size, scale and intensity for proposed projects.

Given that our effort is to accurately represent the policy intent and implementation approach, we do not foresee any impacts to these uses. They would still have to comply with all County requirements and the other zoning standards for use permits.

I hope my response answers your question. If you have further questions or would like to submit any comments on behalf of the Mid-Pen District, please feel free to join us at the public outreach meeting tonight at the Hillview Branch Library at 6pm, or email/call me.

Best regards,

Manira Sandhir, AICP
Planner II, Santa Clara County
(408) 299-5787

From: Zachary Alexander [mailto:zalexander@openspace.org]
Sent: Thursday, February 26, 2015 10:45 AM
To: Sandhir, Manira
Subject: RE: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hi Manira,

Thank you for getting back to me so quickly.

When you say commercial, institutional, and industrial uses, would that include quarries, dumps, farms, telecommunications installations, and schools? We have a number of these types of uses that neighbor our properties, and I would like to know if these modifications would have any impact on these types of uses, and through that, a potential impact on our properties or users of our properties.

Thank you,
Zach

From: Sandhir, Manira [mailto:Manira.Sandhir@pln.sccgov.org]
Sent: Wednesday, February 25, 2015 3:58 PM
To: Zachary Alexander
Subject: RE: MROSD Inquiry: GP & Zoning Updates for Rural Districts

HI Zach:

Quick response as I have to run to the meeting:

These amendments are focused on local serving commercial, institutional, and industrial uses so should not apply to any recreational public facilities.

Manira Sandhir, AICP
Planner II, Santa Clara County
(408) 299-5787

From: Zachary Alexander [mailto:zalexander@openspace.org]
Sent: Wednesday, February 25, 2015 3:39 PM
To: Sandhir, Manira
Subject: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hello Manira,

My name is Zachary Alexander and I am a Planner II with the Midpeninsula Regional Open Space District. A community meeting notice for minor modifications to some GP and Zoning Ordinance standards in rural areas just came across my desk, and I was hoping you could provide me with some additional information on what changes are being proposed. I am wanting to determine if the proposed changes will have an effect on District owned property in Santa Clara County.

Thank you,
Zach

Zachary Alexander
Planner II
zalexander@openspace.org
Midpeninsula Regional Open Space District
330 Distel Circle, Los Altos, CA 94022
P: (650) 691-1200 - F: (650) 691-0485

TUAN HOANG NGUYEN D.D.S INC.

TM NORTH VALLEY DENTAL CARE

February 25, 2015

The County of Santa Clara
Attn: Manira Sandhir

Ref: General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Dear Ms. Sandhir ,

We have heard recently that the County of Santa Clara has proposed the Ordinance Updates for Local Serving Uses in Rural Districts to limit the people in the county to travel out of city for religious worship. The proposed ordinance also limits the land space for the building of the religious institution.

We think this is not the right decision of the county as we the people have our right to go anywhere to worship. We pay tax to the government in order to receive in return the support to our belief.

Please take this matter into concern and do thing right for the people of our county so that we can go to any church and temple to nurture our religion. The land of the county is not only to serve the rural residents.

Thank you for your understanding and support.

Yours Sincerely,

Tuan H. Nguyen D.D.S

2470 Berryessa Road, Suite I
San Jose, CA 95133
Phone: (408) 254 4567 Fax: (408) 254 3567

Sandhir, Manira

From: Kamila Kraba <kkraba.svic@gmail.com>
Sent: Thursday, February 26, 2015 10:50 AM
To: Sandhir, Manira; Tsuchimoto, Colleen
Cc: Kamila Kraba
Subject: County Process to Change Local Serving Uses in Rural Districts

Hi Manira, Colleen,

Thanks for organizing the community outreach meetings on the General Plan and Zoning Ordinance Modifications.

Can you please clarify what are all the ways we can provide comments on the proposed changes for the Local Serving Uses in Rural Districts?

Also, can you please clarify how you will be managing these comments? What is the deadline to submit comments? when will you make them public? When are the subsequent meetings scheduled?

Thanks for your help!

Kamila

Sandhir, Manira

From: Sandhir, Manira
Sent: Thursday, February 26, 2015 11:05 AM
To: 'Kamila Kraba'; Tsuchimoto, Colleen
Cc: Eastwood, Rob
Subject: RE: County Process to Change Local Serving Uses in Rural Districts

Hi Kamila:

You are welcome to provide your comments in any of the following formats:

- Via email – to this email address
- Letter addressed to me
- Verbally at a Community Outreach Meeting (we have one scheduled for tonight at 6 pm in the Hillview Branch Library Community Room)
- Verbal comments at a Public Hearing – we anticipate a number of them:
    - South County Joint Planning Advisory Committee (Tentatively on March 19th)
    - San Martin Planning Advisory Committee (Tentatively on March 25th)
    - Planning Commission (Tentatively on March 26th)
    - Board of Supervisor's (Tentatively on April 21st)

Comments' Management
All comments received will be consolidated and presented before each hearing body in the staff report (which will be posted online). We are keeping PDFs of all email comments and letters received, and will summarize verbal comments received during the public hearings (or include meeting minutes of the public hearings).

Deadline for Comment Submittal
Currently, there is no deadline for submitting comments. Of course, if you have any input that will help the decision makers, please provide it at your earliest convenience.

All of the information regarding meeting dates and times, and the staff reports as they become available, will be posted on the County website for public review at the following link.
http://www.sccgov.org/sites/planning/PlanningStudies/LU57/Pages/LocalServingUses.aspx

If you have further questions, please feel free to email me or give me a call.

Best regards,

Manira Sandhir, AICP
Planner II
County of Santa Clara - Department of Planning and Development
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110
Phone: (408) 299-5787
manira.sandhir@pln.sccgov.org

From: Kamila Kraba [mailto:kkraba.svic@gmail.com]
Sent: Thursday, February 26, 2015 10:50 AM
To: Sandhir, Manira; Tsuchimoto, Colleen

REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments
for
Local Serving Uses in Rural Districts
PUBLIC OUTREACH MEETING
February 25th and 26th, 2015

Print Name: JOHN ENGLISH

Organization: SMNA

Written comments for the record (additional space on the back):
AGAINST RELAXATION OF LOCAL SERVING

Mailing address and / or email address (If you want your name added to mailing list):

REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments
for
Local Serving Uses in Rural Districts
PUBLIC OUTREACH MEETING
February 25th and 26th, 2015

Print Name: Trine Hineser

Organization: Resident

Written comments for the record (additional space on the back):

This mtg. should have been held in San Martin where majority of those effected could have attended.

Mailing address and / or email address (If you want your name added to mailing list):

840 Maple Ave., San Martin, CA 95046

REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments
for
Local Serving Uses in Rural Districts
PUBLIC OUTREACH MEETING
February 25th and 26th, 2015

Print Name: KAREN HARLEY

Organization: _____

Written comments for the record (additional space on the back):
traffic + local serving commercial

Mailing address and / or email address (If you want your name added to mailing list):
kaharley@sbcglobal.net - I think I may be lost

REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments
for
Local Serving Uses in Rural Districts
PUBLIC OUTREACH MEETING
February 25th and 26th, 2015

Print Name: VICTOR LOESCHE

Organization: HOME OWNER

Written comments for the record (additional space on the back):

OPPORTUNITY TO SPEAK IF COMMENTS WARRANT.

Mailing address and / or email address (If you want your name added to mailing list):

VICTOR LOESCHE@YAHOO.COM

REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments
for
Local Serving Uses in Rural Districts
PUBLIC OUTREACH MEETING
February 25th and 26th, 2015

Print Name: DONALD HARLEY

Organization: RESIDENT

Written comments for the record (additional space on the back):

IT DOES NOT APPEAR THAT PROPOSED CHANGES ARE CONSISTENT WITH ENVIRONMENTAL CONCERNS (COMPACT DEVELOPMENT)

Mailing address and / or email address (If you want your name added to mailing list):

PO BOX 24, SAN MARTIN, CA 95046

REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments
for
Local Serving Uses in Rural Districts
PUBLIC OUTREACH MEETING
February 25th and 26th, 2015

Print Name: CONNIE LUDENIG

Organization: _____

Written comments for the record (additional space on the back):
Policy changes & water contamination

Mailing address and / or email address (If you want your name added to mailing list):
cludenigs2@sbcglobal.net.

Sandhir, Manira

From: MICHAEL DIEGNAN (TC) /6153 <michael.diegnan@omnicell.com>
Sent: Wednesday, March 04, 2015 8:33 AM
To: Sandhir, Manira
Subject: RLU57

Hello Manira,
I was at the 2/25/15 meeting at the Gilroy Library and did not voice my comments then but want to do so now.

I heard over and over from the participates at the meeting about the "Local Serving" issue of RLU57 in regards to the "Cordoba Project" that it would not be local serving. What these folks must not realize or are blind to is that Muslims are a part of the local current population. There is a Mosque in San Martin now.

Also, with all the new homes and condo's going up in Gilroy, San Martin and Morgan Hill (must be in thousands) that this population will continue to grow. I am for the proposed changes the County is considering. Thanks

Regards,

Michael Diegnan
Morgan Hill Resident

Sandhir, Manira

From: Eastwood, Rob
Sent: Friday, March 20, 2015 1:49 PM
To: Andrew Gillham
Cc: Sandhir, Manira
Subject: RE: Local serving question.

HI Andrew -

Thanks for the feedback / questions and sorry you weren't able to speak. Realize that this difference has not well explained in the materials we've published so far.

If you look at the draft Guidelines we prepared and distributed, the first paragraph describes this difference in broad terms. Here's the link to the webpage where we posted this:

http://www.sccgov.org/sites/planning/PlanningStudies/LU57/Pages/LocalServingUses.aspx

However, going forward, I believe we'll need to be more clear demarcating what types of uses are subject to "local serving" requirements and which aren't.

From the three you listed below - the religious institutions would be subject to local serving requirements while golf courses and wineries would not.

However please stay tuned for modifications to the documents, we'll put more clarity here.

I'm cc'ing Manira Sandhir who's working closely on the project and the revisions we discussed in the meeting, feel free to follow up with her further also.

-Rob

Rob Eastwood, AICP
Principal Planner, County of Santa Clara
(408) 299-5792
rob.eastwood@pln.sccgov.org

-----Original Message-----
From: Andrew Gillham [mailto:gillham@roadsign.com]
Sent: Thursday, March 19, 2015 7:04 PM
To: Eastwood, Rob
Subject: Local serving question.

Hello Rob,

I am currently attending the committee meetings by in Morgan Hill. After reading the draft and guidelines I was under the impression that this local serving term was applicable to all use. This was my misunderstanding apparently.

I am concerned that the public portion was closed prior to our finding out that a number of uses didn't apply as they were separate. Could you point me to documents that would clarify those uses that do not fall under these proposed changes?

My support, or lack thereof, is influenced by the scope of this local-serving term. If it doesn't apply to religious institutions or wineries or golf courses as you mentioned a few minutes ago I think differently about it.

Thank you.

-Andrew

Exhibit D

Public Meeting Minutes

Santa Clara County
Department of Planning and Development

MEETING MINUTES

Topic: **Community Outreach Meeting for General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts**

Date: **Wednesday, February 25, 2015**

Location: **Gilroy Library Community Meeting Room**

Attendees: **Planning Department staff – Planners Colleen Tsuchimoto and Manira Sandhir, AICP; Acting Planning and Development Department Director Kirk Girard; District 1 Land Use Aide Roland Velasco; Community Members (Estimated 30)**

- Concern of traffic counting along metering lights along Hwy 101. This creates further traffic congestion to the rural neighborhoods of San Martin.
- Urban scale development is avoided by keeping the net reduction of traffic standard in the policies.
- Without the language "local community", the policies are more generalized and subject to interpretation and vague.
- Striking out language of net reduction of traffic will result in significant additional traffic outside of the San Martin community.
- Public input is not being heard
- The statistics should not be an equation of the guidelines. This is overdevelopment of the rural neighborhoods of San Martin.
- What is viable commercially – how it is defined in County code?
- Non-profit organizations cannot compete with the local restrictive policies.
- Removing traffic standards is suspicious.
- The new local serving standards do not protect the interest of the farming community.
- Donald – San Jose built density was the origin of the net reduction standard back in 1980. In favor of keeping the same language in place. Environmental concerns are preserved. Compact development is supported, assess the rural character of projects, meeting the size and scale of projects.
- Karen Harley – the existing language takes the heart of San Martin community; avoiding traffic congestion cumulative impacts. Water, traffic, and roads are all impacted by all the new development. Septic tanks and wells cannot be supported by all the new development. Take into the consideration of the community.
- Businesses outside of the community does not fit into San Martin needs.
- Hindu temple meeting in San Martin – a travel analysis was presented that showed how it meets the existing local serving policies.
- It should be obvious what isn't local serving (example – Gold's gym serving 5,000 or more patrons) is beyond local serving.
- Suggest putting in language that is separate for religious institutional uses versus other types of land uses. Local serving is defined differently based on the type of businesses.

- RLUIPA – provide further information. We don't understand what it means. Which paragraphs /sections of RLUIPA relate to the County General Plan and Zoning Ordinance policies that are being changed.
- These changes solely impact San Martin residents; not anywhere else.
- How have other states and cities approached the RLUIPA problem? And why aren't they changing their codes and policies?
- Doing a headcount is important for septic design.
- Stripping the language away reduction of traffic will lead to traffic congestion problems.
- Dhruv Khanna explained an unincorporated project in Milpitas – temple going through the same issues with the impacts of the local serving policies and agrees with County staff's approach to presenting local serving – based on on size, scale and intensity of use.
- If you don't live in San Martin, you don't understand the needs of San Martin residents and how local serving should be defined.
- The intent of the policies are not clearly defined.
- Roland Velasco was requested to speak – Question of residents of San Martin – Why does Board need to change the policies? Roland indicated that County Counsel identified the problem with not meeting federal law – RLUIPA, and to protect the County from being sued this needs to be addressed.
- Dhruv pointed out that size, intensity of use, location, and traffic should be evaluated to be compatible with the rural area.
- Kristy Abrahams pointed out that the SCJPAC will be meeting to discuss the General Plan/Zoning Ordinance changes.
- Roland discussed the upcoming tentative schedule for SCJPAC, SMPAC, PC and Board of Supervisors meetings. The intent of the changes is to find a balance between local interests and protect the County at large from a lawsuit for inconsistency with RLUIPA.
- Baptist church was denied by SMPAC, and required to develop a City property. The San Martin community defines local serving as those uses that San Martin needs and uses. If we don't like a uses, it shouldn't be approved at all.

<u>Other issues brought up not related to the proposal</u>

- Why is there massive grading along Monterey Hwy? Staff responded that the project was approved for an auction salvage yard – Copart – approved by the Planning Commission. There are conditions pertaining to grading and drainage to meet erosion control and all County policies.
- San Martin wells are contaminated and need fixing.
- Foothill widening – Expressway Highway widening project of Roads Dept. did not have opportunity for public input; and does not meet the local meets of San Martin.
- Code enforcement of approved projects is not meeting the local needs of San Martin residents.
- What happens after a code violation is reported?
- Why did it take so long to obtain a building permit for a reroof of a shed; requiring unnecessary roadway improvements from Roads Dept?
- Object to 1200 sq. ft. standard for restaurants

- Not able to turn left into the San Martin post office; too much traffic congestion at the intersection with Roads installation of a stop sign.
- Contamination of PCBs due to cemetery
- Why are all the SMPAC meetings being cancelled? And why is SMPAC always the night before Planning Commission meeting. This does not give enough notice for the public to review San Martin projects that impact the community. There should be changes to noticing procedures to allow for more advance time for SMPAC to review the projects.
- Trust of San Martin community is low due to past mistakes of approved projects that should not belong in San Martin – e.g. Copart and Cordoba Center
- Traffic and water issues are not adequately addressed within the Use Permit approval process.
- Why are roads full of drainage problems and flooding? Why can't the County fix our County roads properly?

Santa Clara County
Department of Planning and Development

MEETING MINUTES

Topic: **Community Outreach Meeting for General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts**

Date: **Thursday, February 26, 2015**

Location: **Hillview-Reid Library Community Meeting Room**

Attendees: **Planning Department staff – Planners Colleen Tsuchimoto, Kim Rook, and Manira Sandhir, AICP; Interim Planning Manager Rob Eastwood; (Estimated 20)**

- The County interpretation of "local serving" has evolved and not been consistently applied over time.
- The County is interpreting "local serving" to mean number of people (building size/occupant load), but it isn't defined that way.
- "Local Serving" should be clearly defined (it appears this is the primary issue).
- "Local Serving" is not in conformance with Ca League of Cities (interpretation hazy).
- Impacts to infrastructure (specifically, San Martin traffic/parking, hydrology, & septic) of the proposed changes should be considered/addressed.
- Purpose (who/why) of the proposed text change is not clear.
- They do not want the language to change; the proposed deleted language will take away everything they have to preserve rural area.
- "Local serving" means they do not have to leave San Martin to obtain a service.

San Martin specific comments included:

- If proposed use is not right size, San Martin infrastructure can't support the growth.
- The County is not listening to the residents of San Martin and the residents do not have a consistent avenue to bring issues to the attention of the County (i.e. SMPAC: meetings cancelled; staffed by Co employees). Process requires resident to attend SMPAC meeting to place issue on future agenda; if meetings are cancelled due to lack of business, they do not have a way to place a new discussion item on future agenda.

SOUTH COUNTY JOINT PLANNING ADVISORY COMMITTEE

Draft Meeting Minutes

Date: Wednesday, March. 19, 2015

Location: Morgan Hill City Council Chambers

Roll Call:

Chairperson Mike Wasserman (Board of Supervisors District 1)
Dennis Delisle (Public-at-large)
Jim Divittorio (Public-at-large)
Terry Aulman (Gilroy City Council Member)
Robert Cerruti (San Martin Planning Advisory Committee)
Marc Rauser (Santa Clara County Planning Commissioner)
Joseph Mueller – (Morgan Hill Planning Commissioner)
Gordon Siebert (Morgan Hill City Council Member)
One other gentleman

Staff Attendees:

Colleen Tsuchimoto (SCC Planner III)
Manira Sandhir, AICP (SCC Planner II)
Rob Eastwood, AICP (SCC Interim Planning Manager)
Kirk Girard (SCC Interim Director – Department of Planning and Development)
Roland Velasco (District 1 Land Use Aide)
Andrew Crabtree (Morgan Hill Community Development Director)

General Public: Approximately 40 people

Open Public Hearing Comments:

Doug Muir – Morgan Hill resident expressed interest in Priority Conservation Areas

Second speaker (Solani??) - Expressed concerns about fracking and water quality impacts related to that.

3rd Speaker – Was concerned about Marijuana Dispensaries.

4th Speaker (Bob ??) also spoke about water quality impacts related to fracking.

Jerman Garcia – Had concerns about habitat impacts to fish species due to lack of water in creeks.

Agenda Item Number 5: General Plan and Zoning Ordinance Amendments addressing "Local Serving" policy provisions for the rural unincorporated areas of the County.

Public hearing comments

Dhruv Khanna – concerned that historic wineries should be preserved and not limited to local residents. Restaurant regulations of 1200 sq. ft. is too restrictive. CEQA covers all the traffic and noise impacts. The proposed code updates should be presented to the farm community.

Trina Hineser – The definition of local serving is misconstrued - it does not constitute "exclusion of others". The current definition is designed to protect San Martin residents. No standard practice exists, opposition is usually ignored, giving planners more discretion on how to proceed. Agree that specific guidelines are needed for protecting local serving definition. Residents should have the opportunity to define what local serving means.

Jeannin Croft – Water well, septic, and drainage should be added to the list for more criteria to research for ordinance. Equestrian community should be exempt from ordinance. Local serving means no new traffic. Projects with water and drainage impacts due to runoff from hills should not be considered, and water quality concerns should be directed in the ordinance. San Martin is an equestrian community and doesn't want retail stores, additional traffic. Stop sign and road improvements have been a nuisance

There should be rules on where cemeteries can be established.

Donnie Croft – It's not about xenophobia, but about water resources and keeping what you have.

Michael Deegan– New residents in area - population is growing over time. There are not enough data points to create a threshold. Policies should be less restrictive. EIR standards should be incorporated into the findings on a project by project basis instead. Water experts should be consulted on graveyard impacts to water quality.

Linda – Standards should not be changed. The local serving standards are suited for the San Martin community and prevent big box development. A 1,200 sq. ft. restaurant standard meets the local serving definition.

Gary McDowen – There are people sell real estate without regard to zoning that creates conflict. Zoning should not allow for inappropriate uses in the community. Realtors do not disclose all the proper regulations and disrupt harmony of local serving standards.

Michael Brookman (SMNA President) – Ordinance should comply with all federal and state regulations. Due process is important. SMPAC meeting should have been held before the public outreach meetings. Adjusting the ordinance is faulty and will lead to abuse by applicants who find weaknesses in the language of the new ordinance. Traffic, and urbanization are not rural characteristics. Key questions: "what is "local-serving?" - a block/a neighborhood/ entire unincorporated county."

John Durham – Advised coming to San Martin to provide pictures for future presentations. Asked for clarification on RLUIPA sections relevant to policies please clarify. Asked why there is a lag of 15 years for an ordinance update to comply with the 2000 RLUIPA.

Suzanne M – Percolation pond testing is inadequate. More strict water quality standards are needed for new development. There should be no bias and/or prejudice in the decision-making process, all requirements should be fulfilled.

SCJPAC committee comments:

Key pointers:

1. There appears to be a disconnection between median square footage and median occupancy for institutional uses - too many people in too little space.
2. Can Morgan Hill growth boundary be expanded to accommodate larger development? Chairperson clarified no.
3. Institutional uses are of benefit to communities and RLUIPA also provides protections to them.
4. How will future growth opportunities and expansions be considered for businesses and institutional uses to allow them to thrive?
5. Provide more clarification on which land uses it does and doesn't apply to, for instance equestrian uses. Provide clarity on what exactly is being proposed. Anything not included in local-serving should not be in the data.
6. Please specify what the range and the median is for uses only within San Martin.
7. Add a link to RLUIPA on website.
8. Exclude only religions institutions from local-serving requirement.
9. 10,000 square foot limit also seems incompliant with RLUIPA; not the "least restrictive" requirement.
10. Bring to SMPAC early enough for feedback.
11. Identify limits on occupancy related to sceptic system requirements and wells based on property size.
12. Standards for cemeteries not included.

Other issues not related to the proposal

- Perchlorate contamination at Sgt. Ranch
- Intersection of Harding/California Avenue has flooding/runoff problems.
- Cemeteries should be approved in the County only at specific locations to prevent water quality contamination
- San Martin Ave. stop sign is a nuisance.
- Why are SMPAC meetings constantly being cancelled? Community wants monthly meetings.
- Future SCJPAC meeting should cover water concerns for South County with presentation from SCVWD.