

SAN BENITO COUNTY PLANNING COMMISSION

Minutes of February 16, 2005

Following the Pledge of Allegiance, Chair Bettencourt called the meeting to order at 7:05 PM. Commissioners Machado and Araujo were present, Commissioners DeVries and Tognazzini were absent. Staff in attendance were Director of Planning (DOP) Rob Mendiola, Assistant Planner (AP) Steven Valdez, Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy, San Benito County Fire Marshal Jim Dellamonica and Clerk Trish Maderis.

Chair Bettencourt read the standing rules of order: no new business agenda items heard after 10:30 PM; speakers are limited to five minutes with rebuttal limited to three minutes.

PUBLIC COMMENT

Chair Bettencourt read the Public Comment format stating the this open forum period is provided to allow members of the public an opportunity to address the Planning Commission on general issues of land use planning and community development. It is not intended for comments on items on the current agenda, any pending items, or items that have been continued to a future public hearing date. Chair Bettencourt opened the floor to the public for comment.

Making certain no persons were present to address matters not appearing on the agenda, Chair Bettencourt closed the public comment period.

CONSENT AGENDA

Chair Bettencourt called for the Consent Agenda:

- 1) Roll – Commissioners Machado, Araujo & Bettencourt present;
Commissioners DeVries and Tognazzini absent
- 2) Acknowledge Public Hearing Notice
- 2) Acknowledge Certificate of Posting
- 3) Minutes of February 2, 2005

Commissioner Machado moved to approve the Consent Agenda; a second to the motion was offered by Commissioner Araujo and passed with a unanimous vote. Commissioners DeVries and Tognazzini were absent.

CONTINUED BUSINESS

Chair Bettencourt called for the Continued Business Agenda. Commissioner Araujo confirmed that he had listened to the tape of the December 15, 2004 meeting. Commissioner Machado moved to approve the Minutes as written; a second to the motion was offered by Commissioner Araujo and passed with a unanimous vote. Commissioners DeVries and Tognazzini were absent.

REGULAR BUSINESS

USE PERMIT 667-94A: REQUEST: To expand an existing seed company by the adding a 4,000 sq. ft. metal building, two 2,880 sq. ft greenhouses, and a 400 sq. ft. office addition. It is estimated that there would be 19 - fulltime employees and ten seasonal employees. This permit will also address the conversion of the main dwelling to office use and the labor camp conversion to a caretaker residence. **APPLICANT:** United Genetics/Ludergani. **LOCATION:** 8000 Fairview Road. **ZONING:** Agricultural Productive. **ENVIRONMENTAL REVIEW:** Mitigated Negative Declaration.

AP Valdez presented the staff report explaining the request of the applicant. With no questions from the Commission, Chair Bettencourt opened the public hearing.

Sammy Lomanto, 8104 Fairview Road, Hollister stated he was concerned with traffic and large freight trucks on and off Fairview Road. Chair Bettencourt deferred Mr. Lomanto's questions to AP Valdez. AP Valdez stated that traffic was addressed in Conditions 15 and 16 in the staff report. Commissioner Machado asked about turn lanes being installed on Fairview Road. DDPW Nazemi explained that deceleration and acceleration lanes would be created and that the applicant wanted to move forward with improvements and not defer them. DDPW Nazemi also explained that the driveway would be a commercial size driveway to accommodate the larger trucks.

Norma Ludergani, applicant stated that the normal truck traffic is UPS, Federal Express and those type and size of trucks that enter and exit the business on a daily basis. The larger freight size trucks in and out of the business would not increase only the business operations were to increase.

Commissioner Araujo asked if any type of signage would be installed near the site for traffic. DDWP Nazemi stated that the request of the applicant did not warrant turn pockets or signage. DDPW Nazemi also stated that should the business want to expand further, traffic concerns would be determined at that time.

After discussion between the applicant, Mr. Lomanto, Dennis Lawn and staff, Commissioner Machado clarified that no additional traffic on Fairview Road would be created, that the request was only an expansion of business operations and that any further expansion would require Planning Commission approval. Mrs. Ludergani confirmed Commissioner's question/statement. With no further discussion, Chair Bettencourt closed the public hearing.

Commissioner Machado moved for approval of Use Permit No. 667-94A; a second to the motion was offered by Commissioner Araujo and passed with a unanimous vote. Commissioners DeVries and Tognazzini were absent.

Conditions of Approval:

- 1. Hold Harmless – Section 17-32 (k) Ordinance 617** – Pursuant to Section 66474.9 of the Government Code, upon written notice by the County, the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this Use Permit and applicable proceedings. San Benito County shall be subject to Section 66474.9(b)(2) of the Government Code. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of the Government Code. [Planning, Public Works]
- 2. Mitigation Monitoring** – Prior to construction, the applicant shall enter into a mitigation monitoring agreement with San Benito County. [Planning]
- 3. Compliance Documentation** – Prior to construction of the 4,000 square foot metal building, the 2,880 square foot greenhouse, and a 400 square foot office, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. The applicant shall also submit a response to how this project complies with impact fees applicable to County ordinances including, but not limited to the following; Kit Fox, Drainage Areas, etc. [Planning, Public Works]
- 4. Conformity to Plan** - The development and use of the site shall conform substantially to the application site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. Any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval. [Building, Planning]
- 5. Landscaping** - Landscaping is required in order to reduce the negative impacts of new construction from views along Fairview Road. Prior to issuance of a building permit, the applicant shall be required to prepare a landscape plan to the Planning Department for review and approval. Landscaping will be required to be completed prior to final of the building permits for the project.
- 6. Lighting** - All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748. Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all existing and proposed lighting fixtures and include catalog sheets for each fixture.
- 7. Building** - As part of the building permit process, the applicant shall submit specification for all mechanical equipment for review by the Building and Planning Department, in compliance with air pollution control standards. Prior to the start of operation, the applicant shall submit a copy of any compliance documentation required by the Monterey Bay Area Unified Air Pollution Control District, to the Planning and Building Department, for dust and other pollutants.
- 8. Kit Fox Fees** - Prior to the issuance of the building permit for the facility, the applicant shall be required to pay the Kit Fox mitigation fees as required by Ordinance 541, and any amendments.

- 9. Geotechnical Report** - As part of the building permit application for the new 4,000 sq. ft. metal building, the applicant shall submit a geotechnical report, prepared by a qualified geotechnical engineer, that makes recommendations for site preparation and construction based on site soils and the potential for structural damage due to strong shaking and liquefaction due to a seismic event in the area. The Building Official shall require that recommendations of this report shall be followed during construction and a letter of compliance from an engineer shall be submitted prior to final of the building permit.
- 10. Hazardous Material Plan** - Prior to the issuance of any building permits for the project, the applicant shall submit a hazardous materials plan to the Environmental Health Department for review and approval.
- 11. Improvement Plans** - Prior to the issuance of any building permits, site improvements for drainage shall be reviewed and approved by the Building and Public Works Departments. Such improvements shall conform to County standards for development within the flood plain and shall include grease traps installed in any new drains proposed as part of the facility expansion and the submittal of a flood plain certification that meets the requirements of Ordinance No. 598.
- 12. Grading** - The design of any proposed grading and/or development shall not alter the flood plain. The applicant shall provide engineering documentation that proposed development and grading within the flood plain will not displace or change the boundary or elevation of the current flood plain. The engineering documentation shall also address compliance with the County Drainage Standard to the satisfaction of the County Engineer.
- 13. Hours of Operation** - All facility operations, including shipping and receiving, shall be limited to between the hours of 7 a.m. and 6 p.m. Monday through Friday.
- 14. Annexation of Service Area** - Prior to issuance of a certificate of occupancy, the applicant shall apply for annexation to County Service Area #43 for extended fire and sheriff protection.
- 15. Irrevocable Offer of Dedication** - The applicant shall make an irrevocable offer of dedication for half of 110 feet right-of-way along Fairview Road, to San Benito County, along the eastern property line.
- 16. Frontage Improvements** - The applicant shall provide frontage improvements of one additional 13 foot lane and 5 foot shoulder towards interim General Plan four-lane design criteria for half width of 32-foot road bed within the dedicated right-of-way along Fairview Road. These improvements shall provide a right-turn deceleration lane and an acceleration lane for the driveway serving the business.
- 17. Septic** - Prior to the issuance of the building permit for the new metal building, the applicant shall work with the Environmental Health Department for approval of the septic system to serve this building.
- 18. Disposal Plan** - Prior to the issuance of any building permits for this project the applicant shall submit a plan for the disposal of all waste products from the seed facility, to the Planning and Environmental Health Departments for review and approval. Such plans shall comply with state and local regulations, including the Regional Water Quality Control Board and the Monterey Bay Area Unified Air Pollution Control District.

19. Encroachment Permit- As part of this use permit, the applicant shall obtain a County Public Works Encroachment Permit for any work being performed within the road right-of-way (i.e.acceleration/de-acceleration lane improvements along Fairview Road at project entrance).

Ascertaining there were no additional agenda items to be considered, Chair Bettencourt adjourned the meeting at 7:25 PM.

Minutes by:
Trish Maderis

Attest:
Rob Mendiola, Director of Planning