

SAN BENITO COUNTY PLANNING COMMISSION

Minutes of June 15, 2005

Following the Pledge of Allegiance, Chair Bettencourt called the meeting to order at 7:00 PM. Commissioners Araujo, DeVries, Machado, and Tognazzini were present. Staff in attendance was: Interim Director of Planning (IDoP) Michael Bethke, Assistant Planner (AP) Steve Valdez, Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) DCC Murphy and Clerk Janet Somavia.

Chair Bettencourt reiterated 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 that 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 opportunity of public comment.

Noting that there were no persons in attendance indicating a wish to speak to items not on the agenda, Chair Bettencourt closed the public comment period.

CONSENT AGENDA:

NOTING THAT ITEM 4 WAS PULLED FOR CONSIDERATION OF CONTINUATION, AS REQUESTED, COMMISSIONERS MACHADO/ DEVRIES MOTIONED TO APPROVE THE CONSENT AGENDA:

**Acknowledge Public Hearing Notice
Acknowledge Certificate of Posting
Minutes June 1, 2005**

THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ARAUJO, BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Certificate of Compliance No. 05-52: REQUEST: Certificate of Compliance for three parcels. APPLICANT: Sunnyslope County Water District. OWNERS: Sunnyslope County Water District and Guerra Nut Shelling. ZONING: Rural (R). ENVIRONMENTAL REVIEW: Categorical Exemption.

COMMISSIONERS MACHADO/ ARAUJO MOTIONED TO CONTINUE THE MATTER OF CERTIFICATE OF COMPLIANCE NO. 05-52, SUNNYSLOPE COUNTY WATER DISTRICT AND GUERRA NUT SHELLING, TO THE JULY 20, 2005 PLANNING COMMISSION MEETING. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ARAUJO, BETTENCOURT, BETTENCOURT, DEVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

CONTINUED REGULAR:

Minor Subdivision No. 1146-04 – REQUEST: A request to subdivide an 8.6 acre parcel into two lots. APPLICANT/OWNER: Isamu Shingai. LOCATION: 1460 Santa Ana Road. ZONING: Rural Residential. ENVIRONMENTAL REVIEW. Negative Declaration. (continued from 6-1-05)

IDoP Bethke presented the staff as he reported the matter had been continued because of inconsistencies in noticing. With that matter corrected IDoP Bethke said, it was a matter of a two lot split proposed by the applicant. The proposal is to create two new lots: one being 7.6 acres and the remaining, one acre. The new lot configuration, IDoP Bethke said, will be consistent with the General Plan and Zoning of the area. Provisions of the Growth Ordinance will be met and all conditions agreed. The Environmental Review should be considered by the Commissioners, IDoP Bethke advised. Chair Bettencourt asked IDoP Bethke to clarify zoning in the area [one acre minimum].

Chair Bettencourt opened the public hearing.

With no persons in attendance indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONERS MACHADO/TOGNAZZINI MOTIONED TO APPROVE THE REQUEST AS PRESENTED, INCLUDING THE FINDINGS AND CONDITIONS, AS WELL AS ACCEPTANCE OF THE ENVIRONMENTAL REVIEW, FOR MINOR SUBDIVISION NO. 1146-04. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

General Plan Amendment 05-152, Zone Change 05-27. Request: A proposal to change the Zoning and General Plan Designation from Agricultural Rangeland to Agricultural Productive on three contiguous parcels. Applicant: Jack Tyler. Location: North side of Santa Ana Valley Road. Zone: Agricultural Rangeland. Environmental Review: Mitigated Negative Declaration.

AP Valdez explained that a noticing issue had caused this item to be continued from the last meeting. The applicant is asking for a Zoning change and General Plan Amendment from the existing Agricultural Rangeland land use designation to Agricultural Productive. The property is currently 41.21 acres and contains four single family homes on three nonconforming legal parcels. AP Valdez gave a brief overview of the history of the property. The Mitigated Negative Declaration was explained as well as comments received from the San Benito County Water District during the preparation of the environmental review.

Commissioner DeVries asked if bringing the nonconforming properties into conformity would require a General Plan designation change (AR >> AP)? [Yes] He continued by asking if this request would result in having this site as the only AP designation in the area? [Yes]

Commissioner Tognazzini noted that the zoning would be changed but the inference was that the productivity would change as well. He asked if there was consideration in the staff analysis of the fact that the productivity of property is 'pretty well locked in'?

AP Valdez said that there are four homes on the property and agreed the productivity issue would be moot. Commissioner Tognazzini said that because of the houses, the land is not likely to be used for row crops.

Commissioner DeVries commented that he thought the problem existed with the AP designation: it was generally considered that this meant agriculture was produced on the site and it was ironic that many people thought it could be split to five acres. Commissioner Tognazzini agreed, but said perhaps the AP was misleading as such splits did nothing to increase agriculture productivity, but most generally would lessen such activity.

Commissioner Araujo asked about the existing residences. AP Valdez provided the information and further explained that the number of residences allowed was dependent on the size of acreage and the zoning/General Plan designation.

Commissioners discussed the reason(s) for non-conformity of the property. DCC Murphy clarified the numbers and types of residences on non-conforming property according to County Ordinances. AP Valdez spoke on methods for bringing the property and housing into conformance.

Chair Bettencourt opened the public hearing. Jack Tyler, 1400 Santa Ana Valley Road, said he could help provide clarification of the issues and displayed a map upon which he offered explanation of the location, current uses and the residences located within the property. Mr. Tyler also provided an overview of the property which he said had been in his wife's family for many years. Mr. Tyler also spoke on the results on the property from the most recent General Plan Update. Mr. Tyler said the designation in the General Plan Update of the property was illogical and unfair. He also explained that in making the request there was no intent to develop the property, but wanted to 'do something' with it. Mr. Tyler said there would be no impact on density, but the reason for the request was strictly based on economics, "We can't afford to keep it." Mr. Tyler said if he should be able to sell 18 acres of the property, the County would realize a great deal of tax revenue.

Commissioner Bettencourt asked about the water sources (including a well drilled last week) and whether there were problems with boron in the area? Mr. Tyler said that there was boron in the wells (all four) but the measurements of the substance were negligible according to testing he had provided.

Commissioner DeVries pointed out that the map Mr. Tyler presented had a different configuration from the one staff had shown. Mr. Tyler said it was the same and pointed out the locations of the various entities on the property. Commissioner DeVries asked AP Valdez if the request before the Commissioners was approved, could a lot-line-adjustment application be submitted which would permit further subdivision? AP Valdez said that possibility exists.

Commissioner DeVries then asked Mr. Tyler about the surrounding properties and current/future uses known of those properties. Mr. Tyler said a 'different way' should have been approached earlier regarding the General Plan designation to 'right a wrong'. Commissioner DeVries asked if the matter had been brought up during the rezoning and designation? Mr. Tyler explained his father-in-law had owned the property at that time, with that individual and then himself working to change the zoning and general plan designation many times.

Chair Bettencourt asked AP Valdez how many other nonconforming properties were in the area under discussion? {There is one besides this one – across the street.} Further discussion indicated that property was zoned five acres but the subject property is zoned 40 acres.

Bernadette Abramson, 2720 Arlington Road, presented her views on the former denials of the property and also her perception of the history of the property. Ms. Abramson told the Commissioners said the concern is that with this zoning, there would be competition because of the Growth Ordinance. She said that there had been five acre zoning on the property previously and changes had been many regarding the water. Ms. Abramson spoke of a Conservation Overlay on the property which she had once represented in a sale.

With no others present to address the issues, the public hearing was closed.

Commissioner Tognazzini asked about re-designations of the General Plan which resulted in inconsistent zoning. IDoP Bethke offered experiences from other jurisdictions dealing with nonconforming parcels. He also offered the suggestion that such issues be revisited in the upcoming General Plan with the updates the County may initiated.

DCC Murphy said it would be necessary to look at the legislative actions and minutes generated during the time of the General Plan updates and zone change. She gave an overview of the procedures for zoning of entire areas, stating the reasons for nonconforming properties, which are still usable for the property owners.

Chair Bettencourt spoke on 'leap frog' zoning. He asked if approval by the Commissioners would send the matter to the Board of Supervisors.

DCC Murphy said that the issue raised by Ms. Abramson's concern of economic competition was not an appropriate consideration for the Commissioners.

Commissioner DeVries said it would have been beneficial to have the history of legislative action regarding the property before having the matter come to the Commission.

Commissioner Machado asked if such information was available to the Commissioners? IDoP Bethke said staff could research the findings from the 1970 redesignation hearings if the Commissioners directed. DCC said if the Planning Department did not have the records, the minutes of the Board of Supervisors should give reflection. Commissioner Machado said without that data, decision-making was difficult.

Chair Bettencourt asked about procedures for making the parcel legal conforming. Discussion ensued with Commissioner DeVries commenting that the request could be forwarded for the Board of Supervisors to ascertain the propriety of the previous decision or leave it to the new General Plan Update if hesitancy were present.

Commissioner Machado asked about the water table as indicated in the staff report.

Commissioner Tognazzini spoke on the possibility of continuing the matter to have staff investigate previous hearings and further investigation of other parcels had been affected during the rezoning/General Plan Update.

COMMISSIONER TOGNAZZINI MOVED FOR CONTINUATION OF GENERAL PLAN AMENDMENT 05-152 AND ZONE CHANGE 05-27 AND DIRECTING STAFF DO 'BACKGROUND WORK' ON THE FINDINGS MADE BY THE BOARD OF SUPERVISORS AT THE TIME OF REZONING/GENERAL PLAN UPDATE [1970s) AND IF OTHER PARCELS WITHIN A FIVE MILE RADIUS OF THE SUBJECT PROPERTY HAD BEEN IMPACTED SIMILARLY, WITH A REPORT GIVEN TO THE COMMISSIONERS BY AGENDAIZING THE MATTER FOR THE JULY 20, 2005 COMMISSION MEETING. COMMISSIONER MACHADO SECONDED THE MOTION. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

Hillside Development Ordinance – Resolution:

IDoP advised that on the recommendation of Counsel, staff was advocating continuation of the matter pending Environmental Analysis.

Chair Bettencourt asked if the resolution could be reworded in specific areas? IDoP suggested appointment of a subcommittee to consider options and alternatives.

Discussion followed regarding the proposed resolution. DCC Murphy pointed out that the recommendation to the Board from the Supervisors was just that and they could proceed as they wished. Chair Bettencourt asked about the composition of a subcommittee, subsequently asking Commissioner DeVries to continue work as he had indicated last the meeting: consideration of a visually sensitive district, with design/review guidelines for ridgeline/hillside development, which would provide flexibility for staff and the Commissioners to work with developers, depending on locations. Community needs for esthetically pleasing views could be considered. Commissioner DeVries said that other Counties have developed policies regarding such matters which could be used for building on.

COMMISSIONERS DEVRIES/TOGNAZZINI MOTIONED TO CONTINUE THE MATTER TO A DATE UNCERTAIN TO PERMIT FURTHER WORK ON A REPLACEMENT ORDINANCE TO BE FORWARDED TO THE BOARD OF SUPERVISORS AND ALLOW STAFF TO PERFORM THE WORK PROPERLY.

Chair Bettencourt protested the 'date uncertain', saying that the Board was waiting for information from the Commissioners. IDoP Bethke pointed to the shortage of staff as concern for work on this matter. Chair Bettencourt pushed for a 30-day limit, with Commissioner Machado asking where Chair Bettencourt was getting direction. Chair Bettencourt said it was from his Supervisor. Chair Bettencourt continued to ask for a date certain within a month; IDoP Bethke explained that might be difficult. Commissioner Machado said if this was to be done, it should be done right the first time and it would not be appropriate for the Board members to dictate such policy. **THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

REGULAR BUSINESS:

Minor Subdivision 1135-03: Request: To subdivide one 10-acre parcel into two 5-acre parcels. Applicant: David and Kim Garcia Location: 5800 Southside Road. Zoning: AP (Agricultural Productive) Environmental Review: Mitigated Negative Declaration

AP Turner presented the staff report, giving the location and explaining the purpose of the request. Zoning and the requirements of the zoning were addressed by AP Turner. AP Turner also called attention to the conditions incorporated in the staff report, clarifying in Condition numbers 1 and 5 the 'board' refers to the Board of Supervisors while noting that unless there is an appeal, the Board of Supervisors will not address this application. Further, he informed, Conditions 17 and 20 state 'prior to recordation of the parcel maps' refer to 'deed notification' but should read ' a note shall be placed on the parcel map' designating specific areas of interest.

Commissioner Araujo asked about Condition #20 whereby the flood plain is noticed; AP Turner explained the need for mitigation and the requirement of no construction in the flood plain.

Chair Bettencourt asked why there was a condition for certain building materials. AP Turner explained the need for consistency and the property location along the river made it highly visible.

Chair Bettencourt opened the public hearing.

Dan Weatherly addressed the Commissioners, saying he was the project engineer and noticing that the applicant was present also.

With no one present indicating a desire to speak to the matter, the public hearing was closed.

Commissioner DeVries asked questions of AP Turner regarding the classification of soils in the property.

Chair Bettencourt called attention to the designated open space on the property as indicated by the applicant. AP Turner said staff assumed that was for a buffer between the two houses.

Commissioner DeVries spoke on development along the river indicating a talk he had heard in the past on the periodic flooding from the river. AP Turner pointed out that staff studied such matters and took care to propose any development well away from the flood plain lines. Commissioner Machado clarified that the flood high water lines were designated by FEMA.

COMMISSIONER MACHADO MOTIONED APPROVAL OF MINOR SUBDIVISION 1135-03 TOGETHER WITH THE FINDINGS, CONDITIONS AS MODIFIED BY STAFF, AND THE ENVIRONMENTAL REVIEW: MITIGATED NEGATIVE DECLARATION. THE SECOND TO THE MOTION WAS OFFERED BY COMMISSIONER ARAUJO WITH THE MOTION PASSING UNANIMOUSLY.

Tentative Subdivision Map No. 04-70. Request: To subdivide a 54.57 acres parcel into 14, one-acre lots, a five acre lot with an existing house, and a 37+ acre remainder parcel. Applicant: Lico & Greco Partnership. Location: In the area southwest of Enterprise Road, east of Southside Road, and west of the Quail Hollow Subdivision. Zoning: Agricultural Productive (AP). Environmental Review: Mitigated Negative Declaration.

AP Valdez gave the staff report, reiterating the request and indicating prior actions on the request. AP Valdez provided information regarding services to the properties as speaking on the traffic plans. AP Valdez called attention to Finding #8 of the staff report, whereby the modification would be added, "Not under Williamson Act contract and is identified as non-prime soils in the Farmland Mapping and Monitoring Program.

Further, on Condition #5, AP Valdez informed, a modification is needed to reflect: ~~vested tentative~~ *final* in all instances in the first sentence.

Chair Bettencourt asked about the termination date of the vested tentative map. DCC Murphy and IDoP Bethke offered explanation of the subsequent steps following initial approval. The process for extensions on requests for maps was discussed.

Commissioner DeVries asked about transportation/traffic issues relating to the remainder parcels. DDPW Nazemi responded with the plan for traffic patterns in regard to any future development on this project. Properties in the area were discussed in view of recent rezonings in the area; issues of water and sewer were also talked about.

Chair Bettencourt opened the public hearing.

Bill McClintock of MH Engineering (no card provided) said he represented the applicants as the project engineer. Mr. McClintock spoke on the density issues which had been spoken of in the staff report, and indicating the density (20 units per acre) had been changed by action of the County on the property. He said that of the 14 lots, nine would be reserved for the county. The slope angles on the property, Mr. McClintock said, would most likely not be conducive to 20 units per acre. Such high density with the parking requirements and the terrain could be difficult and expensive, he said. Mr. McClintock said that some issues with LAFCO caused the plan to be advantageous to the higher density, with the density being considered by the applicant when more services become available. Mr. McClintock also spoke of the remainder parcel that would lend itself to the higher density, as well.

Mr. McClintock said there were issues with Conditions 10, 12, and 18 (page 8), and asked the Commissioners to consider (#10) having the payment at the time of a building permit being issued rather than at time of recording. Mr. McClintock asked what Condition #12 is really asking, as he read from the Conditions of Approval; does the map come back to the Commission before the recording? DCC Murphy said she had a question regarding that condition, as well. AP Valdez had been charged with looking into and clarifying that condition before the meeting, but she had not heard the report from staff.

Regarding Condition #18, Mr. McClintock said the project does not contain any common and therefore the requirement of the formation of a Home Owners Association (HOA) or County Services Area (CSA) should not be applicable. There would be no maintenance of paths or parkways and the roads are all public roads and compliance with the Ordinance has been accomplished, Mr. McClintock indicated. The storm water detention facility will be maintained by the developer. Mr. McClintock said that in view of all that maintenance should not be an issue. He also called attention to a fee schedule for maintenance (road equipment) which is not required as these will be County roads. DCC Murphy clarified that often the Board of Supervisors rejects dedication of the roads and therefore the roads are not maintained by the County. DDPW Nazemi agreed, saying the roads in the subdivision are private and will remain private. He cited Oak Creek/Quail Hollow as a subdivision which has a like requirement. DCC Murphy clarified the differences between a HOA and a CSA. DDPW Nazemi said that because the public will use the road, it must be kept in good repair.

Mr. McClintock continued, asking if there were other CSA which could be joined in the area. DDPW Nazemi explained that Oak Creek/Quail Hollow had a CSA and gave details as to how it worked.

DCC Murphy explained that Condition #10 was a requirement of the Inclusionary Housing Ordinance, and had to be paid at the prior to final map recordation.

Mr. McClintock pointed out that in Condition #18 a CSA could be joined if one was available. DDPW Nazemi explained that an option would be having the developer maintain the road himself. Mr. McClintock said it would most likely be preferable to join the existing CSA, as the developer did not want to for a HOA.

A question regarding HOAs indicated that formation of a HOA on major subdivisions is required in the County. DDPW Nazemi said the original conditions of Oak Creek/Quail Hollow need to be revisited for clarification.

Commissioner Tognazzini asked about the procedures for joining a CSA. DDPW Nazemi explained the workings of the current CSA at Oak Creek/Quail Hollow and how they had been co-joined in the CSA. Commissioner Tognazzini asked if the Oak Creek/Quail Hollow CSA had to accept other subdivisions into the existing CSA. DCC Murphy said further information need to be identified and how it works into LAFCO proceedings before the matter could be adequately addressed. Considerable discussion ensued regarding the operations of a CSA and the designated use of funds collected from a CSA.

Chair Bettencourt asked Mr. McClintock about the private water system planned for the subdivision.

There being no others in attendance indicating a wish to speak to the matter, the public hearing was closed.

Commissioner DeVries asked for clarification of Condition #18. AP Valdez reminded that this is a vested tentative map which means the applicant must be in substantial compliance with the current Ordinances that are in effect at this time, as well as the standards for development as indicated by County documents. DCC Murphy said that the vested tentative map must adhere to the Ordinances, Standards, and Conditions that were in effect at the time of application. Commissioner DeVries asked if Condition #18 needed rewording. DDPW Nazemi said he thought it should be reworded to read a CSA should be formed or joined or else a HOA be formed.

Chair Bettencourt asked about Condition #10 (affordable housing) and whether senior units could count for housing construction. AP Valdez said it would be only for a main dwelling.

DCC Murphy spoke on Condition #18, calling attention that a CSA is required not a HOA. She further explained that in the past a HOA was required and the CSA was a 'fall back' but now a CSA was required but another could be joined.

Chair Bettencourt asked if the affordable housing could be done 'off site', and further asked if the remainder could be used. DCC Murphy said the remainder was not discussable at this time as the remainder was not to be usable because it was a not a legal lot.

Commissioner Machado asked whether building lots could be set on the lots. AP Valdez explained that the building lots were established on the set back requirements. Only those near the fault zones were set differently, he said.

DCC Murphy said if there was cause, the Commissioners could require as a condition of approval establishment of the building envelopes.

Commissioner Machado said much of the future development in the area was dependent on sewer capacity in the future, so he felt the issue of building envelopes should be addressed. Chair Bettencourt said visual horizon may be another cause of establishing building envelopes. Commissioner Machado cited hearings/decisions in the past which affected the area, and now there seems to be a discrepancy with earlier actions.

COMMISSIONERS ARAUJO/TOGNAZZINI MOTIONED TO APPROVE TENTATIVE SUBDIVISION MAP NO. 04-70. INCLUDING THE MITIGATED NEGATIVE DECLARATION TOGETHER WITH THE FINDINGS AND CONDITIONS, WITH THE MODIFICATION TO CONDITION #18 (FORMATION OF A CSA, AND ELIMINATING THE HOA REQUIREMENT), WELL AS MODIFICATIONS TO FINDING #5 AND CONDITION #5 AS INDICATED IN THE STAFF REPORT. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

DISCUSSION ITEMS:

2005-2006 Fiscal Year Preliminary Allocations Process ~ Report

IDoP Bethke said a report on the matter was not available and the matter should be continued.

Toni Grimsley (no card submitted) said that last year some people got one instead of three, etc., and she wondered what the process would be for those who did not receive the number of allocations they had requested; what they would have to do to get them in line for the process this year; what the Commissioners would decide there; and furthermore the time line. She said many people are asking her about the allocation process and she tell them how long it takes and they become very disillusioned and shy away from attempting to divide their properties. She suggested the Commissioners need to work on that, too. Chair Bettencourt said staff had been directed as to what was expected of them.

Commissioner Machado said the situation that happened last year and the Commissioners hoped to have that not happen again. He said that with the loss of staff he was afraid that if ‘something isn’t don to expedite the whole process and set up policies and procedures, a repeat of last year is likely to occur’.

DCC Murphy said that SP Paxton, AP Turner, and she had been meeting with the engineers on a couple issues regarding processing last year’s applications. She indicated that further discussion would occur, but anticipated a report at the next meeting.

Dan Weatherly addressed the Commissioners, saying he thought last year to be an anomaly but the problems with partial allocations include difficulty in ascertaining how to file a tentative map based on the allocations given as a partial subdivision. Mr. Weatherly explained a system which had been used in the City previously but said it would not work for many of the applications in the County. He agreed with the previous speaker about the need for clarification.

Commissioner Machado said the process needs to be workable and probably should be reviewed each year.

Commissioner Araujo suggested having a report on the number of allocations given last year and how many would be required for project completions.

Toni Grimsley said the allocation process occurs between July 1 and September and that maybe a later allocation system would be better. DCC Murphy said a process for allocations is in place and to 'tweak' it might take more time as it would have to go before the Board of Supervisors for legislative action.

Commissioner Machado said one of the problems was that the Ordinance had not been followed last year and that caused even more issues. DCC Murphy said that staff was considering some different methods, and a caution was that trying to correct the problems of last year might create others. Commissioner Machado said there had to be a better method than that of last year when an effort was made to be 'kind' to the applicants.

Commissioner Tognazzini clarified that on-going projects could not be given additional points under the current Ordinance.

BY CONSENSUS, THE COMMISSIONERS UNANIMOUSLY AGREED TO HAVE THE MATTER CONTINUED TO THE MEETING OF JULY 20, 2005.

Planning Commission Procedures – Discussion of Amendments

Following brief discussion, **BY CONSENSUS, THE COMMISSIONERS UNANIMOUSLY AGREED TO HAVE THE MATTER CONTINUED TO THE MEETING OF JULY 20, 2005.** IDoP Bethke suggested staff may work on the item for inclusion into a consent agenda.

Recreation requirements for Planned Unit Developments (PUD)

Subsequent to succinct dialogue, **BY CONSENSUS, THE COMMISSIONERS UNANIMOUSLY AGREED TO HAVE THE MATTER CONTINUED TO THE MEETING OF JULY 20, 2005.** Commissioner Machado reminded action to the PUD Ordinance would require hearings and legislative action by the Board of Supervisors. IDoP Bethke clarified that previous discussion dealt with the possibility of regional recreational facilities, and cautioned that changes may require staff time to research and reporting back to the Commission.

Status of 2001-2008 Housing Element Certification

IDoP Bethke explained that conditional certification was received from the State by the projected deadline of June 1, 2005. Two critical issues that still must be addressed are (1) the concerns of the Homebuilders Association raised about the potential constraints of the 30% Inclusionary Zoning Ordinance (staff is working with the Homebuilders on the matter) and (2) the provision of consideration for increasing the zoning designation and higher density for two particular sites noticed in previous discussion. IDoP Bethke said a contract person will be added to staff to work on the remaining issues. IDoP Bethke said receipt of the certification now places the County in position to received approval for the Community Services Block Grant monies being sought. IDoP Bethke emphasized more work is need to ensure compliance. Chair Bettencourt asked about upcoming deadlines for the documents to be submitted and on-going work on the Housing Element.

Discussion: Adjournment July 6, 2005 regular meeting

COMMISSIONERS MACHADO/DeVRIES MOTIONED TO ADJOURN THE MEETING OF JULY 6, 2005 AND SCHEDULE THE NEXT REGULAR MEETING FOR JULY, 20, 2005.

With no further business to come before the Commissioners on this date, Chair Bettencourt adjourned the meeting at 9: 54 p.m.

*Minutes recorded and transcribed by:
Judi Johnson*

ATTEST:

Michael Bethke, Interim Director of Planning