

SAN BENITO COUNTY PLANNING COMMISSION

Minutes of November 16, 2005

PRESENT: Commissioners Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Interim Director of Planning (IDoP) Michael Bethke; Principal Planner (PP) Byron Turner, Planning Technician (PT) Erin Engman; Deputy County Counsel (DCC) Shirley Murphy; Deputy Director Public Works (DDPW) Arman Nazemi, and Clerk Trish Maderis.

Chair Bettencourt called the meeting to order at 7:02 p.m., as he led the pledge of allegiance to the flag.

Chair Bettencourt summarized the standing rules of order, noting that no new business could be considered by the Commissioners after 10:30 p.m.

PUBLIC COMMENT:

Chair Bettencourt opened the floor to opportunity for public comment.

There were no persons present who indicated a wish to speak to matters not on the agenda; hence the public comment period was closed.

Director's Report:

IDoP Bethke presented the following items as information to the Commissioners:

- The Preliminary Applications (PAs) for building allocations are currently scheduled for the Meeting of December 7, 2005. IDoP Bethke made recommendation that the item be continued/held because of the potential of additional PAs, the discussion be held for the first meeting in January, 2006. He indicated that discussion of the matter for postponement should occur at the December 7, 2005 meeting. Discussion will be held at that time regarding the potential for a waiting list 2006 for the PAs.
- A calendar is being prepared for the Commissioners to review and adopt at the December 7, 2005 meeting.
- The decision by the Commissioners re: the Bertuccio property has been appealed to the Board of Supervisors with the hearing for that appeal scheduled November 22, 2005. A continuance of the matter is anticipated.
- The Department is actively recruiting new planners.
- December 21, 2005 is the date scheduled for a hearing

Chair Bettencourt asked about the additional PAs. IDoP Bethke explained that there were six allocations which are due for expiration and those could be considered in the rankings. There will not be new applications, but others to be possibly considered.

Commissioner Machado asked about the recruitment process for the Planning Director. IDoP Bethke said two strong candidates were being interviewed Friday November 18, 2005.

IDoP Bethke complemented Erin Engman who has been doing a 'fine job'. He explained that several openings existed for staff positions in the Department.

CONSENT AGENDA:

Roll Noted - Commissioners present

1. Acknowledge Certificate of Posting
2. Minutes November 2, 2005
3. Use Permit 384-86(A)/Reclamation Plan 2005-18: Request: Expand existing quarry onto adjacent parcels and update reclamation plan. Owner/Applicant: Stevens Creek Quarry Inc. Location: 1275 Anzar Road. Zoning: R (Rural)
Environmental Evaluation: Mitigated Negative Declaration. (continued from 11/02/05)
4. Tract Map No. 04-71: Request: To divide a 38.5-acre parcel into seven (7) approximately 5-acre parcels to be developed as single-family dwellings.
Owner/Applicant: David Baumgartner Location: Between Fairview and Magladry Rd, Hollister. ZONING: AP-Agricultural Productive. Environmental Evaluation: Mitigated Negative Declaration. (continued from 11/02/05)

Chair Bettencourt announced that Item 3 was requested to be pulled from the consent agenda at the request of a member of the public. DCC Murphy asked that item 4 be pulled as well.

COMMISSIONERS DeVRIES/MACHADO MOTIONED TO PULL ITEMS 3 AND 4 FROM THE CONSENT CALENDAR DUE TO REQUESTS. THE MOTION PASSED BY UNANIMOUS AFFIRMATIVE VOTE OF ALL THE COMMISSIONERS WHO WERE PRESENT; NONE WERE ABSENT.

COMMISSIONERS DeVRIES/SMITH MOTIONED TO APPROVE ITEMS 1 AND 2 ON THE CONSENT CALENDAR. THE MOTION PASSED BY UNANIMOUS AFFIRMATIVE VOTE OF ALL THE COMMISSIONERS WHO WERE PRESENT; NONE WERE ABSENT.

Item 3 Use Permit 384-86(A)/Reclamation Plan 2005-18: Request: Expand existing quarry onto adjacent parcels and update Reclamation Plan. Owner/Applicant: Stevens Creek Quarry Inc. Location: 1275 Anzar Road. Zoning: R (Rural)
Environmental Evaluation: Mitigated Negative Declaration. (Continued from 11/02/05)

PP Turner presented the staff report, telling of the minor changes due to the discussion at the last meeting. He reminded that DCC Murphy had suggested putting the findings and conditions identified during the meeting of November 2, 2005 and that had been accomplished. At the onset of this meeting, a memo was distributed which clarified the minor changes – making it complete for this meeting.

Chair Bettencourt opened the public hearing.

Bill Hunter, 430 School Road, San Juan Bautista, told the Commissioners that he remains opposed to the quarry's expansion due to a number of issues:

- traffic - emphasizing the truck traffic onto Anzar Road
- nuisance
- dust
- noise
- safety

Mr. Hunter said he had been patiently waiting for the operations to be completed and have overlooked the unsafe conditions, hours of operation, deterioration of roads, build up of sand at School and Anzar Roads. He said he had personally overlooked things which he knew were not right. Mr. Hunter said he had shown the project owner where he felt the operation(s) had cut too close to his property line, and asked him about the set-backs, Mr. Voss had responded, "Maybe five feet." "But there have been violations of that space," Mr. Hunter said. "What I have found is the absolute minimum set-back is twenty-five feet. Neither he nor his front line supervisor knew this. I brought the drainage ditch (which I now know is a V-cut) to your attention at your last meeting – and about which I wrote a letter to the County – to the attention of Granite Rock," Mr. Hunter said, "because the cut is on Granite Rock's property. I understand that Stevens Creek has been asked to repair the unauthorized modifications immediately." Mr. Hunter said he wanted to stress those were *unauthorized cuts* which divert water onto his property. The issue of negative property was brought to the attention of the Commissioners by Mr. Hunter, who spoke at length on the matter. Mr. Hunter expressed dismay that the annual inspections reports were not public information. He also implied that the initial permits may not have been granted through 'proper channels'. Mr. Hunter asked about assurances should the Commissioners approve the request from Stevens Creek. He said that there were concerns about the possibility of having the request approved that the CUP would run for three years. Mr. Hunter spoke about residents in the area being approached by representatives of the quarry for leasing land – and reported that at least one felt he had been misinformed regarding the prospect for leasing.

Darlene Anger, 1121 Anzar Rd., San Juan Bautista, told Commissioners she owns property within 300-feet of the quarry. Ms. Anger said to her knowledge the original permit for the quarry had expired. She asked how the quarry got a new permit without notifying all the neighbors who would be affected by quarry operations. "For all these years, the quarry has started operations at 6:00 a.m. until the notices regarding hours of operation had been received by area residents when the operations were supposed to begin at 7:00 a.m. Who – during all these years of violation – has been monitoring them," she asked. "The noise and dust go on all day long." Ms. Anger explained the near-the-road location of her home so the noise is great, especially when the empty trucks go up and down the road. Ms. Anger said she did not want her tax dollars to be used for road repair caused by the trucks. She also told of the road repair on November 7 by the County Public Works Department. Ms. Anger said the residents had always been led to believe that the operations would be finished in a few years so there appeared to be a 'light at the end of the tunnel' and we could bear the unpleasantness until that day. "I know the quarry is not responsible for the many accidents that have occurred between School Road and the quarry. In the last eight years there have been at least eight accidents on that stretch of road involving my fence and garage, the most recent being November 1, 2005. I'm so concerned that a big truck and one of the many speeding high school students will collide in that section. The speed limit is too high and the visibility is not good. The exit from the quarry is not safe; at least if you exit onto School Road you can see both ways clearly as was done with the former operator." Ms. Anger told of meeting with the quarry operator with believed agreement(s), however that had not happened. Ms. Anger concluded by stating, "No one moves to the country to have noise and fear of being run over by a truck."

Commissioner DeVries asked Ms. Anger if there were a way the quarry could operate and appease her concerns. "Are there conditions that would alleviate your concerns?" he asked. Ms. Anger spoke of the trucks only using School Road, and expressed continued concern that the operation was supposed to cease, but it had/was not. She also said the speed of the trucks, the noise and the location/use of the road (blind corner), together with the hours of operations.

Valerie Eglund, 870 School Road, San Juan Bautista, told the location of her property. She said that when the first operators had the quarry, it was 'civilized', small, and quiet. Ms. Eglund spoke on the problems with the roads and dangerous truck traffic. She said the roads in the area had become a fast thoroughfare between San Juan Bautista and Aromas. Ms. Eglund expressed concern about the expansion of the operations – including 'sculpting' of the landscape and how the exit operations would be completed.

Commissioners discussed with Ms. Eglund:

- the location of her property in relation to the quarry operations
- the westbound exit from the quarry
- potential locations for other exits (which she described as difficult to pinpoint)
- widening of School Road
- use of School Road exclusively for egress

Leslie Austin, 211 Carr Ave., Aromas, indicated to the Commissioners that she is a Trustee (elected) for the local School District, and was present to represent the district and speak for students who must travel the area by car both in the am and pm. Ms. Austin asked for confirmation that a traffic study was completed on Anzar Road and what kind of bonding the operation had to obtain. She also asked for explanation of the length of time for the CUP and the conditions for revocation. Ms. Austin said she heard that Stevens Creek would be required to update the road – and indeed the permit was contingent on that occurring. Ms. Austin said that, as an area resident and a Trustee, it makes sense that the quarry would generate revenue – but it is unclear how the quarry generates that revenue, as she asked for answers to those issues. Ms. Austin thanked Chair Bettencourt for his work to assist with increasing safety in the area.

DCC Murphy spoke to the periodic review and if a compelling public nuisance, the CUP can be amended or revoked. If it is possible to fix the problem, the CUP must be amended before revocation. DCC Murphy continued by stating a condition had been written indicating Stevens Creek is to repair the road. Addressing the issue of exploring the generation of tax revenues, DCC Murphy said she supposed the information could be obtained from the County Tax Collector.

DDPW Nazemi addressed the Commissioners saying he had visited the site this date to explore the possibilities for a new exit. It could be done, he said, and a determination had been made that if another exit is to be considered, instead of using School Road for the exit, the existing exit to Anzar Road could be widened and upgraded. That would not lessen the need for upgrading School Road.

Chair Bettencourt asked about the possibility of having a stop sign at Anzar Road. DDPW Nazemi explained the criteria for installation of traffic indicators, including stop signs. Chair Bettencourt said the traffic was too fast in the area, and asked about traffic warning signs.

Commissioner Smith asked what triggers a traffic analysis. He cited the School Trustee's question regarding a current study.

Chair Bettencourt indicated understanding of a recent study which resulted in speed limit reduction. DDPW Nazemi and DCC Murphy explained the study was a speed study, not a traffic study.

Commissioners and staff engaged in lengthy discussion of:

- the traffic area
- age of the in-place traffic study/supplemental study by the Public Works department
- 'red flag' access
- monitoring equipment [should be specific to the project]
- the amount materials (tonnage) removal permitted [250,000/day>47 trucks]
- standards for road improvement by quarry operators

Ms. Austin returned to the podium to ask questions regarding the traffic study and generation/amount of the tax dollars.

David Brown, 4509 Golden Feather Parkway, El Dorado Hills, said he was a representative of the applicant and worked for Resource Design Technology, Inc. Mr. Brown told the Commissioners:

- the quarry generates about 10% of the traffic in the area, has been doing so, and the expansion of operations will not change that percentage
- the owner has agreed to the Conditions of the Use Permit
- traffic increase will not occur
- a quarterly report on tax revenues (report is one-year old) indicated the revenue was \$20,000 for the quarter
- five employees work at the location
- the quarry is operating below the maximum allowed at present [less than 250,000 tons removed from site annually]

Grant Brians, a resident of Fairview Road, spoke on County policies, including the protection of mineral resources.

Richard Saxe indicated he lives in the area {Anzar Road) and said the traffic problem does not emulate from the quarry operations but from the high school students. Mr. Saxe signified continued support for the quarry, and urged Commissioners to approve the request.

Commissioner DeVries discussed with Mr. Saxe the potential for solution to issues raised. Mr. Saxe reported tht the problem of traffic had been analyzed and said he was satisfied with the ingress/egress presented.

Ray Pierce, a County resident, suggested ways to consider several issues:

- form a traffic safety advisory team
- investigate/encourage a traffic safety class at Anzar High School [Mr. Pierce said the issues were largely those of law enforcement and should be treated as such through education]

Speakers returning to the podium to reiterate points previously broached were:

- Bill Hunter – addressing the number of truck trips per day and the tax dollars alleged by the applicant
- David Brown – saying many of the issues raised do not relate to the application
- Valerie England – speed, traffic, landscaping

Commissioners then commenced to discuss with staff issues of remaining ‘life’ of the quarry and potential for lengthening [PP Turner explained it was contingent on differences in location and method of operations].

With no others present to speak to the matter, the public hearing was closed.

Commissioners discussed with staff:

- need for additional (limited) traffic study
- concerns of the neighbors
- amounts of materials removed – cost effectiveness of operation/need for expansion
- potential for redesign/new ingress/egress and driveway
- standardization of intersections
- different placement for entrance/exit
- capacity of roadway
- problems with current egress
- need for Public Works department to do analysis of issues raised by neighbors

COMMISSIONERS MACHADO/DeVRIES MOTIONED TO CONTINUE THE MATTER TO THE MEETING OF DECEMBER 21, 2005 DIRECTING STAFF TO PERUSE METHODS OF ADDRESSING/MITIGATING THE ISSUES RAISED IN RELATION TO THE ROADS (ROADWAY CONDITIONS, INTERSECTIONS, ETC.) AND REVIEW THE CONDITIONS PRESENTED TO ASCERTAIN RECOMMENDATIONS FOR CHANGE BASED ON CONCERNS RAISED AT THE MEETING OF NOVEMBER 16, 2005. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: BETTENCOURT, who based on previous experiences, felt the current ingress/egress to be adequate; ABSTAIN: NONE; ABSENT: NONE.

Tract Map No. 04-71: Request: To divide a 38.5-acre parcel into seven (7) approximately 5-acre parcels to be developed as single-family dwellings.

Owner/Applicant: David Baumgartner Location: Between Fairview and Magladry Rd, Hollister. ZONING: AP-Agricultural Productive. Environmental Evaluation: Mitigated Negative Declaration. (continued from 11/02/05)

PP Turner presented the staff, noting that Condition #24c (Road Improvements applicant shall construct a 7-foot paved shoulder improvement for Fairview Road frontage proposed parcel and shall enter into deferred improvements agreements for widening Fairview Road half width of 32-feet along the same frontage. PP Turner advised that an additional finding had been included for this item: allowing deferred road improvement agreements. PP Turner also noted there were minor changes/clarifications in the distributed document which dealt with fair share contributions requirements as well as statements regarding the inclusionary housing requirements.

Chair Bettencourt opened the public hearing.

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

Commissioners raised issues to be discussed as follows:

- ◇ DDPW Nazemi responded to a question from Commissioner Tognazzini about information of traffic studies in relation to applications such as this.
- ◇ PP Turner was reminded that the General Plan encourages a PUD overlay for requests such as this. DCC Murphy cautioned that while staff can make information available, a neutral stance must be maintained regarding data presented. Commissioner Machado stressed the importance of presenting the information to applicants.
- ◇ IDoP Bethke provided answers to Chair Bettencourt's questions regarding Preliminary Allocations and an interrelation to PUDs, saying the policies for PUDs could be presented by a Project Clearance Committee.
- ◇ Commissioner DeVries agreed that staff could state the County's policies – including the 'encouragements' in the General Plan during the environmental review stages of the application.

COMMISSIONERS MACHADO/SMITH MOTIONED TO ADOPT TRACT MAP NO. 04-71, TOGETHER WITH THE FINDINGS AND CONDITIONS AS AMENDED. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

CONDITIONS OF APPROVAL:

1. Recordation--Section 66426 of the Subdivision Map Act (SMA); Section 17-36 of Ordinance 617.

A final map conforming substantially to the approved tentative map shall be approved by the Board of Supervisors and recorded with the County Recorder. The tentative subdivision will expire two years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a final map within the period of the approval or a period of extension shall terminate all subdivision proceedings. (PLANNING, PUBLIC WORKS)

2. Hold Harmless--Section 66474.9 of the SMA.

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 proceedings against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of the subdivision and applicable proceedings. San Benito County shall be subject to Section 66474.9(b)(2). San Benito County reserves its right to prepare its own defense, pursuant to Section 66474.9 Government Code. (PLANNING, PUBLIC WORKS)

3. Mitigation Monitoring.

Prior to recordation of the final map or Planning Department approval of the improvement plans, which ever comes first, the applicant shall enter into a mitigation monitoring agreement with San Benito County. (PLANNING)

4. Compliance Documentation.

Prior to recordation of the final map, the applicant shall submit a summary response 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 as to how this project complies with impact fees applicable to the following ordinances: Drainage, Benefit Areas, Park, and other applicable ordinances. (PLANNING, PUBLIC WORKS)

5. Assessment--Section 17-32(d) of Ordinance 617.

Prior to recordation of the Final Map, the applicant shall pay applicable security for taxes and special assessment as required by Section 66492, 66493 and 66494. (PUBLIC WORKS)

6. Easements and Dedications --Section 17-31(j) of Ordinance 617

The Final Map shall include all easements and dedications for roads, utilities, and drainage or other public uses. [PUBLIC WORKS]

7. Encroachment

Prior to any road construction within a County right-of-way, the applicant shall obtain an encroachment permit from the Public Works Department. (PUBLIC WORKS)

8. Street lighting--Appendix C of Ordinance 617

Prior to recordation of a final map, the applicant shall submit to the County a street lighting plan for lighting of the project entry and the internal roads. Internal street lighting shall be minimized and shall comply with County Ordinance 748. The street lighting plan shall be subject to the review and approval of the County Public Works Department, and improvements specified in the plan shall be completed or bonded prior to filing of the final map. (PUBLIC WORKS, PLANNING)

9. Underground utilities--Section 17-65(f) of Ordinance 617

All utility service and distribution equipment shall be placed underground in conformance with the rules of the California Public Utilities Commission. Prior to recordation of a final map, the County Public Works Director shall ensure that the requirement for underground utilities is noted on subdivision improvement plans and that the subdivider has installed or bonded for installation of all applicable utility services to each lot, including sewer, water, electric power, gas, telephone, and cable service. (PUBLIC WORKS, PLANNING)

10. Fire Service--Sections 17-58, 17-59, and 17-B of Ordinance 617.

Prior to recordation of a final map, the applicant shall submit written documentation to the Planning and Public Works Departments from the California Department of Forestry that all CDF Fire Safety Guidelines can be met, that a detailed plan for providing water for fire protection has been reviewed and approved by them, and that CDF has approved the proposed size and location of fire hydrants. (PUBLIC WORKS, PLANNING, CDF)

- 11. Maintenance--Section 17-68(d) of Ordinance 617.** Prior to or concurrent with Board of Supervisors approval of a final map, a County Service Area shall be formed for the purposes of street lighting, street sweeping, and maintenance of road, drainage, open-space and landscape improvements. As an alternative, the subdivision may be annexed into an existing County Service Area providing similar services. The applicant shall be responsible to initiate the formation of the County Service Area through LAFCO, and the County Planning Department shall ensure that the service area is formed concurrently with the approval of the final map. (PLANNING, PUBLIC WORKS)
- 12. County Service Area – Ordinance 541**
Prior to recordation of the final map, the applicant shall annex to a CSA for fire and sheriff protection. (LAFCO, PLANNING)
- 13. Fish and Game Fees--Section 711.4 of the Fish and Game Code and Section 21089 (b) of CEQA.**
Department of Fish and Game fees (Fish and Game Code Section 711.4 (d)) must be submitted to the County Planning Department within five days of the decision unless a De Minimis Finding has been made for the project. Should the fees not be paid within five days, the application is subject to actions described in Section 21167 of CEQA and the project is not operative, vested, or final until the fee is paid (21089 (b) of CEQA). [PLANNING]
- 14. Outdoor Lighting**
A note shall be placed on an additional sheet to the Final Map that states: “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 proposed lighting fixtures and include catalog sheets for each fixture.” (MM1)
- 15. Building Color**
A note shall be placed on an additional sheet to the Final Map that states: “Future building shall be finished in earth tones that blend with the existing vegetation in the area and minimize the visibility of the home from public views. Prior to the issuance of the building permit, the applicant shall provide color samples for roof materials and all exterior wall finishes to the Planning Director for review and approval. The Building Inspector shall verify that the house has been finished in the approved materials and colors prior to the final occupancy of the home.” (MM2)
- 16. Air Quality**
A note shall be placed on the subdivision improvement plans and on an additional note on the Final Map that states: “All grading and building permits for new development shall be conditioned to require that disturbed soils be watered during site grading and construction activities to minimize dust.” (MM3)

17. Cultural Resources

A note shall be placed on the subdivision improvement plans and on an additional note on the Final Map that states: "If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, any human remains of any age, or any significant artifact or other evidence of an archaeological site is discovered, all further excavations and disturbances within 200 feet of the discovery shall cease and desist. If human and/or questionable remains have been discovered, the sheriff-coroner shall be notified immediately pursuant to County Ordinance 610." (MM4)

18. Soils Engineering Report

A note shall be placed on the Final Map and the improvement plans stating: "A Soils Engineering Report, dated June 22, 2004, was prepared for this property by LandSet Engineers, Inc. (File No. LSS-0314-01) and is on file at the San Benito County Planning Department. The recommendations contained in said reports shall be followed in all development of the property." (MM5)

19. Septic Expansion Areas

Prior to recordation of the Final Map, deed notifications shall be recorded for each property prohibiting construction within the identified septic expansion areas. (MM6)

20. Fire Protection:

Prior to recordation of the final map, the applicant shall provide a water system designed to serve the proposed project as both a Fire and Domestic water supply. (MM7)

21. Drainage Plans:

Prior to recordation of the Final Map, the applicant shall submit engineered improvement plans for review and approval to the Planning and Public Works Departments. As part of the submission of engineered improvement plans for the project, applicant shall comply with County Drainage Standards and provide erosion and drainage control details for the project sheet. Any drainage calculations submitted shall comply with the requirements of the County Drainage Standard, and shall be engineer signed and stamped. Applicant shall submit drainage calculations for any proposed or existing drainage courses to the proposed pond, the proposed pond, and any discharge lines for the proposed pond. (MM8)

22. Noise:

A note shall be placed on the improvement plans for the subdivision and an additional note on the Final Map stating the following: "As required by County Ordinance, subdivision construction and grading shall be limited to the hours of 7pm and 7am Monday through Saturday. No construction activities shall be allowed on Sundays or Federal holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans." (MM9)

23. Road Dedication:

Prior to recordation of the Final Map, applicant shall make an irrevocable offer of dedication for:

- a. 60 feet full road right-of-way along proposed project roadway plus 50 feet radius right-of-way for the turnaround facility, to San Benito County;
- b. half of 60 feet road right-of-way along Magladry Road, to San Benito County, along property frontage of proposed parcel 1;
- c. half of 110 feet road right-of-way along Fairview Road, to San Benito County, along property frontage of proposed parcel 7. (MM10)

24. Road Improvements:

Prior to recordation of the Final Map, applicant shall improve streets per the following requirements:

- a. Proposed project driveway (full width 24 feet AC on 34 feet road bed plus 40 feet turnaround to rural standard);
- b. Magladry Road frontage (half width 24 feet AC on 34 feet road bed plus 40 feet turnaround to rural standard) along property frontage of proposed parcel 1;
- c. Applicant shall enter into a deferred improvement agreement for Fairview Road frontage of proposed parcel 7 (1/2 width of 32 feet AC on 42 feet road bed to rural standard. (MM11)

25. Street Lighting:

Prior to recordation of the final map for this project, applicant shall install street lighting as part of road improvements for the proposed project. The new lighting shall: comply with the County Dark Skies Ordinance; utilize a California Department of Transportation Standard cut-off type cobra head on a standard detail City of Hollister streetlight. (MM12)

26. Non-Access Strip:

Applicant shall dedicate non-access strips along the property frontage of Fairview road for proposed parcel 7, and Magladry Road for proposed parcel 1. (MM13)

27. Magladry Road Improvements:

Prior to recordation of the final map, Magladry Road shall be brought to a minimum width of 24 feet of pavement, between Lone Tree Road and the northerly boundary of the proposed project. (MM14)

28. Encroachment Permit:

Prior to commencement of any improvements associated with this project, applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County road right-of-ways. (Public Works)

29. Street Name:

Prior to recordation of the final map, a street name for the proposed access roadway shall be submitted to and approved by the County Communications Department. (Public Works)

30. Water System:

If the water system falls under the jurisdiction of the State of California Department of Health Services Office of Drinking Water, the proposed water system shall be reviewed and approved by DHS. Water system plans shall be submitted to DHS prior to recordation of the final map. Documentation shall also be included to show that the existing well complies with the California Well Standards.(Environmental Health, DHS)

31. Fairview and Lone Tree Fair Share Contributions:

Prior to recordation of the Final Map, the applicant shall provide information to provide the basis to establish fair share contributions for the following improvements at the intersection of Fairview Road and Lone Tree Road: (1) addition of a southbound left turn lane on Fairview; (2) addition of a southbound Fairview median acceleration lane; (3) widening of Fairview Road to two lanes in each direction in the vicinity of Lone Tree Road. The applicant shall contribute a pro-rata share for the cost of the benefit area improvement prior to recordation of the final map. (Public Works)

32. Magladry Fair Share Contributions:

Prior to recordation of the Final Map, the applicant shall provide information to provide the basis to establish fair share contributions for the following improvements along Magladry Road: widening to 24 feet AC on 34 feet AB from the project site to the intersection of Magladry Road and Lone Tree Road. The applicant shall contribute a pro-rata share for the cost of the benefit area improvement prior to recordation of the final map. (Public Works)

33. Sewage Disposal:

Total trench depth for any leach field on lots 1, 2, 3, 6, and 7 shall not exceed 8 feet. The total trench depth for any leach field installed on lots 4 & 5 shall not exceed 11 feet. (Environmental Health)

34. Biological Survey:

A complete assessment of the flora and fauna within the project area, with emphasis upon identifying endangered, threatened and locally unique species and sensitive habitats shall be performed prior to recordation of the final map. The assessment should follow DFG's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities. (Department of Fish and Game)

35. San Felipe Infrastructure:

The applicant shall work with the San Benito County Water District regarding possible modifications of the existing San Felipe Distribution System to serve new parcels. Written documentation from the SBCWD shall be obtained prior to recordation of the final map, to confirm the property owner has worked in cooperation with the SBCWD to meet any requirements for extension and/or modification of San Felipe infrastructure. (SBCWD)

36. Kit Fox Habitat: Prior to recordation of the Parcel Map, the applicant shall be required to pay the Kit Fox mitigation fees as required by Ordinance 541, and any amendments. (Planning)

37. Inclusionary Housing Regulations: Prior to recordation of the Final Map, the applicant shall comply with the requirements of Ordinance 766 (Inclusionary Housing Regulations) by entering into an inclusionary housing agreement to pay an in-lieu fee of \$27, 019.60 per lot. (Planning, Ordinance 766)

Chair Bettencourt announced that because of the large number of attendees interested in the matter, agenda item 7 would be considered at this time.

CONTINUED DISCUSSION ITEMS:

Draft Transfer of Development Credits Program Principles - Workshop

Commissioner Smith suggested that no specific projects be used in the workshop discussions. He said the last presentation to the Commissioners had done just that, and he wanted to ensure that there were no specific projects discussed, particularly if the principals to the projects were not present.

Hugh Bikle, resident of Tres Pinos, had been chosen by the committee to be the presenter at this meeting. He agreed with Commissioners Smith and said these were general principles to be applied throughout the County and not just to one project. Mr. Bikle said that even though the matter had been under study for some time, nothing was set in concrete.

Mr. Bikle distributed the draft of the Transfer of Development Credits Program Principles (hereafter: TDC) and gave an overview of the document, calling attention to several places in the document and repeatedly cautioned it was a ‘tool to be used to preserve ag land, habitat’. Mr. Bikle said the committee had been wrestling with the issues of coming up with a program that would preserve open space, ag land and other things that seem worth saving. He also spoke on the importance of changing the General Plan and zoning and how this was a way of having the development rights changed/ transferred over to another to who would like to increase density on a piece of property that the County has decided is appropriate to have increased density.

Mr. Bikle and others who had been involved with formation of the draft TDCs, as well as the Commissioners, spoke to the following:

- cluster versus TDC principles
- voluntary program – need provision for selling
- tax relief (Proposition 13 and Williamson Act provisions already lower taxes
- no loss of value to ag land unless rezoning occurs
- receiving areas (San Luis Obispo set pattern) ability to generate higher tax dollars
- receiving areas (unnamed development areas) > viewed by many to be critical to the success of the program
- price setting of properties for TDC
- Ray Pierce: Ashford Highlands set up for this as a model but not being used correctly
- Richard Saxe: TDC is a way to ensure that money goes back to ranchers and farmers; TDC allows land owner to ‘cash out’ for non-development
- Tom Tobias: Measure G brought need for program to forefront ~ explained difference in this plan and Measure G / stress of *voluntary*
- Mr. Bikle reminded that the task of the committee was to develop a program only, and remarked, “The General Plan update can indicate increased density, and is essential to the success of the program.”

Discussion ensued regarding:

- community involvement in the process through hearings of the new General Plan
- formulation of plan to develop cooperation
- phasing areas in City of Hollister General Plan
- concern of high density/spot growth
- need for increased infrastructure
- affordable/ inclusionary housing
- potential increased density provisions of the new General Plan/zoning updates
- role of cities in such a plan
- need for joint meeting with County and Cities Planning Commissions (perhaps following individual meetings)
- process initiation for TDCs
- anticipated difficulties for implementation

Commissioner Smith expressed interest in seeing statements in the draft regarding economic development; he noted there was no mention of attracting business and enhancing employment. He also spoke on the lack of educational needs addressed in the plan.

Chair Bettencourt invited the public to comment on the matter of TDCs.

Janet Brians was present and spoke on the matter, telling Commissioners it appeared to be a tool for preserving ag, an issue of economic engine, which many in the audience and Countywide support.

Ron Stubblefield, West Street in Hollister, asked if the committee had looked into having TDCs sold when the property is under the Williamson Act. Mr. Stubblefield also suggested language changes from 'receiving areas'.

Grant Brians asking if TDCs would be forcing owners of receiving areas to develop. He said the only reason for a TDC program is the five-acre zoning program which is an 'albatross' around our neck. Mr. Brians indicated five-acre zoning kills agriculture, the County Budgets, and makes it difficult to 'do anything to improve the community'. Mr. Brians said it is a mistake to 'chop the County up for economic greed'. Mr. Brians urged a joint meeting with the Planning Commissions of the Cities and said that the Commissioners need to look carefully at the TDC plan as it could cause increase in housing prices.

With no others expressing interest in addressing the matter, the public hearing was closed.

Following dialogue of 'next steps', Chair Bettencourt said the matter would be agendaized in January, providing the committee with time and work with Planning staff to incorporate the discussions of the evening.

The regular order of the agenda was resumed.

Parks and Recreation Impact Fees

PT Engman presented the staff report, noting it was an update on the parks and recreation impact fees account, which had been obtained from the County Auditors office. PT Engman explained that \$2,107,308.12 is currently in the account, as well as the most recent withdrawals.

Commissioner Machado said his understanding that the account accumulation came from amounts required of PUD developers. PP Turner advised that PUDs are required to include a 'recreational amenity' but it is not specify how to achieve that amenity – and paying an impact fee has been approved by the County. Discussion ensued regarding the accumulation of monies and the potential for putting the money into a fund for greater benefit of the community. Commissioners spoke of the advantage of having the issue addressed within the General Plan update. Commissioner Machado expressed continued frustration at having small parks built in subdivisions which were inaccessible to the public and greatly underutilized.

CONTINUED ITEMS:

Use Permit 765-99 Amendment: REQUEST: To modify condition 3 requirements for traffic improvements on Highway 25 approach to operation. OWNER/APPLICANT: Don Chapin. LOCATION: State Highway 25 (Bolsa). ZONING: Agricultural Productive (continued from 11/02/05)

Noting the request for continuation from the applicant, **COMMISSIONERS DeVRIES/TOGNAZZINI MOTIONED TO CONTINUE ITEM 5 [Use Permit 765-99 Amendment: REQUEST: To modify condition 3 requirements for traffic improvements on Highway 25 approach to operation. OWNER/APPLICANT: Don Chapin. LOCATION: State Highway 25 (Bolsa). ZONING: Agricultural Productive (continued from 11/02/05)] TO THE MEETING OF DECEMBER 21, 2005. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

With no other business to be considered at this meeting, Chair Bettencourt adjourned the meeting at 10:45 p.m.

*Minutes transcribed by:
Judi Johnson*

*Attest:
Byron Turner, Principal Planner*