

# **SAN BENITO COUNTY PLANNING COMMISSION**

Minutes of February 1, 2006

PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques, Principal Planner (PP) Byron Turner, Planning Technician (PT) Erin Engman, Deputy Director of Public Works (DDPW) Nazemi, Deputy County Counsel (DCC) Shirley Murphy, and Clerk Trish Maderis.

Chair Bettencourt called the meeting to order at 7:03 p.m., with the pledge of allegiance, and reiterating the standing rules of order.

## **PUBLIC COMMENT:**

Chair Bettencourt opened the floor to opportunity for public comment.

Grant Brians requested flood plain and drainage issues be placed on a future agenda.

No other persons in attendance indicated a wish to speak to items not on the agenda; the public comment period was closed.

## **ELECTION OF CHAIR AND VICE-CHAIR FOR TERM OF FEBRUARY 1, 2006 - JANUARY 31, 2007**

**COMMISSIONERS MACHADO/SMITH NOMINATED COMMISSIONER DeVRIES AS CHAIR; MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS BETTENCOURT/ MACHADO NOMINATED COMMISSIONER TOGNAZZINI TO BE VICE CHAIR. MOTION PASSED UNANIMOUSLY.**

## **DIRECTOR'S REPORT:**

DoP Henriques was welcomed and presented his report: At the last Board of Supervisors meeting, the crowing fowl issue was raised; Planning and Building Departments will be forwarding a report to the Commission and the Board for potential action.

**CONSENT AGENDA:**

***Roll Noted ~ Commissioners present***

1. Acknowledge Public Hearing Notice published 1/20/06
2. Acknowledge Certificate of Posting
3. Minutes January 18, 2006
4. **Certificate of Compliance No. 04-45** REQUEST: To recognize six parcels that comprise 737.26 acres as legal lots. APPLICANT: Russell Dotson. LOCATION: Old Airline Highway, Paicines. ZONING: Agricultural Rangeland. ENVIRONMENTAL REVIEW: Categorical Exemption.
5. **Re-Allocation Requests:** Pursuant to Chapter 31, Section 31-16 of the San Benito County Code; Re-Allocation is requested for the following applicants:

MS1136-03	MOORE, Robert	Acquistapace Road, Hollister
TSM03-69	BENEVENTO, Frank	Fairview Road, Hollister
MS1179-05	SILVEIRA, Luis	Cienega Road, Hollister
MS1148-04	GONZALES, Gary	Los Viboras Rd, Hollister
MS1141-03	CASA de FRUTA (Zanger)	6680 Pacheco Pass, Hollister
MS1157-04	KAMBOJ	School Road, SanJuan Bautista

**COMMISSIONERS MACHADO/SMITH MOTIONED TO APPROVE THE CONSENT AGENDA. MOTION PASSED UNANIMOUSLY.**

**CONTINUED ITEMS:**

6. Minutes December 21, 2005 [pending to future meeting]

**COMMISSIONER BETTENCOURT MOTIONED TO CONTINUE TO THE FEBRUARY 15, 2006 MEETING THE MINUTES OF THE DECEMBER 21, 2005 COMMISSION MEETING; SECOND BY COMMISSIONER MACHADO; APPROVED UNANIMOUSLY.**

**PUBLIC HEARING ITEMS:**

7. **M-District Review No. 80-05:** REQUEST: To demolish a 2,280 square foot industrial building and replace it with an 18,200 square foot industrial building for the use of San Benito Heating and Sheet Metal Company.  
OWNER/APPLICANT: Robert Rodriguez LOCATION: 1771 San Felipe Road, Hollister ZONING: Heavy Industrial

Commissioners discussed with PT Engman, DDPW Nazemi and other staff:

- agreement/approval of Airport Land Use Commission
- retention pond (added to Conditions)
- method of governance

Public hearing opened.

Roger Grimsley, project engineer addressed:

- Condition # 23 – City Storm Drain field will be extended; internal detention capability completed; pond eliminated ultimately [to City standards prior to occupancy]
- agreement with conditions as listed

Public hearing closed.

Commissioners asked questions regarding:

- sewer service (on-site septic/leach fields >>stub to City service when moratorium lifted
- provision of water by San Benito County Water District
- perhaps a private well for back-up/reserve
- Kit fox habitat
- fire safety>>building to be sprinkled and a hydrant installed

**COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO APPROVE M-DISTRICT REVIEW NO. 80-05 WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN; THE MOTION PASSED UNANIMOUSLY.**

**CONDITIONS OF APPROVAL:**

1. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Department. Any change in the number, location and/or dimensions of the structures, or any increase in the nature or intensity of land use on the site, shall be subject to further Planning Commission review and approval. [Planning]
2. **Compliance Documentation:** The permittee 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. [Planning, Building]

3. **Hold Harmless:** The permittee 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. [Planning]
4. **Yards:** A minimum front yard depth is 25 feet with one (1) foot to be added in depth to the front yard of each one (1) foot of the height of the main building in excess of 20 feet. The minimum required rear yard depth is ten (10) feet. All front yards are to be landscaped and maintained in a neat and attractive condition. [Planning]
5. **Landscaping:** A ten (10) foot deep landscaping strip adjacent to side and rear property lines and a 25 foot deep area to be landscaped to front property lines shall be provided and maintained. [Planning]
6. **Design:** No building shall exceed 40 feet in height and all structures shall be designed in a manner as to be visually consistent and compatible with the principal structure on the site. The lot coverage of all buildings on any site shall not exceed forty (40%) percent of the site. [Building, Planning]
7. **Signage:** Prior to erection or installation of signage related to the project, a Master/Common Signage Plan shall be submitted to the Planning Department and approved by the Planning Director. [Planning]
8. **Sewer and Water:** On parcels with public water and/or sewer service, letters must be provided from the appropriate sanitation and water district indicating that there will be adequate sewer and water service to the project. In areas not served by public sewer or water systems, a letter of adequacy of the existing or proposed systems must be submitted for structures approved for the project from the County Health Department. [Health, Building]
9. **Fire Safety:** A letter must be provided from the appropriate fire district indicating all fire protection requirements for the project, and all such requirements must be met. [Calif. Dept. of Forestry]
10. **Numbering:** Address numbers shall be posted so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the house numbers shall be set adjacent to the driveway and/or access road to the property. Address numbers shall be posted when construction begins. [Building]
11. **Parking:** Sufficient off-street parking shall be provided to meet the requirements of the parking section of the Zoning Ordinance for the M-District. Any garage or carport constructed in connection with the proposed use shall be considered in the overall lot coverage. [Building, Planning]
12. **Term of M-District Review.** An M-District Review shall expire two (2) years from the date of granting said permit unless construction and activities authorized by the permit for use of the subject property in conformance with the permit has commenced, in good faith, within two (2) years of the approval date. If any such use ceases for a period of at least one (1) year, the M-District Review shall become invalid and a new M-District Review must be obtained prior to continuing said use. If an M-District Review is denied, no new application for a new permit substantially the same as the one denied shall be considered for a period of one (1) year following denial.

- 13. Modification and Revocation.** The terms and conditions of any M-District Review granted by the County may be modified or the permit as a whole may be revoked. The permit may be modified or revoked if the permittee fails to comply with the reasonable terms or conditions expressed in the permit granted or if there is a compelling public necessity. A compelling public necessity warranting the revocation of an M-District Review for a lawful business or use may exist where the conduct of that business constitutes a nuisance. If an M-District Review is denied by the Planning Commission or the Board of Supervisors on Appeal, no new application for substantially the same proposal may be applied for within one (1) year of the final determination.
- 14. Annual Review:** The applicant shall submit an annual written report outlining permit compliance. Furthermore, the planning department shall inspect the facility annually.
- 15. Exterior Lighting:** As a condition of approval for the project, a note shall be included on development plans that contain the following wording: “All exterior lighting 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. Prior to the issuance of building permits, 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. The exterior lighting plan shall be subject to approval by the Director of Planning and Building and follow the San Benito County Dark Sky Ordinance.” [MM1]
- 16. Aesthetics:** Building 5A shall be constructed in a similar manner and with similar materials as the existing buildings on the subject property. [MM2]
- 17. Improvements:** All proposed project off-site improvements must conform to City of Hollister standards. All sidewalks, curb, gutter, and landscaping shall be consistent with the adjacent North Pointe Associates Business Park public improvements. [MM3]
- 18. Grading:** A note shall be placed on the development plans stating that “Soils shall be watered during site grading and construction activities to minimize dust.” [MM4]
- 19. Kit Fox Habitat Impact Fees:** Prior to the issuance of a building permit, the applicant shall pay all applicable mitigation fees toward the financing of a Habitat Conservation Plan pursuant to Section 7A.1-3 of the San Benito County Code. [MM5]
- 20. Septic Design:** The applicant shall provide flow calculations, prepared by a registered engineer, for the average and peak wastewater flows that the project will likely generate. Based on the flow calculations the engineer shall then prepare the actual design for the septic system. The design shall be supported by a combination of percolation tests and soil profiles and shall comply with all the provisions of the Central Coast Basin Plan. [MM6]
- 21. Hazardous Inventory:** An inventory of all hazardous materials/wastes to be generated or stored onsite shall be provided to Environmental Health. [MM7]
- 22. CLUP Consistency:** The Runway Protection Zone, as delineated in the Hollister Airport’s Comprehensive Land Use Plan, shall remain clear of any structural coverage. [MM8]

23. **Drainage Standards:** Prior to approval of development plans, the applicant/owner shall provide sufficient information to demonstrate that drainage facilities meet the City of Hollister's drainage standards. Such information shall include a copy of all calculations, correspondence, and approvals between the City Engineering staff and the project applicant/engineer. [MM9]
24. **Separator:** Prior to approval of development plans, the applicant/owner shall be required to install an oil/grease separator in paved areas subject to motor vehicle traffic, as well as provide a maintenance program for such devices. [MM10]
25. **Construction:** As required by County Ordinance, construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicant/owner shall be required to place a note to this effect on all construction plans. [MM11]
26. **Encroachment Permit:** The applicant shall obtain a Public Works Encroachment Permit for any work being performed within the road right-of-way (i.e. frontage improvements to urban road standards). [MM12]
27. **Improvements:** Prior to occupancy permit or conducting business, whichever comes first, applicant shall improve the frontage along San Felipe Road to County urban standards. This shall include, but is not limited to: Curb and gutter, street lights, sidewalk, landscape, fire hydrants, and storm drainage facilities. [MM13]
28. **Driveway:** The project driveway shall be designed and improved to Hollister commercial standards. These improvements shall be built or bonded for prior to occupancy or start of business, whichever comes first. [MM14]
29. **Dedication:** A 30 feet half-road dedication of right of way shall be made to the County for public use at the San Felipe Road frontage. This requirement is subject to occupancy or start of business. [MM15]
30. **RWQB:** If flows exceed 2,500 gallons per day, the Regional Water Quality Control Board shall be contacted for approval of the disposal system. [MM16]

**DISCUSSION:**

8. Discuss revisions of the ranking system of the San Benito County Growth Ordinance for Preliminary Allocation ranking.

Discussion centered on:

- ◇ input from Engineers and those present at the meeting.
- ◇ water issues; alternative septic systems; weighted issues; not set in stone nor mandatory >> **Consensus agreement**
- ◇ flood mapping; FEMA versus Schaff & Wheeler maps
  - identification of hazard areas (flood, seismic, landslide)
 >> **Consensus agreement of the Planning Commission to not include Schaff & Wheeler maps**

- ◇ decision making: have authority with Planning Director and/or Commission
- >> the Planning Commission seemed inclined to have more authority kept at the Commission level
- ◇ possibility of having GIS mapping address concerns
- ◇ categorical differential / ranking scales
- ◇ grading ordinance / 30% sloping
- ◇ potential exemption of ag land(s)
- ◇ soil grades (consideration of input from Ag Commissioner)
- ◇ traffic issues / impacts
- ◇ Commission discretionary points
- ◇ need for consistency with General Plan
- ◇ residential versus industrial growth
- ◇ habitat / open space
- ◇ parks / parklands / pathways / trails
- ◇ design quality
- ◇ possible reduction of number of (total) available points
- ◇ differences / similarities of majors and minors (subdivisions)

DoP Henriques advised that staff will update the matter based on the discussions, with a report at the next meeting, at least on the minor subdivision allocations. Discussion about the possibility of having an earlier start time for the February 15, 2006 meeting. Staff will check.

Meeting was adjourned at 10:50 PM

*Minutes transcribed by:  
Judi Johnson*

*Attest:  
Byron Turner, Principal Planner*

*Arthur E. Henriques, Director  
Planning, Building & Inspection Services*