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| <p style="text-align:center">SAN BENITO COUNTY PLANNING COMMISSION Minutes of March 1, 2006</p> |
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PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Director of Planning (DoP) Henriques, Principal Planner (PP) Byron Turner, Code Enforcement Officer Stacey Watson, Deputy Director of Public Works (DDPW) Nazemi; Deputy County Counsel (DCC) Murphy; and Clerk Trish Maderis.

By having the pledge of allegiance recited in unison, Chair DeVries called the meeting to order at 7:00 p.m., and reiterated the standing rules of order.

PUBLIC COMMENT:

Chair DeVries opened the floor to opportunity for public comment. With no indicted speakers, the public comment period was closed.

DIRECTOR'S REPORT:

DoP Henriques presented the following items as information to the Commissioners:

- Board of Supervisors had a transportation study session/workshop; data will be shared with Commissioners [Smith asked questions regarding the workshop and whether Cal Trans had attended (yes)]
- Budgeting process has begun for next fiscal year
- Tyler Zone Change Resolution recommended by Commissioners was approved

CONSENT AGENDA:

- Roll noted and listed above
- Acknowledge Certificate of Posting
- Minutes of February 15, 2006

COMMISSIONERS TOGNAZZINI/BETTENCOURT MOTIONED TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

CONTINUED ITEMS:

Minutes December 21, 2005 ~ Stevens Creek Quarry Conditions of Approval
Report by Commissioner Richard Bettencourt

Brief discussion ensued of typographical errors in the minutes which Commissioner Bettencourt reported and included the following items:

- **PAGE 12: FIVE SATURDAYS PER MONTH YEAR**
- **PAGE 14, CONDITION # 20 (ADD): LOADING AND HAULING OF TRUCKS IS LIMITED TO FIVE SATURDAYS IS LIMITED PER YEAR WITH PRIOR NOTIFICATION**

COMMISSIONERS BETTENCOURT/TOGNAZZINI MOTIONED TO MODIFY AND APPROVE THE MINUTES CORRECTION IN PRESENTED MINUTES BASED ON THE REPORT; THE MOTION CARRIED THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

DISCUSSION:

Discuss revisions of the Crowing Fowl Ordinance

Code Enforcement Official Watson presented the staff report with a power point presentation, with input by Animal Control Officer Julie Carreiro.

Commissioners raised the following issues in discussion with staff:

- status of dwelling occupancy (owner occupied)
- zoning at location (generally five acres)

Chair DeVries opened the public hearing.

Several speakers were present to address the matter; the speakers are listed in order of appearance with the remarks reflected.

- David Rovella, 720 Lone Tree Rd., played tape recording of noise; asked for relief
- Peter Lomanto, 901 Lone Tree Rd., lives in immediate proximity. "Has no break from noise." Fowl enter his property and attack his pets. "When will something be done?"
- Lara Hartwig, 175 Pan Tempo Way, very big problem; noise begins as early as 2:00 a.m.
- Charles Lomanto, 631 Lone Tree Rd., County has 'duty to protect citizens' from excessive noise; asks for abatement. Distributed pictures of his dwelling in relation to fence line of property where fowl are housed.
- Terri Rovella, 720 Lone Tree Rd. (also read letter/presented recording from Gail Gomez) told of noise minimum of 14 hours per day.
- Raymond Hartwig, 175 Pan Tempo Way, requested 'something be done'
- Allene Liebenberg, 96 Pan Tempo Way, said, "The noise is always there."

Concluding the list of speakers who had presented cards, Chair DeVries closed the public hearing.

Commissioners discussed with staff:

- Code Enforcement is a 'complaint driven' department
- process of setting and enforcing fines and changes thereto
- potential of adjusting fees (sub-discussion: dollar amounts)
- penalty/violation fine schedules + background of fee schedule
- consideration of changes to Zoning Ordinances
- possible need to clarify language in Ordinance (adult/juvenile fowl; control of numbers of each)
- need for reduction of flocks
- process of inspection warrants
- amortization process
- suggestion from audience member regarding Small Claims Court procedure
- purchase / replacement / movement of location / exportation [sub-discussion: sparring and sparring tools]
- Use Permits tied to land use, not ownership
- standards for housing fowl
- (proposed) potential time-line for reduction of number of fowl housed on properties
 - o 6 months - 375 roosters
 - o 1 year – 250 roosters
 - o 18 months - 125 roosters
 - o 24 months - 6 or fewer roosters
- need for adjustments to set backs from neighboring properties / sizes of properties allowable for raising flocks of fowl
- schedule of follow up inspections

Ms. Watson addressed Section 18.194.16 of Chapter 19 of County Code which deals with revocation of a Conditional Use Permit.

COMMISSIONERS ENGAGED IN DIALOGUE, THEN GAVE DIRECTION TO STAFF FOR POTENTIAL ORDINANCE CHANGES TO BE SENT AS RECOMMENDATION TO THE BOARD OF SUPERVISORS, WHICH WOULD FACILITATE THE CHANGES RESULTANT FROM THE DISCUSSION(S). Commissioners emphasized their intent to have the Board of Supervisors hear the matter at the earliest possible time, with consideration of the need for posting of Public Hearing.

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

PP Turner presented the staff report, emphasizing the matter dealt with the ranking system only and that Minor Subdivisions were under discussion during the current meeting. PP Turner noted the inclusion to the ranking system:

- historic preservation
- infill development
- prime farmland/farmland of state-wide importance
- and movement of the fire protection category to a higher ranking system level

Chair DeVries announced that discussion by/with the Commissioners and staff and the public hearing would be simultaneous.

Ann Hall, San Benito Engineering related her concerns for criteria at allocation stage.

PP Turner explained that Environmental Health standards need to be met on quality and quantity for domestic water supply. Commissioner Smith added that these standards are set at the federal level and that a county has to meet or exceed these standards.

Jon Garbini questioned how the Seismic Hazard is determined. PP Turner explained that maps determine fault areas. DoP Henriques stated that the language to indicate the map version would be added for clarity.

Discussion regarding the proposed Sprinkler Ordinance was visited by the Commission. Ray Pierce stated that he felt that the gallons per minute should be equal to truck water flow.

After additional discussion, Chair DeVries stated that the revisions to Minor Subdivisions appear to be complete and Major Subdivision ranking revisions would begin at the next regular meeting. PP Turner announced that the Applicants would be met with or contacted regarding their applications once the revisions were formally approved by the Board of Supervisors.

With no other business to be presented at the meeting the Planning Commission meeting was adjourned at 9:42 PM

Minutes transcribed by:

Judi Johnson

Attest:

Byron Turner, Principal Planner