

<p style="text-align:center">SAN BENITO COUNTY PLANNING COMMISSION Minutes of March 15, 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, Assistant Planner Michael Kelly; 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 7:04 p.m., and reiterated the standing rules of order.

PUBLIC COMMENT:

Chair DeVries opened the floor to opportunity for public comment. As no one wished to speak to items not appearing on the agenda, the public comment period was closed.

DIRECTOR'S REPORT:

DoP Henriques noted the following activities:

- Board of Supervisors (March 14, 2006) began General Plan Update information presentations
- Has received Gavilan College proposal – will return with report to Board on March 28, 2006 and keep Commissioners apprised as well
- Met with representatives of AMBAG as well as the San Juan Bautista City Manager

Chair DeVries asked if there were revisions to sections or (total) copies of the new General Plan available? DoP Henriques said Staff intends to provide copies for the Commissioners.

CONSENT AGENDA:

- Roll noted and listed above
- Acknowledge Public Hearing Notice
- Acknowledge Certificate of Posting
- Minutes of March 1, 2006

COMMISSIONERS MACHADO/SMITH 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:

4. **CROWING FOWL ORDINANCE PROJECT:** An amendment to Chapter 18 of the San Benito County Code requiring crowing fowl permits. Location: San Benito County. Environmental Evaluation: Categorically Exempt. San Benito County Planning Commission Resolution No. 2006-03.

Code Enforcement Officer Watson was the presenter for staff. The following issues were noted:

- several sections of the Ordinance were identified for modification
- numbers of fowl permitted and timelines for reduction of flocks
- penalty assessments (sliding scale)
- compliance procedures
- revision/redefinition of ‘small livestock farming’
- clarification of Use Permit (goes with land, not property owner); clarification of obligation of ownership
- County Code to reflect discussions and blending of preceding Ordinances
- enforcement abilities and procedures
- zoning (emphasis on Rural Residential)

Chair DeVries opened the public hearing; with none present for addressing the matter, the hearing was closed.

COMMISSIONERS TOGNAZZINI/MACHADO MOTIONED TO APPROVE AND FORWARD TO THE BOARD OF SUPERVISORS THE AMENDMENTS TO THE ORDINANCE WITH SUPPORTING RESOLUTIONS AS MODIFIED IN OPEN DISCUSSION. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

5. **USE PERMIT NO. 710-96A:** REQUEST: To construct 6 new greenhouses and 1 new farm storage building on a 25-acre site containing previously approved structures for agricultural research. APPLICANT: Aernoudt Aardse/Coastal Seed. LOCATION: 525 Lucy Brown Ln., San Juan Bautista ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

Staff report by AP Kelly with notations to modifications to the staff report for clarification. DDPW Nazemi presented information regarding surrounding property boundaries.

Chair DeVries opened the public hearing.

Applicant Aernoudt Aardse conveyed:

- ◇ operations of the business: agricultural research only
- ◇ number of employees (12); potential for increase
- ◇ need for consolidation of operations
- ◇ phased operational plans
- ◇ discord with Conditions recommended (objection to requirement of road improvements)

Engineer Roger Grimsley spoke regarding:

- ◇ requirements for road improvements
- ◇ responsibilities of governmental jurisdictions for roads

Having heard the speakers, Chair DeVries closed the public hearing.

Commissioner Bettencourt divulged visiting the site.

Considerable discussion followed with the points raised of:

- ◇ notification of officials at San Juan Bautista
- ◇ amount of additions to the various buildings
- ◇ method of cultivation in the greenhouses
- ◇ uses of prime land on the site
- ◇ road improvements: location proposed, fiscal ramifications; traffic study results; move improvements to Phase 2 of the planned site improvements
- ◇ consideration of deleting Condition #14 [together with sub-discussion of future of State Route 156 in the area and issues with relocation of utility poles]
- ◇ deliberation regarding requirement/Condition for entrance to meet commercial driveway regulations
- ◇ need for consistency/adherence to established rules

COMMISSIONERS TOGNAZZINI/BETTENCOURT MOTIONED TO ACCEPT THE MITIGATED NEGATIVE DECLARATION AND TO APPROVE USE PERMIT NO. 710-96A INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN, WITH THE FOLLOWING MODIFICATIONS:

1. Condition 13(A) property entrance to be constructed to comply with requirements for agricultural driveway(s)
2. Condition 14 property entrance to be constructed to comply with requirements for agricultural driveway(s)
3. traffic improvements deferred to Phase 2 construction

THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

CONDITIONS OF APPROVAL:

Planning and Building:

1. **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.
2. **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 Commission and filed with the Planning Department. Any change in the locations and/or dimensions of the structure or any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval.

3. **Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance.
4. **Lighting:** All development is required to comply with the County outdoor lighting regulations, Ordinance 748. Prior to issuance of a building permit for development on the site, the applicant shall provide to the building official details of all outdoor lighting for review and approval.
5. **Building Code:** Greenhouse structures shall be constructed in accordance with Uniform Building Code seismic safety standards.
6. **Building Permit:** The applicant shall obtain the necessary permit(s) for all structures, plumbing, electrical work, or other improvements made within benefit of said permit(s). In addition, in accordance with the Uniform Building Code, all work completed without a permit shall be subject to a double fee penalty that shall be added to customary building permit fee.

Fire:

7. **Fire Code:** The project shall be required to meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Chapter 17 of the San Benito County Code, and other related codes as they apply to a project of this type and size.
8. **Access:** The applicant shall ensure adequate ingress and egress to any and all buildings. Roadways and driveways shall be an “all-weather” surface conforming to applicable codes. Access to all buildings shall be unobstructed and kept accessible at all times.
9. **Storage:** The proposed farm storage building shall be used only as storage for farm equipment. No storage of hazardous materials or fuel shall be allowed.
10. **Fire Protection:** An additional “County Standard” fire hydrant shall be installed. Fire extinguishers shall be installed as required by the Uniform Fire Code.

Public Works:

11. **Drainage:** The applicant shall submit engineer-signed and -stamped drainage calculations to prove the efficacy of the proposed detention pond shown to mitigate increased flows due to increased impermeable surfaces related to this project.
12. **Road Dedication:** The applicant shall make an irrevocable offer of dedication to San Benito County for
 - a. half of a 60-foot right-of-way along Lucy Brown Road and
 - b. half of a 60-foot right-of-way along Olympia Avenue.
13. **Road Improvements:**
 - a. The applicant shall provide driveway improvements designed to County agricultural driveway standards.
 - b. The applicant shall enter into a deferred improvement agreement for the following frontage improvements:
 - i. 320 feet of Lucy Brown Road (half of 28 feet asphaltic concrete on 38 feet aggregate base, rural standard) from western property boundary to 220 feet east along frontage;
 - ii. Olympia Avenue (half of 24 feet asphaltic concrete on 34 feet aggregate base, rural standard).
14. **Traffic Impacts:** Prior to commencement of Phase 2 of this conditional use, the applicant shall make a fair-share contribution of \$3,635.00 to mitigate traffic impacts at the intersection of Lucy Brown Lane and State Highway 156.
15. **Encroachment Permit:** Prior to any work being performed within a County road right-of-way, such as driveway approach and frontage improvements), the applicant shall obtain a County Encroachment Permit.

6. **PRELIMINARY ALLOCATION EXEMPTION NO. 05-05**: REQUEST: To obtain a one-time, one-lot family member exemption from the County Growth Management System in order to obtain preliminary approval for subdividing a property into two parcels. APPLICANT: Henry Verissimo. LOCATION: 260 Flint Rd., San Juan Bautista.

AP Kelly presented the staff report: applicant request: 1 5-acre and 1 15-acre parcel; staff recommendation: 2 10-acre parcels

Commissioners discussed with staff legal limitations to properties (original lot not restricted).

Chair DeVries opened the public hearing.

Roger Grimsley said the applicant was agreeable to staff recommendation, but had concerns of not meeting the mandatory ratio (3:1), noting this was a condition of the Subdivision Ordinance. {DCC Murphy spoke on future decision making regarding the matter, contingent on outcome of this session.]

Steven Verissimo, neighboring property owner, spoke to Commissioners about:

- ◇ agreement with the 2 10-acre parcels
- ◇ spoke of keeping land in agriculture/need for productive farming
- ◇ buildings near the roadway (suggested to be possible within guidelines)

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

Commissioners discussed the area of the proposed building envelope. BY CONSENSUS, IT WAS AGREED TO ADD A SECTION TO THE RESOLUTION LIMITED THE BUILDING ENVELOPE TO THE DIMENSIONS OF THE EXISTING HOUSE.

COMMISSIONER MACHADO OFFERED A RESOLUTION APPROVING PRELIMINARY ALLOCATION EXEMPTION NO. 05-05 AS MODIFIED DURING THE DISCUSSION.

At the request of the Chair, the motion was tabled to permit further discussion and clarification.

THE MOTION WAS RETURNED AS VALID WITH COMMISSIONER BETTENCOURT SECONDING THE MOTION, WHICH CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

7. Revisions to the San Benito County Grading Ordinance

Staff report by PP Turner:

- ◇ removal of reference to 30% slope; replaced with capping for 40%
- ◇ landscaping plan requirement
- ◇ access visibility and visions

No members of the public were present to address the matter; Chair DeVries opened and closed the public hearing.

Commissioners discussed inclusion of a landscaping plan for Building Construction permits (well received in concept; question if to be reviewed by Commissioners).

Staff was directed to prepare a Resolution for presentation at the next meeting.

8. Discussion of Modifications and Amendments: Growth Ordinance Applications

PP Turner reported that the modifications and amendments for minor subdivision applications would be heard by the Board of Supervisors on March 28, 2006.

Staff solicited comments on potential changes for the major subdivisions and were given directions for proposed changes.

Chair DeVries reminded that the Commissioners should 'touch bases' with the District Supervisor for their own district regarding the matter.

As to revisions for the major subdivision requirements for application, Commissioners agreed that those would be the 'same concept/skeleton' as for the minors.

Commissioner Smith urged inclusion of treatment plant requirements for the major subdivisions.

A subcommittee of Commissioners Machado/Bettencourt will work on the major subdivision(s) language and report on April 5, 2006.

DoP Henriques advised that due to press of work at the Department, document presentation for action by the Commissioners would most like occur April 19, 2006.

Commissioner Announcements: Chair DeVries suggested that Clerk Maderis prepare a report of department activities to be presented at the regularly scheduled meetings.

With no other business to be presented at the meeting the Planning Commission meeting was adjourned at 9:22 PM

Minutes transcribed by:

Judi Johnson

Attest:

Byron Turner, Principal Planner