

<p style="text-align:center">SAN BENITO COUNTY PLANNING COMMISSION Minutes of May 3, 2006</p>

PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques, Principal Planner (PP) Byron Turner; Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy; and Clerk Janet Somavia.

Chair DeVries called the meeting to order at 7:00 p.m., with the pledge of allegiance being recited in unison, followed by reiteration of the standing rules of order.

PUBLIC COMMENT:

Chair DeVries opened the floor to opportunity for public comment.

Barbara Nicoara, 1701 Cienega Rd, Hollister, representing the Diabetes Project, referenced the work on the General Plan update, and asked if there would be inclusion of walking paths and other ‘keep fit’ measures to give emphasize to those needing exercise for disease(s)? Chair DeVries said such matters could be addressed under agenda item 4.

With no others indicating a wish to address matters not on the agenda, the public comment period was closed.

DIRECTOR’S REPORT:

DoP Henriques reported:

- Board of Supervisors to be advised of subcommittee appointments for ad hoc committee to study and make recommendation Potential Residential Growth Increase Designation
- planning to attend Planning Director’s meeting in Monterey May 18 and 19 [emphasis will be on General plan updates]
- will be looking at how General Plan receives inputs of community concern
- took part in a ‘Healthy Alternatives’ presentation recently
- Commissioners asked:
 - o elements of General Plan to be updated
 - o priorities of elements to be updated
 - older to be addressed first
 - concerns of other County departments
 - legal Counsel to be consulted regarding order of concerns
 - o suggested having information from Director’s meeting presented in workshop type meeting
 - o suggested meeting with City of Hollister regarding the recent General Plan update for the City

CONSENT AGENDA:

- Roll noted and listed above
- Acknowledge Public Hearing Notice
- Acknowledge Certificate of Posting
- Minutes of April 19, 2006

Chair DeVries asked about Condition 10 (Paint Ball facility) [page 5 of 10] if inclusion of possible revocation was implied? DCC Murphy advised that anytime a Use Permit is found in non-compliance, staff can bring it to the Commissioners for consideration of modification or revocation of that permit. It was further determined that it did not need to be reflected in the minutes of this matter. Commissioner Machado clarified that such plan of action must be noticed. Chair DeVries also called attention to (page 8 of 10) discussion of the Potential Residential Growth Increase Designation (PRGI); first bullet should be: zone change *which requires complete application*.

COMMISSIONERS BETTENCOURT/TOGNAZZINI MOTIONED TO APPROVE CONSENT AGENDA; PASSED UNANIMOUSLY WITH NO COMMISSIONERS ABSENT.

CONTINUED ITEMS:

San Benito County Code §30, Resolution No. 98-30 and General plan Amendment No. 07-16 establishing *POTENTIAL RESIDENTIAL GROWTH INCREASE DESIGNATION (PRGI)*, selection and appointment of subcommittee.

Supervisors Loe and Marcus have been appointed. They will be joined by Planning Commissioner Tognazzini and Chair DeVries.

Reports are to be given to the Commission on a monthly basis.

Revisions to grading Ordinance No. 708: Revisions to Ordinance No. 708 of the San Benito County Code: Sections 7A-3: Definitions; 7A-4: Permit Exemptions; 7A-6: Areas of Landslides and Steep Slopes; 7A-9: Applications; 7A-11: Permit Limitations and Conditions; and 7A-15: Grading Inspection.

PP Turner presented the staff report said this was continued from April 5, 2006 meeting and dealt with five identified areas, which he explained. Much of the update, he said, was clarification, with some modifications of wording and delineated reference to other sections of the Ordinance. Few actual changes were recommended by staff; most of the items were directly related to agriculture in the County. DDPW Nazemi was present to answer questions from the Commissioners regarding top soils and overburden placement/disposal.

The public hearing was opened and closed as there were no persons to address the matter.

DoP Henriques and the Commissioners commended PP Turner for work on the matter.

**COMMISSIONERS MACHADO/TOGNAZZINI MOTION TO APPROVE
RESOLUTION NO. 2006-04 WHICH RECOMMENDS APPROVAL OF REVISIONS TO
GRADING ORDINANCE NO. 708 TO THE BOARD OF SUPERVISORS.**

DCC Murphy and PP Turner advised that following an appeal period, the revisions will be effective at the end of a 30-day period following adoption by the Board of Supervisors.

Revisions of the San Benito County Growth Ordinance ranking system for preliminary point ranking ~ Major Subdivisions section

PP Turner advised that the document presented contained the ranking systems for both the Minor and Major Subdivisions. He said the matter will be returned to the May 17, 2006 meeting for adoption of a resolution to forward to the Board of Supervisors. Commissioners noted that it was basically the same as previously seen, but some minor revision would be needed. PP Turner pointed out the changes which were made for consistency. DoP Henriques advised that a cooperative relationship has developed with the Cities and they are consulted regarding any items which may be within the Spheres of Influence of the Cities. The issues within the topic of 'Healthy Communities' were discussed by DoP Henriques. Discussion ensued regarding the adoption of the revisions to the Growth Ordinance, with DCC Murphy being directed to research the matter of public notice. Chair DeVries suspended further action to the end of the meeting pending the report from DCC Murphy.

Review criteria for processing applications for land use and building permits on non-conforming legal lots.

PP Turner reported that meetings had been occurring with the applicant and the discussions were moving forward.

PUBLIC HEARING ITEMS:

Zone Change No. 05-143 Discussion regarding the re-zoning of approximately 50 acres of R1/RM land with environmental constraints to Rural and 50 acres of Ag Productive (AP) land located in the General Plan Rural Urban Designation near Enterprise Rd and/or Airline Hwy to Single Family Residential & Residential multiple. Applicant: San Benito County; Location: Enterprise Rd/Airline Hwy; ZONING: AP, R1, RM

PP Turner reviewed the background of this item, noting the workshops conducted. He stated that the current action is to ensure that the zoning is being considered for the properties. PP Turner identified the issues:

- inclusion of the Hart property
- creation of non-conforming parcels
- down zoning of properties
- areas A, C, F
- Initial Study

Commissioners asked questions regarding:

- discussion/action by the Board of Supervisors
- minimum (53) and maximum acreage to be considered; DoP Henriques cautioned against going much in excess of the maximum
- total of all acres proposed [232 acres current + 58 (Hart property)>>280]
- last Planning Commission decision: send A, C, and Hart Property (total: 155 acres) to Board of Supervisors for consideration
- compelling reason for changing the zoning on environmentally constrained parcels (development potential previously discussed)

The public hearing was opened.

The public hearing was closed following speakers:

- Roger Grimsley
- Scott Fuller, 3805 Union Road
- Lyn Hilden, who asked that property in area D be deleted

BY CONSENSUS, THE COMMISSIONERS AGREED THAT AREAS A AND C, AND THE HART PROPERTY WOULD BE INCLUDED IN THE INITIAL STUDY.

Reconsideration of suspended item: **Revisions of the San Benito County Growth Ordinance ranking system for preliminary point ranking ~ Major Subdivisions section**

DCC Murphy advised that she had reviewed the matter of public notice requirement for adoption of revisions to an Ordinance. Following discussion, the Commissioners agreed that the matter of the system for preliminary point ranking of both Minor and Major Subdivisions would be forwarded to the Board of Supervisors for discussion / possible recommendation then returned to the Planning Commission as a Consent Agenda item on June 7, 2006.

Adjournment: 8:30 p.m.

Minutes prepared by:

Judi Johnson

Attest:

Byron Turner, Principal Planner