

SAN BENITO COUNTY PLANNING COMMISSION

Minutes of August 16, 2006

PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques, Principal Planner (PP) Byron Turner, Senior Planner (SP) Chuck Ortwein, Assistant Planner (AP) Chris Herrera, Assistant Planner (AP) Michael Kelly, Deputy Director of Public Works (DDPW) Arman Nazemi, Deputy County Counsel (DCC) Shirley Murphy; Clerk Trish Maderis and Assistant Clerk Jessica Temperino

Chair DeVries called the meeting to order at 6:04 PM and led the Pledge of Allegiance and then summarized the standing rules of order.

PUBLIC COMMENT:

The public comment period was opened and closed as there were no persons in attendance to speak to items not on the agenda.

DIRECTOR'S ~~ STAFF REPORT:

DoP Henriques advised of the following:

- At the Board meeting of July 25th it was noted that the school property adjacent to Ladd Lane Elementary School had become available. The County declined the purchase of this property and the YMCA will be pursuing this and will come before the Commission for consideration.
- August 1 ~~ nothing generally pertaining to the Commission or Planning Department
- August 8 ~~ tentative hearing on Appeal of Enz Quarry Use Permit was continued to August 22; both sides agreed that additional time is needed.
- The Board reviewed budget requests throughout the County departments and approved the budget officially on August 14th. The Board is considering an increase for Planning Commissioner's pay.

Chair DeVries asked if there is any need for follow up or comment on the procedural issues raised at the last meeting. DoP Henriques noted the staff memo. He stated that staff is currently taking steps to streamline some processes, further updating the Commission's agenda report and welcomed any feedback.

Clerk Maderis reported that Minutes Clerk Johnson has been ill and hospitalized, the Commission responded with wishes for a fast and full recovery.

Chair DeVries acknowledged the change in format of the Commission's agenda noting he felt the changes were positive. After some discussion amongst the Commission and staff, Chair DeVries then called for the Consent Agenda for the following items:

CONSENT AGENDA:

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of June 7, 2006
4. Minutes of June 21, 2006
5. Minutes of July 19, 2006
6. Minutes of August 2, 2006

Commissioner Machado requested that the Minutes of August 2, 2006 (Consent Agenda Item 6) be pulled for discussion and then motioned for approval of Consent Agenda Items #1, 2, 3, 4 and 5; Commissioner Bettencourt offered a second to the motion and was passed unanimously by all Commissioners present.

Commissioner Machado stated that he wished to have the Minutes of the August 2, 2006 amended stating dissatisfaction that the minutes did not sufficiently emphasize his main points and concerns on San Juan Vista Estates project stating: "As adopted it changes the maximum of 14 units to the potential of 52 residential units; releasing the maximum of 5,000 sq. ft. and 18 foot height limitations", stating that was all he wanted were those points reflected in the amended minutes. After some discussion, Commissioner Machado moved to amend the minutes to include his points; Commissioner DeVries stated that he would abstain from the vote as he was not present during the August 2nd meeting. A second to the motion was not made by any Commissioner and the motion died.

After continued discussions regarding the process, Chair DeVries asked for a new motion to approve the minutes of August 2 as written; Commissioners Smith/Bettencourt motioned approval of minutes as written.

The motion passed with a vote of 3-1-1, Commissioner DeVries abstained from the vote and Commissioner Machado opposed.

PUBLIC HEARING ITEM – CONSENT AGENDA ITEM #7:

LOT LINE ADJUSTMENT NO. 06-489 APPLICANT: Ed Stephenson. LOCATION: David Dr. & Everest Dr. (Ridgemark) REQUEST: Adjust the property line between two adjoining properties. ENVIRONMENTAL EVALUATION: Categorical Exemption

COMMISSIONERS BETTENCOURT/MACHADO MOTIONED FOR APPROVAL THE MOTION PASSED 5-0, WITH ALL COMMISSIONERS PRESENT.

Conditions of Approval:

- 1. Taxes:** Prior to the release of documents for recordation, the applicant shall provide a tax clearance letter stating that all real property taxes for the parcels subject to the lot line adjustment are prepaid. For the purposes of this condition, the amount of property taxes to be paid shall include all real property taxes in arrears, as well as the prepayment of the next installment of all real property taxes due on the subject property. "Next installment due" means the actual, or estimated, as the case may be, one-half year installment due immediately following the date or recordation of the new legal descriptions of the subject properties. The tax clearance letter is valid only from the date of issuance until the next installment due for the payment of real property taxes. [Treasurer, Tax Collector, Planning]
- 2. 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. [Planning]

PUBLIC HEARING ITEMS - CONTINUED ITEMS ITEM #8:

MINOR SUBDIVISION NO. 1156-04 – OWNER: Clarke Stoltenberg LOCATION: South of McCloskey Road at Isabel Lane and Edgewood Drive. REQUEST: Parcel map to subdivide a 10.33-acre parcel into four lots of approximately one acre each and one remainder parcel of 5.36 acres. ZONING: Rural Residential (RR). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

AP Kelly presented the staff report reminding the Commission that this item had been continued from the August 2 meeting. AP Kelly advised the Commission that the original applicant, Kraig Klauer has removed his name from the project and noted that staff recommends approval. AP Kelly also noted that Mitigation Measure #2 has been omitted stating that this property is not in a archeological sensitive area and will not be a condition of approval for this project.

Commissioner Bettencourt asked if previous neighboring applicant Manuel Yuste had to put in one half of Isabel Lane. AP Kelly answered to the affirmative.

Commissioner Machado questioned the 4 x 4 concern. AP Kelly responded that the previous applicant, Klauer, has removed his name from the project and does not have any ownership of this property.

DCC Murphy stated the previous applicant provided information to show that he didn't have any business relationship or financial interest in this property.

Commissioner Smith asked if Yuste and Klauer were still the applicants. AP Kelly answered that the applicant and owner of this project is Clarke Stoltenberg.

DCC Murphy said that the Mitigated Negative Declaration previously routed should be updated to reflect Klauer is not now associated with the applicant.

Commissioner Bettencourt questioned Condition #20, water system, asking Commissioner Smith about water softeners.

Commissioner Smith stated that self regenerating water softeners should be discouraged due to brine discharge, but questioned the Commission's authority to make that recommendation.

AP Kelly said no recommendation has been indicated by San Benito County Water District for softeners.

DCC Murphy stated that an ordinance change would be necessary in order to make water softeners a County requirement.

PP Turner suggested to use the language that was added to a previous application, "a note shall be placed on subdivision improvement plans and on an additional sheet to the parcel map that states the use of on-site regenerating water softeners is prohibited; off-site regeneration softening systems may be used subject to the approval of the San Benito County Water District".

Commissioner Machado noted that we need to be consistent in all applications and the standards should be modified.

Commissioner Tognazzini stated he understood that there were specific chemical conditions at the previous location and implementing conditions 'carte blanche' may not be appropriate for every application.

Commissioner Smith added that he believed this was a standing concern of the Water Districts and may need to obtain some advice from those entities.

Commissioner Bettencourt asks if this project is going to be hooked into the Sunnyslope Water District.

Commissioner Smith noted that it would be for water utility only, not sewer. This project is not within Sunnyslope Water District for sewer service.

Commission Tognazzini recommends that this concern be visited during the General Plan update.

Chair DeVries summarizes the discussion and to have staff adopt a soft water policy in the future.

DoP Henriques states that the Urban Water Waste Water Master Plan Study may be adopted before the General Plan Update and the soft water policy may be incorporated by then.

AP Kelly noted for the record, the applicant/owner, Clark Stoltenberg's address is 13520 Watsonville Road, Morgan Hill. (Attachment No. 4)

Chair DeVries then opened the public hearing.

Roger Grimsley, Project Engineer, concurred with the conditions of approval and requested approval of the minor subdivision. Mr. Grimsley stated the policy of San Benito County Water District is to discourage self generating systems and the County and City should come up with some sort of joint policy to be part of any conditions approved.

Commissioner Bettencourt questions Mr. Grimsley about the use of water tanks and their placement on the property.

Mr. Grimsley states they will be using an existing well and new water tanks to be placed on each parcel until they are connected to Sunnyslope Water.

Commissioner Bettencourt noted that the tanks should be located in the back, not the front of the parcel. Commission Machado concurred that the tanks look unpleasant and should be located in the rear. After some discussion regarding landscape screening, the consensus was that the water tanks should be placed somewhere other than the front of the property.

Commissioner Bettencourt asked if there could be one tank in between two parcels. Mr. Grimsley said as long as they meet the fire requirements of flow for fire protection. The tanks are 5,000 gallons and are used for fire protection. They have also been plumbed for future fire hydrants.

With no other persons wishing to address the Commission, Chair DeVries then closed the Public Hearing.

Commissioners continued discussions regarding the questions on tank placement and fire protection requirements also discussing County set back requirements.

Commissioner Bettencourt offered a motion based on the staff report and public testimony to certify the Mitigated Negative Declaration and to approve Minor Subdivision No. 1156-04 and to amend Condition #6 to state that any tank(s) shall be constructed to meet County set-back requirements. Commissioner Smith motioned for a second and the motion passed 5/0 with all Commissioners present.

Conditions of Approval:

1. **Hold Harmless:** Pursuant to Section 66474.9 of the California 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 proceeding against San Benito County or its agents, officers, or employees to attack set aside, void, or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of Government Code. [Planning]
2. **Conformity to 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. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Compliance Documentation:** Prior to recordation of the parcel map, 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. [Planning]
4. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act. [Planning, Assessor]
5. **Recordation:** The applicant shall submit a parcel map to the County and the parcel map shall be approved by the County Planning Department and the County Public Works Department and recorded with the County Recorder. The tentative parcel map shall expire two (2) 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 parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Planning, Public Works]
6. **Fire Protection:** A note shall be placed on the parcel map that states that “when developed the project shall 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, Public Resources Code 4290 and 4291 and other related codes as they apply to a project of this type and size. The Planning Department shall be provided with written verification that County Fire Department has approved all fire code requirements.” [Planning, Fire]
 - a. Any tanks constructed in fulfillment of these obligations shall be constructed to meet the site’s front-yard setback requirements. [Planning Commission]
7. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. [Planning, Public Works]
8. **Notice of Determination (Fish and Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the parcel map. The Department of Fish and Game fee (\$1,250.00—Fish and Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
9. **County Service Area:** Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join a County Service Area (CSA #43) for fire and sheriff protection. All related processing fees, including State Equalization fees, must be submitted prior to recordation of the parcel map. [Planning, LAFCO]
10. **Conditions of Approval, Easements, and Restrictions:** All unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the parcel map. [Planning]

- 11. Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, prior to recordation of the parcel map, the applicant shall contribute a habitat conservation plan mitigation fee of \$750.00 in accordance with Ordinance 541. [Planning, Public Works]
- 12. Inclusionary Housing:** Per County Ordinance 766, prior to recordation of the parcel map, the applicant shall pay to the County an in-lieu fee of \$43,231.36 toward inclusionary housing for very low-, low-, and moderate-income households. [Planning]
- 13. Dust Control:** A note shall be placed on the improvement plans for the subdivision stating that the soils shall be watered during site grading and construction activities to minimize dust. The note shall also state that, if dust is not adequately controlled through the application of water, grading activities will be suspended and an hourly watering schedule and/or maximum limit on the daily number of cubic yards to be graded will be imposed. [Mitigation Measure]
- 14. Soils and Geology:** The recommendations of the soils and geologic report prepared by Earth Systems Pacific (file number SH-10215-SA) shall be followed. [Mitigation Measure]
- 15. Drainage:**
 - a. Prior to approval of the tentative map, the applicant shall provide sufficient information to demonstrate that drainage facilities meeting County standards can be provided for the site. Such information shall include flood information as well as the location, design, and supporting calculations for proposed drainage facilities.
 - b. As part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and provide erosion and drainage control details for the project sheet. Included in this will be drainage calculations and construction details for a detention pond and for new impermeable surfaces created as part of this project. [Mitigation Measure]
- 16. Construction Hours:** As required by County Ordinance, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans. [Mitigation Measure]
- 17. Road Dedication:** Prior to recordation of the parcel map for this project, the applicant shall make an irrevocable offer of dedication for
 - a. 60 feet full-road right-of-way to San Benito County along Edgewood Drive and
 - b. 30 feet half-road right-of-way to San Benito County along Isabel Lane. [Mitigation Measure]
- 18. Road Improvements:**
 - a. Prior to recordation of the parcel map for this project, the applicant shall make roadway improvement for Edgewood Drive and Isabel Lane along property lines (i.e., for Edgewood Drive full-road, urban standard 40-foot asphaltic concrete on 42-foot road bed plus curb, gutter, and sidewalks, and for Isabel Lane half-road — half of urban standard 40-foot asphaltic concrete on 42-foot road bed plus curb, gutter, and sidewalks).
 - b. As the traffic study submitted with this project recommends a traffic circulation system for the local street network, including a bridge crossing at Santa Ana Creek, the applicant shall pay, prior to recordation of the parcel map for this project, a pro-rata fair share for this bridge.
 - c. Prior to recordation of the parcel map for this project, the applicant shall pay a pro-rata fair share for the construction of sidewalk along the north side of Santa Ana Road between Kane Drive and a point across Santa Ana Road from Gabilan Hills School. [Mitigation Measure]
 - d. The applicant shall construct a hammerhead turnaround at the eastern end of Edgewood Drive improvements. The turnaround shall conform to County Subdivision Ordinance Appendix B, Fire Design Standards, and shall be constructed on asphaltic concrete. [Planning Commission]

- 19. Encroachment Permit:** Prior to commencement of any improvements associated with the project, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County road right-of-way. [Mitigation Measure]
- 20. Water System:** Prior to recordation of the parcel map, the applicant shall obtain approval for a State Small Water System from the California Department of Health Services. [Mitigation Measure]
- 21. Water Main:** Prior to recordation of the parcel map, the applicant shall construct a water main along the length of Edgewood Drive's proposed improvement to accommodate future annexation into the Sunnyslope Water District and future connection to the district's service. [Planning Commission]

PUBLIC HEARING ITEM #9:

ORDINANCE CHANGE - APPLICANT: San Benito County. LOCATION: County wide
REQUEST: Amendment to Chapter 18, Zoning, Article II. Definitions, Section 18-4 Definitions of certain terms, and Article IV. Section 18-10 Conditional Uses. The amendment will add the term "Abattoir" to the Definitions and allow for the use of abattoirs (small meat processing plant) as a conditional use within areas designated on zoning maps as Agricultural Rangeland (AR) District.
ENVIRONMENTAL EVALUATION: Negative Declaration

SP Ortwein presented the staff report explaining that an Abattoir is the term used for a meat processing facility. SP Ortwein gave some background on the requested change.

Commissioner Tognazzini asked if this Ordinance change was developed because of a pending application.

SP Ortwein explained approximately 100 hours of staff time in research was conducted and an environmental document had been circulated to allow consideration of this use after discussions with an applicant and their project engineer. Limits were placed in the proposed Ordinance change for our County (100 head a day) as to not have a large scale operation (300 head a day) at this time.

Commissioner Tognazzini asked if other counties were researched and what the term "undomesticated" would cover. SP Ortwein replied it would allow the process of wild game or venison and other counties were investigated. SP Ortwein added that a large scale operation such as the like of Harris Ranch was not believed to be a good fit in San Benito County. The proposal did not include domesticated swine.

Commissioner Tognazzini said that wild game cannot be processed through a USDA facility because the inspector needs to witness the animal alive. SP Ortwein advised that inspection of a tagged hide is acceptable for USDA regulations.

SP Ortwein stated that when they process wild game they have to go through a thorough cleaning process before it is returned for processing of meat.

Commissioner Tognazzini stated he felt that swine should be included for any Ordinance change and not be specific to one application. SP Ortwein stated the issue of holding pens noting that swine produce more odorous conditions than cattle. Commissioner Smith stated that limits should be placed for swine but swine should not be eliminated entirely.

SP Ortwein stated that the elimination of swine processing was due to research and to a potential applicant's engineer. It was the consensus of the Commission that swine processing not be eliminated; that the Ordinance change should allow for any application that may come forward. It was also the consensus of the Commission that justification needs to be made for setting limits on quantity of animals processed.

PP Turner added that hogs were left out due to the fact that the potential applicant had no interest in processing swine. If the Commission would like this to be included the Initial Study, it would have to be re-circulated to include hogs.

Commissioner Tognazzini reiterated that the Ordinance should apply to all animals and applicants.

Commissioner Machado stated that it seemed the processing portion of the Ordinance change is not an issue, but the quantity of holding hogs is the issue and that's where limits may need to be set.

DoP Henriques stated that kennels are prohibited in AP Zoning districts for hybrid animals. DCC Murphy added that AP zoning (5 acre minimum) is deemed not an appropriate size parcel for an Abattoir and upon recommendation of the Commission and subsequent Board action, they may be excluded in this zone.

Commissioner Tognazzini noted the focus should be on the number of hogs and the time they are held instead of the number of swine. That hogs that are processed the same day they are held should not present problems with odor. Chair DeVries noted that this Ordinance change does not represent a 'feed lot' where animals are held for weight gain and then processed, that the change was to allow these activities in specific zoning districts.

Chair DeVries asked if swine was now to be included for the proposed Ordinance change and how long would the process would take. SP Ortwein stated the environmental document would have to be re-circulated, a 30-day process, with the total process taking approximately two months.

Chair DeVries discussed recommending the Ordinance change to move forward and allow this applicant to move forward. DoP Henriques stated an update to the Ordinance could be done at a later date. SP Ortwein reminded the Commission that this Ordinance change was not targeted or applied to any specific project, it is an county-wide change.

Commissioner Smith asked if this process has been discussed with any 4-H clubs. SP Ortwein replied his only conversation has been with the County Ag Commissioner.

Commissioner Smith asked for clarification on AP and AR zoning districts.

DCC Murphy explained that a Conditional Use Permit can be obtained in the AR District and that all uses in that district except for kennels for hybrid animals are also allowed in the AP zones. DCC Murphy stated that at the Commission's recommendation, an Abattoir could be added as an excepted use in the AP district.

Chair DeVries opened the floor to opportunity for public comment.

Sherry MaKabe from Paicines Ranch stated that they would have an application before the Commission soon and wanted to be sure that the meat processing plant would be able to process all types of animals. Their project engineer recommended against hogs as he felt they would be harder to do and by eliminating hogs, the project may move forward faster. Ms. MaKabe stated they would like to do hogs, but does not want AR zoning language to hold up the process.

Chair DeVries asks if they request to move forward and amend the Ordinance at a later date. SP Ortwein stated that staff would like to proceed forward and later amend the Ordinance to allow swine.

Sherry MaKabe stated that they would like to proceed with the proposed process at this time.

Commissioner Smith asked if the number of animals specified in the current language would fit the scope of the pending application.

Sherry MaKabe replied their expansion plan could go to 200 animals a day and that the facility would like to be able to accommodate ranchers in our County. Ms. MaKabe stated there were no such facilities in the immediate area and those that are, are hours away and limit the number of animals per day.

Chair DeVries asked Ms. MaKabe if meat processed at their facility would be offered in local restaurants. Ms. MaKabe stated that local beef could be served locally.

Commissioner Bettencourt asked how many jobs this project may create. Ms. MaKabe stated approximately 20-30 employees at full capacity she was not sure until it was up and running.

Commissioner Smith asked Ms. MaKabe if the proposed size limits in the suggested Ordinance change will accommodate 200 holding head numbers for their facility size in the future. She replied that she believed it would, that the size issue comes into play in the storage, packaging and freezing of meat products.

Brad Sullivan, Attorney for Lombardo & Gilles requested this Ordinance change move forward and when a specific application is submitted to the Commission for consideration, the Use Permit regulations in place at that time be visited then along with the environmental review.

Mr. Sullivan added that he has recently met with the Farm Bureau and would like to bring before the Commission a decision to determine what “agricultural uses” are and what definitely requires a Use Permit instead of continuously amended Ordinances when proposed uses do not fit the current regulations. Mr. Sullivan also stated that when the current Ordinance were originally adopted, some of the current agricultural operations did not exist as that time.

Commissioner Tognazzini asked if the alternative Mr. Sullivan suggested was a possibility? Chair DeVries stated that process required Board action.

With no others speakers, the public hearing was closed.

Commissioner Machado suggested that the current proposed Ordinance change move forward at this time, and then moved to Adopt Resolution No. 2006-10 and forward the recommendation to the Board of Supervisors and directed Staff to study the inclusion of swine in the language in the future; Commissioner Tognazzini offered a second to the Motion and the motion passed 5/0.

SP Ortwein noted that a correction to the date in the narrative of the Resolution needs to be made to reflect August 16, 2006.

COMMISSIONER MACHADO MOTIONED TO HAVE RESOLUTION NO 2006-10 CORRECTED WITH HARD COPY TO FOLLOW BASED ON THE STAFF REPORT AND DISCUSSION. THE MOTION PASSED 5/0.

PUBLIC HEARING ITEM #10:

USE PERMIT #919-05 – APPLICANT: Sallie Calhoun/Paicines Ranch; LOCATION: 13388 Old Airline Highway, Paicines. REQUEST: Use Permit for an event center and horse facility. ENVIRONMENTAL EVALUATION: Negative Declaration

PP Turner presented the staff report and explained the proposed application. PP Turner added that staff recommends approval.

Chair DeVries asks DDPW Nazemi for clarification in Condition #20, fair share improvements for traffic.

DDPW Nazemi explained that this area was compared to the Union Road benefit area and Union Road bridge benefit area in the traffic study provided by the applicant and the numbers of trip ends.

Commissioner Machado asked DDPW Nazemi what the traffic plan included geographically. DDPW Nazemi stated that the traffic that comes to the project will use Highway 25, Fairview Road, Cienega or Union Road and was an educated guess to determine the fair share costs.

Commissioner Machado stated that he was also concerned with limiting the number of events like the limitations placed on wineries in previous applications and the traffic flow if limits were not placed. PP Turner stated that this application was limited to 200 persons per event and that the County had no jurisdiction on Highway 25.

Commissioner Machado stated he also had questions on the all weather surface as described in the application. DDPW Nazemi explained that this is useable surface that could be base rock or anything acceptable where you wouldn't get stuck in the mud.

Commissioner Machado asked about the Wine Tasting Event held at the Paicines Ranch, PP Turner explained that event was subject to a Temporary Use Permit, an administrative action and was not part of this application.

Commissioner Smith questioned the limit of 5 guest rooms and if those rooms would generate occupancy tax for the County. PP Turner advised that the definition of a 'hotel' was 6 guest rooms and to meet the definition of a hotel a zone change would be required. Further discussion included that the possibility of occupancy tax may be generated much like a Bed & Breakfast or RV Park.

Chair DeVries then opened the public comment period.

Bobby Zaucha, employee of the Paicines Ranch, stated that the majority of the events would be outdoors and subject to weather conditions. The indoor events include corporate meetings and seminars.

Commissioner Smith asked about the number of RVs that would be present at any one time, Mr. Zaucha stated that currently no dumping facilities are available. PP Turner added that if the numbers constituted the definition of an RV Park, a different process would need to be followed and it is not anticipated for that use.

Commissioner Tognazzini confirmed that no more than 200 persons per event would be allowed. Mr. Zaucha stated that he didn't believe that 200 vehicles for any one event would be present.

With no other persons wishing to address the Commission, the public hearing was closed.

After a brief discussion among the Commissioners, Commissioner Bettencourt moved to approve; based on the staff report and public testimony, the motion was seconded by Commissioner Tognazzini and passed 5-0.

Commissioner Smith asked DCC Murphy to investigate if occupancy tax could be assessed for this project and future projects.

CONDITIONS OF APPROVAL:

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. [Planning]
2. **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. The event center shall not be used for any function until County Staff has ensured compliance with all conditions of approval. [Planning]
3. **Conformity to Plan:** The development and use of the site shall conform substantially to the application site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. Any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval. [Building, Planning]
4. **Improvement Plans:** Prior to issuance of a building permit, the applicant shall submit building and improvement plans to the County Building and Planning for approval. [Building, Planning]
5. **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 details for all outdoor lighting to the building official for review and approval. [Planning, Mitigation Measure 1]
6. **Fire Protection:** The project shall be required to meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, and other related codes as they apply. The applicant shall insure adequate ingress and egress to any and all buildings. Roadways/driveways shall be an all weather surface conforming to applicable codes and standards. The applicant shall install one or more above ground water storage tank(s) to ensure there is adequate fire flow if needed. Fire extinguishers shall be installed per the Uniform Fire Code. A site inspection may be required. [Fire, Building, Planning]
7. **Parking:** All parking and loading areas for this project shall be located on site. Parking areas shall be surfaced with an all-weather surface acceptable to Public Works and County Fire. [Planning]
8. **Drainage:** Applicant shall mitigate for drainage impacts by constructing drainage facilities to County Standards. The drainage facilities shall be in the form of either infiltration trenches, a detention pond structure, or a retention pond structure. The location of these facilities shall be shown on the site plan, and be supported by engineer signed and stamped calculations. The applicant shall insure that all drainage courses shall either: maintain a critical velocity less than the maximum for the soil type, or be properly lined to handle a high critical flow velocity. [Public Works, Mitigation Measure 5]
9. **Signage:** Types and sizes of business signs shall comply with Section 42 of the Zoning Ordinance. [Planning]

10. **Air Quality:** During construction, grading, and fill activities, the applicant shall water graded areas and roadways as needed to control dust. It is also the applicant's responsibility to maintain the cleanliness of existing improved roads in the construction area. Prior to issuance of the grading permit, the applicant shall place a note on the final improvement plans stating that the soil shall be watered during grading activity and that daily watering shall continue until erosion control planting becomes sufficiently established to decrease PM 10 release. [Planning]
11. **Grease Traps:** Grease Traps shall be installed in any new drains proposed as part of the facility expansion. [Mitigation Measure 6]
12. **Flood Plain Alteration:** The design of any proposed grading and development shall not alter the flood plain. The applicant shall provide engineering documentation that any proposed grading "fill" within the flood plain will not displace or change the boundary or elevation of the current flood plain. Applicant shall also comply with the County Drainage Standard by providing engineering documentation. [Planning]
13. **Noise:** No construction activity shall take place between 7pm and 7am Monday through Saturday, or on Sundays or Federal holidays. [Planning]
14. **Biological Resources:** If any special status, threatened, or endangered species are found during the operation of this facility, all operations shall cease until a Habitat Conservation Plan can be drafted, approved, and implemented. [Planning, Mitigation Measure 2]
15. **Cultural Resources:** If, at anytime while this facility is being used, 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. A note to this effect shall be placed on all construction, grading, or other improvement plans. [Planning, Mitigation Measure 3]
16. **Fire Protection:** Prior to the issuance of any permits for Paicines Ranch, the applicant shall comply with all requirements of the California Department of Fire, including the provision of an adequate water supply and flow for fire suppression. This may require the installation of one or more above ground water storage tanks and fire hydrants. [Fire, Mitigation Measure 4]
17. **Annual Review:** The Use Permit for the Event Center shall be reviewed annually by the Planning/Building Department. The applicant shall submit compliance documentation to the Planning Department on a yearly basis, and Planning Staff shall perform a yearly site inspection to ensure compliance with Conditions of Approval. [Planning]
18. **Sewage Disposal:** The soils report submitted for the project does not demonstrate sewage disposal feasibility and does not meet the requirements of the Central Coast Basin Plan. The applicant shall obtain a sewage disposal permit and shall install a disposal system that accommodates the wastewater flows that will be generated by the project. Additional comprehensive soil testing will be required prior to issuance of this sewage disposal system permit. [Environmental Health, Mitigation Measure 6]
19. **Kit Fox Habitat:** Prior to occupancy and use of the event center, the applicant shall be required to pay the Kit Fox mitigation fees as required by Ordinance 541, and any amendments. [Planning]

20. **Fair Share Improvements:** Applicant shall pay pro-rata fair share contributions as follows:

Union/Cienega Intersection Traffic Light	=	\$264.90
Union Road Widening	=	\$15,555.64
Union Road Bridge	=	\$2,942.58
[Public Works, Mitigation Measure 7]		

21. **Occupancy:** A maximum of 200 people shall be permitted for any one event located at the Event Center site. [Planning]
22. **Expansion:** Any expansion of the site shall be subject to San Benito County Planning Commission review and approval. [Planning]
23. **Access:** Applicant shall ensure and maintain a twenty-foot minimum (20) all-weather surface ingress/egress driveway for access to the project site. [Public Works, Mitigation Measure 8]
24. **Notice of Determination (Fish and Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the parcel map. The Department of Fish and Game fee (\$1,250.00—Fish and Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
25. **Final Plans:** Prior to final approval and occupancy of the Event Center, final plans shall be submitted to the Planning & Building Department for final review and approval. Final plans shall include a detailed site plan, parking plan, phasing plan, floor plans of all structures to be utilized for the facility, use of each structure, and occupancy.
26. **Overnight Guests:** Overnight occupancy shall be limited to 5 guest rooms. More than 5 guest rooms would constitute a hotel which would require a Zone Change, General Plan Amendment, and additional Use Permit.

Commissioner Announcements/Reports/Discussions

DoP Henriques announced that he will not be in attendance at the next Planning Commission meeting as he will be attending the LAFCO Annual Conference in San Diego.

Clerk Maderis noted that Chris Herrera has recently been promoted to Assistant Planner and full time status and an offer of employment has been made to another candidate for another vacancy.

Commissioner Machado announced that DoP Henriques had attended the Hollister Downtown Association meeting that AM and favorable responses were related to Commissioner Machado from Association members.

Commissioner Machado clarified that the County has one 1 Code Enforcement Officer. DoP Henriques advised that the County currently has one opening for a Building Inspector and the new Building Inspector will have code enforcement activities included in their duties.

PP Turner added that staff has begun including an 'annual review' condition to projects to ensure the conditions of approval are being met.

Chair DeVries asked for input on the 6:00 PM meeting start time, the consensus was positive. Chair DeVries also advised that he received a report on the PRGI sub-committee meeting and there was nothing significant to report. Commissioner Bettencourt advised that he had received an invitation from Sun City. Clerk Maderis advised the Commission that any mail received at the Planning Department is forwarded to them in their meeting packet. Commissioner Machado advised he had received his invitation at his home. DoP Henriques advised that a tentative date of September 12, 2006 is scheduled for a status report on the Del Webb project at the Board of Supervisors meeting.

DCC Murphy advised that if more than 2 Commissioners attended the Sun City tour, the item would have to be placed on an Agenda as a public hearing item and the general public would also have to be included in order to not violate any Brown Act issues.

Chair DeVries offered that a practice of announcing in this Commission meeting format any visits fellow Commissioners may be making in order to determine if there may be a Brown Act issue and obtain input from Counsel.

Commissioner Smith stated he had attended the Hollister Waste Water Treatment Plant meeting organized by Supervisor DeLaCruz. Commissioner Smith stated he felt confident that the City of Hollister in their administrative efforts was moving in the right direction with the treatment plant.

Clerk Maderis announced that no preliminary applications have been submitted to date, however the application period would be closed by the next meeting and we would be able to report the number of applications submitted.

Chair DeVries asked if any appeals had been filed from the July 19, 2006 meeting, which Clerk Maderis advised no appeals were filed and that some of the allocations awarded have already applied for their subdivisions.

DoP Henriques acknowledged that Byron and Chuck continue to work with applicants and keep the lines of communications open for the allocations and are doing a good job. Clerk Maderis also acknowledged that this would be Jessica Temperino's last meeting as she was returning to Fresno State and that Jessica was our part time employee who photocopied, assembled and delivered Commissioner packets this summer. Best wishes were relayed to her.

With no further business, Commissioner Machado moved to adjourn, Commissioner Bettencourt offered a second and the meeting was adjourned at 8:18 PM

Minutes prepared by:
Clerk Trish Maderis

Attest:
Principal Planner Byron Turner