

SAN BENITO COUNTY PLANNING COMMISSION
Minutes of September 20, 2006

PRESENT: Bettencourt, DeVries, Machado, Smith, Tognazzini

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques, Principal Planner (PP) Byron Turner, Assistant Planner (AP) Lissette Knight, Deputy Director of Public Works (DDPW) Arman Nazemi, Deputy County Counsel (DCC) Shirley Murphy; Clerk Trish Maderis.

Chair DeVries called the meeting to order at 6:03 PM, leading the Pledge of Allegiance, then summarized the standing rules of order.

PUBLIC COMMENT:

Chair DeVries opened, then closed the opportunity for public comment for items not on the agenda; as there were none present indicating a wish to speak.

CONSENT AGENDA:

Acknowledge Public Hearing Notice
Acknowledge Certificate of Posting
Minutes of September 6, 2006

TENTATIVE SUBDIVISION MAP NO. 99-66 REQUEST FOR EXTENSION

REQUEST: To extend the time of the Tentative Map. APPLICANT/OWNER: Fernando Gonzalez LOCATION: Santa Ana Road, Hollister

AMENDMENT TO THE CONSENT AGENDA:

URGENCY ITEM REQUEST FOR AN EXTENSION TO HOLLISTER DEVELOPMENT, LLC MS 1131-03; (The Chair stated he had been advised this item was not on the agenda due to an oversight; if the matter was not acted upon at this meeting, expiration would occur).

Following a brief discussion regarding the number of extensions allowable (staff advised it depends on the circumstances of the request), **COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO ADD A REQUEST FOR EXTENSION OF MS 1131-03 – HOLLISTER DEVELOPMENT, LLC, TO THE CONSENT AGENDA. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

COMMISSIONERS MACHADO/TOGNAZZINI MOTIONED TO APPROVE THE CONSENT AGENDA, AS AMENDED. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

For the benefit of those in attendance, Chair DeVries announced that regarding item #9, MINOR SUBDIVISION NO. 1123-02, a request for continuation had been requested by Staff and would be heard immediately following the next item.

CONTINUED CONSENT ITEM

CERTIFICATE OF COMPLIANCE NO. 06-63 – APPLICANT: Ted Stephens
LOCATION: Stephens Drive, San Juan Bautista. REQUEST: Recognition of remainder lot (APN 12-16-27) as a legal parcel. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorical Exemption.

AP Knight presented the staff report, informing that an additional Condition of Approval had been added since the September 9, 2006 Commission meeting when the item was initially scheduled. The applicant, AP Knight reported, was requesting recognition of a remainder lot as a legal parcel.

AP Knight reviewed the requirements for issuance of a Certificate of Compliance, which is requested from the Planning Commission for recording. AP Knight noted that Condition 1 is corrected to read ~~Use Permit~~ Certificate of Compliance, and Conditions 3, 4, 5, and 6 (with Condition 7 being included following questions by the Chair) must be recorded as part of the deed.

Commissioners discussed the Design and Review requirements as pertain to the project.

Chair DeVries opened the public hearing.

Engineer Roger Grimsley was present to represent the applicant, and reported that the requirements for the Conditions were acceptable.

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

Chair DeVries led discussion regarding non-compliance / conformity with the original subdivision requirements. Staff and other Commissioners joined the discussion which included items of:

- compliance with building permits/requirements
- role of Design/Review (control)
- need for inclusion of requirements of obtaining building permit/Certificate of Occupancy
- issuance of Certificate of Occupancy
- past practice of building restrictions
- ascertaining violations
- process of Administrative Hearing

COMMISSIONERS SMITH/MACHADO MOTIONED TO CONTINUE THE MATTER OF CERTIFICATE OF COMPLIANCE NO. 06-63 TO OCTOBER 4, 2006 TO ALLOW TIME FOR FURTHER RESEARCH BY STAFF TO ASCERTAIN CURRENT COMPLIANCE WITH THE CERTIFICATE OF OCCUPANCY AND RELATED ISSUES. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: BETTENCOURT; ABSTAIN: NONE; ABSENT: NONE.

Chair DeVries announced that agenda item #9 would be considered at this time.

MINOR SUBDIVISION NO. 1123-02 – APPLICANT: Dave Grimsley LOCATION: Thomas Road, Hollister REQUEST: To subdivide 1 20-acre lot into four 5-acre parcels. ZONING: Agricultural Productive (AP) ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

PP Turner reported that this matter (Minor Subdivision No. 1123-02) was being requested for continuation in order for staff to respond to comments received at the circulation of The Initial Study.

Chair DeVries opened the public hearing; with none present to address the matter, the public hearing was closed.

COMMISSIONERS SMITH/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF MINOR SUBDIVISION NO. 1123-02 TO THE MEETING OF OCTOBER 4, 2006. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

PUBLIC HEARING ITEMS:

ZONE CHANGE NO. ZC 05-147 – APPLICANT: Juventino Rodriquez. LOCATION: 380 Flora Avenue, Hollister. REQUEST: To change the zoning of the property from Agricultural Productive (AP) to Light Industrial District (M-1) ZONING: Agricultural Productive (AP) ENVIRONMENTAL REVIEW: Mitigated Negative Declaration.

PP Turner presented the staff report, informing that the applicant was asking for continuance of Zone Change No. ZC 05-147 so that staff and the applicant might have discussion with the City of Hollister.

Chair DeVries opened the public hearing.

Jesus J. Rodriguez, 1221 ElCerro Ct., asked for the item to be continued to October 4, 2006. Staff concurred that would be an acceptable action.

COMMISSIONERS SMITH/TOGNAZZINI MOTIONED TO CONTINUE THE MATTER OF ZONE CHANGE NO. ZC 05-147 TO THE OCTOBER 4, 2006 COMMISSION MEETING. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

USE PERMIT NO. 929-05 – APPLICANT: Donald A. Belt, Ph.D.

LOCATION: 920 Riverside Road, Hollister. REQUEST: Establish “The Hollister Japanese Temple Garden,” a Japanese garden, Koi pond, Buddhist Temple and Shinto Shrine for the edification and enjoyment of the Hollister community. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorical Exemption.

AP Knight presented the staff report, giving an overview of the comprehensive plan(s) for the project and calling attention to Categorical Exemptions/Sections 15301, 15303, and 15304. She said a building permit is needed and the applicant must obtain a Use Permit before the building permit can be issued. Concerns have been raised upon circulation of the plan to the public and governmental agencies include:

- increased use of water
- need for all proposed building to be properly constructed and installed

Chair DeVries opened the public hearing.

Applicant Donald Belt, 920 Riverside Dr., was present to speak with the Commissioners. Dr. Belt gave an overview of the project, and saying he generally agreed with the staff report. A concern, Dr. Belt noted, was the Condition requiring substantial changes in the existing septic tank systems. He told of being asked by Environmental Health personnel to test the adequacy of the septic systems which had been done. [Dr. Belt presented the findings of that testing and spoke at length on the septic system which is in place.] Dr. Belt requested that the Conditions for revising the septic system apply only if-and-when a problem should arise. Should a problem surface, Dr. Belt said, he would prefer to have the work completed by workers at the site, noting that the equipment needed was on-site and the workers had experience to complete the work.

The public hearing was closed as there were no other speakers to the matter.

PP Turner responded to a question when he indicated that so long as permitting was completed, the owner could do the work on the septic system himself or provide direction to his employees.

Commissioner Smith asked about Section 4, Conditions of Approval, with AP Knight responding that Environmental Health had requested the inclusion of that section. Commissioner Smith then asked Dr. Belt to speak to his interaction with staff from the Environmental Health Department.

Commissioners discussed other subjects included issues of:

- ☐ Mosquito abatement (Koi eat the mosquitoes)
- ☐ Condition #10 (not storage tanks but stand pipes for well; fire hydrants in place)
- ☐ ingress/egress issues
- ☐ potential for clarification of language with Environmental Health
- ☐ water supply [1 well: for domestic and landscaping uses]
- ☐ Condition 4: (possible language change) all work on septic system will be done pursuant to San Benito County Environmental Health Department specifications, regulations, and directions {it was noted that a waiver might be required from the current language} [agreed by all Commissioners] **
- ☐ other potential requirements from CDF/County Fire
- ☐ occupancy restrictions

A MOTION TO APPROVE USE PERMIT NO. 929-05, WITH THE MODIFICATIONS () NOTED DURING DISCUSSION, WAS MADE BY CHAIR DEVRIES AND SECONDED BY COMMISSIONER MACHADO, WHO NOTED THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

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. [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. The Hollister Japanese Temple Garden is limited to no more than what has been proposed and agreed upon in Use Permit 929-05, Assessor's Parcel Number 21-05-23. 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. **Environmental Health:** As a condition of Final Occupancy, the following items must be completed *unless an expressed waiver is obtained by San Benito County Environmental Health*. Each structure listed will require a separate permit for installation of a septic system. All permits must be paid for and approved prior to installation of the septic system. Installation of all work on the septic system shall be performed by a qualified a licensed septic system installer. *Installation of all work of the septic system(s) pursuant to San Benito County Environmental Health's requirements, specification and direction.*
- a. Building "A" (main house/residence), will be required to have installed a secondary leach filed with a diversion valve installed to separate the existing primary leach field for the secondary leach filed.
 - b. A new septic system shall be required for Building "D". In the event this unit is "connected" to the Building "A", it is recommended that separate systems be maintained for each structure/dwelling.
 - c. The recently installed diversion valve for Building "E" must be removed and a diversion box or flow divider shall be installed to connect the two existing leach lines. A secondary leach field of adequate size shall be installed with a diversion valve to separate the existing leach field and the new secondary leach field.
 - d. Prior to issuance of a building permit the proposed structure, Building "H" (Reception Office), will provide a detailed plot plan showing the septic system location. This structure will be required to have a commercial sized septic system (i.e. must be designated by a registered Civil Engineer).
 - e. In the event Building "G" (open barn/shed) is converted, it will be required to have a commercial sized septic system (i.e. must be designed by a Registered Civil Engineer). A detailed plot plan showing the septic system location is required.
 - f. If any hazardous materials are to be stored at this site, a Hazardous Materials Business Plan must be completed and submitted to this department.
 - g. This department reserves the right to enforce all regulations in the California Retail Food Facilities Law (CURFFL) if the proposed use of the "Tea Room" is expanded beyond that of making tea for a religious or ceremonial nature. The placement of the "Tea Room/Sauna" will be relocated to where the existing barn is currently located on the provided plot plan. [Environmental Health]
5. **Water Supply:** Prior to occupancy, use of the HJTG, or issuance of building permits the applicant shall contact the State Office of Drinking Water for further review/approval of the existing water system. [Environmental Health, San Benito County Water District]

6. **Lighting:** All exterior lighting for new development 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. All fixtures shall comply with County Ordinance 748. Prior to the issuance of a building permit, 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.
7. **Planning:** Prior to occupancy, use of the HJTG, or issuance of building permits the applicant shall amend all existing violations on the property with the Planning and Building Department and County Code Enforcement. [Planning, Code Enforcement]
8. **Periodic Review:** An annual/periodic review of the use of the use permit will be made administratively by the Planning Department to determine conformance with this Approval Notice. Failure to comply with conditions may result in revocation of the Use Permit by the Planning Commission. Applicant shall pay any fees associated with said inspection. [Planning]
9. **Address:** Addresses for the facility shall be posted at the entrance and clearly visible to responding emergency equipment and shall be to County standard with regards to size, width, and color. [County Fire]
10. **Fire:** Prior to occupancy, use of the HJTG, or issuance of building permits 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, and other related codes as they apply to a project of this type and size.
Fire Flow and water storage requirements must be met to include all structures on the parcel. If a Steamer Type fire hydrant is not located within 500 feet of the project driveway, one shall be installed on the water main at the driveway entrance. If no water main is available, contact the San Benito County Fire Department for further requirements. [County Fire]
11. **Ingress and Egress:** The applicant shall ensure there is adequate ingress and egress to any and all buildings. Roadways/driveways shall be an all weather surface conforming to applicable codes and standards. Any entrance gate shall be equipped with a Knox Locking System. [County Fire]
12. **Parking:** Parking of all vehicles shall be in designated parking areas and shall not obstruct access and egress for emergency vehicles. [Fire]
13. **Special Event:** No more than 50 people at a time can occupy the site for any event. More than 50 occupants will require the submittal of a Temporary Use Permit with the Planning Department and further review by Planning Staff or the Planning Commission.
[Planning, Public Works]
14. **Final Plans:** Prior to final approval and occupancy of the HJTG, 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.
[Planning]

15. Public Works:

- a. At the time the new driveway is placed and before it is tied into the Riverside Road right-of-way, the applicant shall obtain a Public Works Encroachment Permit.
- b. Traffic generated by the project shall not exceed 50 trip ends per day. More than 50 trip ends per day would require the generation of a traffic study and the project would return to the Planning Commission for approval. [Public Works]

M-DISTRICT REVIEW NO. 83-06 – APPLICANT: Jeff Akins.

LOCATION: 2740 San Juan Highway, San Juan Bautista. REQUEST: To establish the business California Custom Sheds which sells portable wood storage sheds and gazebos, the project will have a display yard, a gazebo and storage shed displays and lumber storage. ZONING: Heavy Industrial (M-2). ENVIRONMENTAL EVALUATION: Categorical Exemption.

AP Knight presented the staff report, calling attention to the Environmental Evaluation and the required findings of that evaluation. She said that no new buildings would be added as a result of this proposal. AP Knight noted the modification for Finding 2: Condition 1 (evidence portion): Should include language [Add at beginning of second sentence] **The appropriate County departments have reviewed this project and determined that ...**

Sentence continues.

Commissioner Smith asked questions regarding Condition #4, which staff then addressed.

Chair DeVries opened, then closed the public hearing as none were present to speak to the matter.

Commissioners raised the following topics regarding the M-District Review:

- fire service provision
- lack of storage tank
- tree and foliage removal
- retail operations
- need for landscape plan (to be returned to Commission on a future Consent Agenda)
- screening of entrance/or not
- designation requirements for a ‘Scenic Highway’
- applicant’s pledge of ‘sprucing up and cleaning the property’
- procedure(s) Environmental Evaluation/ Categorical Exemption
- zoning for M-District

Following length discussion, the matter of **M-DISTRICT REVIEW NO. 83-06 WAS CONTINUED TO THE OCTOBER 4, 2006 COMMISSION MEETING ON A MOTION BY COMMISSIONERS MACHADO/SMITH WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.**

TENTATIVE SUBDIVISION MAP NO. 03-68 and ZONE CHANGE NO. 03-134

APPLICANTS: Frank Benevento LOCATION: Orchard Road at Fairview Road and Hwy 156 REQUEST: 8 new 1-acre single-family residential lots clustered in a Planned Unit Development with a 37-acre agricultural lot with building envelope. ZONING: Agricultural Productive (AP) ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

PP Turner presented the staff report, advising that Condition #21 is not needed and should be struck. He also explained the changes recommended for Condition #13 and referenced the letter submitted by the neighbors.

Chair DeVries asked for explanation of the peer review process on the soils survey. PP Turner gave details of the process which will be required for all future applications, noting this is an application from 2003.

Chair DeVries opened the public hearing.

The following speakers were present in support of the project:

- ◇ Applicant Frank Benevento
- ◇ John Piini, representative of the applicant, who offered to answer questions
- ◇ Engineer Ann Hall, who also offered to answer questions
- ◇ Joe Zanger, Sr., 7350 Pacheco Pass Highway
- ◇ Joe Zanger, Jr.
- ◇ Roxy Montana, 6705 Pacheco Pass Highway

Sam Lomanto, 411 Orchard, said while it was a 'good project, concerns regarding the location and overloading of the utility (electric and telephone) capacity should be noted as he suggested the project would be better placed toward Fairview Road.

Several issues were discussed:

- ◇ no motorized vehicles
- ◇ restriction of large animals
- ◇ placement of the leach lines
- ◇ easement/creation of a non-maintenance area
- ◇ connection to CSA #43 (Condition #37)
- ◇ placement of caretaker residence on remainder property
- ◇ requirements of
 - > sprinklers in dwellings
 - > blue valve for fire hydrants
- ◇ soils testing/requirements and locations
- ◇ PG&E service provisions/problems
- ◇ water storage tanks

COMMISSIONERS TOGNAZZINI/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF THE TENTATIVE SUBDIVISION MAP NO. 03-68 AND ZONE CHANGE NO. 03-134 TO THE OCTOBER 4, 2006 COMMISSION MEETING TO PROVIDE THE OPPORTUNITY FOR FACT GATHERING REGARDING: ISSUES OF THE AVAILABILITY OF UTILITIES (PG&E) AND A DETERMINATION OF THE SQUARE FOOTAGE REQUIREMENTS/LIMITS ON THE REMAINDER PROPERTY, AND THE 'KELLY REPORT' AMENDMENT. THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

DISCUSSION ITEMS:

Hollister Ranch Estates road vacation

PP Turner presented the staff report indicating that the Hollister Ranch Estates Homeowner's Association (HOA) has requested that the County dissolve CSA #49, and subsequently relinquish Geneil Court, Ty Drive, Cecelia Court, Noelle Court, and Taryn Court to the HOA. The HOA has indicated a desire to have those streets under the control of the HOA so that the community may be gated which would increase safety and security to the residents of the subdivision. PP Turner reported that staff identified several issues of concern regarding the request:

- ♦ road vacation/gating would isolate an open-space and hiking trail easement currently available to the public
- ♦ the request could potentially conflict with future development in the area
- ♦ there are issues of adequate financing and maintenance of the infrastructure
- ♦ public safety access
- ♦ payment to the County for open space which would become inaccessible

Since the request must be acted on by the Board of Supervisors, PP Turner indicated that Planning Staff is seeking direction on recommendation to the Board of Supervisors.

DDPW Nazemi likened this request to that of the residents of Ashford Heights which was recently considered.

Commissioners discussed with staff:

- possible inconsistencies with future circulation plans
- 'dangerous' ingress onto Union Road
- reversion of CSA to private ownership and costs associated with such action
 - requirements of finance reserve/audit requirements for CSA
 - economic impact to County if CSA reversed [DDPW Nazemi addressed]
- access of public roads/hiking trails
- actual use by public of the open space and publicly accessible common areas
- ownership of open space

Chair DeVries opened the public hearing.

Mark Mooney, 2800 Ty Drive, spoke to the Commissioners regarding the request and informing that the desire of the HOA was to make the area safer. He told of vandalism incidents to the well. Mr. Mooney emphasized that the Hollister Ranch Estates is a public neighborhood, privately funded. He spoke on the myriad of problems which the HOA has faced over the years, and stressed repeatedly that the request under discussion at this meeting stemmed from the wish to have a safe living environment.

Commissioner Smith asked about the collection of fees for the CSA. Mr. Mooney gave an overview of the development and problems associated with a laxity of oversight by the County regarding the CSA.

Gordon McClelland, 3211 San Juan Hollister Road, advising that he was not present to speak to the request per se, but to ask that drainage in the area be addressed. He said that he was downstream from the development and the earthen dams broke with flooding resultant.

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

Commissioners discussed:

- hiring security would be cheaper/easier than dissolution of the CSA ~ vacation of the roads ~ placement of a gate
- clarification of 'open space'
- need for more information before a firm recommendation could be made
- possible economic benefit to the County
- need to have the matter returned to the Commission following it being presented to the Supervisors as an informational item at this time

Del Webb Senior Living Project Development 'Process' Note: *This item was consolidated with the Director's Report*

DoP Henriques said there are a number of items scheduled for the next Board of Supervisors meeting which will link to matters of concern to the Planning Commission and he urged the Commissioners to view the Board's agenda on-line to track those matters. He also advised that the Del Webb Senior Living Project Development 'Process' has a number of timelines as well as specific duties for LAFCo that he has documented in reports to the Board.

Chair DeVries noted that no further business was scheduled to be conducted at this meeting and adjourned the meeting at 9:40 p.m.

Minutes Prepared by:
Judi H Johnson

Attest:
Art Henriques, Director of Planning