

SAN BENITO COUNTY PLANNING COMMISSION

November 1, 2006 Minutes

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, Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy; Minutes Clerk Janet Somavia.

Chair DeVries opened the meeting at 6:06 p.m. by leading the pledge of allegiance to the flag and reiterating the standing rules of order.

DIRECTOR'S REPORT:

DoP Henriques reported recent actions:

- Board of Supervisors (BoS) October 24 meeting: approved selection of a Consultant for first phase of General Plan update (work scope planning). The contract for services was awarded to Dyett & Bhatia, a nationally known planning firm from San Francisco. The term of the contract is October 25, 2006 – April 25, 2007 at a cost of \$42,000. He gave an overview of the process of this phase as expected.
- Next BoS meeting: housing elements re-zonings

PUBLIC COMMENT:

Chair DeVries opened, then closed the public hearing having ascertained there were no persons present wishing to address items not on the agenda.

CONSENT AGENDA:

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of October 18, 2006

COMMISSIONERS MACHADO/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 ITEM – COMMISSION ACTION

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 presented the staff report, telling Commissioners this matter was continued from October 4, 2006 in order to address the adequacy of the proposed mitigations. As a result of the comments received, PP Turner said, CEQA finding #5 has been amended and Condition #10 – which states that the CTS implementation mitigation measures are required for project compliance. DCC Murphy presented a memo - which had been distributed - further addressing the matter. She also indicated having research items brought up in the letters from the Attorneys. DCC Murphy reported that the Commission had staff identify the proper mitigation measures for this project.

Chair DeVries opened the public hearing.

Attorney Jim Paxton, 350 5th St. spoke to finding 5 and stated his disagreement. He said that the measures listed are only part of the mitigated measures needed. “It’s hard to understand how the project can be acted upon and approved without knowing that other part is,” Mr. Paxton declared. “Where are the rest? They are not set out here.” Mr. Paxton insisted that the full mitigation must be known. “Furthermore,” he stated, “the public has been told in the circulated mitigated measures, but now an amendment states that oversight by the Fish and Wildlife program will not be provided, but will be required as part of the project.” Mr. Paxton objected that the public has not had opportunity to see – or comment – on the matter as amended and stated the Mitigated Negative Declaration should be re-circulated following revision.

Attorney Doug Marshall, 108 Locust #11, Santa Cruz, represented the applicant. Mr. Marshall referenced Condition 10 of the staff report, stating this is a very narrow argument on which to base obligation to the mitigation plan. Mr. Marshall gave an overview of the mitigation pattern and the study which had been conducted, as well as the resultant plan. He said, “There is substantial effect of mitigation by the five-point plan.” Mr. Marshall stated that the completed study was (‘more than sufficient to satisfy CEQA’). Mr. Marshall concluded by asking, “Does the Commission agree with the staff findings?”

With no others present to address the matter, Chair DeVries closed the public hearing.

REGARDING MINOR SUBDIVISION NO. 1123-02, COMMISSIONERS BETTENCOURT/SMITH MOTIONED TO ACCEPT AND CERTIFY THE MITIGATED NEGATIVE DECLARATION AS PREPARED/PRESENTED; AND THE MAP FURTHER ADOPTING THE MITIGATION IMPLEMENTATION PLAN AS OUTLINED IN THE STAFF REPORT; INCLUSIVE OF THE FINDINGS AND CONDITIONS AS SET FORTH IN THE STAFF REPORT, SUPPORTED BY THE DATA PREPARED BY STAFF COUNSEL. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

Conditions of Approval:

1. Recordation:

A Parcel Map shall be submitted for review by the Planning and Public Works Departments before action by the Board of Supervisors and filing for recordation. The tentative map shall expire two (2) years after Planning Commission approval, unless extension(s) are granted pursuant to local regulation and the Subdivision Map Act. [PLANNING, PUBLIC WORKS, RECORDER]

2. Hold Harmless:

Pursuant to Section 66474.9 of the 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 the County or its agents, officers, or employees to attack, set aside, void, or annul the approval of the subdivision and applicable proceedings. San Benito County shall be subject to Section 66474.9(b)(2) of the Government Code. San Benito County reserves the right to prepare its own defense pursuant to said section. [PUBLIC WORKS]

3. Assessment:

Prior to recordation of the Parcel Map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492 through 66494 inclusive of the Subdivision Map Act. [ASSESSOR, PUBLIC WORKS]

4. Easements:

The Parcel Map shall show all easements for access, utilities, and drainage. [PLANNING, PUBLIC WORKS]

5. Compliance Documentation:

Prior to action by the Board of Supervisors on the Parcel Map, the subdivider shall submit a summary response to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. The subdivider shall also submit a response as to how this project complies with all applicable impact fees. [PLANNING, BUILDING, PUBLIC WORKS]

6. Encroachment Permits:

Prior to any construction within the County right-of-way, the applicant shall obtain the appropriate encroachment permit from the Public Works Department. [PUBLIC WORKS]

7. Conformity with Plan:

The development and use of the site shall conform substantially with the proposed site plan and the Conditions of Approval as declared by the Planning Commission. Any further development of additional units shall be subject to further Planning Commission review and approval. [PLANNING]

8. Lighting:

A note shall be placed on an additional sheet to the Parcel Map that states: “All exterior lighting for new development on Parcels 1 and 2 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.”

[Mitigation Measure (MM)1]

9. Air Quality:

A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states: “All grading and building permits for new development shall be conditioned to require that disturbed soils be watered during site grading and construction activities to minimize dust.” [MM 2]

10. California Tiger Salamander:

The following conditions are required regarding protection of the California Tiger Salamander. A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states all of the following:

A. Prior to subdivision construction, which includes grading and other ground disturbing activities, implement all measures required by the USFWS to avoid and minimize the ‘take’ of CTS; which, subject to USFWS approval of a Habitat Conservation Plan (HCP), may include an Incidental Take Permit with terms and conditions for the avoidance and minimization of impacts to CTS, as allowed under Section 10 of the Endangered Species Act.

B. No ‘take’ of state or federally listed species shall occur prior to obtaining the required permits from the appropriate regulatory agencies, e.g., the USFWS.

C. All measures recommended to the USFWS and all measures required by the USFWS to avoid and minimize the ‘take’ of CTS, whether part of a proposed HCP or otherwise, shall be submitted to the County Planning Director to determine compliance with project conditions.

Also, as part of the implementation of the above mitigation measures, project compliance shall include the following measures, which shall be recommended to the USFWS during the preparation of an HCP to avoid and minimize the take of CTS;

1. Establish a Preserve Area on the subject property to provide a protected habitat and movement corridor to off-site breeding ponds, as shown on the attached map titled “Recommended Protected Habitat and Movement Corridor for the California Tiger Salamander.” This area shall be preserved and maintained as Open Space for the benefit of CTS. The exact acreage of the Preserve Area shall be determined by consultation of the applicant and the USFWS during the preparation of an HCP.

2. Provide appropriately designed tunnels at a crossing under the access road to Thomas Road to allow passage of CTS, together with a protected habitat and movement corridor on APN 25-21-43 for CTS (to be included in the Preserve Area), as shown on the above-mentioned map; and, provide construction, monitoring and maintenance rights for this purpose from the owner of APN 25-21-43 for the present and future owners of the subject property via recorded easements and/or restrictive covenants.

3. Establish a Home Owners Association (HOA) for the new residential development. The HOA shall appoint a person responsible for all the long-term management of the Preserve Area; and, the HOA, through fees assessed on each subdivided parcel, shall pay for the annual monitoring and maintenance of the Preserve Area.

4. Install a CTS exclusion fence prior to construction of the homes between the boundaries of the development area where it intersects with the Preserve Area in order to protect the CTS by preventing them from entering the development area.

5. Have a qualified biologist monitor all ground-disturbing activities associated with construction (e.g., stripping, grading, etc.), and relocate any CTS present to the Preserve Area. [MM3, MM4, MM5]

Although it is acknowledged that the measures included in a HCP are subject to USFWS approval, the five CTS mitigation implementation measures, listed above, are required for project compliance regardless of whether they are required by the USFWS or included in a USFWS approved HCP. Also, like other project conditions, the above implementation measures are subject to the compliance documentation and mitigation monitoring requirements set forth in conditions 5 and 31.

11. San Joaquin Kit Fox:

The following conditions are required regarding protection of the San Joaquin Kit Fox. A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states all of the following:

- A. Within 14-30 days of the start of construction if construction is initiated between 1 March and 30 July, have a qualified biologist conduct a survey of the project area for the presence of the San Joaquin Kit Fox,
- B. If kit fox dens are located, erect construction barriers around them with colored flagging or other suitable material that would remind construction personnel to avoid the area during active use of the dens,
- C. If active dens are found, the project biologist must notify the U.S. Fish and Wildlife Service and consult with them as to any additional protection measures they would deem prudent,
- D. Inactive dens, confirmed through use of the established protocols, could be collapsed
- E. Any constructed steep walled holes more than two feet deep should be covered at the end of each work day, and the hole carefully inspected the next morning to ensure a fox is not present. If one is found in such a structure, workers should avoid the area until the fox has left. If necessary, a temporary ramp, such as a long piece of timber, may be placed in the hole to ease the fox's escape,
- F. All food related containers should be stored in closed containers and removed from the site as appropriate,

- G. Each morning before the start of construction, all potential fox hiding places shall be inspected to ensure a fox is not hidden in or beneath them. For example, all equipment and materials, such as vehicles, pipes, open boxes, etc., where a fox could hide should be inspected. If a fox is found, workers should remove themselves from the area to allow the fox to escape the area without being harassed.

Also, to comply with County Ordinance 541, mitigation fees for SJKF will be paid to the County as a condition of the subdivision and again with building permits. These fees are to fund a Habitat Conservation Plan for the SJKF, which will further protect and assist in the recovery of this species.

12. Burrowing Owl: The following condition is required for protection of the burrowing owl. A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states all of the following: Prior to subdivision construction, the land owner shall have performed a burrowing owl survey using the 1993 Burrowing Owl Consortium protocols. A copy of the results shall be provided to CDFG and the San Benito County Planning Director. No construction for this project shall occur unless and until the San Benito County Planning Director approves a negative finding based on these protocols. [MM 6]

13. Archaeological Reconnaissance Investigation: The applicant shall be required to submit an Archaeological Reconnaissance Investigation of the project site prior to recordation of the parcel map. The study shall be prepared by a qualified California SOPA archaeologist and recommendations of the study shall be incorporated into the project improvement plans and followed for building permit applications. A note to this effect shall be placed on all construction, grading, or other improvement plans. [MM7]

14. Archaeological Resources: If, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, 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. [MM8]

15. Debris Flow Hazard: In order to reduce the potential for surface fault rupture and debris flow hazard from construction of homes to an insignificant level, a condition shall be placed on MS 1123-02 that requires the debris flow hazard areas to be shown on an additional map sheet of the recorded parcel map as non-buildable areas with reference to the Rogers Johnson fault investigation. The fault hazard area on parcel 1 shall also be mapped as non-buildable area for fault hazard. [MM9]

16. Non-Buildable Areas: The additional map sheet on the recorded parcel map shall include the following note: “The construction of a building in the mapped non-buildable area requires approval pursuant to section 17-26 of the San Benito County Subdivision Ordinance 617 and San Benito County Code. A request pursuant to section 17-26 for approval of a habitable structure for a dwelling unit or accessory buildings that could be occupied more than 2000 hours per year shall include a more site specific evaluation of debris flow hazard by the project geologist and approval by the peer review geologist for San Benito County. A supplemental site specific evaluation of debris flow hazard by the project geologist with approval by the peer review geologist for San Benito County may also be used to request a change to the boundary of the mapped building envelope to avoid debris flow hazard on the additional map sheet. [MM 10]

17. Geologic Investigation: Recommendations from the Rodgers E. Johnson geologic investigation Job No. G04023-SB, Earth Systems preliminary geologic investigation and Nolan Zinn Associate 2004 and 2005 peer review shall be incorporated into conditions of approval for MS 1123-02. The recommendations from the reports shall be included on the improvement plans for the subdivision and the applicant shall pay for the recommended construction supervision. [MM 11]

18. Foundation & Structure Plans: The Landset Engineers, Rogers E. Johnson geologic investigation and 2004 and 2005 Nolan Zinn Associate peer review shall be noted on an additional map sheet of the recorded parcel map with the following statement: “Foundation plans and structure design for building shall comply with the recommendations from the Rogers E. Johnson, and Earth Systems studies in order to minimize damage from ground shaking, surface fault rupture and debris flow hazard to an insignificant level.” The map sheet shall include a note stating that “The soils and foundations investigations for residences shall include a re-evaluation of liquefaction hazard and recommendations for foundation design.” [MM 12]

19. Drainage: Submission of engineered improvement plan that complies with County Drainage Standards and provides erosion and drainage control details on the improvement plans is required. Any drainage calculations submitted shall comply with the requirements of the County Drainage Standard and shall be signed and stamped by a registered civil engineer in the State of California. The improvement plans shall depict a building site for each lot, appurtenant access on each lot, and provide an engineering drainage report that demonstrates no drainage impact on downstream properties as a result of development on the project site. [MM13]

20. Grease Traps: A note shall be placed on the subdivision improvement plans and on an additional sheet to the Parcel Map that states all of the following: As additional prevention of storm water run-off to the retention ponds, grease and silt traps will also be installed at the base of the proposed driveways. This will further prevent storm water run-off into the San Benito River. [MM14]

21. Driveways: The following note shall be placed on an additional map sheet of the parcel map: “The driveway to Parcel 1 shall be located at 100 feet from the curve on Thomas Road north of the parcel and all driveways shall be located at least 300 feet apart. [MM15]

22. Septic Envelope: A note shall be placed on an additional sheet to the Parcel Map that states: In order to protect groundwater quality, the applicant shall secure approval from the Division of Environmental Health for septic envelopes prior to approval of the project. The approved septic envelopes and systems shall be illustrated on the tentative map for project consideration and the locations shall comply with all provisions of the Central Coast Basin Plan and the San Benito County Code. The map shall also illustrate the locations of soil testing performed. The septic envelopes shall be shown separate from the building envelopes, shall be scaled, and shall be large enough (based upon the soil types observed in each area) to accommodate the primary, secondary, and tertiary reserve area for the “typical” dwellings to be constructed. The applicant may include more than one envelope on each lot provided that the envelope is justified by a soils report prepared by a registered civil engineer. [MM16]

23. Sewage Disposal/Leachfields: A condition shall be placed on MS 1123-02 that requires the following notes to be placed on an additional map sheet of the recorded parcel map:

- a) Prior to the issuance of building permits, the applicant shall obtain sewage disposal permits from the Division of Environmental Health.
- b) The total depth of any leachfield trench on any lot shall not exceed seven feet (five foot flowline). [MM17]

24. Secondary Drinking Water Standards: In order to advise potential homeowners of the proposed water supply, a condition of MS 1123-02 shall require the following note to be placed on additional map sheet of the parcel map: “This note is to advise that in well number 2 on parcel 3, the concentrations of sulfate, chloride, specific conductance, turbidity, total dissolved solids, iron, and manganese exceed secondary drinking water standards. Furthermore, the concentrations of Specific Conductance and Sulfates exceeds the recommended Upper limits and the concentration of total dissolved solids exceeds the short-term upper limits. [MM18]

25. Well Protection: In order to protect water quality, a condition of approval for MS 1123-02 shall require a deed restriction be recorded for Parcel 4 that states “No animals or foul shall be kept in an enclosure within 100 feet of the well.” [MM19]

26. Construction Hours: A note shall be placed on an additional sheet to the Parcel Map that states: “As required by County Ordinance, construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 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.” [PLANNING]

27. Utilities: Prior to recordation of the parcel map, the applicant shall place a note on the improvement plans stating: “Utility service systems to all parcels shall be placed underground”. [Public Works, Subdivision Ordinance Section 17-65 (f)]

28. County Service Area: Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join County Service Area 43 for fire and sheriff protection. All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the final map. [LAFCO, Ordinance 651]

29. Fish & Game Fees: Applicant shall pay applicable Department of Fish and Game fees of \$1,250 plus \$25 filing fee prior to recordation of the parcel map. [CDFG]

30. 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]

31. Mitigation Monitoring: Prior to recordation of the final map or Planning Department approval of the improvement plans, whichever ever comes first, the applicant shall enter into a mitigation monitoring agreement with San Benito County. (PLANNING)

32. Dedication: Prior to recordation of the parcel map, applicant shall make an irrevocable offer of dedication for half of a 60 feet of right-of-way along Thomas Road, to San Benito County, along property frontage. [PUBLIC WORKS]

33. Thomas Road Improvements: Prior to recordation of the parcel map, applicant shall make frontage improvements for Thomas Road, along southwestern property lines (i.e. half-road, rural standard 24 feet AC on 34 feet road bed). [PUBLIC WORKS]

34. Fire Standards: A note shall be placed on an additional sheet to the Parcel Map that states: "Prior to the issuance of any permits for new development, the applicant shall comply with all requirements of the County 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, and the installation of NFPA 13D Residential Fire Sprinkler Systems." [COUNTY FIRE]

Chair DeVries reminded of the opportunity for appeal of any Commission decision to the BoS.

PUBLIC HEARING ITEM – COMMISSION ACTION

Preliminary Allocation Applications for Fiscal Year 2006-2007

PP Turner gave the staff report, noting that the Growth Management system (Ordinance #751) established procedures for limiting population growth within unincorporated areas of the County by allocating the number of minor/major subdivision lots approved in any fiscal year (FY). PP Turner also spoke on the need for the Commissioners to hold a public hearing and assign a point score to each residential development project. The scores, as totaled by staff on the recommendation of the Commissioners for each project, are found as **Attachment A**, attached to these minutes, he said. PP Turner continued by reminding that the two types of subdivisions: Minor and Major were evaluated and ranked separately, with the need to allow for a balance between the categories of minor and major subdivision allocations as awarded by the Commissioners. The method of determining the number of allocations awarded annually as set by the Growth Ordinance was explained.

PP Turner noted that the process for scoring the allocations (criteria) was recently 'revamped' by the Planning Commission and the Board of Supervisors and that the scoring allocations recommended this evening had been completed under the new guidelines. PP Turner told of the work staff had done with the applicants to increase the point value of the applications. He said, "This year's applicants have benefited from receiving a more comprehensive applications packet, which is reflected in overall higher scores. Several applicants held over from the last allocation process were able to raise their scores considerably."

Noting changes to the staff report, PP Turner explained:

- ❖ A minimum of 25 percent of the gross annual allocation shall be reserved for minor subdivisions (total of **9 16**).
- ❖ Additionally, in working with San Juan Oaks personnel, it has been determined that the allocations for that application will be reduced from 27 to **14 total**. Adjustments may be made to this project application in the future.
- ❖ An 'extra' 13 allocations then became available.

Discussion ensued with Commissioners clarifying that any deferred allocations [from this cycle] could be granted in 2007-08. Discussion centered on the San Juan Oaks project which had deferred ('loaned') some allocations to assist other projects toward completion would still have some allocations in the future.

SP Ortwein then presented an overview of the scoring of the applications. He explained that there were 48 allocations which could be given out this year. There are four major projects which, due to elevated scoring, are recommended for award and ten minor projects which can receive allocations. "Overall the projects were a lot better," SP Ortwein said, as he explained the scores given to each of the applications. He went on to review the applications/allocations as recommended by staff, based on direction from the Commissioners following the Preliminary Allocation hearings. SP Ortwein advised that staff recognized the reluctance of the Commissioners to give partial allocations as he explained the recommendations of the staff in regard to the allocations, points, and rankings.

Commissioners discussed with staff the recommendations and potential award of allocations. Clarification was provided by staff that there would be proposed allocations awarded at this meeting of:

- 22 minors
- 26 majors

Also discussed was:

- rationale for any partial allocations (no partial allocations, only projects reduced in scope)
- deadlines (cut-off dates) and receipt(s) of information from other agencies/County department
- scoring and ranking process(es) used by staff
- applicants increased scores by working with staff to enhance those scores for the projects [staff is clear to applicants on how scores can be increased]
- submission dates
- need to continue to 'evolve' process of scoring and working with applicants

Chair DeVries opened the public hearing.

The following speakers discussed the various allocations, scores, and recommendations for award. Project numbers, if identified, are noted in [...]

Bernadette Abramson, 2720 Arlington Rd. and Toni Grimsley, of Grimsley & Associates [PA 07-06] addressed the Commissioners regarding concerns of non-award. Staff explained the 'cut-off date' of September 1st and the ratings by other County Departments, e.g., Environmental Health.

Kevin Turner, 17760 Thumpp Ct., Morgan Hill [PA 07-01 and PA 07-02] spoke of the responsiveness of staff in answering questions and working on projects.

Anne Hall, San Benito Engineering [several projects on list] said that even though the process could benefit from further 'tweaking', SP Ortwein and other Planning staff have been consistent with communication good.

David Huboi, 910 Monterey St., Hollister spoke in favor of the Matthews project stating he had met with the City of Hollister concerning the water issues and felt his client should receive points for water and sewer and added his project should move ahead of the Leonardini project.

Ken May, 1313 Rhode Island, Salinas [PA 07-24] addressed the issue of not being able to contact Environmental Health. Mr. May stated that he had worked directly with Matt Fore to resolve issues concerning their percolation tests and also stated that he had worked with the Planning Department to bring up his total points.

Eric Dietz, 300 Airline Hwy., COO of RG&CC, Inc. [PA 07-09], said he had gotten into the application process late, but felt the staff had worked diligently to help applicants.

Albert Rodriquez, [PA 07-13] spoke on not getting allocations in the past and said staff had done a great job this year in helping the current applicants. Mr. Rodriguez spoke on the need for following the rules and not having deviations to meet the laxity of some applicants.

Tony Stafford, Chateau Ranch, spoke on the 'process' and the need for the applicants to do work timely and accurately on their own applications.

Mike Nino, 111 Best Road [PA 07-07] stated that he and his Engineer had met with SP Ortwein on several occasions and felt that the Department did a very good job of working to resolve any issues. Mr. Nino also stated that the Planning staff also made themselves available to the applicants.

Ray Pierce, 4140 Ashford Circle, talked about the 'point process for development' the City of Hollister has used in the past for its system. He suggested it would be useful for the County to study that process.

Marie Sanchez, Union Rd. [PA 07-21] Stated that her project was not accepted at the last allocation meeting and since that time had worked with Planning Staff to raise their points. Ms. Sanchez added ‘Staff has done an amazing job this year’ and told of difficulties in prior years.

Brad Sullivan, 1550 Prune St./225 Sixth St., Attorney with the firm of Lombardo & Gilles [PA 07-10] stated the process of the Ordinance and resultant allocations violates State law. Mr. Sullivan said that Planning staff had been very helpful and cooperative.

Adamian Surace. Los Viboras Rd. [PA 07-15] Spoke in favor of the process.

With no others to address the matter of allocation awards, Chair DeVries closed the public hearing.

Chair DeVries spent some time illuminating the process, e.g., receipt of applications, scoring, and rankings; and the role the Commissioners play in the awards cycle. He urged the audience to be involved with their own applications and clarified that the process while improved remains a ‘work in progress’.

COMMISSIONERS BETTENCOURT/SMITH MOTIONED TO GRANT THE AVAILABLE GROWTH ALLOCATIONS FOR FISCAL YEAR 2006-2007 TO THE PROJECTS, BASED ON THE SCORING AND RANKING, AND AS RECOMMENDED BY STAFF:

<u>Minors</u>	<u>#</u>	<u>Majors</u>	<u>#</u>
PA 07-17	2 (Frank Casillas Jr.)	PA 07-11	5 (Guerra)
PA 07-09	2 (Ridgemark)	PA 07-12	8 (Leonardini)
PA 06-12	2 (Friebel)	PA 06-18	7 (Sanchez)
PA 07-07	4 (Mike Nino)	PA 07-13	<u>6</u> (Rodriguez)
PA 07-05	1 (Pryor)	TOTAL	26
PA 07-04	3 (Seiler)		
PA 07-03	4 (Wynn)		
PA 06-07	2 (Adamian-Surace)		
PA 06-10	<u>2</u> (K May)		
TOTAL	22		

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: BETTNCOURT, DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Chair DeVries assisted staff by reminding the public of their appeal rights, which had been outlined in the staff report. He also led discussion of the need for staff to work with other County departments in order for scoring from those entities to be received more timely. The possibility of an MOU with Environmental Health in this area was discussed.

Commissioners Machado and Bettencourt were authorized to meet with staff regarding reviewing possible further changes in the process which could then be brought back to the Planning Commission. It was determined that meeting with the local engineers would be beneficial as well.

Turning to PA 07-12, discussion ensued regarding the possibility of establishing a County Service Area on the property.

ON A MOTION BY COMMISSIONERS MACHADO/BETTENCOURT, AND PASSED UNANIMOUSLY BY THE COMMISSIONERS PRESENT – WITH NONE ABSENT – CHAIR DeVries ADJOURNED THE MEETING AT 8:51 P.M.

*Minutes prepared by:
Judi Johnson*

*Attest:
DoP Art Henriques*