

SAN BENITO COUNTY PLANNING COMMISSION

July 2, 2008

Minutes

PRESENT: Bettencourt, Machado, Scattini Tognazzini

ABSENT: DeVries

STAFF: Director of Planning (DOP) Art Henriques; Senior Planner (SP) Chuck Ortwein; Associate Planner (AP) Lissette Knight; Public Works Engineer (PWE) Art Bliss; Deputy County Counsel (DCC) Shirley Murphy and Clerk Trish Maderis.

Chair Machado called the regular meeting of the San Benito County Planning Commission to order at 6:00 p.m. as he led the pledge of allegiance to the flag. Clerk Maderis noted Commissioner DeVries absent.

DIRECTOR'S REPORT

DOP Henriques reported information on the following Board of Supervisors items:

- Board support of the purchase of land on Frazier Lake Road and Miller Canal by the Silicon Land Conservancy group.
- Board adopted Resolution for West Hills Community College District to adopt the Education Code provisions to permit a school facilities improvement district within the County.
- Approval of consultant contracts to assist the County and developers track costs incurred for the El Rancho San Benito and Santana Ranch projects.
- Public Hearing conducted and Board adoption of amendments to Chapter 17 of the County Code for subdivision revisions allowing the Planning Commission to defer frontage improvements.
- Board direction to continue processing El Rancho San Benito project instead of waiting for completion of the General Plan Update.
- Board direction to form an ad hoc committee to review the Growth Management Ordinance and include 2 members from the Planning Commission on the committee.

Commissioner Scattini asked who the 2 Board members were that were on the Committee. DOP Henriques advised that Supervisor DeLaCruz and Supervisor Marcus were selected.

PUBLIC COMMENT

Chair Machado opened the opportunity for public comment.

Bob Huenemann, 120 Harbern Way, Hollister addressed the Commission advising that he obtained and provided to the Commission a petition signed by residents in the area opposing one EIR for Gavilan College/Dividend Homes projects. Mr. Huenemann stated he had presented the topic to the Board on July 1, 2008. Mr. Huenemann advised that the Gavilan College/Dividend Homes projects were in fact closer to the residents of Harbern Way and not Cielo Vista or Ridgemark. Mr. Huenemann requested that the proposed projects prepare separate EIRs for their projects as they both had different impacts.

There were no additional persons wishing to address the Commission on items not appearing on the Agenda and Chair Machado closed the Public Comment period.

CONSENT AGENDA

- These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.
- If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of June 18, 2008

Commissioner Tognazzini moved to approve Consent Agenda Items 1, 2 and 3 Commissioner Scattini offered a second to the motion which passed 4-0-1; Commissioner DeVries was absent.

PRESENTATION

LAFCo Executive Director Judi Johnson provided a handout to the Commission and public giving a brief overview of the history and functions of LAFCo. ED Johnson described some of the activities since being appointed in September 2007. ED Johnson explained that the direction by the Legislature for LAFCo consists of:

- the encouragement of orderly formation and development of local agencies, cities, special district;
- the protection of agricultural land and
- the discouragement of urban sprawl.

ED Johnson advised the Commission that San Benito County LAFCo was one of the few California Counties to complete the Municipal Service Review and Sphere of Influence studies by the mandated deadline.

Commissioner Scattini asked about the interim City Manager for San Juan Bautista. ED Johnson answered that the interim manager would be in place until the position was available for filling and he would be eligible to compete for the permanent position.

Commissioner Bettencourt asked how LAFCo was funded. ED Johnson explained that all jurisdictions contribute to the budget on a pro-rated basis. The LAFCO Commission consists of representatives from the County Board of Supervisors, the City Councils and one member at large. Each Commissioner also had an alternate and currently a member at large alternate was being recruited.

ED Johnson also advised the Commission meets the 4th Thursday of each month with some exceptions when the schedule conflicts with other activities or holidays. ED Johnson also stated she would be happy to meet with the Commissioners at her office to answer any questions they may have in the future.

DOP Henriques advised LAFCo was a separate entity from the County and ED Johnson is located in the Planning Department.

INFORMATIONAL

4. Preliminary Allocation information for FY 2008-2009.

SP Ortwein explained the application period for preliminary allocation application opened July 1st and would close on September 2, 2008 at 4:30 PM. SP Ortwein also advised that 49 allocations were available for distribution.

5. Enforcement of Preliminary Allocation Exemption – 10 year sale restriction

SP Ortwein presented AP Kelly's staff report providing an explanation for family exemption sale restriction questions from a previous meeting. SP Ortwein explained upon approval of the land division and recorded map, a deed restriction is placed on the title report restricting the sale for 10 years. Should a sale occur, legal liabilities are incurred, a sale may be stopped or action could be taken against a title company, escrow company or escrow agent.

Commissioner Bettencourt asked if only the newly created lot has a 10 year restriction. SP Ortwein advised only the newly created lot is restricted but the owner must reside on the property at the time of the original subdivision application or the property would not qualify for a family exemption under the Ordinance.

DCC Murphy explained the requirement for residing on the property applies at the time of application for a division, but is not required by deed restriction after recordation of the final map.

Commissioner Scattini asked who would police the restriction. SP Ortwein advised that potential sales are discovered during a title search and sometimes after the sale has occurred.

PUBLIC HEARING

6. Use Permit No. 975-07 - REQUEST: The applicant is requesting a permit to construct a third single family dwelling on their property. APPLICANT/OWNERS: Clyda Guggenberger. LOCATION: 2345 Salinas Rd, San Juan Bautista. ZONING: Rural (R)

AP Knight advised the Commission that although the project had been published for public hearing, additional CEQA analysis is needed and requested a continuance to a date uncertain.

DOP Henriques added a 6 month continuance would be sufficient for this project.

AP Knight stated an Initial Study needs to be prepared and circulated and would be able to return to the Commission within a 6 month period.

Chair Machado opened the Public Hearing. There were no persons wishing to address the Commission and Chair Machado closed the Public Hearing.

Commissioner Bettencourt moved to continue the Use Permit application to a date uncertain, not to exceed 6 months, Commissioner Scattini offered a second to the motion which passed 4-0-1; Commissioner DeVries was absent.

WORKSHOP

7. San Benito County Growth Management Ordinance

DOP Henriques advised the Commission that the Board of Supervisors directed on July 1, 2008 to establish an ad hoc committee which would consist of Chair DeLaCruz, Supervisor Marcus and 2 Planning Commissioners to review the existing 1% Growth Management Ordinance and the 30% Affordable Housing Ordinance. DOP Henriques added that 2 members of the Commission could be selected tonight.

SP Ortwein offered a brief history of the Growth Management Ordinance and provided seven staff recommended options as contained in the staff report to review for possible amendments. SP Ortwein added that due to the recent Board direction, these options would be reviewed by the Ad Hoc Committee.

Commissioner Scattini asked about the procedure to void the Ordinance. SP Ortwein advised that staff would have to conduct research to establish findings to rescind the Growth Management Ordinance. Such findings could include that the Ordinance did not meet the original goals it was intended for; the goal that would prevent San Benito County from becoming a bedroom community, which has not been met; the affordable housing needs have not been met and other findings which would be provided.

Commissioner Bettencourt advised he attended the Board meeting and believed the audience may have some input tonight. Commissioner Bettencourt also stated he believed the Committee should consider tonight's comments in their discussions.

DOP Henriques stated tonight's meeting was an informal workshop and the formation of a Board sub-committee would take the lead.

Commissioner Bettencourt asked if the 1%, Affordable Housing, Preliminary Allocations and the PRGI Ordinance would also be reviewed. DOP Henriques confirmed that anything pertaining to Growth or Affordable Housing would be reviewed by the Committee.

After some discussion, Commissioner Bettencourt asked if the meetings would be public. DOP Henriques stated they would not be public hearings but the public could attend. Chair Machado then opened the workshop for public input.

Al Guerra addressed the Commission stating the 1% growth control doesn't work and creates difficulty in creating projects. Mr. Guerra also stated that the growth cap creates the wrong message when enticing businesses to locate in San Benito County and makes it almost impossible for future generations to remain in the County. Mr. Guerra added that the Affordable Housing Ordinance does not meet the intended need.

Mark Davis, resident of Ridgemark and President and Chief Executive Officer of Ridgemark Golf and County Club stated that the growth policies in place do not work. Mr. Davis added that businesses are hurting and are not locating here. Mr. Davis also requested that the County change the growth cap, affordable housing and PRGI Ordinance.

Joseph Zanger (Jr.) requested consideration of the map recordation period be extended in the subdivision process.

DCC Murphy advised legislation is currently pending to extend the time for recordation of existing maps and would automatically apply statewide if passed. DCC Murphy also advised the County Subdivision Ordinance allows for extensions.

Chair Machado then closed the public comment period and stated that the Committee should consist of Commissioners other than the Districts represented by the Supervisors. DOP Henriques stated that this was an informal process and DCC Murphy reminded the Commission this was not an agendaized item but could be included on the next agenda.

Commissioners Bettencourt and Tognazzini both indicated they would be interested in volunteering to be on the Ad Hoc Committee.

INFORMATIONAL

6. Commissioner Announcements ~ Reports ~ Discussions

Clerk Maderis advised the Commission she had provided an informational list of projects previously considered by the Commission that have been continued to dates uncertain. Clerk Maderis also advised the Commission that baby Cassidy June Turner was born Monday June 30th to Assistant Director of Planning Byron Turner and his wife Lisa.

ADJOURNMENT

On a motion by Commissioner Bettencourt and seconded by Commissioner Scattini Chair Machado adjourned to the Regular Meeting of July 16, 2008 at 7:02 PM.

Minutes prepared by:
Trish Maderis
Planning Commission Clerk