

SAN BENITO COUNTY PLANNING COMMISSION

February 21, 2007

Minutes

PRESENT: Bettencourt, Machado, Smith, Tognazzini

ABSENT: DeVries

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

Chair Tognazzini opened the meeting at 6:04 p.m. by leading the pledge of allegiance to the flag and reiterating the standing rules of order.

PUBLIC COMMENT:

Noting that no one was present to address matters not on the agenda, the public comment opportunity was closed.

DIRECTOR'S REPORT:

DOP Henriques reported on items of interest from the Board of Supervisors meetings:

- February 13 affordable housing issues are starting to escalate at Riverview Estates (restriction on amount of value these homes can possess; one now in foreclosure and requires involvement of Board – and Title companies must cooperate)
- February 13 mid-year budget status report – looks as if good prospect for County
- upcoming board meetings:
 - affordable housing study session March 13
 - changes for accessory senior second units
 - directed staff to return with Ordinance updates for Affordable Housing Units exemptions allocation system (30 units now available and may be reallocated)
 - PRGI (potential residential growth program) two Commissioners and staff working with Board subcommittee on that [information distributed re data for Board]

Commissioners asked questions regarding:

- Senior Second dwellings – 100 foot rule
- ownership at Riverview (DoP Henriques and DCC Murphy gave an overview of that development and the involvement of the County with that development)
- if changes to the Senior Second units regulations, e.g., the 100-foot rule would come back to the Commission before the changes were finalized? [PP Turner explained the incorporation of Commission language suggestions into the revisions and when such changes would come back to the Commission; he explained that the Commission could

look at valid reasons for variances. Commissioner Machado said he would like the Commissioners to review before the matter is considered by the Board.]

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of February 7, 2007
4. **CERTIFICATE OF COMPLIANCE NO. 06-65(A)**. APPLICANT: Milton J. French. OWNER: Hansen Ranch, LLC. LOCATION: Section 9 of Township 12 South. APN: 25-12-05. REQUEST: Verification of one lot created by deed is a legal lot. ZONING: Agricultural Productive (AP).

COMMISSIONERS BETTENCOURT/SMITH MOTIONED TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: DEVRIES.

CONTINUED ITEM ~ PUBLIC HEARING / COMMISSION ACTION

5. **MINOR SUBDIVISION 1161-05** – APPLICANT: Dolores Perreira. LOCATION: 2035 Wright Road, Hollister. APN: 18-22-08 and 19-10-12. REQUEST: Tentative parcel map for division of a 10.63 acre parcel into 2 lots. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

AP Kelly gave the staff report, reminding this item had been continued from the previous meeting. Commissioners discussed with staff – including DDPW Nazemi, who spoke to the Health and Safety issues - the conditions (#12) relating to fire prevention. DCC Murphy joined the discussion, explaining the requirements of state law regarding fire suppression and protection. Chair Tognazzini suggest having the County Fire personnel conduct a short study session for the Commissioners. Commissioner Smith noted this item as an opportunity for the Commissioners to provide leadership.

Chair Tognazzini opened the public hearing.

Dolores Perreira, 741 W. Second St., spoke to the Commissioners as the co-owner of the property, explaining that the desire of the family is to ‘split the property’ as requested. Ms. Perreira reiterated that the property is no longer suitable for farming.

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

Discussion ensued regarding:

- building on Grade 1 soils
- sprinklering of new construction dwellings
- applicant understanding of the fire regulations/requirements
- need for ‘Knox Box’
- road improvement requirements/map recordation

COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CERTIFY THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE REQUEST OF MINOR SUBDIVISION 1161-05 WITH THE FOLLOWING MODIFICATION:

- DELETION OF CONDITIONS 12 B AND 12 D

AND INCLUSIVE OF THE FINDINGS AND CONDITIONS LISTED.

THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES:

BETTENCOURT, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: DeVries.

PUBLIC HEARING ITEMS ~ COMMISSION ACTION:

- 6. MINOR SUBDIVISION NO. MS 1190-06** APPLICANT: Dan Lima LOCATION: 532 Mission Vineyard Road, San Juan Bautista. APN: 18-20-40 REQUEST: To subdivide 100 acres into two parcels one consisting of 90.99 acres and one consisting of 9.01 acres for the development of a lot for single family dwelling. ZONING: Agricultural Productive (AP)

SP Ortwein gave the staff report, as he explained the modification for Condition #19, Section B with an overview of the replacement language. SP Ortwein also explained the need to delete Condition #20B (road improvements) and add: All weather surface road shall be placed to the residence and the barn, in accordance with Fire Department standards; the requirement also included language relating to easement(s) for the property along St. Francis Retreat Road.

Chair Tognazzini opened, then closed, the public hearing as there were none present to address the matter.

COMMISSIONERS BETTENCOURT/MACHADO MOTIONED TO APPROVE THE MATTER OF MINOR SUBDIVISION NO. MS 1190-06, TOGETHER WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND THE MODIFICATIONS OUTLINED BY STAFF. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: DeVries.

- 7. MINOR SUBDIVISION 1192-06** APPLICANT: Ron Bowers. LOCATION: 1130 School Rd, San Juan Bautista. APN: 11-14-49. REQUEST: To subdivide a 10.8-acre parcel into two 5.4-acre residential parcels. ZONING: Rural (R).

AP Kelly presented the staff report, who explained that this was not a request for a building permit. In responding to questions, AP Kelly spoke to the property access which will 'most probably be from School Road'.

DDPW Nazemi spoke to the location of the driveway for the existing dwelling and the potential for a common driveway for the properties following the requested split.

Chair Tognazzini opened the public hearing.

Anne Hall, San Benito Engineering, addressed the Commissioners regarding the driveway and drew attention to the map being presented.

Applicant Ron Bowers was present to answer questions and make comments.

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

Commissioners discussed:

- fire concerns (it was determined the subject property is serviced by Aromas Fire)
- layout of building envelope
- potential for Design Review

COMMISSIONERS BETTENCOURT/SMITH MOTIONED TO APPROVE MINOR SUBDIVISION 1192-06, AS INDICATED WITH THE REQUEST, AND INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: DeVries.

8. **VARIANCE NO. 06-19, MS 1142-03(A)** APPLICANT: Manuel & Gloria Gutierrez. LOCATION: 360 Cowden Rd., Hollister. REQUEST: To waive frontage improvement requirements for Minor Subdivision No. 1142-03. ZONING: (AP) Agricultural Productive. ENVIRONMENTAL EVALUATION: None

PP Turner gave the staff report, noting that the applicant(s) are asking that the requirement(s) for MS 1142-03(A) {which was approved in 2004} be waived due to a pending divorce settlement. PP Turner noted that the road improvements required are supported by the Subdivision Ordinance. He noted that other subdivisions in the area have the same restrictions for road improvement. PP Turner called attention to correspondence received from the applicants which is part of the permanent file.

Chair Tognazzini opened the public hearing.

Applicants Manuel and Gloria Gutierrez, 360 Cowden Road, were present to address the Commissioners. The applicants made statements regarding the matter which included:

- objection to payment *and* dedicating property
- issues of 'fair share' payment

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

Commissioners discussed with staff:

- (to DDPW Nazemi): requirements to provide frontage road(s)
- DDPW Nazemi: 'fair share' condition for road improvement
- need for road/street area for potential build out
- DCC Murphy addressed questions regarding intersection requirements
- the Gutierrez's request to provide dedication in lieu of road improvements (widening and paving); the Gutierrez's indicated the wish to do either: a) 'fair share' or b) waiving dedication of right-of-way
- design of Cowden Road
- concerns that there would be requirement to create a new map for an approved subdivision
- agreements made by the applicants at the time of the approved subdivision. (Note: it was reiterated that the applicants are not being asked to put into place improvements in excess of other subdivisions {inclusive of discussion of roads and obligations of neighboring properties})
- potential for expiration of map
- location of easement [DDPW Nazemi clarifies easement is from subject property]

Responding to a question, DCC Murphy explained that approval would require specific {new} findings by the Commissioners. She also cautioned the window for such findings is 'very narrow' with very little 'wiggle room'.

Commission discussion turned to the issue of public safety and the required improvements.

COMMISSIONERS BETTENCOURT/MACHADO MOTIONED TO DENY THE REQUEST OF VARIANCE NO. 06-19, MS 1142-03(A). THE DENIAL WAS BASED ON CONCERNS OF SAFETY <road improvement requirements>; AND IN THE INTEREST OF CONSISTENCY AND CONTINUITY WITH AGREEMENTS MADE AT THE TIME OF THE REQUEST FOR SUBDIVISION OF THE PROPERTY CONTAINED WITHIN THE SUBDIVISION ORDINANCE. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: DeVries.

The appeal process was explained to the applicants

INFORMATIONAL – NON-ACTION ITEMS

Commissioner Announcements/Reports/Discussion

- Meeting data for the Subcommittee on Preliminary Allocations will be determined
- Potential for study session for Sign Ordinance

COMMISSIONERS BETTENCOURT/SMITH MOTIONED TO ADJOURN THE MEETING. THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; DeVRIES WAS ABSENT. CHAIR TOGNAZZINI ADJOURNED THE MEETING AT 9:25 P.M.

*Minutes transcribed by:
Judi Johnson*

*Attest:
DoP Art Henriques*