

SAN BENITO COUNTY PLANNING COMMISSION

March 7, 2007

Minutes

PRESENT: Bettencourt, Machado, Smith, Tognazzini

ABSENT: None

LATE: DeVries, who arrived and was seated at 6:14 p.m.

STAFF: Director of Planning (DoP) Art Henriques, Principal Planner (PP) Byron Turner; Assistant Planner (AP) Chris Herrera; Assistant Planner (AP) Michael Kelly, Planning Technician Michael Krausie; Deputy Director of Public Works (DDPW) Arman Nazemi; Deputies County Counsel (DCC) Terra Chaffee and Shirley Murphy (who arrived at 6:16 p.m.); Minutes Clerk Trish Maderis

Chair Tognazzini 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 offered the following information of Planning Commission interest from recent Board of Supervisor's meetings:

- ~~February 27~~. The Board reviewed potential updates for the Senior Second units (accessory dwellings) and the updates should become effective shortly.
- continuing discussion re: zone change at Casa de Fruta Orchards (Zanger family) the Commission and the Board had previously approved the project; however, a portion of the project is classified as Grade 1 soils and it was brought to the Board's attention in order to do trades of Grade 1 soils and other sections of the acreage, the Ordinance must be updates; staff is working on same. The minor change of the Ordinance will be to the Commissioners soon for recommendation to the Board.
- past the 30-days for change in the allocation system to exempt affordable units, the Board heard testimony and accessed a staff report, then agreed to take eight (8) of those extra allocations and award them to the former appellants on two sites (lower ranking during cycle – questions of scoring of those two projects – and since the applicants had appealed to the Board, they would be granted the eight (8) allocations. The other 22 allocations would be rolled to next summer's batch of allocations.
- per the Board's subcommittee of the PRGI program will be returned to the Planning Commission; Planning staff to update and bring to Commission for recommendation before being returned to the Board
- ~~March 6~~ Board meeting: update on Budget 'looks good'

Chair Tognazzini asked if the allocations which were given to the appellants were re-rated. DoP Henriques explained those had high ratings, but with clarification during the appeal process about some of the information, including review of County Health's scoring; the Board felt comfortable with granting the allocations to the appellants based on the additional information. PP Turner clarified that projects had been close to the cut-off and due to miscommunication between County scoring departments, it had been determined that the projects would have ranked high enough to receive allocations.

DoP Henriques further reported that the General Plan Update Stakeholders interviews which would take place on March 9. He continued with an overview of the process and the effort to make sure all interested and identified persons were included. DoP Henriques explained the study session which will be scheduled for the Commission and the Board to finalize the General Plan Update work plan.

PUBLIC COMMENT:

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

CONSENT AGENDA:

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting

COMMISSIONERS SMITH/MACHADO MOTIONED TO APPROVE THE CONSENT AGENDA, AS PRESENTED. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

PUBLIC HEARING ITEMS ~ COMMISSION ACTION

3. **RURAL HOME ENTERPRISE 02-18(A):** APPLICANT: Richard Hershey. LOCATION: 720 Briggs Road; Hollister. ASSESSOR'S PARCEL NUMBER: 019-090-031. REQUEST: To amend a condition of an existing Rural Home Enterprise and Variance.

AP Herrera presented the staff report, telling the Commissioners the applicant is requesting that Condition #5 be removed to allow the sale of personal vehicles at the site. He explained the original Rural Home Enterprise was submitted to correct a violation on the property due to cars for sale parked on the corner of Brigg's Road and Highway 25. The variance was granted in 2002 to allow the establishment of a Rural Home Enterprise for the repair of automobiles. The intent, AP Herrera said, is for a body shop only; no auto sales should be conducted on the site. Prohibition of parking 'for sale' vehicles was noted. AP Herrera explained that further study has resulted in staff recommendation modify Condition #5: to permit one vehicle displayed at any one time; vehicles for sale shall not be parked on the easement of Highway 25 or on Brigg's Road; storage of vehicle outdoors is likewise prohibited; storage to vehicles indoors is limited to those solely owned by the resident of the property; no car washing is to take place on the premises except for the owner's personal vehicles <violations may be cause for revocation of the permit>

Chair Tognazzini asked about the limitation of car washing? He said that the work of a body shop might require car washing between phases of the detailing work.

DCC Murphy clarified that for that type of activity, special drains and grease traps, etc. would be required to capture the run-off. She also said in general the Rural Home Enterprise Permits have to be on a scale that is below that of a commercial or industrial use. The zoning Ordinance provides that if the use would become something that is covered by commercial or industrial permitted use then it is expressly not allowed as a Rural Home Enterprise.

Chair Tognazzini opened the public hearing.

Applicant Richard Hershey, 702 Brigg's Road, said the car washing required at his business is minimal. He said he generally uses the commercial car washes in town.

Commissioner Bettencourt asked about drains which could be used for the car-wash. Mr. Hershey said there is a small detention pond which acts as a drain. Commissioner Bettencourt continued by asking what the 'triggering' point is in the Rural Home Enterprise. DCC Murphy said the matter may have been addressed in the original Mitigated Negative Declaration. PP Turner explained the rules of Rural Home Enterprise permitted uses and potential Code Enforcement involvement.

Discussion ensued regarding:

- license
- State regulations/requirements (including parking spaces required)
- 'trigger' of higher level CEQA review
- zoning requirements for Rural Home Enterprise; permitted uses
- <from DoP Henriques> standards used in Santa Clara County
- applicant has current CA license
- number of car washings per week required of the applicant [10 – 12]

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

COMMISSIONERS SMITH/BETTENCOURT MOTIONED TO APPROVE AN AMENDMENT (as described in the staff report) TO CONDITION #5 OF AN EXISTING RURAL HOME ENTERPRISE AND VARIANCE. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

DoP Henriques noted that unless an appeal is filed to the Board of Supervisors, the matter has been completed.

DISCUSSION ITEMS – NO ACTION REQUIRED

4. FIRE REGULATIONS

PP Turner introduced Curt Itson, Hollister Battalion Chief, who was sitting in for Division Chief Reno DiTullio, and Captain Jim Dellamonica (Fire Marshall) of the local County Fire Departments to explain the process used when they are asked to address Planning projects, including recommendations.

Chief Itson and Captain Dellamonica identified the following issues:

- Uniform Fire Codes are the basis of decision making and are being followed
- sprinkler requirements [based on water availability for fire suppression]
- alternative means of fire protection
- new Codes ratified in January; consistency is the key
- fire flow/testing {discussed at length, with several questions from the Commissioners }
- standards for wells being tested
- funding for fire protection
- need for uniformity
- description of flow for CDF requirements
- mitigation measures considered when decision making for planning

Commissioners thanked the Fire personnel for being in attendance and answering questions.

5. P U D (Planned Unit Development) REGULATIONS

PP Turner presented the staff report, noting that in February 2007 the Board of Supervisors had directed staff to prepare an amendment with a set schedule. That amendment is anticipated to be considered at the Board meeting of April 18, 2007, PP Turner said. A list of concerns had been identified, he said, which include:

- flexibility of use of Grade 1 soils (including building on same)
- recreational requirements, including park land set-aside [regional park versus park in-lieu payments; it was noted a Parks Committee was being formed with recreational aspects discussed]
- potential of cluster development
- PUD is limited to major subdivisions (no options to conserve agricultural uses for minor subdivisions)

Issues and concerns raised by the Commissioners were:

- need to require Peer Review for soils grades
- Parks Committee has been approved, is being staffed
- comparison to TDCs process
- no guidelines for regulating for acreage
- potential for limiting flexibility in establishing permits for preservation of acreages
- PUD overlay requirements (DCC Murphy and PP Turner gave overview)
- Concern that 'zoning is backward' for protection of minimum acreage for farming

Chair Tognazzini opened the public hearing.

Scott Fuller, 3825 Union Road, spoke on the importance of Parks and Recreation Improvements. Mr. Fuller suggested that an applicant could put in trails and have certain fees waived as a result of that effort. Mr. Fuller spoke on the requirement of easements in his project at San Juan Oaks which took the place of re-zoning. Mr. Fuller suggested that the County could support having agricultural easements given to Land Trust for preservation. Responding to a question from Commissioner Bettencourt, Mr. Fuller said that the TDC process allows for a density bonus.

Doug Marshall said he is an attorney and urged the Commissioners to think of the PUD process, as well as that of the TDCs, as a tool, which can be identified through written rules within the General Plan or County Code.

Brad Sullivan said he, too, is an attorney and cited City Codes in saying PUDs are tools which allow flexibility and can be used anywhere. Mr. Sullivan said the TDC program requires an EIR and can provide focus for simplifying the existing PUD requirements.

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

PP Turner advised that the Board of Supervisors wants to have presented the net benefit to a project, which will enhance the ability to approve projects. "Right now, no flexibility exists and the Board wants to be able to address specific areas for development, including projects which may be located on Grade 1 soils," PP Turner said.

Following a varied discussion of issues loosely associated to the matter, PP Turner advised he will gather information and prepare a report based on the opinions of the Commissioners. The report will be presented at the next Commission meeting.

6. SIGN REGULATIONS Byron Turner

PP Turner gave the staff report, indicating the current regulations are contradictory and are in need of modification.

Commissioners discussed at length the various aspects of signage with staff. DoP Henriques advised that the process of appointment of a Hearing Officer for compliance reporting is being anticipated.

PP Turner advised that staff is updating the sign regulations which will be presented to the Commissioners at a future meeting.

INFORMATION – NON-ACTION ITEM

Commissioner Announcements/Reports/Discussions

Commissioner Bettencourt asked for a report on the Paint Ball operations which have been approved by the Commission. PP Turner advised the matter will be on the March 21, 2007 Commission agenda.

COMMISSIONERS BETTENCOURT/MACHADO MOTIONED TO ADJOURN THE MEETING. THE MOTION CARRIED WITH; THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT NONE WERE ABSENT. CHAIR TOGNAZZINI ADJOURNED THE MEETING AT 8:54 P.M.

*Minutes transcribed by:
Judi Johnson*

*Attest:
DoP Art Henriques*