

SAN BENITO COUNTY PLANNING COMMISSION

July 18, 2007

Minutes

PRESENT: Bettencourt, DeVries, Machado, Tognazzini

LATE: None

ABSENT: Scattini

STAFF: Director of Planning (DoP) Art Henriques; Principal Planner (PP) Byron Turner; Senior Planner (SP) Chuck Ortwein, Associate Planner (AP) Lissette Knight, Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy; and Clerk Trish Vieira-Maderis.

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

Chair Tognazzini advised Clerk Maderis due to the excused absence of Commissioner Scattini, the election of Vice Chair for the remainder of the calendar year would be conducted at the August 1, 2007 meeting.

DIRECTOR'S REPORT:

DoP Henriques called attention to the *draft survey* which is being prepared by the General Plan Consultants and will be sent to all property owners and residents of the County once it is finalized for distribution. Commissioners present were urged to review the survey and suggest potential ideas for change/clarification to the document before it is distributed. The Board of Supervisors is also reviewing the item.

PP Turner reported on the July 3, 2007 Board of Supervisor's (BoS) meeting:

- Potential Residential Growth Increase Designation (PRGI) is anticipated to be finalized at the July 24, 2007 BoS meeting; item was discussed at the July 3, 2007 meeting
- The appeal of Minor Subdivision No. 1194-06 at 4155 John Smith Road, Hollister, CA Appellant: Al Silva (road improvements) was granted
- Reviewed the General Plan survey (referenced in DoP Henriques report)
- PP Turner advised that Agenda Items #6, 8, 9, 11 and 12 contain requests for continuances and if noticed, a public hearing would be opened, then the continuation requested. PP Turner advised this information was provided should any member of the public wish not to attend the entire meeting.

PUBLIC COMMENT:

Chair Tognazzini opened, and then closed, the Public Comment period 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 June 20, 2007

COMMISSIONERS BETTENCOURT/ MACHADO MOTIONED TO APPROVE THE CONSENT AGENDA [ITEMS 1 – 3] AS PRESENTED. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

DoP Henriques announced that any decision made by the Commissioners can be appealed and the appeal must be filed in writing within ten (10) calendar days to the Board of Supervisors, specifically indicating why the Commission's decision was inappropriate or unjustified.

CONTINUED ITEM ~ COMMISSION ACTION

4. Transaction of Business Annual Review

Clerk Maderis, gave a brief overview of the Review, which had been initiated for Commissioner approval some years ago. It was pointed out that the Resolution, which had been prepared for The Rules for the Transaction of Business would replace procedures adopted in 2006 by Resolution No. 2006-07.

Following deliberation of the matter, and **BY CONSENSUS MAKING THE DECISION TO CONTINUE THE ANNUAL REVIEW, COMMISSIONER DeVRIES OFFERED RESOLUTION 2007-004, WITH COMMISSIONER BETTENCOURT SECONDING THE MOTION. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.**

CONTINUED PUBLIC HEARINGS ~ COMMISSION ACTION

- 5. ZONE CHANGE NO. ZC 06-150 and COMMERCIAL DISTRICT REVIEW NO. CDR 59-06)** APPLICANT/OWNER: John & Jae Eade. LOCATION: Northwest side of the intersection of State Highway 25 and Southside Road, Tres Pinos. APN: 22-20-09 and 22-20-10. REQUEST: FINDINGS FOR DENIAL OF Zone Change from Rural/Urban (R/URB) to Commercial Thoroughfare District (C-1) for the development of a commercial lodging facility. ZONING: Rural/Urban. ENVIRONMENTAL REVIEW: Mitigated Negative Declaration.

SP Ortwein presented the staff report and prior Planning Commission direction, noting this matter had been continued twice, the most recent from the Commission meeting of June 20, 2007. SP Ortwein gave an overview of the background of this matter, inclusive of discussion(s) and direction to staff at the two previous Commission meetings. SP Ortwein said the applicant proposes to construct a commercial lodging facility which will consist of 36 standard rooms, eight suites, a banquet room, and a meeting room. The design, he said, also includes a separate building which will be designed to house a water holding tank. The total building area will encompass approximately 34,000 sf; and the site will have a private swimming pool, hot tub, court yard, and 65 parking spaces (including handicapped and employee parking). SP Ortwein explained the off-site improvements which will include realignment of the intersection and presented an overview of the traffic impact report. SP Ortwein said the water service will be from a private on-site well and a private septic system will be designed for the facility. Should water and sewage service become available from the Tres Pinos Water District, the facility will be required to obtain those services.

The location of the on-site retention/detention ponds for reduction of storm water runoff from the site was explained. SP Ortwein called attention to the Mitigated Negative Declaration prepared following the Initial Study. The permitted uses in a C-1 District were explored (with #12 on the list being motels and hotels). The required findings for a Zone Change were explained by SP Ortwein.

SP Ortwein emphasized that the findings and recommendations at this meeting did not include a General Plan Amendment, as the applicant has chosen not to apply or pursue.

Chair Tognazzini opened the public hearing, giving instruction to the public as to exactly what was being addressed. Commissioner Bettencourt clarified the findings for denial were being presented.

Chair Tognazzini opened the public hearing.

A number of speakers raised issues both for and against the request.

List of Speakers:

Name/Address	Comment(s)
Sharlene Van Rooy, 624 Fifth St.; Tres Pinos	Requested denial of the hotel project
John Frusetta, Tres Pinos	Requested denial of the hotel project
Helen Frusetta, 6864 F. St.; Tres Pinos	Spoke in opposition to having the hotel in Tres Pinos
Lee Ann Britt, 575 4 th St; Tres Pinos	Told Commissioners of her opposition
Al Guerra, 1157 Ridgemark Dr., Hollister	Said Commissioners and staff need to look at lack of lodging in the general area; indicated that the findings presented were ‘weak’; compared to Ridgemark cottages/motel; said it would give economic support to entire County (also displayed pictures of Tres Pinos which he said gave support to his arguments)
Brad Sullivan, Attorney for Applicant Lombard & Gilles, Hollister	<ul style="list-style-type: none"> - was present to represent the applicants – and indicated support for the hotel project - said staff should not have been directed to prepare findings for denial - asks the zoning change request be sent to the BoS for approval
Bobby Zaucha, 50 4 th St.; Tres Pinos	Spoke in opposition to the hotel
Annette Giacomazzi, 4770 Santa Ana Valley Rd, Hollister, Principal in RURALnomics	Reiterated statements made during last meeting: <ul style="list-style-type: none"> - with a degree in Public Economics, she has written tourism plans and research grants - urged approval of request as Tres Pinos is the ‘Gateway to the Wine Trail (provided history of area)
Vedana Freitas, 1157 Ridgemark Dr.; Hollister	Urged the Commissioners to say ‘yes to the economy’
Phil Barrett, owner Flap Jack’s Restaurant Tres Pinos	Said he ultimately supported approval for economic viability for the community
Joe Frusetta Tres Pinos	Spoke in opposition to the project; asked for a full EIR and to have action for a General Plan amendment

Commissioner DeVries clarified that a ‘different route’ might be taken as talks on the project progress.

NOTE: approximately halfway through the list of speakers, a show of hands of those in attendance both in support of – and opposing – the request was requested by the Planning Commission.. It appeared that the attendees were evenly divided with support/opposition.

With no others present to speak to the issue of the Hotel, the public hearing was closed.

Commissioners engaged in discussion:

- Commissioner DeVries: asked if the vote should be tabled until Commissioner Scattini was present (DCC Murphy said that was a decision for the Commissioners to make)
- Commissioner Bettencourt: expressed the thought that the matter should be sent to the BoS without the Commercial District Review (CDR)

SP Ortwein was asked to give an overview of the scope of the CDR:

- design of the building – specific to the hotel
- lighting
- landscaping
- other elements of the CDR which meet County Code

Commissioner Machado: reminded of the required denial prepared by Staff and stated he was still against changing the current residential zoning

COMMISSIONER MACHADO OFFERED RESOLUTION 2007-005, DENYING THE ZONING CHANGE AND THE CDR.

Chair Tognazzini requested clarification of the motion.

Commissioner DeVries asked that the motion be rescinded. (No action) and subsequently asked for a five-minute recess, which the Chair granted.

COMMISSIONER MACHADO REAFFIRMED THE MOTION ON THE FLOOR, FINALIZING DENIAL OF THE REQUEST. CHAIR TOGNAZZINI SECONDED THE MOTION. Voting on the motion followed:

- **AYES: MACHADO, TOGNAZZINI**
- **NOES: BETTENCOURT;**
- **ABSENT: SCATTINI.**
- **ABSTAIN:** DeVries indicated possible intent to abstain; DCC Murphy advised an abstention would be cast with the majority (and would pass the motion)

Chair Tognazzini requested a decision from Commissioner DeVries, who voted “No”, the results of the Vote are as follows:

- ❖ **AYES:** MACHADO, TOGNAZZINI
- ❖ **NOES:** BETTENCOURT; DeVRIES
- ❖ **ABSENT:** SCATTINI
- ❖ **ABSTAIN:** NONE

THE MOTION DID NOT PASS AS THE VOTE WAS ‘TIED’ AND THEREFORE INCONCLUSIVE.

DCC Murphy advised that another motion could be made regarding the request, or the matter could be continued to the August 1, 2007 Commission meeting.

Commissioners held brief discussion determining:

- ↗ if the matter was continued, a public hearing would be necessitated on having the matter agendaized
- ↗ concern of having Ed Schmidt present during discussion of the matter (Mr. Schmidt is the nearest property owner; Commissioner DeVries said he would be most affected by a decision regarding the request)

COMMISSIONERS DeVRIES/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF ZONE CHANGE NO. ZC 06-150 AND COMMERCIAL DISTRICT REVIEW NO. CDR 59-06) TO THE AUGUST 1, 2007 COMMISSION MEETING. Commissioner DeVries emphasized that his concern was having Ed Schmidt, the most direct neighbor, present during the public hearing. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

6. **MINOR SUBDIVISION NO. 1187-06** – APPLICANT: Chris Ferguson. LOCATION: 1946 Carr Ave., Aromas. APN: 11-08-58 REQUEST: To subdivide a 7.35 acre parcel into 2 parcels of 4.85 and 2.5. ZONING: Rural Transitional (RT). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

PP Turner gave the staff, reminding this matter had been continued from the June 20, 2007 Commission meeting. He further advised that, as had been announced earlier, another continuation was being requested in order for applicant to work on the Conditions of Approval.

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

COMMISSIONERS BETTENCOURT/MACHADO MOTIONED TO CONTINUE THE MATTER OF MINOR SUBDIVISION NO. 1187-06 TO THE AUGUST 1, 2007 COMMISSION MEETING. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

7. **MINOR SUBDIVISION NO. 1203-07** – APPLICANT: Ken May.
LOCATION: Chateau Drive, between Carr Road and Merrill Road.
APN: 11-23-09 REQUEST: To subdivide 16.10 acres into three parcels of 5.5 acres, 5.51 acres and 5.09 acres. ZONING: Rural (R). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

AP Knight reported that the matter had been continued from the June 20, 2007 Commission meeting, and noted that staff recommends approval. DoP Henriques called attention to a letter received from the applicant just prior to the meeting, which was distributed by Clerk Maderis. AP Knight said the applicant's hand out supports 'Alternate L' provided by Staff in the Commissioner's packets.

Commissioners discussed:

- the potential need for continuation if the applicant's hand-out was to be considered
- purpose of having the public hearing since it had been posted

Chair Tognazzini opened the public hearing.

Don Moses, 447 Alexander Lane told the Commissioners he opposed the development, citing concerns of

- access
- cul-de-sac no longer open
- fire
- sewage (shortage of distance between septic leach lines and the property lines)

Responding to questions from the Commissioners, Mr. Moses said

- there were alternative routes for access which should be explored
- the water well location is of concern
- inconsistencies in water quantities exist in the area

Joe Smith, 441 Alexander Lane, San Juan Bautista, spoke in opposition to the project as is being presented. Mr. Smith said he was more in agreement with the 'first version' and spoke of concerns of:

- access (wants access through Chateau)
- said applicant does not have title to access as he wants; only has easements
- concerns regarding need for paving frontage road

Julie High, 550 Alexander Lane, San Juan Bautista, told Commissioners she resides on Parcel (B) which is adjacent to the project. Ms. High asked for denial of the request based on concerns of water quality and quantity. Ms. High said she though it would be appropriate to have one residence built on the site.

Amando Lopez, 444 Alexander Lane, San Juan Bautista, said he was a neighbor to the project and was opposed to the request due to issues of:

- access (he would support Chateau access only)
- concerns about the water [Commissioner Bettencourt asked:
 - o where Mr. Lopez lived
 - o if he had his water tested {yes, in the past}
 - o quality of the water

Ann Hall, San Benito Engineering, advised that a 24-hour water pump test had been completed and reminded that one of the Conditions of Approval was that the San Benito County Water District needed to approve the water quality and quantity study before the final map was recorded. Ms. Hall also advised that the existing easement on Alexander was for the purpose of creating three lots and was recommended as being less expensive.

The applicant, Ken May, 1313 Rhode Island St, Salinas, called attention to Condition 13A which was of concern. Mr. May asked for ‘deferred road improvements’ and insisted he does have the ‘right to build the road through the easement’.

Anthony Stafford, 600 Power Horn Ct., told the Commissioners he is a ‘co-applicant’. Mr. Stafford spoke to the well, which he said is better than others in the area. He also advised that the easement is where the utilities are.

Lora Ellen Hicks, 300 Chateau Dr., Aromas, spoke in opposition to the project request.

With no others in attendance indicating a wish to speak to the matter, the public hearing was closed.

Commissioner DeVries commented that because he did not feel it appropriate to consider the last-minute letter from the applicant, the matter should be continued. Commissioner DeVries also said he wanted to conduct a site visit and speak with the neighbors before the next Commission meeting. AP Knight said she would be glad to facilitate a meeting. Clerk Maderis provided Commissioner DeVries with speakers and their phone numbers for the tentative site visit contacts.

Commissioner Bettencourt disclosed he had completed three site visits of the project, but did not actually ‘walk’ the project site.

COMMISSIONERS DeVRIES/BETTENCOURT/MACHADO MOTIONED TO CONTINUE THE MATTER OF MINOR SUBDIVISION NO. 1203-07 TO THE AUGUST 15, 2007 COMMISSION MEETING. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

8. **USE PERMIT NO. 969-07** – APPLICANT: Earthbound Farms. LOCATION: 1721 San Juan Highway, San Juan Bautista. APN: 12-02-16 & 12-05-10
REQUEST: To amend Use Permit 779-99 to treat their process water to a tertiary treatment quality level capable of being reclaimed. ZONING: Agricultural Productive (AP). ENVIRON-MENTAL EVALUATION: Mitigated Negative Declaration.

AP Knight gave the staff report, noting the continuation from the June 20, 2007 meeting, and noting that now the request was to continue the matter to a date uncertain.

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

COMMISSIONERS BETTENCOURT/MACHADO MOTIONED TO CONTINUE THE MATTER OF USE PERMIT NO. 969-07 TO A FUTURE COMMISSION MEETING, DATE TO BE DETERMINED. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

9. **MINOR SUBDIVISION NO. 1200-07** – APPLICANT: Gloria Ballard, MH Engineering. OWNER: Timothy Gray. LOCATION: 363 Orchard Hill Rd., San Juan Bautista APN: 11-29-72. REQUEST: To subdivide a 17.72-acre site into three parcels of 7.01, 5.46, and 5.25 acres. ZONING: Rural (R)/Open Space (OS). ENVIRON-MENTAL EVALUATION: Mitigated Negative Declaration.

PP Turner presented the staff report, advising of the request to continue the matter to an upcoming Planning Commission meeting.

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

COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF MINOR SUBDIVISION NO. 1200-07 TO A FUTURE COMMISSION MEETING. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

10. **REQUEST TO REBUILD A NON-CONFORMING STRUCTURE -**
APPLICANT: Tony Bruscia. LOCATION: 74 Barnes Lane, Hollister. APN: 19-31-27
REQUEST: Planning Commission is to make a determination under Section 18-196.3, titled Damaged or Destroyed Nonconformities of the San Benito County Code, Chapter 18 (Zoning Ordinance). The Planning Commission shall consider whether to permit re-building a non-conforming structure destroyed by fire; a rental home to be built within its existing footprint. ZONING: Rural Residential (RR). ENVIRONMENTAL EVALUATION: Categorically Exempt.

AP Knight presented her staff report and explained the following points pertaining to the application:

- A description of the applicants request to rebuild a non-conforming structure
- Provided explanations of the San Benito County Code, Chapter 18, Section 18-196.3 for “Damaged and Destroyed Non-Conformities.”
- Described the property and explained further the requirements of designating one of the properties as the primary structure and the other rentals as secondary structures.
- Further explained to the Planning Commission that the designated secondary structures shall be regulated as “Affordable Rentals” as defined in the San Benito County Code, Section 18-196.6 (a) – (f).
- Staff recommendation for approval of the project, subject to the findings and the Conditions of Approval.

Commissioners asked:

- if this is a mobile home {yes}
- must be same square footage as had existed {yes}
- need for County inspections/for rental control {no; DCC Murphy advised of the lack of conditions for such requirement}
- compliance with septic requirements {one of the Conditions of Approval}

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

COMMISSIONERS BETTENCOURT/DeVRIES MOTIONED TO APPROVE THE REQUEST TO REBUILD A NON-CONFORMING STRUCTURE, LOCATED AT 74 BARNES LANE, HOLLISTER. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

Conditions of Approval

1. **Deed Restriction:** Prior to obtaining a building permit for the construction of the destroyed non-conforming parcel (74 Barnes Lane) the applicant shall record a deed restriction designating the reconstructed residential structure (74 Barnes Lane) be designated the residential structure to be eligible for reconstruction, remodeling, or addition and 70, 72, 76 & 78 Barnes Lane residences on the parcel shall be designated as structures that will be subject to limited maintenance or repairs as authorized in condition two (2).

2. **Ordinary Maintenance and Repairs:** this condition shall be added into the required Deed Restriction for the designated secondary residences on Assessors Parcel Number 19-31-27 (70, 72, 76 & 78 Barnes Lane): Ordinary Maintenance an repairs may be made to any building occupied by a legal non-conforming use provided no structural alteration are made and provided that such work does not exceed fifteen (15) percent of the assessed value of improvements thereof as shown in the assessor’s records in an one-year period.
The following conditions below shall maintain compliance for the secondary residences on the non-conforming parcel (70, 72, 76 & 78 Barnes Lane)
3. **Rental Price:** The rental price of the secondary dwelling unit shall comply with all requirements regarding affordable housing for low or very low income households, which are contained in the California Health and Safety Code or in the implementing regulations in the California Code of Regulation and as issued by the County Planning Department on an annual basis. The multiplier used for determining the maximum annual rental rate shall be set at seventy-five (75) percent of the HUD median income for the County.
4. **Renters Qualifications:** Unless the occupant qualifies as a family member under Section 18-196.5(g) of this chapter, the inhabitants of the accessory second dwelling unit, whether paying rent or not, shall qualify as a moderate, low, or very low income household, as described in the California health and safety code or in the implementing regulation in the California Code of Regulations, with the head of the household being and adult or emancipated minor. Prior to the initial occupancy, or any change in the inhabitants of the affordable dwelling unit, the proposed inhabitants (paying rent or not) shall be qualified as to eligibility by the County Planning Department. Proposed inhabitants shall be deemed “eligible renters” if the combined maximum income for all household members, eighteen years or older, does not exceed the income levels established by the State. Written information to determine eligibility shall be submitted to the County Planning Department and may include copies of all W-2 and tax returns for the previous year, and current pay stubs for all occupants eighteen years of age or older, driver licenses, birth certificates, marriage license or other verification of relationship to the property owner.
5. **Rental Deed Restriction:** Prior to the issuance of a building permit, the property owner shall file a declaration of permit restriction with the County Recorder which shall incorporate the conditions set forth in this section and any additional conditions placed within the conditions of approval and which shall specify that these restrictions shall be binding upon any successor in ownership of the property.
6. **Annual Information Required:** The owner of the parcel shall annually send to the Planning Department for each secondary residence the current rental price and the names of the current occupants. Failure of the owner to voluntarily submit the required proof of eligibility will result in the imposition of an administrative fee to cover the cost of the Staff inquiry to determine eligibility. Such fees shall be established from time to time by resolution of the Board of Supervisors.

7. **Impact fees:** Impacts fees equal to those required for a single-family dwelling, that would have been required at the time of initial establishment of the dwelling unit, shall be paid in full prior to occupancy of the unit. If this fee was already established and paid for and proof can be made of this payment, then this condition is null and void.
8. **Septic System(s):** Prior to obtaining a building permit, the applicant shall contact County Environmental Health to ensure that the existing septic system(s) on the parcel are able to serve the five (5) residences. A letter of compliance from County Environmental Health stating compliance to this condition shall be required.
9. **Completion of Reconstruction:** The applicant shall be “in process” of reconstruction of the damaged non-conformity prior to November 8, 2007. If the applicant has not begun reconstruction, then this approval is null and void.

11. **TSM NO. 06-72 & ZONE CHANGE NO. 07-51 – APPLICANT:** Ted Intravia. **LOCATION:** 3291 San Juan Hollister Road. **APN:** 21-13-30 **REQUEST:** To rezone and subdivide 32.48 acres to a PUD. The subdivision would create 5 parcels with an average size of 1.06 acres and a remainder of 27.15 acres. **ZONING:** Agricultural Productive (AP). **ENVIRONMENTAL EVALUATION:** Mitigated Negative Declaration.

PP Turner presented the staff report, advising of the request to continue the matter to an upcoming Planning Commission meeting.

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

COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF TSM NO. 06-72 & ZONE CHANGE NO. 07-51 TO THE COMMISSION MEETING OF AUGUST 1, 2007. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

12. **CAPITAL IMPROVEMENT PROJECTS. APPLICANT:** San Benito County. **LOCATION:** Countywide. **REQUEST:** Find Capital Improvement Projects consistent with the General Plan. **ENVIRONMENTAL EVALUATION:** Various Determinations. **PROJECT BY SAN BENITO COUNTY PUBLIC WORKS DEPT.**

PP Turner reported that San Benito County Public Works Department had requested a continuance to the August 1, 2007 Planning Commission meeting.

COMMISSIONERS MACHADO/BETTENCOURT MOTIONED TO CONTINUE THE MATTER OF SAN BENITO COUNTY PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS TO THE COMMISSION MEETING OF AUGUST 1, 2007. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SCATTINI.

13. Update on future Planning Commission discussion items

PP Turner presented the staff report, noting the various items which were listed. These were noted to include the following projects and dates for review:

- Hillside Ordinance {August 15}
- Commercial Development {date uncertain}
- Agricultural Building Exemptions (becoming critical)
- Capital Improvement Projects (August 1)
- Habitat Conservation Plan {date uncertain}
- Road Improvement requirements {date uncertain}

The Commissioners accepted the report as presented, and indicated that a calendar should be prepared. DCC Murphy advised that a special meeting could be called by the Chair, which would be a workshop-type meeting for the purpose of thorough discussion of the items identified at this time.

DoP Henriques stressed the importance of the General Plan survey which had been distributed earlier in the meeting. He led discussion with the Commissioners whereby they made suggestions for changes to the document.

DoP Henriques advised that as soon as the Town Hall meeting dates – for presentation of the draft General Plan update - are determined, he would alert the Commissioners.

Regarding the special meeting which had been suggested for working on issues and items to be discussed by the Commissioners, DoP Henriques suggested an earlier start time might be appropriate.

After a brief discussion the date of August 29, 2007 was selected to hold a Special Planning Commission workshop meeting to discuss the Hillside Ordinance.

INFORMATIONAL ~ NON-ACTION ITEM

Commissioner Announcements/Reports/Discussions ~ No items noted.

ADJOURNMENT

ON A MOTION BY COMMISSIONERS DeVRIES/BETTENCOURT, AND PASSED UNANIMOUSLY BY THE COMMISSIONERS PRESENT – WITH SCATTINI ABSENT – CHAIR TOGNAZZINI ADJOURNED THE MEETING AT 8:51 P.M, REMINDING THAT THE NEXT MEETING OF THE PLANNING COMMISSION WOULD BE AUGUST 1, 2007.

Minutes transcribed by:
Judi Johnson

Attest:
DOP Art Henriques