

SAN BENITO COUNTY PLANNING COMMISSION

September 19, 2007

Minutes

PRESENT: Bettencourt, DeVries, Machado, Scattini,

ABSENT: Tognazzini

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; Civil Engineer (CE) Art Bliss; Deputy County Counsel (DCC) Shirley Murphy; and Minutes Clerk Trish Maderis.

Vice Chair Machado opened the meeting at 6:01 p.m. as he led the pledge of allegiance to the flag and reiterated the standing rules of order.

DIRECTOR'S REPORT:

DoP Henriques:

- noticed that this was the first video-graphing and live presentation by C-Map of the Commissioner's meeting
- announced that the Preliminary Allocation (PA) process had been closed September 4, 2007 and presented data regarding the allocations available (with assistance from Clerk Maderis); and the number of applications received
- told the Commissioners he anticipated having the PAs to the Commission meeting of December 5, 2007 for review

PUBLIC COMMENT:

Vice Chair Machado opened the opportunity for public comment.

Local attorney Joe Thompson spoke on the need to protect small businesses and jobs for San Benito County, and expressed general frustration with several governmental agencies to that end.

Bill McClintock, MH Engineering, told of an attempt to submit a Preliminary Allocation application on September 4, 2007 at 5:00 PM, but the Planning Department was closed on arrival by one of his employees. Mr. McClintock asked to have the application accepted. Dan Roth, the applicant joined Mr. McClintock at the podium, asking that the matter be agendaized as he wished to submit his plans.

Vice Chair Machado explained the rules of the public comment period.

COMMISSIONERS DEVRIES/SCATTINI MOTIONED TO PERMIT THE MATTER OF THE LATE PRELIMINARY ALLOCATION APPLICATION TO BE HEARD BY PLACING IT ON THE OCTOBER 3, 2007 AGENDA. THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, SCATTINI; NOES: NONE; ABSTAIN: NONE; ABSENT: TOGNAZZINI.

With no others present indicating a wish to speak items not on the agenda, the public hearing was closed.

CONSENT AGENDA:

COMMISSIONERS SCATTINI/BETTENCOURT MOTIONED TO APPROVE THE CONSENT AGENDA:

1. Acknowledge Public Hearing Notices –
9/7/08 in Free Lance and 9/8/07 in The Pinnacle newspapers
2. Acknowledge Certificate of Posting
3. Minutes of regular meeting August 15, 2007
4. Minutes of special Meeting August 29, 2007
5. Minutes of regular Meeting September 5, 2007

THE MOTION PASSED (4-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, SCATTINI; NOES: NONE; ABSTAIN: NONE; ABSENT: TOGNAZZINI.

PUBLIC HEARING ITEMS ~ COMMISSION ACTION

6. **Manufacturing District Review No. 86-07**– APPLICANT: Don Chapin
LOCATION: 2410 San Juan Rd, Hollister. APN: 21-20-28. REQUEST: To locate a landscaping supply company on 2.77 acres within an M-2 zoned district.
ZONING: M-2 (Heavy Industrial District). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

SP Ortwein gave the staff report, stating that the applicant plans to relocate an existing landscaping business (currently located approximately .02 miles west of the proposed site) to the planned location. This site, SP Ortwein said, is outside of the Hollister City limits as he provided an overview of the location and the plans of the applicant. He noted that a proposed resolution, with the required findings and conditions had been distributed to the Commissioners prior to the meeting, and provided modifications as follows:

CEQA findings and requirements:

- corrections to the findings:
 - #1 (hold harmless): ~~use permit~~ Manufacturing District Review
 - #5: language revisions
 - #15: {clarification} *improvement plans*

The Commissioners discussed with staff: unknown actions at the previous location; assurances of clean-up.

Vice Chair Machado opened the public hearing.

Don Chapin spoke to the Commissioners, telling him he was the applicant and bring forward the following points:

- the operations would be moving about 600 feet ‘down the road’ to the proposed location
- has been evicted at current location
- requested change to Condition # 8: ~~building permit~~ *occupancy*
- protest of Condition # 11 {applicant said ‘in-lieu’ fees were unfair
- objection of Condition for having to remove the water meter {applicant said he does not own the property and cannot comply }
- asked for relief from Conditions #22, and #24

The Commissioners discussed with the Applicant:

- previous payment of fees (applicant advised of having paid for improvements under a current Use Permit {which DCC Murphy reminded runs with the land and advised the Commissioners the issue under discussion would require a new use Permit}; in subsequent discussion, DDPW Nazemi was asked to help clarify this issue)
 - * Public Works has viewed this as a ‘new application’, not an amendment
 - * Further clarification by DCC Murphy that a ‘Use Permit runs with the land’
 - * ‘fair share’ would be about \$7,000
- water meter placement (applicant advised it was already in place and therefore not his responsibility)
- applicant’s intention regarding improvements (current street construction at the location was discussed with the applicant advising it was part of the City sewer improvements)
- Condition #24 (staff advised of the requirement of the City of Hollister to have new tenants work through the City’s procedures for new service; Commissioner Machado said the City should deal with those issues, e.g., discontinue water service. Considerable discussion ensued regarding this matter)
- DDPW Nazemi advised the ‘fair share’ allocation would be approximately \$7,000.00, based on other projects (discussion revolved around status of ‘new’ versus ‘old’ project)

With no other persons present indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER DeVRIES MOTIONED TO APPROVE MANUFACTURING DISTRICT REVIEW 86-07, INCLUDING THE MITIGATED NEGATIVE DECLARATION, AND TOGETHER WITH THE FOLLOWING MODIFICATIONS:

- **Condition #1 (hold harmless):** ~~use permit~~ *Manufacturing District Review*
- **Condition # 15** – removed – an addition sheet to the parcel map and added – the improvement plans
- ~~Condition 22~~ (not changed as this is part of the fire and building code requirement)
- **Condition # 24:** cease operations requirement – the applicant shall cease water usage at the existing site and terminate service prior to occupancy of the new facility.

NOTING THAT CONDITION #11 WOULD REMAIN UNCHANGED, COMMISSIONER BETTENCOURT SECONDED THE MOTION, WHICH CARRIED (4-0-1), WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVRIES, MACHADO, SCATTINI; NOES: NONE; ABSTAIN: NONE; ABSENT: TOGNAZZINI

CONDITIONS OF APPROVAL:

1. **Hold Harmless:** The permittee shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this Manufacturing District Review and applicable proceedings. [Planning]
2. **Compliance Documentation:** The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
3. **Conformity to Plan:** The development and use of the site shall conform substantially to the application site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. Any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval. [Building, Planning]
4. **Fugitive Dust:** A note shall be included on all construction plans that involve site grading and/or improvements prohibiting all grading activities during periods when winds are over 15 miles per hour. [Mitigation Measure]

5. **Emissions Control:** The following note shall be included in the improvement plans to minimize particulate emissions: “The contractor shall require water trucks to operate in conjunction with grading equipment and application of water shall be made as frequently as is necessary to control dust at a minimum of two times a day. If dust is not adequately controlled through the application of water, grading activities will be suspended and an hourly watering schedule and/or maximum limit on the daily number of cubic yards to be graded will be imposed prior to the resumption of grading.” [Planning, Building, Public Works][Mitigation Measure]
6. **Truck Hauling:** A note shall be placed on all construction plans requiring all trucks hauling dirt, sand or loose materials to be covered or watered.[Mitigation Measure]
7. **Dedication:** Prior to issuance of a Building Permit, applicant shall make an irrevocable offer of dedication of half of 60 foot right-of-way along San Juan Hollister Road. [Public Works]
8. **Frontage Improvement:** Prior to issuance of Building Permit, applicant shall bond or improve San Juan Hollister Road along property frontage to County urban standards including but not limited to curb, gutter, sidewalk, landscape, street trees, and city standard street lights.[Public Works]
9. **Drainage:** Prior to issuance of a Building permit the applicant shall bond or make drainage improvements in compliance with the County drainage standards to limit the development runoff from a 100 year storm event to the 10 year pre-development level. The drainage plans must be signed, sealed and supported through engineering calculations by a registered Civil engineer.[Public Works]
10. **Erosion Control:** The applicant shall be required to submit an erosion and drainage control plan, incorporating the measures outlined in the Soil Engineering Investigation report prepared by Landset Engineers Inc (LLS-0502-01) to the County Public Works Department for review and approval prior to issuance of any grading or land disturbance permits.[Public Works]
11. **Road Improvements:** Prior to issuance of a Building permit, the applicant shall pay a fair-share contribution toward a left turn improvement as well as relocation of the intersection of San Juan Hollister Road with the old Highway 156. The fair-share contribution shall be based on generated trip ends for the proposed project. The applicant shall provide documentation stating daily averages for work related and customer traffic for review and approval to the County Public Works Department.
12. **Encroachment Permit:** An encroachment permit shall be obtained from the County Public Works Department prior to any construction within the County road right-of-way.[Public Works]

13. **Cultural 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. The applicant shall contact the San Benito County Planning Department to report the findings and to prepare the proper documentation and reports as determined by the Planning Director. 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. [Planning] [Mitigation Measure]
14. **Landscaping:** The submitted landscaping plan shall be reviewed by the County Planning Department. The applicant shall implement the approved plan within 60 days of final approval. [Planning]
15. **Exterior Lighting:** A note shall be placed on the improvement plans that states: “All exterior lighting for new development 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]
16. **Seismic Requirements:** All structures shall be designed to resist seismic shaking in accordance with current California Building Code requirements. [Mitigation Measure]
17. **Site Improvements:** All preparation, grading, foundations, site drainage and finish improvement shall be designed to the recommendations of the Soils Engineering Investigation Report (File No LSS-0552-01) prepared by Landset Engineers Inc. [Mitigation Measure]
18. **Hazardous Materials:** A Hazardous Materials Business Plan and Inventory shall be completed and submitted to the County Environmental Health Department for review and oversight. Petroleum products associated with the use of heavy equipment shall be handled according to OSHA standards. [Environmental Health] [Mitigation Measure]
19. **Water Service:** The applicant shall be required to obtain a “Can and Will Serve” letter from the City of Hollister for water services. [Environmental Health] [Mitigation Measure]
20. **Construction Noise:** A note shall be placed on the Construction Plans that states: 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 development shall be required to place a note to this effect on all construction plans.” [Mitigation Measure]

21. **Fire Standards:** Prior to issuance of a Building Permit, the applicant shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, California Fire Code, Chapter 17 of the San Benito County Code, and other related codes as they apply to a project of this type and size.[County Fire]
22. **Building Permits:** Prior to issuance of a Building Permit, the applicant shall provide plans prepared by a civil engineer, licensed by the State of California establishing the living area, manufacturing area, or storage area of any structure for which a Building Permit is required at a minimum of one foot above the one-hundred-year flood elevation. [Building].
23. **Sewer Systems:** The applicant shall be required to obtain sewer services from the City of Hollister at such time that services become available. Upon obtaining service from the City of Hollister the applicant will be required to abandon the on site septic system and obtain all necessary permits from the Environmental Health Department.[Environmental Health]
24. **Water:** The applicant shall cease usage at the existing site and terminate service prior to occupancy of the new facility.

CONTINUED ITEM ~ COMMISSION ACTION
PUBLIC HEARING ITEM

7. **San Benito County Hillside Ordinance/Design Review Workshop**
[continued discussion and review options as directed by Planning Commission.]

PP Turner gave an overview of this item, noting the Draft Ordinance had not been reviewed by Counsel.

The Draft Ordinance was distributed to the Commissioners with discussion following regarding:

- 'sensitive view shed areas' PP Turner said these are areas identified for protection; responding to Commissioner concerns, PP Turner said an alternative title could be considered
- need to have clear language for a Hillside Ordinance prior to adoption of the General Plan
- GIS recently adopted and placed by the County (potential for purchase of a 3-D component to the program was discussed)
- intent to have the Hillside Ordinance returned to the Board of Supervisors in the near future

Vice Chair Machado opened the public hearing.

Janet Brians, 747 Shore Road, was acknowledged as Chair of the TDC Committee. Ms. Brians asked about limits on the percentage grades of the Hillsides, and expressed concern for CDF review. DoP Henriques advised of the ability of governmental agencies to comment on the matter.

With no other persons present indicating a wish to speak to the matter, the public hearing was closed.

PP Turned reported that the Hillside Ordinance will only affect the control point of esthetic issues. He went on to advise that the 'next steps' would be to have Planning staff review, continue, then have Legal staff input, and return the matter to the Commissioners (at the October 3, 2007 meeting) and then to the Board of Supervisors.

- 8. San Benito County Agricultural Building Exemption Ordinance Workshop**
Review of existing Ordinance, discuss proposed options and draft amendments to current Ordinance.

PP Turner asked the Commissioners to continue their review(s) of this matter, which will be further reported at the October 3, 2007 Commission meeting.

INFORMATIONAL – NON-ACTION ITEM

Commissioner Announcements ~ Reports ~ Discussions

Commissioner Scattini announced he will not be able to attend the October 3, 2007 meeting, due to a conference he will be attending out of town.

ADJOURNMENT

ON A MOTION BY COMMISSIONERS BETTENCOURT/SCATTINI, WHICH PASSED UNANIMOUSLY BY THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT – VICE-CHAIR MACHADO ADJOURNED THE MEETING AT 7:26 P.M. TO THE SCHEDULED REGULAR MEETING OF THE COMMISSION ON OCTOBER 3, 2007

*Minutes transcribed by:
Judi Johnson*

*Attest:
Byron Turner
Principal Planner*