

SAN BENITO COUNTY PLANNING COMMISSION

August 6, 2008

Minutes

PRESENT: Bettencourt, Machado, Scattini & DeVries

ABSENT: Tognazzini Excused

STAFF: Assistant Director of Planning (ADoP) Byron Turner;
Public Works Engineer (PWE) Art Bliss;
Assistant Planner (AP) Michael Kelly; Associate Planner (AP) Lissette Knight;
(DCC) Shirley Murphy and Clerk Janet Somavia.

Chair Machado opened the Meeting at 6:03 p.m. as he led the pledge of allegiance to the flag and reiterated the standing rules of order.

DIRECTOR'S REPORT

ADoP Turner reported on recent Board of Supervisor meetings and information on the following items:

- Board of Supervisor meeting of August 5, 2008:
 - The Board reconsidered their action for an AdHoc committee for Inclusionary Housing and the Growth Ordinance. Instead they will have monthly agenda items by the Staff to address these issues. Staff will be looking at other surrounding Counties and how they handle these issues. Staff will also be preparing statistical reports for both of these issues. It will be presented to the Planning Commission and the following week to the Board of Supervisors. These items will be agendized.
 - The Board issued a resolution declaring an emergency water shortage at the Stonegate Subdivision.
 - C.J. Valenzuela – Housing Programs Coordinator did a presentation regarding the upcoming homebuyers workshop with some local business on Saturday September 20th.

PUBLIC COMMENT

Chair Machado requested that County Counsel Dennis LeClere come forward and introduce the new Assistant County Counsel Barbara Thompson. Mr. LeClere introduced Barbara Thompson to the assembly and gave a brief history of her education and past experience. Barbara will be sitting in for a few sessions of the Planning Commission and hopefully, attend these meetings solo. He also mentioned that they are getting pretty close to opening the satellite office in the Agriculture building at the Planning complex. He then turned the podium over to Barbara

Thompson who stated she was glad to be here and hoped to speak with each Commissioner personally in the near future.

Chair Machado opened the public hearing for matters not appearing on the agenda.

Robert G. Huememann requested to present a petition from the 18 home owners on Harbern Way. The petition stated that connecting Harbern Way to Fairview Corners would increase traffic and change the character of their subdivision. They are asking that Harbern Way remain closed to Fairview Corners as long as they are zoned for five acre parcels. This petition was signed by all home owners of Harbern Way.

There being no further public comment, Chair Machado closed the Public Hearing.

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of July 16, 2008
4. **REQUEST FOR EXTENSION OF MAP:**
 - MS1128-02 - BLODGET
 - MS1169-05 - NICHOLS
 - MS 1185-06 – PEARCEPursuant to Section 66463.5(c) of the Subdivision Map Act.
5. **REQUEST FOR EXTENSION OF PRELIMINARY ALLOCATION:**
 - MS 1191-06 – KAMBOJPursuant to Section 31-16 of the Growth Management System

Planning Tech. Somavia requested that Item 4 & 5 be pulled from the Consent Agenda. Chairman Machado answered in the affirmative.

Commissioner Bettencourt moved to approve Items 1, 2 and 3. Commissioner DeVries offered a second to the motion which **passed 4-0**

4. Planning Tech. Somavia stated the reason for pulling this item was that the wrong section of the Map Act was referenced in the Staff Report. The correct Section of 66463.5 (c) was then read into the record.

5. Planning Tech. Somavia stated the reason for pulling this item was the wrong dates were stated in the Staff Report. The correct date of July 19, 2010 was then read into the record.

Commissioner Scattini move to approve Items 4 & 5. Commissioner Bettencourt offered a second to the motion which **passed 4-0**.

PUBLIC HEARING ITEM ~ COMMISSION ACTION

6. **PRELIMINARY ALLOCATION EXEMPTION NO. 05-05** REQUEST: To obtain a one-time, one-lot family member exemption from the County Growth Management System in order to obtain preliminary approval for subdividing a property into two parcels. The applicant requests an extension of this exemption, approved in 2006. APPLICANT: Henry Verissimo. LOCATION; 260 Flint Road. PLANNER: Michael Kelly (mkelly@planning.co.san-benito.ca.us)

AP Kelly presented the Staff Report. The Applicant for PAX 05-05 requests extension of preliminary approval to subdivide a 20 acre parcel into two lots. The proposal has not received tentative map approval within the two year period required by Planning Commission Resolution 2006-02, adopted under the San Benito County Growth Management System. Because of insufficient rainfall, the applicant has been unable to perform the wet weather soil tests required for sewage disposal. The extension would set the expiration date at August 6, 2010 or the first Planning Commission meeting in August, 2010, whichever comes first.

AP Kelly stated that the evidence for Finding #1 was incorrect and read the correct evidence into the record.

Staff recommends the Planning Commission reinstate PAX 05-05 by make the following finding:

Finding 1: The applicant's failure to obtain tentative map approval within the allotted timeframe is due solely to circumstances beyond the applicant's control.

Evidence: *The subdivision will necessitate a new septic system for sewage disposal. Prior to approval of the tentative map, the applicant is required to perform wet weather testing of the soil to ensure feasibility of the septic system, as the high water table of the vicinity requires careful design of the system. However, inadequate rainfall during the term of PAX 05-05 has prevented the necessary conditions under which the wet weather testing must be performed.*

There was much discussion with the Commissioner's regarding septic permits and other ways that they could mitigate this issue. Hooking up to a sewer system or doing a mound system would be ways in which they circumvent the wet weather testing.

Chair Machado opened the public hearing.

Matt Kelley, Engineer wished to clarify a couple of issues. The septic permit has been applied for and Environmental Health is currently reviewing it. It is for a mound system and the mound system would be found acceptable in lieu of the wet weather testing. Testing for the mound system has already been performed. Once the mound system is in place the applicant can obtain a use permit. The plan is to build the house and the mound system prior to the subdivision.

Chair Machado closed the public hearing.

Commissioner Bettencourt moved to approve the Preliminary Allocation Exemption No. 05-05 request for an extension with the findings and amended evidence. Commissioner Scattini offered a second to the motion.

Commissioner questioned the wet weather testing. ADoP Turner stated that the applicant is going ahead with alternative system for the building permit. However, when we get to the subdivision stage all septic system will need to be approved and in place.

DCC Murphy stated that she would not want anyone on the commission or staff to encourage the applicant that the mound system is going to fly with Regional Water Quality Control Board.

After this discussion Chair Machado called for a vote. The motion **passed 4-0**

7. ZONECHANGE NO. 05-146 REQUEST; Applicants are requesting a zone change for three parcels. The zoning will go from Agricultural Productive (AP) and Single-Family Residential (R-1) to Residential Multiple (RM) APPLICANT/OWNER: Nader, Mota & DMJ LOCATION: 3588 & 3596 Airline Highway, Hollister ZONING: Agricultural Productive (AP) and Single Family Residential (R-1).
PLANNER: Lissette Knight (lknight@planning.co.san-benito.ca.us)

Associate Planner Knight presented the Staff Report. The Applicant is requesting a zone change for three parcels. Parcel number 020-330-007 (**parcel 1**) is owned by Marie Mota, is approximately 10 acres and is zoned Agricultural Productive with a Rural/Urban general plan designation. Parcel number 020-330-010 (**parcel 2**) is owned by DMJ Investments LLC, is approximately 7 acres and is zoned Agricultural Productive with a Rural/Urban general plan designation. The final parcel number 020-330-051 (**parcel 3**) is owned by Nader Javid, is approximately 3.64 acres and is zoned Single Family Residential with a Rural/Urban General Plan designation. Each of these parcels is requesting to change their current zoning designation to Residential Multiple (RM).

(AP) Knight then made some changes findings and conditions of approval as follows:

Zone Change Findings: Finding 1 – change second line to read – convenience, general welfare and is good zoning practice.

Evidence changes – Third line strike the word “that”, add “General Plan designation” before words “as described”.

Standard Conditions: **Condition #1** – Strike first line and portion of second line to begin paragraph with “The permit tee shall”. Strike the last two sentences and replace with “Use Permit and applicable proceedings.” **Condition #3** – Strike entire paragraph and replace with “ prior to obtaining a building permit, all conditions of approval, mitigation measures, easement, and restriction shall be complete”

Planning Conditions: **Condition #7** – Add “parcel 1 (APN 020-330-007) or” to first sentence. **Condition #12** – second sentence change the word “and” to “an”; strike the words “on what already” and add “in structures that currently”

Draft Resolution: Add new paragraph at bottom of page to read;

BE IT FURTHER RESOLVED that based on the forgoing findings and evidence in the record; the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration, The Mitigation Monitoring and Reporting Program and approve Zone change No. 05-146, based on the recommended conditions of approval reflected in the staff report.

AP Knight stated that staff recommends acceptance of the changes and would recommend the approval of this project.

Chair Machado opened the public hearing.

Matt Kelley – Engineer. Stated that if this zone change is approved it would allow the property to develop in a manner that is consistent with the adjacent properties and also consistent with the General Plan designation and could potentially increase the needed density of rental stock in the area as well as potentially low income housing. Mr. Javid has agreed to the Mitigation Measures and would appreciate your approval of this project.

Andy Cuevlich, Joe's Lane, Hollister - Property adjacent to the parcels in this project. Concern what the land use would be and how it would affect their quality of life.

Marie Mota – Applicant – Presented a letter from Ridgemark Village. Would like to give each one of her children a portion of the property so her children could be near by.

Chair Machado closed public hearing.

Commissioner Bettencourt questioned the availability of the changes that were made. Extra copies were given to the applicants, engineer and placed on the back table for public review.

There was a discussion and questions by the Commissioners regarding the Mitigation Measures, water and sewer availability and the change in density. AP Knight answered all questions to the satisfaction of the Commission.

Commissioner DeVries moved to adopt the mitigated negative declaration, the mitigation monitoring and reporting program, and the attached draft Resolution as amended, approve Zone Change No. 05-146 based on the findings and condition as amended. Commission Bettencourt offered a second and motion **passed 4-0**.

CONDITIONS OF APPROVAL

Standard Conditions:

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 Use Permit and applicable proceedings. [Planning]
2. **Notice of Determination (Fish & Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the Zone Change Resolution. Department of Fish and Game fee (\$1,926.75 – Fish & Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
3. **Conditions of Approval, Easements, and restrictions:** prior to obtaining a building permit, all conditions of approval, mitigation measures, easement, and restriction shall be complete. [Planning]
4. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for habitat conservation plan financing and kit fox protection measures, the applicant(s) shall contribute, a habitat conservation plan mitigation fee of the following: Parcel one (020-330-007) shall be required to pay a \$600.00 fee, parcel two shall pay \$600.00 (020-330-010) and parcel three (020-330-051) shall pay \$300.00. The total sum of the Habitat Conservation fee will be \$1,500.00. [Planning, Department of Fish and Game]
5. **Construction Hours:** A note shall be placed on an additional sheet to all grading, construction and/or improvement plan documents that states: “As required by County Ordinance, Construction or Grading on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction or grading activities shall be allowed on Sundays and holidays.” [Planning] [Mitigation Measure #4]

Planning Conditions:

6. **Mitigation Monitoring:** Prior to final approval, the applicant/owner, County Counsel and the Planning Director shall agree to and sign the Mitigation Monitoring Program form(s).
7. **Biological Resources:** Prior to any permits being issued for parcel one (APN#020-330-007) or parcel three (APN#020-330-051), the owner/applicant shall conduct a pre-construction survey which shall be performed by a qualified biologist to determine what unique or rare species are located on the project site and to recommend appropriate mitigation, if necessary. [Planning] [Mitigation Measure #2]
8. **Cultural Resources:** Any property owner who, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant artifact or other evidence of an archeological site shall:

- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the sheriff-coroner of the discovery if human and/or questionable remains have been discovered. The Planning Department Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the coroner and the Planning Department Director permission to enter onto the property and to take all actions consistent with Chapter 5B of the San Benito County Code and consistent with Section 7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning] [Mitigation Measure #3]
- 9. Exterior Lighting:** 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 (along with the requirements of Zone II regulations set within Ordinance 748). Prior to the issuance of any building permits, the applicant(s)/owner(s) 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. [Planning] [Mitigation Measure #1]
- 10. Future Permits:** The applicant(s)/Owner(s), at the time of development would have to apply for a grading permit application (if grading exceeds 50 cubic yards), a use permit (if the items are listed as a condition use within the zoning restrictions) or any other planning/building related application as they apply to the specific project request. These planning/building applications shall be required to evaluate the air quality impacts to the specific proposed project(s) and how to mitigate for these potential impacts. [Planning]
- 11. Future Grading:** Prior to any grading taking place on parcel one (020-330-007) and parcel three (020-330-051) the owner/applicant shall file a grading permit with the San Benito County Planning Department for proper review to ensure that the grading to take place on the property does not interfere with the existing fresh-water wetlands or their surrounding habitat. [Planning]
- 12. Infrastructure:** As a condition of approval, should development increase on the three parcels (development meaning an increase in structures that currently exists on the three parcels) the owner/applicant shall connect to the Sunnyslope Water District and/or the Hollister Wastewater Treatment Plant to ensure that the future development will have the appropriate water and sewage needs. [Planning]

DCC Shirley Murphy requested a brief break to confer with Staff. Commissioner Machado agreed to a five minute break at 6:55.

Commissioner Machado reconvened at 7:03

8. **USE PERMIT NO. 992-08 & VARIANCE 08-27** REQUEST: To convert an existing loft into a granny unit. APPLICANT/OWNER: Donald & Felicia Silcox
LOCATION:
1550 Spring Grove, Hollister. ZONING: Agricultural Productive (AP).
PLANNER: *Lisette Knight* (lknight@planning.co.san-benito.ca.us)

AP Knight presented the Staff Report. The applicant is requesting to convert an existing loft to a senior second unit. The applicant is also requesting a variance to allow for a senior unit to reside on the second story (existing loft). This conversion will enable the applicant to construct a second residence on the property for use by family. The existing loft residence is 957 square feet and resides above the garage/storage/office area. As a result of a loft existing on the second floor, the applicant proposes to install a chair lift for potential handicap accessibility to the loft area.

Staff recommends approval with the following changes to evidence and conditions.

Use Permit Findings: Add the following three findings;

Finding 3: The accessory senior dwelling unit is located on a parcel in a district that allows residences as a permitted use, which either contains one existing single-family dwelling or on a parcel upon which one attached or detached single-family dwelling will be constructed concurrently with the proposed accessory senior dwelling unit.

Evidence: *The parcel is located within the Agricultural Productive zoning designation which permits a single-family dwelling and an additional dwelling (senior unit) through the approval of a Use Permit application (Section 18-20, San Benito County Code).*

Finding 4: All development standards for the applicable zoning district have been met and the development is free of environmental hazards and is consistent with all County policies and ordinances.

Evidence: *The applicant has been approved through Minor Subdivision No. 1152-04. The approved tentative map showed the intentions of this lot having a second dwelling as well as the loft home being converted into a senior residence. This subdivision application also conducted an extensive environmental review on the subdivision, including future development to ensure that the environmental impacts shall be less than significant.*

Finding 5: The establishment of the accessory senior dwelling unit, under the circumstances of the particular application will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood.

Evidence: *The senior unit maintains the required setbacks for the Agricultural Productive zoning designation. The existing unit shall not be detrimental to the health, safety, peace, comfort and general welfare of the persons residing or working in the neighborhood.*

Add the following conditions:

12. Visual Compatibility: Prior to obtaining a building permit for the main single-family dwelling the applicant shall ensure that the main single-family dwelling be designed in a manner as to be visually consistent and compatible with the principal residence on the site and other residences in the area. (Planning)

13. Fire: Prior to obtaining a building permit for the main single-family dwelling, the applicant shall obtain a letter from the appropriate fire district indicating all fire protection requirements for the project, and all such requirements must be met. (Planning & Fire)

14. Environmental Health: Prior to obtaining a building permit for the main single-family dwelling, the applicant shall obtain a letter from the County health department indicating the existing water and septic systems are adequate. (Planning & Environmental Health)

There was a great concern among the Commissioner's regarding the health and safety of a senior person living on the second floor and using a lift and concern regarding creating an exception to the County wording. Commissioner Bettencourt also had questions regarding street names and addressing which were Addressed by Art Bliss of Public Works.

AP Knight discussed the other possibilities. One would be to demolish the entire building, the other was to remove all the walls and use it for an office space or recreation room. One would be unreasonable and pose environmental issues; the other would compromise the integrity of the entire structure. After looking at the subdivision application, the tentative map that was adopted showed the original intent was to build the main residence and do this conversion.

There was much confusion and discussion regarding the 55 and over regulation and if the senior had to live in the unit. AP Knight explained that there need be only a person over 55 living on the property.

Commissioner Machado opened the public hearing.

Donald Silcox – Applicant. Moved here 13 years ago. Initially wanted to build a 2200 sq. ft. house but elected to build a garage with a loft on top. They felt this would satisfy their needs until they could build what they wanted. The unit was smaller than it is now. Mike Machado said they needed to add a second exit for fire protection so they build an additional sunroom which raised it to the current

size. The plan for the new house will only have two bedrooms and anticipated using this unit as their third bedroom for visits from the children. He is appealing to the commission to allow them to use this unit as a senior second and in time they would be using this unit themselves.

Commissioner Scattini asked regarding what was the original intent of this loft. Dr. Silcox answered that they built it for themselves and would later use it as a guest house.

Felicia Silcox – Applicant Fire and police came by to check on new street name. Will be glad to apply for new address if needed.

Commissioner Machado closed public hearing.

There continued to be much discussion regarding the advisability of having a senior unit on the second floor and using a lift for access. Dr. Silcox stated that they are self sufficient with wind power and solar power therefore, they would always have power to run the lift.

There continued to be discussion regarding making an exception and the feasibility of a loft as a senior second. The question was asked if County Fire had signed off on this. AP Knight indicated that fire did not have an objection.

Commissioner Bettencourt asked if they could condition the use permit so that the senior lived only in the main residence. DCC Murphy indicated that yes they could, but then it would be restricted to the 1050 square foot rule.

There was then discussion regarding changing the wording of the ordinance and should this be brought to the Board of Supervisors. ADoP Turner indicated that this is an issued that will be brought to the Board for review.

Commissioner DeVries moved to approve Use Permit 992-08 and Variance 08-27 with the findings and conditions of approval as amended with the addition of Condition 14. Commissioner Bettencourt offered a second and the motion **passed 3-1** vote. Commissioner Scattini voting no.

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 Use Permit and applicable proceedings. [Planning]

2. Conformity with Plan: Approved plans and specifications shall not be changed, modified or altered without written authorization from the Planning Department. All work shall be in accordance with the approved plans from Use Permit 992-08 and Variance 08-27, Assessor's

Parcel Number 017-040-031. Any increase in the nature or intensity of land use shall be subject to further Planning Commission review and approval. [Planning]

3. Compliance Documentation: Prior to issuance of a building permit, the permittee 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, Building]

4. Periodic Review: In the event of a compelling public necessity, non-compliance, problems, concerns, or complaints, this permit will be subject to further review and conditioning or, if necessary, revocation by the Planning Commission. Violation of the permit, creation of a nuisance, or a compelling public necessity could cause the revocation of this permit. Any expansion of this use beyond what is currently proposed must first be reviewed by the Planning Director, and if necessary, shall require further Use Permit review by the Planning Commission. [Planning, Building]

5. Modification and Revocation: The terms and conditions of this permit may be modified or the permit as a whole may be revoked if the permittee fails to comply with the reasonable terms or conditions expressed in the use permit granted or if there is a compelling public necessity. [Planning, Code Enforcement]

6. Term of Permit: This use permit shall expire one year from the date of granting said permit unless construction and activities authorized by the permit for use of the subject property in conformance with the permit has commenced, in good faith, within one year of the approval date. If any such use ceases for a period of at least one year, the use permit shall become invalid and a new use permit must be obtained prior to continuing said use. If a use permit is denied, no new application for a use permit substantially the same as the one denied shall be considered for a period of one-year following denial. [Planning, Building]

7. Declaration of Permit Restriction: Before the issuance of a building permit for the new residence the property owner shall file a Declaration of Permit Restriction with the County Recorder. This Declaration will incorporate the restrictions set forth in this section and any additional conditions placed on the use permit. These restrictions shall be binding upon any successor in ownership of the property. [Planning]

8. Occupancy: The accessory senior dwelling unit shall be restricted to occupancy of a one or two person household. The accessory unit or the primary residence must be occupied by one household member fifty-five years of age or older. The owner of the unit shall annually send to the Planning Department the name and proof of eligibility 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. [Planning]

9. Parking: Sufficient off-street parking shall be provided to meet the requirements of the parking section of the Zoning Ordinance for the main dwelling unit plus one space for the accessory senior dwelling unit. Any garage or carport constructed in connection with the senior

citizen unit shall not exceed five hundred and fifty square feet in area and is not considered part of the area of the unit, but is considered in the overall lot coverage. [Building, Planning]

10. Alternative Access: Prior to obtaining a building permit for the primary residence, the applicant shall obtain a permit, install and final the installation of the chair lift to the interior stairway entitled "Citia Select" as shown in Use Permit 992-08. [Planning]

11. Cultural Resources: Any property owner who, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant artifact or other evidence of an archeological site shall:

- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
- c. Notify the sheriff-coroner of the discovery if human and/or questionable remains have been discovered. The Planning Department Director shall also be notified.

Subject to the legal process, grant all duly authorized representatives of the coroner and the Planning Department Director permission to enter onto the property and to take all actions consistent with Chapter 5B of the San Benito County Code and consistent with Section 7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

12. Visual Compatibility: Prior to obtaining a building permit for the main single-family dwelling the applicant shall ensure that the main single-family dwelling be designed in a manner as to be visually consistent and compatible with the principal residence on the site and other residences in the area. [Planning]

13. Fire: Prior to obtaining a building permit for the main single-family dwelling, the applicant shall obtain a letter from the appropriate fire district indicating all fire

Commissioner DeVries moved to direct staff to include the issue of safety and the number of stories that are appropriate for senior seconds on their list of things to do when these ordinances are reviewed. Commissioner Scattini offered a second the motion **passed 4-0.**

DISCUSSION ITEM

- 9. General Plan Housing Element Special Needs Outreach: Appointment of Planning Commission Liaison for Public Participation.**

AP Kelly presented a memo regarding the revision of the General Plan Housing Element by June 30, 2009. In an effort to assess housing needs in the County, Staff

will be holding outreach meetings with several community organizations and the public. These meeting will held during August, September and October. As part of this outreach, Staff requests that the Planning Commission appoint one of member to be a liaison representing the County's decision makers.

AP Kelly gave a handout from the State Department of Housing with more details than in his memo. AP Kelly stated that a State certified housing element can then allow the County to receive grants for this purpose.

Commissioner Scattini nominated Commissioner Bettencourt. Commissioner DeVries offered a second. Nomination passed 4-0. Commissioner Machado then offered to be an alternate.

Clerk Janet Somavia asked if anyone was interested in attending the workshop in Bakersfield to be held in October. Commissioner's Scattini and Bettencourt indicated that they would like to attend.

ADJOURNMENT

On a motion by Commissioner DeVries with a second by Commissioner Scattini the meeting was adjourned at 8:17 p.m.

Minutes prepared by:

Janet Somavia

Planning Commission Clerk

Attest:

Byron Turner

Assistant Director of Planning