SAN BENITO COUNTY PLANNING COMMISSION
December 5, 2007
Minutes

PRESENT: Bettencourt, DeVries, Machado, Scattini, Tognazzini

ABSENT: None

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

Chair Tognazzini opened the Meeting at 6:00 p.m. as he led the pledge of allegiance to the flag and reiterated the standing rules of order.

DIRECTOR'S REPORT

DoP Henriques reported on recent Board of Supervisor meetings and information on the following items:

- November 27, 2007 Board meeting:
  - Staff provided a regional housing needs informational report advising of the analysis in process by the State.
  - Review and discussion of a scoping letter for Hwy 101 Improvement project for VTA and CalTrans for the area between Monterey Road in Gilroy to Hwy 129 and the County's concerns for this project.
  - The Planning Department was awarded the "Best Bureaucracy" in San Benito County in the Pinnacle Newspaper Best Of annual series

- December 4, 2007 Board Meeting:
  - Contract approval between the County and Muni Financial to develop the Capital Improvement Plan process.
  - Public Hearings for consideration of the Land Conservation Act application requests.
  - Appeal of the Stafford/May Subdivision Planning Commission denial was continued by the Board to January 8, 2008 after some public testimony was taken.

- December 18, 2007 Board meeting will consider Planning Department presentations on:
  - Hillside Design Ordinance;
  - Ag Exempt Ordinance;
  - Updates of the International Building Codes requiring adoption;
  - Further direction on the Commercial Zone study.

PUBLIC COMMENT

Chair Tognazzini opened and then closed, the opportunity for public comment as there were no persons present to address matters not appearing on the agenda.

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of November 15, 2007 Special Meeting

Commissioner Bettencourt requested Item No. 4 be removed from the Consent Agenda for Commission discussion and consideration. Commissioner Machado moved to approve Consent Agenda Items 1, 2 and 3; Commissioner DeVries offered a second to Commissioner Machado's motion which passed 4-0-1; Chair Tognazzini abstained as he was not present at the November 15, 2007 Special meeting.

Chair Tognazzini then called for Consent Agenda Item No. 4 for consideration.

4. **VARIANCE NO. 07-23**: APPLICANT: Bureau of Land Management. LOCATION: 16006 Clear Creek Rd. APN: 030-160-0-170 REQUEST: The applicant is seeking a Variance from Chapter 14, Section 14-1 and 14-2 of the San Benito County Code in order to construct an 80 sq. ft. entrance station facility and appurtenances within Clear Creek Rd. ENVIRONMENTAL FINDINGS: Categorical Exemption, Section 15305, Minor Alterations to Land Use Limitations.

AP Krausie presented his staff report explaining the application before the Commission. AP Krausie explained that Finding No. 1 has been changed since packet preparation.

Finding No. 1 in the staff report had been amended on advice of County Counsel which more thoroughly described the Finding to be made by the Planning Commission.

Commissioner Machado confirmed that the property belonged to BLM, AP Krausie explained that the road belonged to San Benito County where the booth would be located, however the property on both sides belonged to the Federal government.

DCC Murphy added that additional work was being done which San Benito County has no jurisdiction.

Commissioner Machado asked if the County road was being changed. AP Krausie stated that the County road was being realigned. Commissioner Machado asked if the County would have a right-of-way. DCC Murphy stated that Public Works Department was working with the applicant on related projects but the set back requirement and Variance were the authority of the Planning Commission. DDPW Nazemi stated that Public Works was handling the encroachment permits.

Commissioner Scattini confirmed that government lands were exempt from CEQA. AP Krausie stated that the applicant was required to follow the NEPA which had been done. DCC Murphy added that staff has confirmed that the work conducted under NEPA satisfied CEQA requirements. AP Krausie advised that he was able to determine the exemption of the work that was done at the federal level.

Chair Tognazzini opened and closed the public hearing as no one wished to address the Commission. Commissioner Scattini asked what measures are being taken to mitigate the asbestos issue and the placing of sand and asphalt on the road. AP Krausie stated that this project area did not have asbestos at the project site.

Rick Cooper, Field Manager for BLM, Hollister office stated that road was contaminated by in and out traffic and sealing of the roadway would minimize the exposure at the project location.

Commissioner Bettencourt moved to approve Item #4, Variance No. 07-23 with amended findings and recommended conditions of approval. Commissioner Scattini offered a second to Commissioner Bettencourt's motion which passed unanimously by all Commissioners present.

Conditions of Approval:

1. **Conformity to Site Plan:** The development and use of the site shall conform substantially to the site plan and Conditions of Approval as approved by Planning Department. Any increase in the nature or intensity of land use on the site shall be subject to further Planning review and approval. [Building, Planning]
2. **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 review and applicable proceedings. [Planning]
3. **Existing Structure(s):** The existing kiosk (see exhibit C) shall be removed from the County right of way. [Public Works]

CONTINUED CONSENT AGENDA

5. Minutes of October 3, 2007

Commissioner Machado moved to approve Continued Consent Agenda Item #5, Minutes of October 3, 2007 regular meeting. Commissioner Bettencourt offered a second to Commissioner Machado's motion which passed with a vote of 3-0-2; Commissioners DeVries and Scattini abstained as they were not present at this meeting.

Commissioner Machado requested Chair Tognazzini call for Agenda Item #9 due to the bulk of the public and applicants present for this item.

After a brief discussion, Chair Tognazzini called for Item #9 on the regular agenda.

PUBLIC HEARING ITEM ~ COMMISSION ACTION

9. PRELIMINARY ALLOCATION APPLICATIONS FOR FISCAL YEAR 2007-2008

P A FILE NO.	APPLICANT NAME	PROJECT SITE - LOCATION
PA 08-01 **MINOR**	NICHOLSON, Allan	Cannon Road **3 Allocations**
PA 08-02 **MAJOR**	LEONARDINI, Sarah	Cowden Road **14 Allocations**
PA 08-03 **MINOR**	WRIGHT, Mark	Comstock Road **3 Allocations**
PA 08-04 **MINOR**	FILICE, Peter/MaryAnn	Orchard Road **4 Allocations**
PA 08-05 **MINOR**	ANDERSEN, Ray/Nike	Fairview Road **1 Allocation**
PA 08-06 **MAJOR**	LEE, William	Old Ranch Road **6 Allocations**
PA 08-07 **MAJOR**	MATTHEWS, Jim	1640 Cienega Rd **7 Allocations**
PA 08-08 **MAJOR**	ANDERSON, Larry	Hillcrest Road **8 Allocations**
PA 08-09 **MAJOR**	ANDERSON, Larry	Cypress St. **7 Allocations**
PA 08-10 **MAJOR**	RENZ, George	Riverside Rd **15 Allocations**
PA 08-11 **MINOR**	NINO, Tom	Best Road **4 Allocations**
PA 08-12 **MAJOR**	SEGRADO Development	San Juan Cyn Rd **25 Allocations**
PA 08-13 **MINOR**	SAN JUAN VALLEY DEVELOPMENT	San Juan Cyn Rd **3 Allocations**
PA 08-14 **MAJOR**	GUERRA, Al, Frank, Jason	John Smith Rd. **17 Allocations**

SP Ortwein presented his staff report noting the application period, the process to determine the number of allocations available for awarding, the capability for applicants to respond to staff's comments for any necessary corrections to their application, the addition of mandatory requirements for water and sewer, the addition of points for habitat conservation and points awarded for non-Grade 1 soil applications. SP Ortwein advised Environmental Health determined water and sewer requirements. SP Ortwein also advised there were 84 allocations available for awarding in Fiscal Year 2007-2008.

Commissioner Scattini asked why the red-legged frog and tiger salamander had differing points. SP Ortwein explained the area for tiger salamander was larger determining to be more critical.

SP Ortwein advised the Commission that there were 6 applications for Minor Subdivisions requesting 18 new lots and 8 applications for Major Subdivisions requesting 99 new lots. SP Ortwein offered staff's recommendation for 83 allocations awarded as follows:

P A FILE NO.	APPLICANT NAME	STAFF RECOMMENDATION
PA 08-01 **MINOR**	NICHOLSON, Allan	Cannon Road **3 Allocations**
PA 08-02 **MAJOR**	LEONARDINI, Tony/Sarah	Cowden Road **14 Allocations**
PA 08-03 **MINOR**	WRIGHT, Mark	Comstock Road **3 Allocations**
PA 08-04 **MINOR**	FILICE, Peter/MaryAnn	Orchard Road **4 Allocations**
PA 08-05 **MINOR**	ANDERSEN, Ray/Nike	Fairview Road **1 Allocation**
PA 08-06 **MAJOR**	LEE, William	Old Ranch Road **6 Allocations**
PA 08-07 **MAJOR**	MATTHEWS, Jim	1640 Cienega Rd **7 Allocations**
PA 08-12 **MAJOR**	SEGRADO Development	San Juan Cyn Rd **25 Allocations**
PA 08-13 **MINOR**	SAN JUAN VALLEY DEVELOPMENT	San Juan Cyn Rd **3 Allocations**
PA 08-14 **MAJOR**	GUERRA, Al, Frank, Jason	John Smith Rd. **17 Allocations**

SP Ortwein added the application submitted by Jim Matthews was for 15 units, however 8 units were affordable and exempt from the Growth Ordinance allocation process. SP Ortwein explained the application submitted by Segrado Development would have to apply to LAFCo for water and sewer connections as offered in San Juan Bautista's Can and Will Serve letter.

SP Ortwein stated 4 applications were not recommended for allocations. The applications not recommended for allocations were:

- PA 08-11 Tom Nino, the submittal did not meet the requirements of Environmental Health for their regional basin plan;
- PA 08-08 and PA 08-09, Larry Anderson's applications received inadequate Can and Will Serve letters from Sunnyslope Water District; and
- PA 08-10, George Renz's application could not be considered as the land is under the California Land Conservation (Williamson) Act contract until 2012.

DoP Henriques offered information and explanation on LAFCo's Countywide Municipal Service Review and Sphere of Influence Study that was recently completed as it related to the Segrado Development. The Study recommended non-expansion of jurisdiction's service areas. DoP Henriques added the ability for San Juan Bautista to supply water and sewer to the Segrado Development could only be accomplished with approval through the LAFCo process and wanted to bring this information to the Commission's attention.

Discussions between staff and the Commission clarified that although the Segrado Development and the San Juan Valley Development were in the same area the San Juan Valley Development (minor subdivision) project would have on-site sewer and water and not be served by San Juan Bautista.

Commissioner Machado expressed concern about awarding allocations to a project that may not be able to obtain water and sewer connections. SP Ortwein stated that the award of allocations does not guarantee approval of future subdivision applications and upon expiration the allocations would be added back to future available allocations.

Commissioner Bettencourt confirmed that allocations extensions must be approved by the Planning Commission. PP Turner explained that both extensions and re-allocations were available for request by applicants should the need arise.

Chair Tognazzini opened the public hearing.

Robert Huenemann, 120 Harbern Way, Hollister offered a map to the Commission and stated he had concerns pertaining to the applications submitted by Tom Nino, William Lee and Guerra Nut Shelling. Mr. Huenemann stated he was particularly concerned about the proliferation of small water companies in the County, expense of managing small water companies, water quality and high TDS and boron in that area. Mr. Huenemann requested the Commission's re-evaluation of the applications and not allocate to those projects due to water quality and expense.

George Lewis, property owner at 1701 Cienega Road, Hollister provided the Commission with a letter, (copy in permanent file) and advised the application submitted by Jim Matthews was located in the City of Hollister's General Plan area. Mr. Lewis expressed concern with the density of the proposed parcels and the creation of smaller lots that the new lots were approximately one third the size of the existing neighborhood. Mr. Lewis also stated the septic and leach field systems were inappropriate and this project should wait for availability of sewer services from the City of Hollister.

Brian Curtis, Stone Creek Properties and representative for Larry Anderson stated he disagreed with staff in their interpretation of the Will Serve Letters from Sunnyslope Water District. Mr. Curtis stressed the letters were well thought out, adequate and provided proof of water service availability and requested the Commission grant the requested allocations.

Commissioner DeVries asked where the Anderson applications would have ranked had they been scored. SP Ortwein stated these applications would have ranked very high and added the language of the Will Serve letter provided by Sunnyslope Water did not guarantee water service and the City of Hollister would not be offering any new sewer connections until the last quarter of 2009 also with no guarantees.

Commissioner Scattini asked where the project was located. Brian Curtis explained the property was located between Hillcrest and Sunnyslope Roads near the Dry Creek Road area and was in the City of Hollister's infill area. Mr. Curtis added that Sunnyslope Water was in the process of adding another well which should be completed by June 2008. Mr. Curtis stated he also disagreed with staff on the sewer connection timeline and the plant would be running by Fall of 2008. Mr. Curtis also stated that the City provided him a Will Serve letter for sewer services.

Jim Weaver, representative for San Juan Valley Development and Segrado Development advised the Commission that the application by San Juan Valley Development would provide its own on-site wells and septic systems and the Segrado application will use on-site wells and hope to connect to San Juan Bautista's water service. Mr. Weaver stated the LAFCo issue was a surprise and requested approval to move forward. Mr. Weaver added that due to the large quantity of water on the project there may be an opportunity to provide water to San Juan Bautista and contribute to improvements to the sewer system.

Commissioner DeVries asked where the San Juan Development units were located. Mr. Weaver stated they were south and east from the access road to the St. Francis Retreat house, all part of the Mairose property but had different owners.

Commissioner Scattini confirmed with Mr. Weaver that there would be enough water to supply the project should LAFCo deny their application. Mr. Weaver stated there was enough water to supply both the Segrado and the San Juan Valley projects. Commissioner Scattini also asked if the property was in the City of San Juan Bautista's Sphere of Influence. Mr. Weaver stated a portion was located in the Sphere and their intent was to annex into the City as some point.

Robert Oneto, RJA Civil Engineers, 8055 Camino Arroyo, Gilroy, representative of the application submitted by George Renz advised the Commission the applicants wished to begin construction as soon as the Williamson Act contract expired and felt the timing was appropriate. Mr. Oneto requested favorable consideration from the Commission.

With no other speakers, Chair Tognazzini closed the Public Hearing.

Commissioner Bettencourt questioned why applications were scored when mandatory requirements have not been met. DCC Murphy advised that the Williamson Act Ordinance requires that actions for properties under contract must be stayed pending resolve through the Williamson Act Committee and ultimately the Board of Supervisors. DCC Murphy added an exception in the Ag Preserve Ordinance exists for subdivision applications expiring one year or less for consideration by the Planning Commission.

Chair Tognazzini asked for an explanation on Commission Bettencourt's question to scoring when mandatory requirements are not met. SP Ortwein stated projects are scored for the benefit of the applicant, to show areas for improvement and to assist the applicant for their next submission.

Commissioner Machado asked if the Segrado application was based on annexation to the City of San Juan Bautista. SP Ortwein stated the City of San Juan Bautista provided the applicant a Can and Will Serve letter for water and sewer.

DCC Murphy stated that an application could be made to LAFCo for services outside jurisdictional boundaries. DCC Murphy also stated that annexation is not required to apply for services through LAFCo. DoP Henriques added that should health and safety emergency issues exist, service areas can be extended without annexation. DoP Henriques also stated that should an annexation be applied for, both the City and the County would become involved.

Commissioner Machado questioned whether the Can and Will Serve letter would be valid as the City of San Juan Bautista did not have the ability to serve. SP Ortwein stated San Juan Bautista had the capacity and the will to serve but the applicant would have to work through LAFCo. PP Turner added that the Growth Ordinance does not detail any processes with LAFCo and only recently was made aware of the LAFCo issue. DoP Henriques stated that the Municipal Service Review report was recently received and the LAFCo Commission has not reviewed this report. DoP Henriques added that LAFCo is scheduled to meet on December 20, 2007.

Commissioner Machado reiterated his question which DCC Murphy answered that the City of San Juan Bautista could not legally provide services without LAFCo's approval first. Commissioner Machado stated he was concerned about awarding 25 allocations to a project that has to obtain approval from another authority for the connections.

After continued discussions, Commissioner Machado asked if allocations could be awarded for a one year period instead of two. DCC Murphy stated the Ordinance specified two years to obtain approval of a tentative map and no other language existed in the Ordinance for any waiver.

Commissioner Bettencourt confirmed that an applicant currently under Williamson Act contract could apply for allocations one year prior to expiration. DCC Murphy stated the language and requirements specifying one year prior to expiration was contained in the Ag Preserve Ordinance and cited the language to the Commission.

Commissioner DeVries stated he was concerned that the Anderson applications and the Segrado Development application both were dependant on future actions but one was recommended for allocation awards and two were not. Commissioner Machado stated he too had the same concern. DoP Henriques stated that LAFCo has approved outside jurisdictional boundary applications in the past due to various emergency health and safety reasons. DCC Murphy stated the difference was the City of San Juan Bautista currently has the capacity to provide services while Sunnyslope Water is working on the capability to provide services. Commissioner Bettencourt stated the Anderson applications may receive water in 2008 but would have to wait for sewer until 2009 and the Commission must follow the rules of the Ordinance.

DoP Henriques stated that St. Francis Retreat has also approached the City of San Juan Bautista to obtain utility services since their fire. This too would be an action for LAFCo to decide. Commissioner Machado stated that each example that has been given was due to an emergency not future development. Commissioner Bettencourt confirmed with Counsel that preliminary allocations did not guarantee subdivision approval. DCC Murphy concurred that ranking was to be reviewed and the granting of allocations were the process to be considered.

Commissioner Scattini asked for an explanation of the point system and how the points are awarded to applications. PP Turner explained that the Growth Management Ordinance was enacted in 2000, has been amended and had significantly changed in 2005. PP Turner also explained that the last amendment occurred earlier this year and was approved by the Board of Supervisors.

Commissioner Machado stated now that sewer and water are mandatory, he remains concerned about applications with Can and Will Serve letters.

Commissioner Bettencourt asked if the Commission could waive the application fee for the Anderson applications since they would be requesting allocations for a third year. PP Turner stated that the Ordinance did not allow a fee waiver on a third year application.

Chair Tognazzini called for a break at 7:41 PM. The meeting reconvened at 7:57 PM and was called back to order by Chair Tognazzini who re-opened the Public Hearing.

Chair Tognazzini stated the Public Hearing was being re-opened to take additional testimony on the Segrado Development application.

Jim Weaver, representative of Segrado Development, stated that St. Francis Retreat has sewer issues where a well has been contaminated. Mr. Weaver stated that on-going discussions with the City of San Juan Bautista and St. Francis Retreat are in the works for the City to provide sewer services and Segrado would provide water to the Retreat and San Juan Bautista. Mr. Weaver also stated that the situation at St. Francis Retreat would 'meet the test' for an emergency connection as explained by DoP Henriques. DCC Murphy added that the Can and Will Serve letter from the City of San Juan Bautista would be more viable evidence that the services were available and have met the mandatory requirements.

After discussion between staff and the Commissioners it was clarified by PP Turner that extended services provided by San Juan Bautista would travel past the Segrado Development to reach St. Francis Retreat.

Chair Tognazzini then closed the Public Hearing.

Commissioner Bettencourt moved to adopt Resolution No. 2007-09 (Attachment G) and award allocations as recommended by staff for Fiscal Year 2007-2008. Commissioner Scattini offered a second to Commissioner Bettencourt's motion.

Commissioner Machado asked for an explanation to George Lewis's question regarding the Matthews property. SP Ortwein advised that the application conforms to the City of Hollister's General Plan, protects the Urban Reserve and meets the density requirements of the City of Hollister for the site.

Chair Tognazzini called for the vote which passed 4-1-0, adopting Resolution No. 2007-09 and awarding allocations as recommended by staff. Commissioner Machado voted No citing his reservations for the Will Serve letter provided by the City of San Juan Bautista for the Segrado application.

DoP Henriques announced the decision of the Commission was final unless appealed within 10 days from this date to the Board of Supervisors.

Chair Tognazzini then resumed the regular Agenda.

CONTINUED ITEM ~ PUBLIC HEARING ITEM

6. Hillside Design Ordinance ~ Final Proposed Amendments to Ordinance No. 781

PP Turner presented his staff report advising this was the 16th meeting conducted on the Hillside Ordinance. PP Turner advised the new proposed replacement Ordinance utilizes flexible design review and is required when a proposed project is visible from points along major transportation corridors instead of slope percentages. Design Review would be required when a project is located 200 ft. above the transportation corridor points which include Fairview Road, Highway 101, Highway 156, portions of Highway 25, and Union Road to Highway 156. Design Review requirements would be based on GIS analysis and applies to all building permits. PP Turner explained that staff would review the building permit application and forward to the Planning Commission on the Consent Agenda and also notify neighbors to the application. PP Turner advised that the final Ordinance was provided for Commission consideration along with Resolution No. 2007-10 recommending approval of the revised Ordinance to the Board of Supervisors. PP Turner added that the amended Ordinance has been placed on the December 18, 2007 Board of Supervisors Agenda.

Commissioner Bettencourt asked if the Commission would have to first rescind the existing Ordinance. PP Turner advised that action would take place at the Board level and the language was contained in Section 1 of the amended Ordinance. DCC Murphy noted that the Public Hearing Notice has been prepared for December 18th. DCC Murphy also added procedural items noting the final Ordinance that will be presented to the Board of Supervisors and read the following into the record:

Caption will read:

- AN ORDINANCE OF THE COUNTY OF SAN BENITO, REPEALING ORDINANCE NO. 781 (HILLSIDE DEVELOPMENT REGULATIONS) AND RE-ENACTING SECTION 18-148.1 ET SEQ. OF CHAPTER 18 (ZONING) OF THE SAN BENITO COUNTY CODE RELATING TO THE REGULATION OF HILLSIDE DEVELOPMENT
- SECTION 2**.** Chapter 18 of the San Benito County Code (Zoning Ordinance 479, as previously amended from time to time), is hereby further amended to re-enact the sections 18-148.1 through 18-148.8, to read as follows:

And the text follows. DCC Murphy added on Page 2 under definition of certain terms:

- Unless specifically defined below or in Section 18-4…..

Commissioner DeVries stated he wished PP Turner to relay to the Board that the elevation of 200 ft. may need to be re-visited and another elevation may be more appropriate. Commissioner Scattini asked if the Board had to approve what was being recommended. PP Turner advised that the Board had the final decision. DCC Murphy advised that the Board would need to return the Ordinance to the Commission for consultation should they not agree with the Planning Commission's recommendations.

Chair Tognazzini asked if the Resolution would reflect the changes read into the record by DCC Murphy. DCC Murphy clarified that the language changes are contained in the Ordinance which would be an exhibit attached to Resolution No. 2007-10.

Chair Tognazzini opened and closed the public hearing as no one wished to address the Commission on this agenda item.

Commissioner Bettencourt moved to adopt Resolution No. 2007-10 with recommended revisions to the amended Ordinance as read into the record by DCC Murphy recommending approval of the revisions to the Hillside Ordinance to the Board of Supervisors. Commissioner Scattini offered a second to the motion which passed unanimously by all Commissioners present.

CONTINUED ITEM ~ WORKSHOP

7. Discussion ~ Potential Future Commercial Districts

PP Turner advised the Commission that staff was preparing a plan to identify potential locations for future commercial uses in the County in order to draw more business and generate additional revenue through sales tax. PP Turner stated that several locations have been identified and include:

- Southwest corner of Fallon & Fairview Roads
- Both sides of Union Road from Hwy 25 to Southside Road
- Intersection of Union Road and San Benito Street
- Intersection of Hwy 101 and Hwy 156
- Intersection of Hwy 156 and Hwy 25
- Intersection of Hwy 156 and Fairview Road
- Intersection of Hwy 156 and San Felipe Road
- Intersection of Hwy 25 and Shore Road
- Highway 101 and the Monterey County line near the Red Barn

PP Turner advised that the list would be forwarded to the Board of Supervisors for review at their December 18, 2007 meeting where staff will request additional direction and authorization to conduct discussions with property owners. PP Turner asked the Commissioners to provide additional locations they believed would generate additional economic development in the County.

Commissioner Bettencourt stated he would like Hwy 101 and Betabel Road included. Commissioner Scattini stated the intersection of Hwy 101 and Hwy 129 should also be included. PP Turner advised that portions of that area had commercial and industrial zoning and would be added.

Commissioner DeVries stated he had concerns with the intersection of Hwy 101 and Hwy 156 as it was a scenic corridor and should be low on the priority list. Commissioner DeVries also stated he recently toured the area of Hwy 101 near the Monterey County line and would be a great opportunity for the County.

PP Turner advised the Commission staff would seek direction from the Board on how far they wished to pursue this item and that extensive studies would have to be conducted. PP Turner added that the General Plan dictates that when a General Plan Amendment is done to a commercial zone, certain market studies and possibly EIRs would have to also be done.

DoP Henriques stated that the Board would be asked if they wished to engage an economic consultant to review the identified sites and several options would have to be considered both procedurally and financially by the County. DoP Henriques also stated that many areas were under study with CalTrans.

Chair Tognazzini opened the Public Hearing.

Ben Bingaman, property owner near the Monterey County line, stated he was supportive of the process and this would enable San Benito County to capture revenues that travel through the County.

Sally Haydon, Hollister, stated she also was in favor of the studies and believed commerce would be attracted. Ms. Haydon stated it was important to work with CalTrans and commercial zones would encourage economic growth and increase sales and retail taxes for the County.

Richard Beale, Hollister, requested the area of Hwy 25 and Hwy 146 in the southern portion of the County should be added to the list as there were no services for travelers beyond Tres Pinos. Mr. Beale added that a property owner in that area wished to pursue commercial use on her parcels.

Bobby Zaucha, Tres Pinos, stated that the section along Hwy 25 in the town of Tres Pinos should be added to the study areas.

With no other persons wishing to speak to the Commission, Chair Tognazzini closed the public hearing.

Commissioner Machado asked if both sides of Hwy 25 in the town of Tres Pinos were commercial. PP Turner stated he believed it was. Commissioner Machado stated that area should be cleaned up. Commissioner DeVries stated that possibly Tres Pinos needed a Specific Plan or some type of overlay and needed to be treated individually.

Chair Tognazzini stated the Tres Pinos areas should be visited during the General Plan Update. Commissioner agreed with Richard Beale that Hwy 25 and Hwy 146 should be added to the list of areas of potential commercial zoning.

Commissioner Bettencourt stated that Hwy 25 and Panoche Road in Paicines should also be considered. PP Turner stated that that location was presently commercial and possibly the area of Blossom Hill Winery, but that was all. Chair Tognazzini stated that Clear Creek and Hernandez Roads area drew off road vehicles and visitors and should also be added to the list.

Commissioner DeVries moved to recommend the list that has been compiled by the Commission and the public with additional comments to the Board of Supervisors, Commissioner Scattini offered a second and the motion passed unanimously by all Commissioners present.

8. C-District Review information

PP Turner provided the Commission with relevant sections of the Code and quoted sections from the existing Zoning Ordinance explaining C District Review requirements for Planning Commission consideration. PP Turner advised that the Code states that a C District Review can be conditioned regardless of whether it is officially considered a Use Permit or not and findings must be made in order for the Commission to approve a C District Review and if findings cannot be made then the application must be denied. PP Turner also advised that the Commission has the power to require Conditions of Approval in order to make the appropriate findings as required by the Code. CEQA documents may have mitigation measures which are required to be included as Conditions of Approval. DoP Henriques added this is a local Ordinance and could be updated at any time. Streamlining the process could also be an option for standard processing in different zone districts.

DCC Murphy stated the current Ordinance clearly allows for conditions being imposed on both permitted and conditional uses within the commercial zoning districts. The finding of the proposed use is properly located in relation to the district regulations, the General Plan and to the community as a whole and also the proposed use will not adversely effect the environment or cause any damage, hazard or nuisance to persons or property which gives the Commission many options when imposing conditions.

Commissioner DeVries confirmed that there had to be a basis for conditions and discussions related to sewer, water, parking, landscaping were all appropriate discussions when considering these applications. Commissioner Bettencourt asked the difference between a C District Review and other applications. PP Turner advised that many other counties had more refined C District Review guidelines and encouraged more commercial district than the current San Benito County's General Plan. PP also stated that the current C District Review process regulates and sets standards.

After further discussion, Chair Tognazzini called for the non-action item of Commissioner Discussion and Informational reporting.

Commissioner DeVries complimented staff for a great job conducted on the Preliminary Allocations.

Commissioner Bettencourt asked if fellow Commissioners wished to review the preliminary allocation process. DoP Henriques stated staff would report to the Commission at the next cycle.

ADJOURNMENT

ON A MOTION BY COMMISSIONERS THE MEETING ADJOURNED AT 8:59 P.M.

Minutes prepared by:
Trish Maderis
Planning Commission Clerk

Attest:
Art Henriques
Director Planning