

SAN BENITO COUNTY PLANNING COMMISSION

FEBRUARY 4, 2009

Minutes

PRESENT: Machado, Culler, Bettencourt & Scattini

ABSENT: DeVries

STAFF: Assistant Director of Planning (ADoP) Byron Turner;
Public Works Engineer (PWE) Art Bliss;
Associate Planner (AP) Lissette Knight
(ACC) Barbara Thompson and Clerk Janet Somavia.

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

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

- Board of Supervisor meeting on January 28, 2009.
 - The Santana Ranch appeal of the Preliminary Allocations will be coming back to the Commission on 2/18/09 with the Board of Supervisor's recommendation.

PUBLIC COMMENT

Chair Machado opened the meeting to public comments. There being none Chair Machado closed the public comments.

ELECT CHAIR AND VICE-CHAIR

Chair Machado opened the nominations for Chair of the Planning Commission for the period of February 1, 2009 thru January 31, 2010. Commissioner Scattini made a motion to elect Commissioner Bettencourt as Chair. With a second by Commissioner Culler the motion passed by a 4-0 vote. Commissioner DeVries absent.

Commissioner Machado then stepped down as Chair and turned over the Chair to Commissioner Bettencourt.

Chair Bettencourt opened the nominations for Vice-Chair of the Planning Commission for the period of February 1, 2009 thru January 31, 2009. Commissioner Machado made a motion to elect Commissioner Scattini as Vice-Chair. With a second by Commissioner Culler, the motion **passed with a 4-0 vote**. Commissioner DeVries absent

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of January 21, 2009

Commissioner Machado moved to approved Items 1 thru 3. With a second by Commissioner Scattini the motion was **approved by a vote of 4-0**. Commissioner DeVries absent.

PUBLIC HEARING ITEM ~ COMMISSION ACTION

4. **MINOR SUBDIVISION NO. 1213-07** REQUEST: Applicant is requesting to subdivide 21.26 acres into four parcels of 5+ acres each. APPLICANT/OWNER: Kamboj, Vinod LOCATION: School Road, San Juan Bautista (APN 011-200-038) ZONING: Agricultural Rangeland (AR). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration. PLANNER: *Lisette Knight* (lknight@planning.co.san-benito.ca.us)

Project Description: Minor Subdivision 1213-07 proposes to subdivide a 21.26 acre parcel into four parcels. Lot sizes ranging between 5.0 – 5.42 acres are proposed and intended for rural uses as well as providing residential lots. This project proposes 225 cubic yards of cut and fill, over .45 acres for improvements to the land. Sewer shall be provided through septic systems and water shall be obtained through the existing well located on the proposed parcel 4.

(AP) Knight presented the staff report along with a Power Point presentation. (AP) Knight then turned the podium over to (PWE) Art Bliss to discuss the road improvements which were part of the Power Point.

The Power Point presentation is on file at the Planning Department as part of the permanent copy.

(AP) Knight then read into the record some minor changes to the findings as follows:

Finding 1: In the first sentence change the word *or* to *and*.

Finding 2: In the first sentence change the word *or* to *and*.

Finding 3: Add a last sentence to read: ***The restricted building areas also address the slope instability.***

Finding 4: Add a last sentence to read: ***The restricted building areas also address the slope instability.***

Finding 6: Insert the words ***impact of*** in the last sentence. It shall then read: Mitigation Measures have been incorporated into this subdivision application to ensure that any

impact of development that will occur on the project is mitigated to a less than significant impact.

Finding 9: Add a last sentence to read: *In addition, this property will be served by individual septic systems.*

At the close of the presentation there was a great deal of discussion among the Commissioners regarding the road improvements. (PWE) Art Bliss stated that road improvements would be handled at the staff level at the improvement plan stage of this minor subdivision.

Chair Bettencourt then opened the public hearing.

Matt Kelley – Kelley Engineering, Hollister, CA. Mr. Kelley stated that he is the engineer for the applicant and agree with the conditions and mitigation measures. Mr. Kelley then asked the Commission to defer the requirements under Condition 15A be deferred.

There being no further public comment, Chair Bettencourt closed the public hearing.

The Commission then had a lengthy discussion regarding the road improvements and the possibility of deferring these improvements. Once again (PWE) Art Bliss stated that all improvements would be handled at the improvement plan stage.

(ADoP) Turner stated that if the Planning Commission wished to consider deferring road improvements, the Commission should continue the item so that staff may review the environmental document and prepare the specific findings that would be required for deferral.

Commissioner Culler stated that if the Commission were to defer the improvements, it would be same as waiving them because the actual building could be years away.

With no further discussion Commissioner Machado move to **Adopt the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program and approve Minor Subdivision No. 1213-07 based on the amended findings and subject to the Conditions of Approval contained in the staff report.** With a second by Commissioner Scattini the motion passed with a vote of 4-0. Commissioner DeVries absent

(ADoP) Turner stated that this decision would not be final until the 10 day appeal period had elapsed.

WORKSHOP

5. CHANGES TO FLOOD ORDINANCE #598 PLANNER: Byron Turner (bturner@planning.co.san-benito.ca.us)

(ADoP) Turner presented to the Commission a brief report regarding the creation of a floodplain management ordinance as a possible replacement for the County's existing ordinance governing floodplain development. (ADoP) Turner highlighted the significant changes found in the

ordinance revisions. His question to the Commission was: “What level of restricting should the County require of applicants with the flood zone?”

There was a great deal of discussion regarding the Floodplain Administrator’s duty in establishing the Base Flood Elevations and the individual having to hire a licensed engineer to establish the Base Flood Elevations.

Chair Bettencourt opened the discussion to the public.

Charles Minarik – School Road, San Juan Bautista. Stated that if people want to build in a floodplain, they should pay for the study and share the results with the County.

There being no further public discussion, Chair Bettencourt closed the public comment and returned the discussion to the Commission.

After a lengthy discussion regarding who should bear the cost of the Base Flood Elevations in a floodplain, it was recommended by Commissioner Machado to continue this until the February 18, 2009 meeting so that a public outreach to local engineers can be conducted by Staff.

(ADoP) Turner then stated that he can now report to the State that there has been discussion on the revisions to the ordinance.

DISCUSSION ITEM

6. UPDATE OF THE HILLSIDE ORDINANCE

PLANNER: *Byron Turner* (bturner@planning.co.san-benito.ca.us)

(ADoP) Turner presented the report that was given to the Board of Supervisors at their January 27, 2009 meeting. It was decided by the Board of Supervisors to use the option which may include a “hybrid” Ordinance, which incorporates design review based on slopes and visibility.

(ADoP) Turner stated that he was reporting that design review was back on the table with regard to Hillside revisions and will be coming back with something similar to revisions looked at before regarding view shed/design review. Staff will be working with the Commission regarding this. There is currently no time frame at this time. ADoP Turner then asked for comments from the Commission.

Commissioner Scattini stated that he would like to see this ordinance put to bed. It has lasted too long.

Commissioner Machado asked regarding the modification of the View shed Ordinance. (ADoP) Turner stated that they would be revisiting the applicability Corridors. Eliminate points on Highway 25 and stop the Corridor at Paicines. Also, to establish when design review is required and the duties of Staff. Further define design review.

There was a discussion regarding the use of GIS, who would be writing this new ordinance and the elimination of some items that are not needed in this ordinance.

(ADoP) Turner stated that Staff would go back to the View shed/Design Review Ordinance, rework it and bring it back to the Commission. This ordinance would give the applicant a clear picture of what will be required of them as well as Staff and the Commission could be less arbitrary with requirements.

ADJOURNMENT

There being no Informational or Non-Action Items, Chair Bettencourt asked for a motion of adjournment. Commissioner Scattini moved for adjournment. Commissioner Culler offered a second to the motion which carried with a unanimous vote. Adjournment to February 18, 2009 at 8:02 p.m.

Minutes prepared by:

Janet Somavia

Planning Commission Clerk

Attest:

Byron Turner

Assistant Director Planning