

SAN BENITO COUNTY PLANNING COMMISSION

AUGUST 19, 2009

Minutes

PRESENT: Machado, Culler, Bettencourt & Scattini

ABSENT: DeVries

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

Chair Bettencourt 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

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

- Board of Supervisors meeting of August 18, 2009.
 - Budget was passed conceptually, will be finalized 8/25/09.
 - Thanked Staff for all their work and concessions regarding the Budget.

Chair Bettencourt stated that it was not workable to go to once a month meeting. Staff should work with the Chair the at the times that cancellation is needed.

PUBLIC COMMENT

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

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of August 5, 2009

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

CONTINUED PUBLIC HEARING

4. **Use Permit No. 993-08:** APPLICANT: Buffalo Gypsum, Inc. LOCATION: 3118 Coalinga Road, Paicines (APN-029-140-010). REQUEST: Applicant is requesting to mine agricultural limestone. ZONING: Agricultural Rangeland (AR). ENVIRONMENTAL EVALUATION: Mitigation Negative Declaration. *Planner: Lissette Knight (lknight@planning.co.san-benito.ca.us)*

ADoP Byron Turner requested that this item be continued to September 16, 2009 Planning Commission. At that time staff would have all comments and be ready to present to the Commission. After a brief discussion regarding the continuation and specific date, Commissioner Scattini moved to continue Use Permit No. 993-08 to September 16, 2009. With a second by Commissioner Machado the motion **carried with 4-0 vote**. Commissioner DeVries absent

PUBLIC HEARING ITEM ~ COMMISSION ACTION

5. **Grading Permit 08-396 and Use Permit 1008-08:** OWNER: John & Sylvia Hughes LOCATION: 265 Limekiln Road. REQUEST: The applicant proposes to build a new home, driveway access, and bridge on a 209 acre parcel located off Cienega Road in Hollister California. The proposed project describes 1,207 cubic yards of cut and 595 cubic yards of fill. Given that the property is located within a very high fire severity zone, a Use Permit is required. ZONING: AR (Agricultural Rangeland). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.
Planner: Michael Krausie (mkrausie@planning.co.san-benito.ca.us)

AP Michael Krausie presented the staff report with a power point presentation.

PROJECT DESCRIPTION: The applicant proposes to build a new home, driveway access, and bridge on a 209 acre parcel located off Cienega Road in Hollister California. The proposed project describes 1,207 cubic yards of cut and 595 cubic yards of fill in order to accomplish the proposed construction. The proposed home would be the only residence located on the subject property. Given that the property is located within a very high fire severity zone, a Use Permit is also required in addition to a Grading Permit for the construction of the new home per County Code section 25.13.095 through 25.13.100.

AP Krausie read changes to Condition #27, #30 #34 and addition of Condition #35. See Conditions of Approval for these changes.

ACC Barbara Thompson asked that Condition #1 also include the Use Permit. See Conditions of Approval for this change.

There was a great deal of discussion regarding regarding the high fire zone and the availability of water. AP Krausie explained that this issue was part of the fire requirements in the Conditions of Approval.

Chair Bettencourt then opened the discussion to Public Hearing.

Ann Hall – San Benito Engineering – Applicants engineer. Ms. Hall explained that the water tank on the hill would be gravity feed, however a pump would be used to fill the tank. The swimming pool water will be used for the hydrant source.

Commissioner Scattini inquired regarding the cutting down of trees. Ms. Hall explained that no trees would be removed.

Commissioner Bettencourt questioned Condition #34 “H”. Ms. Hall feels this is an unnecessary condition and would request this be removed before approval. AP Krausie stated the Staff had no problem with the removal of this condition.

Commissioner Bettencourt questioned the need for improvement plans. Ms. Hall stated she has not ever seen the need for improvement plans on a grading permit. Her concern is that after approval there would be a need for further review. Also, the fee of \$6,900 for filing and an additional \$9,900 for inspections. This is usually seen on sub-divisions not grading plans. With this type of delay there would then be further fees for winter grading. The Commissioner’s questioned the need for improvement plans on a private driveway and why this has come up in the last two weeks.

PWE Art Bliss explained that if grading exceeded 1500 cubic yards a improvement plan was required. Public Works feels a higher standard of engineering was needed with this grading. PWE Bliss stated that Public Works is trying to work with applicant and the improvement plans could be reviewed in an expeditious manor.

Commissioner Bettencourt asked if this project could be approved with the condition that staff keeps this moving. It was answered in the affirmative.

Commissioner Culler stated that the fees seemed high. PWE Art Bliss stated that they are based on ordinance and cost of construction.

David Stocker – General Contractor for applicant – Mr. Stocker stated that this was not a complicated project. They will use recycled materials and most of the sub-contractors will be local. He felt that 80% of those hired will be from this area. It is their intention to build green with zero energy use. The pool will be designed to fulfill the water requirements.

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

With no further discussion from the Commissioner’s, Commissioner Machado moved to Certify the Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Program, and approve Use Permit 1008-08 and Grading Permit 08-396, with the following findings and conditions of approval as amended. With a second by Commissioner Scattini, the motion carried with a **vote of 4-0**. Commissioner DeVries absent

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 the Grading Permit *and 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. No more than **1,207** cubic yards of cut and **595** cubic yards of fill. All grading will conform to the plans submitted for Grading Permit 08-396. The recommendations of the geotechnical report prepared by Earth Systems Pacific, file number SH-10926-SA shall be followed. [Planning, Building]
3. **Hours of Operation:** Pursuant to County Ordinance 479, Section 44.3.e.2., grading activity shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only. No grading shall occur on Federal holidays. [Planning and Building]
4. **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 project. Department of Fish and Game fee (\$2,043 - 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]
5. **Work Time Limits:** The permit holder shall fully perform and complete all work within the specified time limits. If no time limit is specified, the permittee shall complete the work within 180 days after the issuance of the grading permit except that no grading work may take place between October 15 and April 15 without the issuance of a Winter Grading Permit. The permit shall expire if work is not commenced within ninety (90) days from the date of permit issuance, or if the work is commenced and then suspended for a period of thirty (30) days, unless such suspension is approved by the Planning Department. [Planning]
6. **Stockpile topsoil:** Topsoil shall be stripped, stockpiled, covered with plastic or hay to prevent erosion, and reapplied as a surface layer to areas to be re-vegetated. The temporary soil working areas shall be clearly delineated on the site plan.[Planning]
7. **Compaction:** The grading compaction shall comply with the recommendations of geotechnical investigation. The final compaction report for this site shall be submitted to the Building Department prior to the scheduling of a foundation inspection. [Planning and Building]
8. **Wind Erosion/Dust control:** The following note shall be included in the construction plans: "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 three times a day. If the 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 and Building]
9. **Inspections:** Grading operations shall be subject to inspection by the County. Special testing, when deemed necessary by the County, shall be performed at the expense of the permittee. [Public Works, Planning and Building]

10. **Erosion Control/Re-vegetation:** Grading activity shall be completed and all disturbed soils shall be reseeded and mulched by within 30 days from the issuance of this permit. Cut slopes shall be scarified to enhance reseeded. Topsoil shall be reapplied on cut and fill slopes and fertilized. Within 10 days after completion of grading activity, all disturbed areas, including cut slopes and keyways, shall be reseeded at a rate of 30 to 50 pounds of seed per acre. Seeded areas shall be covered with straw or similar mulch at a rate of two tons of mulch per acre. Mulch shall be anchored by an approved method. Check dams, silt fences, hay bales or other designs approved by the building and planning department will be used to catch any sediment until after the disturbed areas are re-vegetated sufficiently to control erosion. Sedimentation shall be retained on site and shall be prevented from flowing into drainage features. Sediment catchment barriers shall be inspected immediately after each significant rainfall and at least daily during prolonged rainfall. [Planning and Building]

11. **Winter Grading Measures:** All work after October 15 shall require sufficient control materials of fiber rolls, straw bale dikes, plastic jute netting, etc, shall be kept on site at all times to be installed immediately by the permittee upon the advent of any rainfall or wind that may be expected to cause accelerated erosion. When rainfall or wind is predicted or occurring, temporary erosion control measures must be applied to all soils bared at the end of each day. A security bond shall be provided to the Planning Department to guarantee the installation of erosion control measures. Permits for grading shall not be valid and work shall not be started until the required bond has been provided. The amount of the bond shall be equal to 150% of the estimate (from a licensed contractor) for the complete cost of drainage, erosion control, and/or other protective devices. The bond shall remain in effect through the rainy season (October 15 to April 15). [Building and Planning]

12. **Maintenance and Remediation:** The applicant shall monitor re-vegetation and maintain irrigation as necessary. Erosion control measures shall be maintained until the disturbed area has been successfully re-vegetated. If reseeded fails, remediation measures shall be undertaken, including areas which did not re-vegetate or were damaged by erosion, wind, or other causes. Such areas shall be repaired to reestablish the condition of the soil and shall be re-fertilized, re-seeded, and re-mulched. [Planning and Building]

13. **Archaeological Resources:** A note shall be included on the construction plans for this project that states:

Any property owner who, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, discovers 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 no 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]

14. **Safety Precautions:** The permittee shall take all appropriate and necessary precautions to protect adjacent public and private property from damage that may result from the grading operations. [Planning and Building]
15. **Compliance:** Prior to a final of the grading permit, the applicant shall submit a letter of compliance, from a licensed geotechnical engineer, to the County Public Works and Building Departments. The Letter of Compliance shall be required to certify compliance with the grading requirements called out for in the UBC and the geotechnical investigation report for the site (whichever is more conservative). Specifically, but not limited to, applicant shall insure that all fill is compacted properly, all scarification/keying/benching is performed for fills, any engineered slope and erosion control measures are implemented. [Public Works]
16. **Delineation of Work Boundaries:** Prior to the start of the project, the boundaries of the work area (i.e., construction area, vehicle access routes, and areas planned for storage of materials, placement of soils, and staging of equipment) should be clearly delineated in the field with construction fencing. No placement of soils, storage of construction materials, or the staging of equipment should be allowed in any riparian corridor or within the drip-line of any trees. [Planning]
17. **Verification of Delineation:** The applicant shall notify the County when the project boundaries have been marked in order for an inspector to verify that the approved work area has been properly delineated. [Planning]
18. **Overburden:** Any overburden generated by the project shall be distributed evenly along the natural contours of the site at a depth no greater than twelve (12) inches. [Planning]
19. **Outdoor Lighting:** All development is required to comply with the County outdoor lighting regulations, Ordinance 748. Prior to issuance of a building permit for development on the site, the applicant shall provide details for all outdoor lighting to the building official for review and approval. [Building]
20. **Stream Bed Alteration Permit:** The applicant shall provide to the Department of Public Works, via the Planning Department, evidence that application has been made for a stream bed alteration permit from the Department of Fish and Game. [Department of Fish and Game]
21. **Strong Seismic Ground Shaking:** The applicant shall be required to meet all relevant Building Code requirements as they pertain to a project of this type and size. This shall be enforced at the Building Permit stage of the project. [Building and Planning]

22. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the 2007 California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size.[County Fire]

- A. This project will also require a 100 foot defensible space landscaping plan to be submitted to the San Benito County Fire Department for review and approval.
- B. The proposed bridge shall meet HS-20 standards.
- C. A NFPA 13D Fire Sprinkler system is required to be installed throughout the entire structure and attached garage. Plans and calculations shall be submitted to the County Fire Department for review prior to installation. These plans shall include all piping and plumbing from the water source to the riser. Water systems shall be capable of producing 500 gpm for 120 minutes at the hydrants. All hydrants shall be steamer type.
- D. CFC Section 508.5.1, Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route, around the exterior of the facility or building, on site fire hydrants and mains shall be required by the fire code official. Exception: For group R-3 and group U occupancies the distance shall be 600 feet.
- E. CFC section 508.2.1, private fire service water mains shall be installed in accordance with NFPA24.
- F. These water requirements are for protection only. Water for domestic and agricultural use shall be in addition to the requirements stated above.
- G. CFC section 501.4, fire access and water supply for fire protection shall be in place prior to any construction. Temporary roadway address shall also be in place.
- H. CFC section 502.3.1 fire access roads shall have an unobstructed width of not less than 20 feet to 150 feet of the structure and an unobstructed vertical clearance of not less than 13feet 6inches.
- I. CFC section 503.2.3 Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
- J. CFC Section 503.2.5 Dead end access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
- K. CFC section 503.4 fire access roads shall not be obstructed in any manner.
- L. Bridges are required if access road is obstructed. See Fire Official with questions.
- M. CFC section 503.2.7 Access road grades shall be determined by the Fire Official, but shall not exceed 15%. For grades over 10%, roadway surface adjustments shall be made.
- N. CFC section 505.1 address numbers shall be placed at the entrance of access road and on all habitable structures. Numbers shall be a minimum of 4 inches in height with a ½ inch stroke. Numbers shall be of contrasting color to the background it is placed on. Address be plainly visible from the roadway.
- O. CFC section 506.1 a Knox Locking System shall be installed on all access road gates. Order form shall be obtained from the Fire Official.

23. **Parking:** The applicant will be required to provide sufficient parking as required by Section 25.31.020, off street parking schedules. [Planning]
24. **Water Softeners:** The use of on site-regenerating water softeners is prohibited. Off site regeneration softening systems may be used subject to the approval of the San Benito County Water District.[Planning]
25. **Management and Conservation of Woodlands:** If the property owner desires to cut down a tree on his/her property they must obtain approval from the Planning and Building Department to ensure compliance to the County and State regulations for tree protection.” [Planning]
26. **Improvement Plans:** Pursuant to County Code Section 19.17.11j all required grading shall be subject to the approval of the County Engineer and shall be designed and constructed in accordance with such plans and specifications and other approved standards as provided by this chapter and by ordinance or resolution of the Board of Supervisors.
27. **Hydrology Study:** Proposed Bridge shall have 7 minimum of 3 feet freeboard for a 50 year storm flood elevation, or shall be clearly above the 100 year storm flood elevation or the highest recorded flood elevation for the area, whichever is higher. Or as an alternative; the applicant shall be required to submit to the County Public Works Department, a hydrology study with sufficient alternate design criteria to ensure on and off site flooding is reduced to a less than significant level. The Department of Public Works will hold final approval authority for proposed design criteria. [Public Works]
28. **Encroachment Permit:** Pursuant to County Code section 19.27.004, prior to commencement of any improvements associated with this project the applicant shall obtain a Public Works Encroachment Permit for any work being preformed within the County right or way. [Public Works]
29. **Geotechnical Engineer Letter of Compliance:** Prior to acceptance of the improvements and issuance of a building permit for the proposed single family residence, applicant shall be required to submit a Letter of Compliance for the Geotechnical Engineer confirming that the design and construction of the improvements are based on the findings and recommendations of the geotechnical engineer’s report.[Public Works]
30. Applicant’s engineer shall be submit informational cut sheets for the proposed “gravelpave2” surface, Information to be provided should include manufacture’s recommendations regarding drainage (sub-drainage) considerations, structural integrity and how ~~transfers~~ drainage flow is handled (~~around the indicated 6mil. impermeable plate or liner as shown on sheet 11 of 11 “Details”~~). Cut sheets should also detail any constraints that might affect proposed crown and/or cross-slope ~~also details any constraints that might affect proposed crown and/or cross/slope sections~~. This information is to be included in the required improvement plans pursuant to condition of approval 26.

31. **Design of Bridge Foundation:** Design of bridge foundation to include recommendations and be based on Geotechnical Study or investigation on its proposed location.
32. **Signage:** Signage shall be provided indication necessary information in compliance with section 23.27.004 of the San Benito County Code, appropriate signing.
33. **Division of Environmental Health:**
- A. San Benito Engineering has determined that ground water was not found at 20 feet below the soil testing pits. To ensure the required 50 foot setback from the trench bottom to ground water, the proposed leachfields have been relocated 40 feet higher in elevation from the original leachfield area. The proposed septic system shall be designed and stamped certified by a qualified civil engineer and will require a pump chamber with sufficient capacity for holding/storage in the event of an emergency or disruption to the power source.
 - B. The submitted application for installation of the septic system indicates the proposed structure is a 5 bedroom single family dwelling with a garbage disposal. The proposed septic system on the submitted site plans is engineered stamp certified design and shall be installed as indicated on the plans. No changes to this design shall be granted without a signed authorization by the engineer and approval by the Division of Environmental Health. Any unauthorized changes to the septic system design shall void the septic system installation permit.
 - C. The owner shall complete the application for installation of a septic system and pay all fees required.
34. **Monterey Bay Unified Air Pollution Control District:**
- A. Grading shall be limited to 8.1 acres per day, and grading and excavation to 2.2 acres per day.
 - B. Water ~~grated~~ excavated areas at least twice daily. Frequency shall be based on the type of operations, soil and wind ~~exposer~~ *exposure*. See condition 7 for more detail.
 - C. Prohibit all grading activities during periods of high wind (15 mph)
 - D. Apply chemical soils stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
 - E. Apply non-toxic binders (e.g. latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
 - F. Haul trucks shall maintain at least two feet of freeboard.
 - G. Cover all trucks hauling dirt, sand, or loose materials.
 - ~~H. Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.~~
 - I. Plant vegetative ground cover in the disturbed areas as soon as possible. See condition 9 and 11 for more detail.
 - J. Cover inactive storage piles. See condition 5 for more detail.
 - K. Install wheel washers at the entrance to construction sites of all existing trucks.
 - L. Pave all roads at construction sites. The Air District suggests that the dirt road to be used for access to the residence either be paved or covered with gravel to reduce emissions of fugitive dust.

35. **RWQCD Approval:** *Prior to obtaining a building permit the owner/applicant shall submit to the Regional Water Quality Control Board a “Notice of Intent” associated with construction activity (including clearing, grading and disturbances to the ground) for projects impacting 1 acre or greater. The applicant will need to develop and implement a Storm Water Pollution prevention Plan listing Best Management Practices.*

DISCUSSION

6. Hillside Ordinance Update

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

ADoP Turner updated the Commission on the Hillside Ordinance and presented a power point. (A copy of the power point is part of the permanent record at Planning Department.)

During the Commission discussion there was much discontent about how much longer this was going to continue. Questioned whether the Board of Supervisors and the Planning Commission could not meet to element some of the confusion. The Commission felt that the current revision was very similar to their last submission however they did question whether the current revision was 15% and visibility or 15% or visibility.

Chair Bettencourt opened the meeting for public comment. There being none he closed the Public Hearing.

After further discussion by the Commission, it was recommended to ask the Board of Supervisor’s for clarification with one version to vote on. Is it 15% and visibility or 15% or visibility?

7. Inclusionary Housing Ordinance – Update report

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

ADoP Turner Ordinance changes as follows: To amend the existing Inclusionary Housing Ordinance (Ordinance No. 766) Sections 21.03.006 (On-Site Units) and Section 1.03.008 (In-Lieu Fees) to reduce the percentage of required Inclusionary unit(s) construction from 30% to 20%.The revised ordinance will also allow collected fees to subsidize affordable housing; changes the definition of “affordable”; allows utility allowances to be included in monthly housing costs factors; changes the definition of “inclusionary unit” to allow senior second units with income limits to now qualify as affordable housing; allows negotiation/modification of the affordable housing requirements to occur pursuant to a development agreement, an affordable housing agreement or other means as determined by the Board of Supervisors, provided that the new residential development will assist in the attainment of the County’s identified housing needs and regional fair share responsibilities for very low, low and moderate income households and the number of affordable housing units will provide an acceptable level of affordable housing while providing public benefits consistent with the inclusionary housing ordinance; deletes the requirement that the number of bedrooms in off-site units are not less, on an average, than on-site market rate units; changes how the in-lieu fee is calculated to make that calculation based on the cost of developing affordable housing, as opposed to the difference between affordable and market rate housing; provides that the type of affordable units shall be determined on a case-by-case basis, rather than be set out in the ordinance; changes the density bonus section of the Ordinance to be consistent with Government Code Section 65915; elaborates and expands the allowed uses of the collected in-lieu fee, including but not limited to by allowing the fee to be used for equity participation loans, low interest loans, rent subsidies, grants or down payment assistance, and for

related activities that promote affordable housing such as homebuyer education, grant writing workshops, credit management workshops, financial literacy workshops and foreclosure prevention education, as well as by allowing the fee to be used for related expenses associated with preserving an affordable “at-risk” unit in order to prevent foreclosure. In addition, the ordinance change, if adopted, would require changes in the administrative manual currently required by the inclusionary housing ordinance in order to make the administrative manual consistent with the revised ordinance. These changes are collectively referred to as “Ordinance Changes.”

ADoP Turner announced that the Negative Declaration would be brought to the Planning Commission at their September 2, 2009 meeting for approval.

After a brief discussion by the Commission, Chair Bettencourt opened the Public Hearing.

Sally Bettencourt – Hollister, CA - Requested the Negative Declaration be made available to public in PDF form and show all strikeouts.

Steve Loos – Hollister, CA – Mr. Loos had the clerk hand out a brief outline titled “How Much is That House”. (A copy is part of permanent file at the Planning Department.) Mr. Loos stated that he was against an inclusionary housing ordinance and would prefer a bonus density system.

Mike Walters – Community Mortgage; Jason Noble - Developer & Kathleen Wright – Intero Realty all spoke to the elimination of the inclusionary housing ordinance. Because there is an abundance of foreclosure homes and houses currently under the \$250,000 low and median income people can now buy unrestricted homes for the same as the restricted homes. There are 1st time homebuyers incentives and down payment assistance now available to this group of homebuyers. They ask that this ordinance not be approved.

There being no further public comment the Public Hearing was closed by Chair Bettencourt.

8. Review of Use Permit No. 789-99A – Leal Vineyards
PLANNER: Byron Turner (bturner@planning.co.san-benito.ca.us)

ADoP Turner reported on the progress of this Use Permit.

Matt Kelley – Engineer representing Leal Vineyards. Draft traffic impact report will be ready in the next weeks. The report is being done by Mr. Higgins who did the original draft report. He also reported that the Barrel Room inspection is done at the County Building Department and comments are ready for pick-up.

Mr. Kelley asked if he could provide a letter to Staff instead of coming to all Planning Commission meeting. There was no objection by Staff or the Commission.

INFORMATIONAL – NON-ACTION ITEM

There were no announcements, reports or discussion.

ADJOURNMENT

There being no further 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 **vote of 4-0**. Commissioner DeVries absent. Adjournment to June 17, 2009 at 8:02 p.m.

Minutes prepared by:

Janet Somavia

Planning Commission Clerk

Attest:

Art Henriques

Director Planning