

# SAN BENITO COUNTY PLANNING COMMISSION

October 7, 2009

Minutes

**Adopted with corrections 10-21-09**

PRESENT: Machado, Culler, Bettencourt, Scattini & DeVries

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques  
Assistant Director of Planning (ADoP) Byron Turner;  
Associate Planner (AP) Michael Krausie, Assistant Planner (AP) Laura Hall,  
(ACC) Barbara Thompson and Clerk Janet Somavia.

Chair Bettencourt opened the Meeting at 6:02 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 on **September 22, 2009.**
  - Quarterly update on Santana Ranch and Fairview Corners.
  - Hillside Ordinance clarification. Will be coming back to PC on 10/21.
  
- Board of Supervisors meeting on **October 6, 2009**
  - Moment of Silence for Paul Matulich, Agricultural Commissioner
  - IT report on their five year program to update County technology
  - Approved the General Plan and Zone Change for Bianchi property.
  - Quarterly update on affordable housing by CJ Valenzuela.
  - Reviewed State comments on the Housing Element update. The Ordinance needs to be completed and brought to Planning Commission.
  - Growth Management draft ordinance to Board of Supervisors on October 3<sup>rd</sup>, also general discussion on pockets of County within the City of Hollister becoming “nuisance” properties.

Chair Bettencourt asked when the Bianchi C-District Review would be coming to the Planning Commission. ADoP Turner stated that it would be coming back on October 21<sup>st</sup>.

## ***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 September 16, 2009

Commissioner Machado moved to approved Items 1 thru 3. With a second by Commissioner Scattini the motion was approved by a **vote of 5-0**.

## **CONTINUED CONSENT AGENDA:**

4. **RESOLUTION NO. 2009-08 ~ ORDINANCE NO. 766 - INCLUSIONARY HOUSING AMENDMENTS**

APPLICANT: San Benito County LOCATION. County-wide REQUEST. To amend Ordinance No. 766 to reduce the inclusionary requirement from 30% to 20%, add flexibility to the housing types required, change the in-lieu fee calculation method, and add flexibility to the use of in-lieu fees. ENVIRONMENTAL EVALUATION: Negative Declaration. *PLANNER: Byron Turner ([bturner@planning.co.san-benito.ca.us](mailto:bturner@planning.co.san-benito.ca.us))*

ADoP Turner presented Resolution No. 2009-08 with the changes for acceptance.

There was a discussion among the Commission regarding the table for projects and the fees involved. Chair Bettencourt suggested that they take Public Comment before further discussion he then opened the Public Hearing.

Jason Guerra, Hollister - Handed out a graph showing what other cities and counties have in place regarding affordable housing and incentives. ( See permanent copy on file at the Planning Department.) If you add up all, you have a 3% average for affordable housing. However, you take only those that have an affordable ordinance it would average out about 15%. He stated that the new ordinance is better at 20% but still high. The Inclusionary Housing fee is the highest in the State.

Scott Fuller, Hollister - Handed out a graph showing a more reasonable calculation for In-lieu Fees. (See permanent copy on file at the Planning Department.) He also stated that Gilroy does not have an Inclusionary Housing ordinance and that the City of San Jose has suspended their program during this down turn in the economy. Mr. Fuller said that 30% to 10% seems a large adjustment, however the County started too high with the

original ordinance. He asked why is a recirculation of the Initial Study needed with every change.

Paul Rovella, Attorney with Lombardo & Gilles – The new ordinance is a remarkable improvement however additional analysis is needed on the 20% constraint per County's recent letter from State HCD. With today's market conditions, do we really need an inclusionary housing ordinance. According to the report that Jason Guerra presented urbanized counties are the only ones with inclusionary housing. He also noted that the City of Marina has suspended their program and that the City of San Jose did not do CEQA before the suspension.

Al Guerra, Hollister – Would like to have the Planning Commission and Board of Supervisors consider having the new ordinance retroactive for approved projects that have not been build. He also noted that 50% of the houses being sold now are at or below affordable housing standards. He feels that this ordinance is restrictive and is helping no one.

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

DoP Henriques stated that the Board of Supervisors seemed favorable to giving authority to suspend the ordinance or to waive it during times of economic downturn.

It was discussed to change the ordinance giving the Board authority to defer the ordinance. There was a lengthy discussion about having a Housing Element without an Inclusionary Housing Ordinance, would we have a pool to support affordable housing if we do not have an in-lieu fee, would changes cause another delay and the fact that the Board would like to wrap this up by the end of year. ACC Thompson stated that the Housing Element can be drafted to have flexibility for the Planning Commission and the Board of Supervisors to suspend the Inclusionary Housing Ordinance. There was further discussion regarding reducing the in-lieu fee and having density bonuses only.

Chair Bettencourt stated that the Commission needed to reach a consensus and polled the Commissioners. Commissioner DeVries stated that he agrees with the simple calculation that Scott Fuller presented for in-lieu fees. Commissioner Culler noted that he is opposed to this ordinance. He would rather see density bonuses and lower percentage. Commissioner Machado does not see were reducing in-lieu fee is going to work any better. Would like to know if density bonus is working in other jurisdictions? Chair Bettencourt stated that there have been no new affordable houses built since this ordinance went into effect.

Commissioner Scattini moved that the Commission recommend to the Board of Supervisors to do away with the inclusionary housing fee and having only a density bonus program in the Ordinance. This was seconded by **Commissioner Culler** – Chair Bettencourt. After a brief discussion regarding this recommendation it was accepted by a **5-0 vote**.

Staff noted given the changes in the proposal from what was in the Commissioner's packets that a new resolution would be developed for the October 21<sup>st</sup> Planning Commission meeting.

## CONTINUED PUBLIC HEARING ITEMS:

5. **Use Permit No. 997-08:** OWNER/APPLICANT: George Matheou / Nektarios Matheou LOCATION: 4351 Pacheco Pass Hwy., Hollister REQUEST: The applicant's proposal is to remodel two previously abandoned residences located on the property. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration. Planner: Michael Krausie ([mkrausie@planning.co.san-benito.ca.us](mailto:mkrausie@planning.co.san-benito.ca.us))

(AP) Michael Krausie presented the project. This project was continued from the September 16, 2009 meeting.

The applicant's proposal is to complete the process of remodeling two previously abandoned residence located at 4351 Pacheco Pass, Hollister, CA. Currently there are two existing, habitable dwelling units on the property. The purpose for the remodeling project is to create habitable third and fourth dwelling units. The proposed units will be used for farm worker housing. Under current County regulation, the property owner must obtain a conditional use permit in order to allow for the construction/use of any additional dwelling units beyond the first two units.

Chair Bettencourt opened the public hearing, there being none Chair Bettencourt closed the public hearing.

There being no further discussion, Commissioner Scattini moved to *adopt* the Mitigated Negative Declaration, adopt the Mitigation Monitoring and Reporting Program, and approve Use Permit 997-08, with the findings and conditions of approval. With a second by Commissioner Culler the motion carried with a **5-0 vote**.

### 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 Use Permit and applicable proceedings. [Planning]
2. **Conformity with Plan:** The development and use of the site shall conform substantially to the proposed site plan and conditions of approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning, Building]

3. **Lighting:** A note shall be included on the construction plans for this project that states: “All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended areas are illuminated and off-site glare is fully controlled. Additionally, all fixtures shall comply with County Ordinance 748.” [Planning, 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 (\$2,0430 - 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. **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]
6. **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]
7. **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]

8. **Parking:** The applicant will be required to provide sufficient parking as required by Section 25.31.020, off street parking schedules. [Planning]
9. **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]
10. **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]
11. **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]
12. **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 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]
13. **Building Permit:** The applicant shall obtain building permits for the two additional dwellings located on the property. In addition, the applicant shall obtain building permits for all other construction activities on property for which current Code Enforcement violations exist. [Planning and Building]
14. **Environmental Health:** The applicant will be required to demonstrate sufficient quantity and quality of water.
15. **Construction Hours:** A note shall be placed on all construction plans that states: "As required by County Ordinance, Construction on the parcels shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a not to this effect on all construction plans." [Planning and Building Department]

**PUBLIC HEARING ITEM ~ COMMISSION ACTION**

6. **Use Permit No. 1020-09:** OWNER/APPLICANT: Charles Harris/Gerald Peterson  
LOCATION: 831 School Rd. Aromas. REQUEST: The applicant proposes to establish a licensed small scale commercial wine facility within and in the immediate vicinity of an existing single family residence located on the property. ZONING: Rural (R). ENVIRONMENTAL EVALUATION: Negative Declaration.  
Planner: Michael Krausie ([mkrausie@planning.co.san-benito.ca.us](mailto:mkrausie@planning.co.san-benito.ca.us))

(AP) Michael Krausie presented the staff report.

The applicant proposes to establish a licensed, small scale commercial wine facility within an existing storage area located below the main dwelling. Winemaking operations will also be conducted in the immediate vicinity of an existing single family residence. The property in question is identified as 831 School Road.

Harvest activity will mostly be done outside in the immediate area near the wine storage area. However, fermentation may be done inside this storage area, depending on weather conditions. Barrel aging and wine analysis or lab testing will also be done inside this storage area as needed. Bottling will take place in an outside area.

Chair Bettencourt opened the public hearing. There being none Chair Bettencourt closed the public hearing.

The Commissioners had several questions regarding the number of employees, the volume of cases to be produced, traffic and time of operation.

(AP) Krausie stated that there would be only one employee, that the cases could be cycling out as the wine ages. Public Works has found that a traffic study is not necessary and that there would be no wine tasting on the site. As for the time of operation the applicant is asking for 6 a.m. to 10 a.m. during the harvest season and 8 a.m. to 6 p.m. the rest of the time.

Applicant Gerald Peterson then spoke to these issues. The operation would be starting small with approximately 500 cases and 1 employee. As the business grew the volume of cases would increase as would the number of employees. At full capacity they would probably only need three full time employees. As for traffic, they would be using a truck and trailer to haul the grapes. At the start they would probably be making 10 trips with the truck and trailer and at full capacity he estimates about 25 trips daily. The applicant stated there would be no other traffic as there would be no wine tasting.

Commissioner DeVries suggested that Condition 16 be changed as follows:

**Hours of Operation:** *The applicant shall limit hours of operation to 6am through 10pm Monday through Sunday up to 12 days per year, which shall occur September 1<sup>st</sup> through November 15<sup>th</sup>. Otherwise the hours of operation shall be limited to 8:00am through 6:00pm.*

Commissioner DeVries moved to adopt the Negative Declaration and approve Use Permit 1020-09, with the findings and conditions of approval as corrected. With a second by Commissioner Machado the motion carried with a **5-0 vote**.

### 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 Use Permit and applicable proceedings. [Planning]
2. **Conformity with Plan:** The use of the site shall conform substantially to the proposed site plan, applicant provided project description, and conditions of approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning, Building]
3. **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]
4. **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. [Building and Planning]
5. **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]
6. **Parking:** The applicant will be required to provide sufficient parking as required by Section 25.31.020, off street parking schedules. [Planning]
7. **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 of way. [Public Works]

8. **Environmental Health:** The property owner shall complete the application for septic installation to meet current County septic requirements for the type of use proposed. In addition, if any hazardous materials are to be stored in the proposed facility, a Hazardous Materials Business Plan must be completed and submitted to this department.
9. **Central Coast Regional Water Quality Control Board:** Applicant shall provide to the Building and Planning Department documentation describing that the winery is enrolled in general waste discharge requirements program and a waiver has been issued. In addition, the applicant shall provide to the Building and Planning Department a renewal waiver from the CCRWQCB in order to remain in compliance with Regional Water standards. This renewal shall be required to be submitted every 5 years or a required by CCRWQCB.
10. **Wine Production on the Property:** As stated in the application materials, no more than 5,000 cases of wine per year shall be permitted to be produced and/or stored on the property during any one-year period. [Building and Planning ]
11. **Term of Permit:** Pursuant to Section 25.43.008 of the San Benito County Code, this permit shall expire one (1) year from the date of granting such permit unless substantial activities authorized by the permit on the subject property have 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 the use. [Building and Planning]
12. **Wine Tasting:** No wine tasting shall be allowed on the premises, neither by invitation or public announcement. [Building and Planning]
13. **Food and Drug Permit:** The State of California Alcohol Beverage Control and Federal Bureau of Alcohol, Tobacco, and Firearms shall be responsible for the issuance of permits pertaining to winegrowing for the purposes of sale.
14. **Periodic Review:** Each year, if necessary, the applicant shall pay the cost of an inspection by the County. 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 modification or revocation if 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]
15. **Modification and Revocation:** The terms and conditions of any conditional use permit granted by the county may be modified or the use permit as a whole may be revoked. The use permit may be modified or revoked if the permit fails to comply with the reasonable terms or conditions expressed in the use permit granted or if there is a compelling public necessity. A

compelling public necessity warranting the revocation of a use permit for a lawful business or use may exist where the conduct of the business constitutes a nuisance. [Planning and Building]

16. **Hours of Operation:** The applicant shall limit hours of operation to 6am through 10pm Monday through Sunday up to 12 days per year, which shall occur through September 1<sup>st</sup> through November 15<sup>th</sup>. Otherwise the hours of operation shall be limited to 8:00am through 6:00pm.

7. **Variance No. 09-29:** APPLICANT: Robin Brownfield. PROJECT LOCATION: 1480 Cole Road, Aromas. APN: 011-160-053. REQUEST: Relief from the development setback standards of the San Benito County Code for Rural (R) to allow for an already constructed pool storage/equipment structure on a 5.4 acre parcel. ENVIRONMENTAL EVALUATION: Categorical Exemption.

*Planner :Laura Hall ([lhall@planning.co.san-benito.ca.us](mailto:lhall@planning.co.san-benito.ca.us))*

(AP) Laura Hall presented the staff report with a power point.

On February 17, 2009 a citation was issued at 1480 Cole Road in the City of Aromas for construction of a pool storage/equipment structure without the proper permits. During this time, it was determined that the structure had been built too close to the property line. To rectify this problem, the applicants have applied for a Variance from § 25.09.006 of the San Benito County Code which requires a side yard setback of 20% of the lot width (minimum 8 feet and maximum 32 feet) for accessory structures in the Rural (R) zone. The structure is 246 square feet and is located on the southeastern side of the property, approximately 135 feet from the single-family residence. The building consists of one room that is used for pool equipment (including pumps, heaters, and other devices) and a second room used for pool toys. Attachment A includes a Site Map of the pool storage/equipment structure location along with drawings of its design.

**STAFF RECOMMENDATION:** Staff is unable to recommend approval of Variance 09-29 since some of the required findings cannot be made. However, should the Planning Commission decide that they can make the following findings after evaluation of the following analysis to approve for this Variance; it is recommended that they adopt the “Recommended Conditions” that are included at the end of this report.

Chair Bettencourt opened the Public Hearing.

Mike Grachek, Applicant – The applicant explained that he obtained a permit for the pool and equipment 18 months ago and the he has had regular inspections and sign-offs on the permit. The equipment was part of the original permit, but where he got in trouble was building a shed to cover this equipment. He also explained that to move the equipment and install pumps would cost him around \$85,000. He presented a letter from Mr. Roger Ely, owner of adjacent property. Mr. Ely and his wife do not find the structure objectionable.

Commissioner DeVries stated that since equipment was part of the original permit this could possibly be an extraordinary circumstance.

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

There was some discussion among the Commissioners regarding the equipment as part of the permit and the neighboring properties. ACC Thompson suggested the issue of topography would be a better way of finding exceptional or extraordinary circumstances.

It was moved by Commissioner DeVries to approve Variance No. 09-29 with Finding #1 based on topography, lot shape and size as constituting extraordinary circumstance. Finding #2 as a result of Finding #1, the enforcement of the building set backs would result in unnecessary hardship to the applicant. Findings #3 and #4 as set forth and the Conditions of Approval with the change in Condition #1 as shown below. With a second by Commissioner Machado the project was approved with a **5-0 vote**.

### CONDITIONS OF APPROVAL

**1. Hold Harmless:**

Upon written notice by the County, the applicant shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul the approval of the ~~subdivision variance~~ and applicable proceedings. ~~San Benito County shall be subject to Section 66474.9(b)(2) of the Government Code.~~ San Benito County reserves the right to prepare its own defense pursuant to said section. [PLANNING]

**2. Compliance Documentation:**

Prior to issuance of a building permit, the applicant shall submit a summary response to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. The applicant shall also submit a response as to how this project complies with all applicable impact fees. [PLANNING, BUILDING]

**3. Conformity with Plan:**

The development and use of the site shall conform substantially with the proposed site plan and the Conditions of Approval as declared by the Planning Commission. [PLANNING]

**4. Improvement Plans:** Prior to issuance of a building permit, the applicant shall submit building and improvement plans to the County Building Department for approval.

### INFORMATIONAL – NON-ACTION ITEM

**8. General Plan Update: Review and provide comments on Vision Statement developed by General Plan Advisory Committee:**

DoP Henriques request comments on the General Plan Vision Statement that was included in the Commission packet.

It was general consensus of the Commission to send back to the Board of Supervisors that the Vision Statement was well written and all were very pleased with the outcome.

**9. Mandatory Training for Commissioners, October 15, 2009 – Vet’s Hall, Hollister  
Preventing workplace harassment, discrimination & retaliation.**

Commissioner DeVries objected to having to take this course. Several of the Commissioners were in agreement. ACC Thompson stated she would look into the matter of it being mandatory and let Staff know. ADoP Turner stated that Administration that this training was mandatory.

***DISCUSSION***

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

ADoP Turner reported nothing new or significant to report and the project is moving forward.

**11. Commissioner Announcements/Reports/Discussions.**

Commissioner DeVries announced that Judge Sanders found in favor of the San Juan Valley versus CalTrans and that the EIR to be defective.

***ADJOURNMENT***

There being no further Informational or Non-Action Items, Chair Bettencourt asked for a motion of adjournment. Commissioner Scattini moved for adjournment. Commissioner DeVries offered a second to the motion which carried with a **vote of 5-0**. Adjournment to October 21, 2009 at 8:55 p.m.

***Minutes prepared by:***  
*Janet Somavia*  
Planning Commission Clerk

***Attest:***  
*Art Henriques*  
Director Planning