

SAN BENITO COUNTY PLANNING COMMISSION

January 20, 2010

Minutes

PRESENT: Machado, Culler, Bettencourt, Scattini & DeVries

ABSENT: None

STAFF: Assistant Director of Planning (ADoP) Byron Turner;
Senior Planner (SP) Lissette Knight, Assistant Planner (AP) Ann Dolmage,
Assistant Planner (AP) Laura Hall, Public Works (PWE) Art Bliss,
(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

(ADoP) Turner reported that Director Henriques was not in attendance due to a death in the family.

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 December 2, 2009

CONTINUED CONSENT AGENDA:

4. Preliminary Allocations ~ Time Extension Requests

PA 05-05	A & R Properties	7 Allocations
PA 05-03	Sanchez	2 Allocations
PA 06-11 & PA 05-10	Hilden	11 Allocations
PA 07-07	Nino	4 Allocations

PA 08-01	Nicholson	3 Allocations
PA 08-02	Leonardini	14 Allocations
PA 08-03	Wright	3 Allocations
PA 08-04	Filice	4 Allocations
PA 08-05	Anderson	1 Allocation
PA 08-06	Lee	6 Allocations
PA 08-08	Anderson Homes	8 Allocations
PA 08-09	Anderson Homes	7 Allocations
PA 08-12	Segrado Ridge	25 Allocations
PA 08-13	San Juan Valley Development	3 Allocations

5. Preliminary Allocations ~ Requests for Re-Allocation

PA 03-12	Zanger	Barnheisel Road
PA 04-02	Zanger	Pacheco Pass Highway
PA 04-04	Morris/Baumgartner	Mission Vineyard Road
PA 04-09	Dotta	Buena Vista Road
PA 04-16	Corrotto	Blossom Lane
PA 04-24	Lico-Greco	Enterprise Road
PA 05-19	Prado	Fairview & Magladry
PA 07-05	Pryor	San Juan Canyon Road

Commissioner Scattini asked to be excused from the vote on Item #5 due to a conflict.

Commissioner Scattini moved to approve Items 1 thru 4. With a second by Commissioner Machado the motion was approved by a **vote of 5-0**.

Commissioner Machado moved to approve Item #5. With a second by Commissioner Culler the motion was approved by a **vote of 4-0**

PUBLIC HEARING ITEM ~ COMMISSION ACTION

- 6. M-DISTRICT REVIEW NO. 89-09:** The applicant is proposing to operate a truck maintenance facility, parking yard, and administrative/dispatch facilities, using existing buildings. APPLICANT: Bhandal Brothers Trucking. LOCATION: 2490 San Juan Hollister Road, Hollister. ZONING: Heavy Industrial (M-2). ENVIRONMENTAL REVIEW: Mitigated Negative Declaration.
Planner: *Ann Dolmage* (adolmage@planning.co.san-benito.ca.us)

PROJECT DESCRIPTION: The applicant is applying for M-District Review (MDR) 89-09, to operate a truck maintenance facility at 2490 San Juan Hollister Road (Assessor's Parcel Numbers 021-01-0-010-0 and 021-01-0-024-0). The applicant, Bhandal Brothers Trucking, is a Watsonville-based trucking company that specializes in frozen foods and produce. The applicant intends to use this parcel as a parking yard for semi-trucks and

trailers, and to use an existing 2,525-square-foot metal building as a repair and maintenance facility for these vehicles. Activities to be conducted in this metal building include tire changes, oil changes, brake work, and minor body work. The property also contains two small buildings that are approximately 1200 and 500 square feet in size, which will be used for administrative and dispatch purposes. No new structures are proposed at this time, though some remodeling to the existing buildings is planned. The business will not be open to the public, so the bulk of the traffic created by the project will be from company vehicles. The applicant has stated that there will be no more than 10 trucks on the property at any given time, since they are an "over the road" carrier.

After a brief discussion by the Commission regarding location and hours of operation, Chairman Bettencourt opened the Public Hearing.

Jerry Muenzer of Tres Pinos - Mr. Muenzer asked why the applicant needed to do a M-District Review since the location was already zoned M-2? ADoP Turner explained that the County Ordinance requires a review with any change in use. Mr. Muenzer then asked if by having to do this review did it not tie up the process?

Chairman Bettencourt asked for clarification regarding the review and ADoP Turner then quoted the ordinance for the record. Chairman Bettencourt then inquired if the Commission could recommend to the Board of Supervisors to make changes to the ordinance. ACC Thompson replied to the affirmative.

There being no further comments, Chairman Bettencourt closed the Public Hearing.

There was a discussion by the Commission regarding business growth and the required fair share fee by public works. After which Commissioner DeVries moved to adopt the Mitigated Negative Declaration and approve Manufacturing District Review 89-09 based on the findings and subject to the Conditions of Approval contained in the staff report. With a second by Commissioner Scattini the motion **carried with a vote of 5-0.**

CONDITIONS OF APPROVAL

Standard Conditions

1. Hold Harmless: The permittee shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this M-District Review and any applicable proceedings. San Benito County reserves the right to prepare its own defense.

2. Compliance Documentation: The applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance.

3. Conformity to Plan: The development and use of the site shall conform substantially to the application site plan and Conditions of Approval as approved by the Planning Commission and filed with the Planning Department. Any increase in the nature or intensity of land use on the site shall be subject to further Planning Commission review and approval.

4. Mitigation Monitoring: Prior to final approval, the applicant/owner, County Counsel and the Planning Director shall agree to and sign the Mitigation Monitoring Program form(s).

5. 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 M-District Review. The Department of Fish and Game fee (\$2,060.25 - 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 & Building

6. Parking: Per §25.17.088 of the San Benito County Code, adequate off-street parking shall be provided on the premises for all vehicles of persons employed and of all visitors and customers. A minimum of two parking spaces shall be provided for every three employees on the shift having the largest number of employees.

7. Landscaping: Per §25.17.088(E) of the San Benito County Code, a ten-foot-deep landscaping strip adjacent to side and rear property lines and a 25-foot deep landscaped area adjacent to the front property line shall be provided.

8. Lighting: All exterior lighting for this project shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 and Chapter 19.31 of the County Code. Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture. (Mitigation Measure 1)

9. Air Permit: The applicant shall apply for a permit from the Monterey Bay Unified Air Pollution Control District prior to the start of any activities. (Mitigation Measure 2)

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

1. 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.

2. 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.

3. 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, the applicant shall 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. (Mitigation Measure 3)

11. Storm Water Permit: The applicant shall apply to the State Water Resources Control Board for inclusion in their General Storm Water Permit for Industrial-Related Activities. Inclusion in this permit shall be granted by the Board prior to the start of any activities. (Mitigation Measure 6)

Fire

12. Fire: The property shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Public Resource Codes 4290 and 4291 and other related codes as they apply to a project of this type and size.

Public Works

13. Improvement Plan: The applicant shall be required to submit a detailed Improvement Plan for this project to Public Works, along with the pertinent Improvement Plan checking fee. The Improvement Plan shall include but shall not necessarily be limited to the following:

- Sufficient topographic information to show modified contouring or grading and proposed drainage patterns; a compilation of final facilities in place, including, but not limited to, interception and containment of contaminants from truck maintenance and like runoff by means of grease interceptor or alternate means, with supporting documentation to confirm design will fully mitigate potential downstream impacts and/or the recycling of project runoff waters.
- Erosion control plans indicating proposed methods for the control of runoff, erosion and sediment control. (Mitigation Measure 4)

14. Flood Hazard: Because of the project's proximity to San Benito River and the fact that the entire project area is within the 100-year flood hazard area, design of any new construction proposed in the future shall include and fully satisfy the requirements set forth per Chapter 19.15 (Flood Damage Prevention) of the San Benito County Code. (Mitigation Measure 9)

15. San Juan Hollister Road Fair Share: Prior to issuance of a permit, the applicant shall pay the project's fair share toward the relocation and construction of left and right turn

channelization on San Juan Hollister Road and Old Highway 156 intersection to meet Caltrans 60-mile-per-hour speed with a minimum 200-foot storage capacity. (Mitigation Measure 10)

16. Encroachment Permit: Pursuant to §14-3 of the San Benito County Code, prior to commencement of any improvements associated with this project, the applicant shall obtain a Public Works Encroachment Permit for any work performed within the County right of way.

Environmental Health

17. Hazardous Materials Business Plan: The applicant shall obtain a hazardous materials business plan permit from Environmental Health prior to the start of any activities on the parcel. (Mitigation Measure 5)

City of Hollister

18. Water Softeners: The applicant shall replace any existing water conditioning systems with a system that can be regenerated off-site. Discharge from salt-based water conditioning or softening devices shall be prohibited. (Mitigation Measure 7)

19. Reduced Pressure Principal Pipe: The applicant shall install a reduced pressure principal (RPP) pipe according to American Water Works Association standards, in regards to concrete padding and surrounding landscape/RPP height requirements. The RPP shall be installed inside a green wire mesh cage enclosure, which shall be lockable to prevent vandalism and unauthorized entries. The RPP shall be installed at a site between the City's water meter and the office buildings, where it can be readily observed and easily accessible for future inspections. (Mitigation Measure 8)

20. Non-Potable Water Uses: **Water service from the City of Hollister shall be limited to domestic use in the proposed office buildings. The applicant shall install separate water pipes for irrigation, dust control, and other non-potable uses to connect to the recycled water lines in San Juan Hollister Road.** (Mitigation Measure 11)

21. Radio Read Meters: If Radio Read Meters have not been installed on the property, the applicant shall be required to install them. For details, contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.

22. Wastewater Connection: Connection will be made to the City of Hollister's Wastewater Treatment Plant when the property is located within the City of Hollister's Sphere of Influence, City limits, or the Hollister Wastewater boundaries as adopted through LAFCO, and when the parcel has a wastewater collection line adjacent to or upon it. If the service connection requires LAFCO's approval, the property owner shall make an application to the City of Hollister to initiate an application with LAFCO. If City of Hollister and County of San Benito wastewater expansion includes use of recycled or "grey" water for landscaping, the property owner upon connection will provide plans for its compliance. Before the issuance of a final building permit, the property owner shall file a Declaration of Permit Restriction with the County Recorder. This

Declaration will incorporate the restrictions set forth in this section and any additional conditions placed on the use permit. These restrictions shall be binding upon any successor in ownership of the property.

7. **USE PERMIT NO. 1009-08:** OWNER/APPLICANT: Platinum Theaters Inc.
LOCATION: 500 John Smith Rd, Hollister REQUEST: Applicant requests an extension and amendment to existing Use Permit No. 1009-08. This request will add four additional concert events to their calendar as well as extend the concert end dates out through September. ZONING: Rural (R) ENVIRONMENTAL EVALUATION: Negative Declaration. Planner: *Lisette Knight* (lknight@planning.co.san-benito.ca.us)

SP Lisette Knight presented the staff report with the correction of changing the request from 8 music concerts a year to 4 music concerts a year because of an error in public hearing notice posting. The additional 4 will be heard at the February 17, 2010 meeting. This then changed the Use Permit Findings and the Conditions of Approval. **See changes below.**

The property owner/applicant is requesting an extension/amendment to their existing Use Permit Application. The existing Use Permit application allows the property owner/applicant to conduct 8 music concerts a year (*Saturday evening concerts during the months of May through August from 6pm to 10pm.) The owner applicant is requesting that the Use Permit be amended to add four (8) more Saturday evening (6-10pm) concerts and extend the concert period out through September (May – September). Primary access for the music events are from a private gravel driveway this is off of John Smith Road (Collector Road) from Fairview Road (Arterial Road).

There was a discussion among the Commissioners regarding the preparation of the event calendar to be made available for review and the review of the previous year events. There being no further discussion, Chairman Bettencourt opened the Public Hearing.

Al Guerra – Applicant – Mr. Guerra stated that they are asking for further dates so that they do not need to bring the Use Permit back for further changes. Mr. Guerra also asked if anything can be done regarding the Fish and Game fees. SP Lisette Knight stated that these fees are required when there is CEQA involved.

Commissioner Machado asked the applicant regarding the number of events last year and the capacities. Mr. Guerra stated that they indeed did have 8 events last year and the largest crowd anticipated would be 1,100 and they do not expect to have an attendance of 3,000.

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

There was a brief discussion among the Commissioners regarding violations and complaints. It was stated by SP Lisette Knight that there had been none. Commissioner Machado then moved to Adopt the Negative Declaration and Approve Use Permit 1009-08 (Extension/Amendment) based on the findings and subject to the Conditions of Approval with changes contained in the staff report. With a second by Commissioner Scattini the motion **carried by a 5-0 vote.**

Use Permit Findings:

Finding 1: That the proposed use is properly located in relation to the General Plan, and the community as a whole and to other land uses, transportation, and service facilities in the vicinity.

Evidence: *Section 25.09.022 (c) of the San Benito County Code lists Commercial Recreational Uses as a Conditional Use, which is subject to Use Permit review and approval. The proposed 12 music events per year (held during the months of May – September of each year) will serve the community as a whole by providing a family activity. The project as proposed will have minimal impacts the surrounding area. Conditions of approval have been set to appropriately enforce the four additional yearly music events and will continue to be utilized on a yearly basis.*

Finding 2: That the proposed use, if it complies with the conditions upon which approval is made contingent, will not adversely affect other properties in the vicinity or cause any damage, hazard, or nuisance to persons or property.

Evidence: *The proposed use will allow for 12 yearly music events to be held between the months of May through September. This proposal will have a less than significant impact to the surrounding area if the conditions of approval remain in compliance. Conditions are attached to the Use Permit to limit the use to what has been proposed in Use Permit 1009-08 (A/E). Any changes to the proposed use would require an amendment to this application and further review and approval/denial by the Planning Commission.*

CONDITIONS OF APPROVAL

Standard Conditions:

- 1. Hold Harmless:** Upon written notice by the County, the permittee shall defend, indemnify and hold harmless San Benito County and its agents, officers and employees from any claim, action or proceeding against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of this Use Permit and any applicable proceedings. San Benito County reserves the right to prepare its own defense. [Planning]
- 2. Conformity to 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]
- 3. Compliance Documentation:** The applicant shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 4. Notice of Determination (Fish & Game Fees):** The applicant/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval for each project that requires a Negative Declaration. Department of Fish and Game fee (\$2,060.25 – 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]

Planning Conditions:

- 5. Yearly Event Plans:** One month prior to the start of events for each year, the property owner shall submit eight (8) copies of an events plan to the San Benito County Planning Department. The Event plan shall include:
 - a. Dates, times, and estimated attendees for each of the **12** music events for that given year.
 - b. Food booth(s) type(s) for each event (including beverages)
 - c. Safety Measures for each event
 - d. Signage/direction plan
 - e. Lighting plan
 - f. Stage Plan
 - g. Security Plan (To be approved by the County Sheriff's Office)
 - h. Other requirements as determined by County staff (one month prior to submittal)
- 6. Yearly Permit Compliance Review:** Each year, Planning Staff and other County staff (as necessary) shall conduct yearly site visits to ensure that all conditions of approval are being met and all approved plans and programs are being enforced. Site visits are subject to a fee per Ordinance 833. [Planning]
- 7. Noise:** All events shall not exceed to noise level of 70 decibels as indicated on Table of the Noise Element of the San Benito County General Plan. Music events shall go no later than 10pm.
- 8. Security Plan:** As part of the events plan (Condition No. 5) the owner/applicant shall submit a security plan to the County Sheriff's Office for final approval. A copy of the approved security plan shall also be submitted to the Planning Department for record purposes. The security plan shall be followed and enforced during all music events. Any criminal activity shall be grounds to revoke this use permit.
- 9. Maximum Population:** The maximum occupation for any music events shall be 3,000 persons. If the maximum population is exceeded the use permit will be taken to the Planning Commission for action or denial.

Public Works Conditions:

- 10. Access:** Prior to operation of music events, the applicant shall obtain an approval letter from the County Fire Marshall that states that the existing access road proposed for the project is sufficient and meets the Fire Code's Requirements.
- 11. Stormwater Runoff:** ~~Prior to operation of music events, the applicant shall show that adequate drainage and erosion control measures are taken. Prior to operation, the applicant shall be required to provide a plan for the treatment of stormwater runoff, in accordance with appropriate Best Management Practices (BMPs). As part of submittal,~~

~~the applicant shall describe the source or reference of BMPs. Public Works will work with the San Benito County Water District to ensure proper application of BMPs. [Public Works & SBCWD]~~ **Removed, and subject to reinstatement by San Benito County at time of annual review.**

- ~~12. **Drainage Calculations:** Prior to operation of music events and as part of the improvement plans for this project, the applicant shall submit drainage calculations from a certified/licensed geotechnical engineer, in compliance with the County Drainage Standards. Public Works will work with the San Benito County Water District to ensure proper application of improvements. [Public Works & SBCWD]~~ **Removed, and subject to reinstatement by San Benito County at time of annual review.**
- 13. Traffic:** Upon preparation for and after each event, the applicant shall follow the requirements set forth in the traffic analysis provided by Hexagon Transportation Consultants, Inc. that was conducted for this Use Permit. In addition to these recommendation the following will also apply:
 - a. Signage at Mansfield Road, as recommended in the traffic report for the 3,000 person event shall also be provided.
 - b. **In the event 1,000 advance tickets are sold, the applicant shall obtain** ~~For the first event that has 2,000 & 3,000 persons attending shall require~~ monitoring by a licensed traffic engineer to evaluate the effects of an event this site on the existing roadways. From this evaluation a report shall be generated and recommendations, if any shall be made to minimize effects on the existing road network. This document shall be submitted to the Planning Department for circulation and review by the Public Works Department. [Public Works]
- 14. Dust Control:** Prior to each event, the owner/applicant shall require water trucks to water the roadway and all parking areas to control dust prior to, during and after the music event. If the dust is not adequately controlled through the initial application of water; additional watering prior to the end of each event will be required. [Planning, Building, Public Works]
- 15. Traffic Safety:** ~~For the first four events~~ **of 1,000 or more advance ticket sales, conducted on-site,** the owner/applicant shall hire California Highway Patrol (CHP) officers to ensure traffic safety. The number of officers and patrol cars and the necessity of their presence in the future shall be determined by CHP.

San Benito County Water District Conditions:

- 16. Irrigation and Landscaping:** Prior to operation of music events an irrigation plan and landscaping plan shall be submitted to the San Benito County Water District and Planning Department. The plan shall be in compliance with Ordinance #594 including, but not limited to drought tolerant plantings.
- 17. Litter & Debris Control Plan:** Prior to operation of music events, the applicant shall submit a litter and debris control plan shall be submitted to the Planning Department. The plan should require the clean-up of the site immediately following each event. [SBCWD & Planning]

Environmental Health Conditions:

- 18. Portable Toilet Removal:** Portable toilets shall be removed no later than 48 hours after the 12th and final music event of each year to ensure that toilets are promptly removed. [Planning]
- 19. Facilities:** The number of portable toilets for each event shall be adequate based on the population present. The number of portable toilets and hand washing facilities shall be adequate. Portable hand washing facilities are required to be within 200 feet of the food concessions. A proposal shall be submitted to the Environmental Health Department, calling out the number of portable toilets and hand washing facilities proposed. From this the applicant must provide a service schedule and pumping schedule from the portable toilet company. In addition, a plan to contain the liquid wastes from the concession stands must also be submitted for review and approval. Once plans are approved a copy of these plans shall be submitted to the Planning Department to place in the Use Permit file for record purposes.
- 20. Wastewater:** the creation of wastewater through food preparation is prohibited. [SBCWD]
- 21. Hazardous Materials Plan:** If onsite storage of fuel (propane) to operate generators exceeds the threshold amount permitted by Environmental Health, the applicant will be required to submit a hazardous materials plan to the Environmental Health Department for approval. A copy of the approved plan shall also be submitted to the Planning Department to place in the Use Permit file for record purposes.
- 22. Food Permits:** Prior to the start of each event, a temporary food permit shall be obtained by the Environmental Health Department for each food booth.
- 23. Solid Waste and Disposal:** Prior to operation of events, the applicant shall submit a proposal to provide for solid waste collection and disposal that is adequate for the proposed population and is in compliance with existing laws. This submittal shall be provided to the Environmental Health Department.

County Fire Conditions:

- 24. Fire:** The project shall meet the standards set forth in the latest adopted editions of the 2007 California Fire Code, San Benito County Code Ordinances 822 and 823, Public resources Codes 4290 and 4291 and all other related codes that apply to a project of this type and size. [County Fire Department]
- 8. USE PERMIT NO. 891-04 – ANNUAL REVIEW:** The Planning Commission will review a paintball facility and operation including paintball games in ten netted fields, sale of paintball related equipment and clothing, sale of pre-packaged foods, the hours of operations and the months of operations. APPLICANT: Mike & Leticia Montuy
 LOCATION: 1533 Shore Rd., Hollister. ZONING: Agricultural Productive
 ENVIRONMENTAL REVIEW: Mitigated Negative Declaration.
 Planner: *Byron Turner* (bturner@planning.co.san-benito.ca.us)

ADoP Turner presented the staff report.

PROJECT DESCRIPTION: On January 19, 2005, the Planning Commission approved the applicant's proposal for a paintball facility, which would operate as United States Paintball Nation

(USPN). As stated in the project's approval notice, the facility would include "paintball games in ten netted fields, sale and rental of safety equipment, paintballs, markers, sporting goods, clothing, supplies and pre-packaged foods." Conditions of Approval for UP 891-04 were revised on October 18, 2006. These conditions include an annual review. The property is located in agricultural land 6 miles north-northwest of Hollister. Neighboring properties include field and row crops, irrigated pastureland, dairy production, and single-family and mobile homes. The site contains a house and two barns that existed prior to the use permit's issuance, and the spaces around the barn farthest from Shore Road are used for paintball fields, with poles for the fields' netting.

ADoP Turner explained that several conditions of approval have not been met and the facility must be in compliance by opening day in March, 2010.

Commissioner DeVries express some concern since there had been two annual reviews and they were still not in compliance. There being no further comments, Chairman Bettencourt opened the Public Hearing.

Mike Montuy – Applicant – Mr. Montuy explained that they have brought gravel in for the road and all netting is down and equipment brought in for the season. They have attempted to plant trees but they have all died. They are making every attempt to comply with the conditions set forth by the County. Mr. Montuy then asked to show pictures of all the improvements they have made on the property. Mr. Montuy also explained that they give discounts to youth groups, military and first responders.

The following persons spoke in favor of the project: Eugen Ahlin, Michael A. Montuy, Jose Garcia, Diane Day Hopkins, Raul Garcia, Anthony Lico, and Robert J. Rodriques.

The following person spoke against the project: Al Valles and Bobby J. Perry.

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

ADoP Turner explained that it was Staff's recommendation to come back at the March 3, 2010 Planning Commission meeting to review compliance.

The Commission then had a lengthy discussion regarding the issues of compliance and ways that the applicant could meet the three conditions that would bring the use permit into compliance. ADoP Turner assured the Commission that the applicant would not allowed to open if all conditions are not met.

Chairman Bettencourt then poled the Commission for direction. It was the direction of Commission for the applicant to come into compliance and for Staff to bring back the project on March 3, 2010.

Chairman Bettencourt called for a brief break at 7:25 p.m.

Chairman Bettencourt called the Commission to order at 7:35 p.m.

9. PRELIMINARY ALLOCATION APPLICATIONS FOR FISCAL YEAR 2009-10

File No.	Applicant Name	Location
PA 10-01 MAJOR	SANTANA RANCH	Fairview/John Smith Rds.
PA 10-02 MAJOR	SANTANA RANCH	Fairview/John Smith Rds.
PA 10-03 MINOR	JENSEN, Josh	11300 Cienega Rd

ADoP Turner submitted that the Planning Commission review the staff report and attached materials, provide staff with their recommended action and continue the item to the February 3, 2010 meeting where a resolution based on the Commissions decision will be provided for adoption.

Staff has evaluated both applications and has the following conclusions for the Planning Commission:

PA 10-03, Jensen, Cienega Rd: At the time preliminary allocation applications were submitted to the Planning Department, staff was directed to take in incomplete applications and consider them as part of the PA review process. As a result of this, minimal information was submitted to Planning Staff (PA application and map). Due to the necessary information that was not submitted with the preliminary allocation application, staff was unable to score this project. However, since this was the only application submitted, the Planning Commission may want to consider the following two options:

1. Deny the requests for Allocations, since the application submittal was incomplete and was not able to be scored. Denied allocation applicants are automatically eligible for next years allocation cycle.
2. Grant the Allocations (3 would be granted) and allow the applicant to make an application for a Minor Subdivision in which they could go through the formal application process, including all necessary reports and studies.
3. Continue the item until the applicant submits the necessary items to properly score the application.

PA 10-01 and PA 10-02, Santana Ranch, Fairview: The applicant, through an appeal to the Board of Supervisors on March 3, 2009 was awarded 22 allocations for the 2008/2009 fiscal year. The applicant made two applications requesting allocations for their proposed project. Staff had evaluated the applications and has given each application a total point score of: **148**

However, since the Santana Ranch project is now eligible for exemption to the Growth Management Ordinance, due to the recent changes made by the Board of Supervisors through Resolution No. 09-118 and Ordinance No. 848, the Commission can consider the following two options:

1. Deny the requests for Allocations, since the project that is under both PA applications can qualify for an exemption to the Growth Management Ordinance.
2. Grant the Allocations (29 + 29 = 58 would be granted). If the Santana Ranch project is found to be exempt under the Growth Management Ordinance, then the Allocations collected by the proposed project would be made available for other future PA requests.

Commissioner DeVries asked to be excused from the discussion due to a conflict of interest with the Josh Jensen allocation.

There was a discussion regarding the number of allocations that were unused and how they could be applied. Could the remaining allocations be reallocated to the major projects? Should the Commission give allocations to an incomplete project. ACC Barbara Thompson stated she would check into this.

During this time Chairman Bettencourt opened the Public Hearing.

Anne Hall – Engineer for Josh Jensen - Stated that they were having a feasibility study done regarding percolation and landslide concerns. She would recommend giving Mr. Jensen his allocations. If he cannot meet the requirements he would not receive a tentative map.

Frank Guerra – Property Owner – They are working together to create a specific plan. With a development agreement, Santana Ranch would be exempt from the allocation process. They are asking for the allocations so they can start with these allocations and low income housing.

Brian Curtis – Adding to the above. The application before you is what you are hearing this evening.

Robert Brians - Shore Road. Would like to suggest that solar be considered on this project. Also would like to see local contractors used.

Anne Hall - The applicant would have no problem with receiving three allocations with a deadline attached.

Al Guerra – Property Owner – Would like clarification on allocations. Would all be given to Santana Ranch? What would you do with extras? ADoP Turner explained that one applicant does not take all.

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

There was a lengthy discussion about the number of allocations that could be awarded and the awarding of allocations to an incomplete application.

ADoP Turner stated the simplest and cleanest way is to grant all allocation to applicants. ACC Barbara Thompson agreed that all allocations should be awarded.

It was then recommended by the Commission to bring back a resolution giving all allocations as mathematically feasible to all applicants.

Commissioner Scattini moved to continue the public hearing to February 3, 2010. With a second by Commissioner Machado the motion carried with a **4-0 vote**.

INFORMATIONAL – NON-ACTION ITEM

DISCUSSION

10. TRA Draft Habitat Conservation Plan Options Report - Update

ADoP Turner presented this item.

Due to its previous habitat conservation planning efforts for the County in the early 1990s, the consulting firm TRA Environmental Sciences Incorporated was selected to complete a Habitat Conservation Plan (HCP) Feasibility Study. The Board of Supervisors approved a contract on June 2, 2009 to retain services. The budget for this project was \$50,000. The contract was funded with habitat conservation fees (Ordinance 541). TRA has completed the following Tasks 1-6 listed below.

Task 1. Review and revise existing biological and land use data

Task 2. Review Covered Species List, Habitats, and Biological Focus Areas

Task 3. Discussions with County and Wildlife Agencies

Task 4. Refine Management Zones

Task 5. Develop Preliminary Conservation Strategies

Task 6. Other Options and Contingencies

A copy of the power point presentation was given to the Commission. Attached to permanent copy.

11. Commissioner Announcements/Reports/Discussions

None

ADJOURNMENT

There being no further Informational or Non-Action Items, Chair Bettencourt asked for a motion of adjournment. Commissioner Scattini moved for adjournment. Commissioner Machado offered a second to the motion which carried with a **vote of 5-0**. Adjournment at 8:25 p.m. to February 3, 2010.

Minutes prepared by:
Janet Somavia
Planning Commission Clerk

Attest:
Byron Turner
Assistant Director of Planning