

SAN BENITO COUNTY PLANNING COMMISSION

March 3, 2010

Minutes

PRESENT: Machado, Culler, Bettencourt, Scattini & DeVries

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques; Assistant Director of Planning (ADoP) Byron Turner; Senior Planner (SP) Lissette Knight, Assistant County Counsel (ACC) Barbara Thompson and Clerk Janet Somavia.

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

DIRECTOR'S REPORT

(DoP) Art Henriques announced that the Census for 2010 is starting and that there are handouts in the lobby.

Report on the Board of Supervisor meeting 2/23/10 –

Approval of reimbursement agreement with Solargen Energy to recover the County costs of processing the Solargen Energy solar project. This was voluntarily entered into by the Applicant.

Approval for amendment to a contract with Aspen Environmental Group for the complete environmental & fiscal review for the proposed Solargen project.

A resolution was also adopted upholding the Planning Commission decision for denial of the flea market on Shore Road.

Report on the Board of Supervisor meeting 3/2/10 –

Reported on the recent home expo and first time home buyer workshop. 87 households came in for help and 27 attended the home buyer work shop.

A presentation of the Clear Creek Management Resource Management Plan and Environmental Impact Statement. The Board directed that there be an initial letter be sent to the local BLM office summarizing the public comments and also requesting the BLM consider extending the comment period for 90 days. This matter will be back to Board on the 9th and 23rd of March for further public comment.

The Board had an item to talk about the commercial corridors and land use. There were good comments from the Board as well as the public. The comments will be presented to the General Plan Committee.

Commissioner Machado asked if there was an emphasis on the 101 corridor. DoP Henriques responded that the 101 corridor is included in the General Plan update.

The Commission asked to have a schedule for the GPAC meetings. DoP Henriques announced that the next meeting will be on the 18th of March at 6:00 p.m. He will also try to have a calendar adopted at that time and will provide the Commission with the calendar when available.

PUBLIC COMMENT

Chair Scattini opened the meeting to public comments.

Mr. Joe Thompson thanked the Commission and Director for their service to the Community. Mr. Thompson then stated that he feels that small business is not welcome in San Benito County due to taxes and regulations.

There being no further public comment, Chair Scattini closed the Public Comment period.

CONSENT AGENDA

1. Acknowledge Public Hearing Notice

Commissioner Machado moved to approve the Consent Agenda. With a second by Commissioner DeVries the motion carried with a **5-0 vote**.

CONTINUED ITEM ~ PUBLIC HEARING ITEM

2. **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)(continued from January 20, 2010)

ADoP Turner reported that due to weather conditions Staff has not been able to do a proper site inspection. The applicant has planted trees and hired a soils engineer regarding the driveway. Public Works reported that the applicant has filed for an encroachment permit. ADoP Turner requested a continuance until March 17th due to the weather conditions.

There was a brief discussion before Chair Scattini opened the Public Comment. There being none Chair Scattini closed the Public Comment period.

Commissioner Bettencourt moved to continue this item to the March 17th meeting. With a 2nd by Commissioner Culler the motion carried with a **5-0 vote**.

INFORMATIONAL – NON-ACTION ITEM

3. 2010 CEQA Update – Receive greenhouse gas emissions mandates effective March 18, 2010.

Planner: *Lissette Knight* (lknight@planning.co.san-benito.ca.us)

SP Knight presented the staff report. Senate Bill 97 required the Governor's Office of Planning and Research to develop draft California Environmental Quality Act guidelines "for mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions". OPR was required to "prepare, develop and transmit" the guidelines to the Natural Resources Agency on or before July 1, 2009. The Natural Resources Agency must certify and adopt the guidelines on or before January 1, 2010. The Secretary for Natural Resources adopted Amendments to the CEQA Guidelines addressing greenhouse gas emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law filed the Amendments with the Secretary of State. These Amendments will become effective on March 18, 2010. This report is being heard by the Board of Supervisors next week, March 9, 2010.

After a brief discussion, Chair Scattini opened the Public Comment.

Joe Thompson – Hollister - What is being proposed should be thrown back to the State. The Planning Commission should use their influence to recommend such to the Board of Supervisors. We do not need more regulations. If these things that are before you goes into effect, we will soon see many business failures.

Marvin Jones – Hollister – Presented to the Commission a copy of AB 118. This bill would suspend the California Global Warming Solutions Act of 2006 if the state unemployment rate rises above 5.5%. Mr. Jones would like the Commission to request a letter be sent to the State requesting a full discussion of this resolution before the Assembly.

Paul Rovella – Hollister - SB 97 states that it is the discretion of the lead agency to establish their own threshold of significance. Not live with what the State established. No agency has established any threshold of significants. The Bay Area has a draft. The Bay Area will adopt this in June, 2010.

The State is going to create a model and most agencies will go along.

Joe Thompson – Hollister – Private industry and the American trucking industry has sued the Ports of Long Beach and Los Angeles for too stringent regulations.

Phil Fortino – Hollister - There is no firm scientific evidence regarding greenhouse gases. This legislation is based on erroneous evidence.

There being no further public comments, Chair Scattini closed the Public Comment period.

There was a great deal of discussion regarding how to establish guidelines, balancing the environment with the economic impact and how to proceed without causing lawsuits.

ACC Thompson stated that the best change is legislative change. The Commission could recommend to the Board of Supervisors to send a letter to the State Assembly.

Commissioner DeVries suggested that San Benito County establish its own guidelines. Could we not take the research that is currently being done to mitigate some of the projects and use them to establish a threshold?

SP Knight stated that Staff will be book marking these things as they do the research on projects and will have this information for the general plan update.

DoP Henriques stated that Staff is working with general plan update on guidelines. Also, the Board of Supervisors has asked that there be an economic element in the new general plan.

Chair Scattini then asked what the pleasure of the Commission was. It was the decision of the Commission to recommend to the Board of Supervisors to draft a letter of support for AB 118.

4. Consider regular meeting on April 7, 2010.
Cancelled by Resolution due to previous week furlough closure.
Planner: **Byron Turner** (bturner@planning.co.san-benito.ca.us)

ADoP Turner asked the Commission to reinstate the April 7, 2010 meeting that had been previously cancelled by resolution due to several projects that need to be heard at this time.

After a brief discussion, Commissioner Machado moved to reinstate the meeting of April 7, 2010. With a second by Commissioner DeVries the motion carried with a **5-0 vote**.

DISCUSSION ITEM

Commissioner Announcements/Reports/Discussions

Commissioner Bettencourt wanted to go on record about routing. 53 foot trailers are not allowed on Union Road. Asked were they should go to get to their destinations. ADoP Turner suggested that this should be taken up with Public Work or the California Highway Patrol. With something this specific you should go to the agencies involved.

Joe Thompson asked to speak. Commissioner Scattini asked that it be short as this was a period for the Commission. Mr. Thompson spoke of reestablishing the California Northern railroad on the current Hollister Line. This would be a savings to commuters and solve some of the greenhouse gas problems.

ADJOURNMENT

There being no further Informational or Non-Action Items, Chair Scattini asked for a motion of adjournment. Commissioner Machado moved for adjournment. Commissioner DeVries offered a second to the motion which carried with a **vote of 5-0**. Adjournment at 7:20 p.m. to March 17, 2010.

Minutes prepared by:
Janet Somavia
Planning Commission Clerk

Attest:
Byron Turner
Assistant Director of Planning