

SAN BENITO COUNTY PLANNING COMMISSION

May 5, 2010

Minutes

COMMISSIONERS: Richard Bettencourt; Gordon Machado; and Robert Scattini

LATE: Jeff Culler – arrived at 6:33 PM

ABSENT: Dan DeVries

STAFF: Interim Director of Planning (IDoP) Cathy Woodbury; Assistant Director of Planning (ADoP) Byron Turner; Senior Planner (SP) Lissette Knight; Assistant Planner (AP) Ann Dolmage; Assistant County Counsel (ACC) Barbara Thompson; Deputy County Counsel (DCC) Shirley Murphy; Public Works Engineer (PWE) Art Bliss; and Clerk Trish Maderis.

Chair Scattini called the meeting to order at 6:04 PM as he led the pledge of allegiance to the flag. Clerk Maderis reported Commissioner Culler advised he would be late and Commissioner DeVries was absent.

DIRECTOR'S REPORT

Clerk Maderis introduced newly appointed Interim Planning Director Cathy Woodbury to the Commission.

IDoP Woodbury introduced herself by giving the Commission and public some of her background. IDoP advised she would be with the Department through the summer and offered her support and guidance to the Commission.

IDoP Woodbury advised the Commission the regular meeting scheduled for May 19th contained no public hearing items and offered suggestions or items for workshop discussion.

Commissioner Bettencourt asked the status of the combined City/County meeting. ADoP Turner advised the schedule was still be developed. After some discussion, Commissioner Bettencourt moved to let the meeting stand as scheduled and if needed, cancel or adjourn through the Chair, Commissioner Machado offered a second to the motion which passed 3-2, Commissioners Culler and DeVries were absent.

PUBLIC COMMENT

Chair Scattini opened and closed the Public Comment period as no one wished to address the Commission on items not appearing on the Agenda.

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of April 7, 2010

Commissioner Machado moved to approve Consent Agenda Items No. 1, 2 and 3; Commissioner Bettencourt offered a second to the motion which passed 3-2, Commissioners Culler and DeVries were absent.

PUBLIC HEARING:

4. **Use Permit No. 1032-10:** REQUEST: The applicant proposes to convert an office building to residential use on a parcel comprised of Grade 1 soils.
APPLICANT/OWNER: Laura and Isauro Guillen. LOCATION: 480 Los Viboras Road, Hollister. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Categorical Exemption.
PLANNER: Ann Dolmage (adolmage@cosb.us)

AP Dolmage presented her staff report aided by power point slides describing the project and project location. AP Dolmage explained the property was an approved minor subdivision but the final map had not been recorded. AP Dolmage further advised all proposed buildings would be located on Parcel No. 3 when complete.

Commissioner Bettencourt questioned the width of the existing road and fire requirements. PWE Bliss advised Public Works would follow the requirements of Cal Fire. AP Dolmage advised an all weather surface was acceptable with Fire. After some discussion with staff regarding the proposed construction, demolition and project requests, ACC Thompson recommended adding an additional finding (No. 3) to state the project was categorically exempt per Section 15303 A and E.

Chair Scattini opened and closed the Public Hearing period as no one wished to address the Commission the Agenda item.

Commissioner Machado moved for approval of Use Permit No. 1032-10 with the recommended Conditions of Approval as contained the staff report and the addition of Finding No. 3 as recommended by DCC Thompson; Commissioner Bettencourt offered a second to the motion which passed 3-2, Commissioners Culler and DeVries were absent.

DCC Thompson noted for the record, the decision was final unless appealed to the Board of Supervisors within 10 days.

CONDITIONS OF APPROVAL:

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.
2. **Notice of Exemption:** Prior to obtaining a building permit, the applicant shall file a Notice of Exemption, declaring that Use Permit 1032-10 is exempt from the California Environmental Quality Act. The applicant is required to pay the \$50 filing fee to record the document with the County Clerks Office.
3. **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.
4. **Building Permit:** The applicant shall obtain the necessary building permits for conversion of the office building to a dwelling, conversion of one accessory building to a garage, conversion of another accessory building to a storage room, and construction of the breezeway. The applicant shall be required to pay all applicable impact fees associated with these building permits.
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.
6. **Public Works:** Pursuant to §19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County right-of-way, prior to commencement of any improvements associated with this project.

PUBLIC WORKSHOP:

5. NOTICE IS HEREBY GIVEN that the San Benito County Planning Commission will hold a **PUBLIC WORKSHOP** at its regularly scheduled meeting on May 5, 2010, to review and receive comments regarding the **Draft Environmental Impact Report** for the proposed **Santana Ranch Specific Plan**. **Project No: SP003-06**. **LOCATION:** Fairview Road, Hollister (APN 025-370-001, 025-370-002, 025-370-007, 025-370-009, and 025-100-001). **PLANNER:** *Lissette Knight* (lknight@cosb.us)

The Draft Environmental Impact Report will be available for review at the San Benito County Planning Department, 3224 Southside Road, and is also viewable from the San Benito County Webpage: www.san-benito.ca.us

(6:32 PM) Commissioner Culler arrived at 6:33 PM and was seated on the dais.

SP Knight opened the Public Workshop advising the Commission and public that comment cards and a sign up sheet are available for those wishing to be included on future mailing lists or those who wanted to offer comments but not speak. SP Knight also advised both she and ADoP Turner would provide information regarding the project and the purpose of the workshop was to inform and listen, take public comments, Commissioner comments and incorporate those comments with the project process.

ADoP Turner provided an overview of the entire project aided by power point slides. ADoP Turner also explained the requirements of an Environmental Impact Report (EIR).

SP Knight provided a summary of timelines for the project and the Draft EIR documents. SP Knight also advised the Commission and public the documents were available on the County's website (www.san-benito.ca.us) and at the Planning Department should anyone wish to review them.

Chair Scattini opened the Workshop for comments.

Frank Guerra, Hollister, the project applicant thanked the Commission for the opportunity to answer any questions they may have and the benefits of the project to San Benito County.

Robert Brians, 747 Shore Road, Hollister encouraged the public to provide written comments to staff.

With no other speakers, Chair Scattini then closed the Public Workshop comment period.

Commissioner Machado asked if the CD that was provided to each Commissioner could be duplicated if requested. SP Knight advised the CD was a public document and that additional CDs were available at the Planning Department.

From the audience, a member of the public requested to address the Commission. Chair Scattini advised the comment period was closed. IDoP Woodbury suggested speaking to SP Knight directly. After some discussion, Chair Scattini re-opened the Public Comment period at 7:02 PM.

Jeannette Langstaff, 1631 Tiburon, Hollister and member of the San Benito Conservation Alliance addressed the Commission and advised of her opposition to the project. Ms. Langstaff questioned how the project fits in with the City of Hollister plans, that the area should remain in agriculture and open space and there were significant traffic and water concerns.

At the conclusion of Mrs. Langstaff's comments, Chair Scattini re-closed the public comment period at 7:07 PM.

SP Knight reminded the Commission and public the last day to receive comments was May 26th 2010 and encouraged reading the Executive Summary of the Draft EIR and then to refer to specific sections for information of the public document. SP Knight also advised staff would be available for any questions or concerns regarding the project.

Commissioner Bettencourt asked if the Commission could offer their position on the project. ACC Thompson advised the Commission could not offer a position until the project is presented to them for decision. ACC Thompson cautioned the Commission on speaking in favor of or against any project prior to presentation for decision.

Chair Scattini requested a brief break at 7:15 PM. Chair Scattini re-convened the regular meeting at 7:20 PM with Commissioners Bettencourt, Culler and Machado present.

INFORMATIONAL – NON-ACTION ITEM

6. Report by Commissioner Richard Bettencourt - Attendance at California County Planning Commissioners Association Spring Conference on May 1, 2010.

Commissioner Bettencourt reported the Conference was very informative and that he had also met with Kern County Planning Director and discussed issues regarding solar and wind energy in that County.

Commissioner Bettencourt stated he enjoyed meeting other Commissioners and the interaction with other counties. Commissioner Bettencourt encouraged his fellow Commissioners to attend the next conference which will be held in Monterey later in the year.

DISCUSSION ITEM

7. Commissioner Announcements/Reports/Discussions

The Commissioners had no announcements or reports.

ADJOURNMENT

Commissioner Machado moved for adjournment, Commissioner Bettencourt offered a second to the motion and the meeting was adjourned at 7:30 PM.

Minutes prepared by:
Trish Vieira-Maderis
Planning Commission Clerk

Attest:
Byron Turner
Assistant Director of Planning