

SAN BENITO COUNTY PLANNING COMMISSION

July 7, 2010

Minutes

PRESENT: Commissioners Bettencourt, Culler, DeVries, Machado and Scattini,

ABSENT: None

STAFF: Interim Director of Planning (IDoP) Cathy Woodbury, Assistant Director of Planning (ADoP) Byron Turner; Public Works (PWE) Art Bliss, (ACC) Barbara Thompson and Clerk Janet Somavia

OTHER: Hugh Bikle, TDC Committee member

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

IDoP Cathy Woodbury reported the following:

- Appeal of the Leal Vineyards use permit will be before the Board of Supervisors on August 3, 2010.
- September 8, 2010 has been tentatively scheduled for a joint meeting with the Hollister City Planning Commission.
- Proposed hearing dates for the Affordable Housing and TDC Ordinance will be dependent on what is heard tonight.

PUBLIC COMMENT

Chair Scattini opened the meeting to public comments at 6:03 p.m. There being none, Chairman Scattini closed the public comments.

CONSENT AGENDA

1. Acknowledge Certificate of Posting
2. Minutes of June 16, 2010

Commissioner Machado moved to approve Consent Agenda Items 1 through 2. With a second by Commissioner Bettencourt the motion carried with a **4-0 vote**. Commissioner DeVries abstained.

WORKSHOPS

- 3.** Proposed Transfer of Development Credits (TDC) Ordinance.
Power Point presentation by Hugh Bikle, TDC Committee member and discussion of Ordinance and next steps.

Before presentation of the power point, Mr. Bikle explained that the TDC Committee is made up of Measure “G” opponents and proponents. Members were appointed by the Board of Supervisors. The Committee met for over 2 years to develop the principles.

A copy of the Power Point is part of the permanent file at the Building and Planning Department.

Upon completion of the Power Point presentation, Chairman Scattini called for a brief break at 7:09 p.m. Meeting was called back to order by Chairman Scattini at 7:16 p.m.

Prior to Commission discussion, Chairman Scattini opened the Public Hearing.

Scott Fuller – San Juan Oaks – Mr. Fuller expressed his appreciation for the tremendous amount of work by the committee. He spoke in favor of the approach presented. He also asked that the Commission consider the inclusion of bonus density. Mr. Fuller further stated that the County has already implemented TDC in their PRGI and Growth Management programs. Mr. Fuller also stated that a General Plan Amendment should not be needed with a transfer; instead you should have a TDC overlay on your parcel.

Tony Ruiz – Hollister – Mr. Ruiz expressed his enjoyment of the presentation. He feels this is practical and sustainable and it is the way to go. Other counties have villages and this is a proven way of developing. Mr. Ruiz stated that urban sprawl will not come back in this economy because it is not sustainable and high density and mixed use projects are the way of the future.

With no further public comment, Chairman Scattini closed the Public Hearing and returned the discussion to the Commission.

Chairman Scattini indicated that he would like to have more time to further study the presentation. He questioned the one house on forty acres theory stated by Mr. Bikle.

Mr. Bikle explained that the program would not be against one house on forty acres, but that they would like to see one house built on a small portion that could be fenced off and the remaining land to stay in agriculture.

Commissioner DeVries stated his concern with the agricultural open space easement being temporary and asked if agricultural open space in a sending area is subject to an easement then goes away, should they not receive more compensation?

Mr. Bikle explained that once a city has grown out to the sending area, you would need to buy back the replacement density.

(ACC) Barbara Thompson asked questions regarding land protection and development and suggested that these questions could be addressed at a future Commission meeting.

Commissioner Bettencourt expressed concern about the TDC program regarding the cost of transfer credit and asked if “it is currently costly to build already and then you throw in the TDC cost with all the fees, would it not then make building too costly?”

Mr. Bikle explained that a certain percentage of the cost would go to the price of the homes. The value of your land is based on the current value. Special areas would get a bonus of 4 for 1, such as on a creek or the San Juan Valley. Mr. Bikle further explained that you could buy a piece of agricultural land and trade that density to something such as a golf course development and keep the land in an agricultural easement.

Commissioner Bettencourt stated that if the program is totally voluntary he does not have a problem with the ordinance.

Commissioner Machado stated the preservation of agricultural land is part of the County preamble and people have a right to their land and you could never defeat this in a ballot measure. This program is a fair and equitable solution. Commissioner Machado stated a small village that is self contained surrounded by open land is a good plan. He further indicated that we should preserve the view corridors. Commissioner Machado commended the Committee. He further stated that this program should move forward with implementation and it should also be included in the new General Plan.

Commissioner DeVries asked for clarification on what staff was looking for.

(ADoP) Turner stated that TDC is included in PRGI and Growth Management. Also, PUD rules have been changed to allow clustering for all projects and could be included in the Affordable Housing Ordinance. (ADOP) Turner further stated that they are not going to attempt to identify receiving areas at this time as this would hold up the project. He also stated that Staff will have a draft ordinance by August 4, 2010 meeting and that CEQA will not be done before September.

Commissioner DeVries stated his concerns as follows: He has an issue with clustering on 100 acres with 20 units. What would keep 900 acres from having nine 20 unit clusters? You do not need clustering to have a receiving area to create a village. Commissioner DeVries further stated that he would like to see the San Juan Valley as a sending area. He has a problem with the temporary aspect of agricultural open space. Transfers should only be around the cities and easements should be in designated areas. Temporary easement should only garner a lesser credit. A General Plan Amendment should not be necessary with a TDC overlay. Commissioner DeVries also would like to see the General Plan Amendment Committee create receiving and sending areas in the General Plan and where they should be and how many.

Commissioner Culler expressed the need for more time to absorb the information presented. He also commended the Committee on a good job.

(ACC) Barbara Thompson asked regarding figures on pages 50-53 and are they paper credits? Mr. Bikle answered that yes they were paper credits only.

(IDoP) Cathy Woodbury stated that this is a meaty process. She would suggest bringing a draft ordinance that Staff feels comfortable with and highlight the areas which could wait.

Commissioner Bettencourt suggested that (IDoP) Cathy Woodbury meet with the TDC Committee and bring back some new suggestions on August 4, 2010.

Mr. Bikle indicated that the Committee very much supports this process.

(ACC) Barbara Thompson stated that legal counsel needs to work with Staff regarding providing some draft to the Board of Supervisors to be sure they are on board with the direction we are going.

Commissioner Machado emphasized the preservation of the San Juan Valley.

Phil Pearce – Committee member – Mr. Pearce stated that creating sending and receiving areas is a long process and we need to go forward with some of the other areas now.

Commissioner DeVries stated that we need a draft ordinance so that we can begin the process and leave the other areas to the GPAC.

(IDoP) Cathy Woodbury announced that a General Plan update will be presented to the Board of Supervisors on July 27th.

With no further discussion, Chairman Scattini asked for a 5 minute break at 8:14 p.m. The meeting was called to order at 8:19 p.m. by Chairman Scattini.

4. Proposed Affordable Housing Ordinance.
Power Point presentation and discussion of Ordinance and next step.

(IDoP) Cathy Woodbury stated that San Benito County has a Certified Housing Element and is one of the few counties that has this designation. She then presented the Power Point.

A copy of this Power Point presentation is part of the permanent record at the Building and Planning Department.

(IDoP) Cathy Woodbury announced that Traffic Impact Fees are to be discussed at the July 9th Board of Supervisors meeting at 1:30 p.m.

A draft ordinance will be brought back for further discussion on August 4, 2010.

Chairman Scattini opened the Public Hearing.

Tony Ruiz – Hollister – Mr. Ruiz stated that we are one of the worst counties economically and unemployment is at the level of the great depression. He further stated that the Commission needs to take into consideration what the people are like and what they are going through. He also feels we need to reduce the impact fees to the level of the State average and we need to consider the location of low and very low income housing as this housing needs to be within walking distance of amenities.

Scott Fuller – San Juan Oaks – Mr. Fuller stated the presentation had some good ideas and there is no need to hold up the project. Mr. Fuller further stated that studies have been done regarding impact fees for multi units and apartments. Mr. Fuller presented a table showing impact fees.

Michael Groves – Representing Fairview Corners – Mr. Groves asked Staff to move forward with the affordable housing changes. He agrees with affordable housing agreements between County and contractors and would like to see the use of affordable housing development off site. Mr. Groves used the example of the Gavilan housing units above the commercial buildings that could be used as off site affordable housing.

Paul Rovella – Lombardo & Gilles – Mr. Rovella stated that in reviewing the document, he would like to see density bonus and affordable housing density jive with TDC and density bonus and we need to keep both programs.

With no further public comment, Chairman Scattini closed the public hearing.

Chairman Scattini asked if this was informational only. Staff indicated in the affirmative.

Commission Machado stated the County and City need to reduce their impact fees which would help the builders and in turn help the community and the economy.

DISCUSSION - ADJOURNMENT

5. Planning Commissioner Announcements-Reports-Discussions

There being no Commissioner announcements/reports or discussion, Chair Scattini asked for a motion of adjournment. Commissioner Bettencourt moved for adjournment. Commissioner Culler offered a second to the motion which carried with a **vote of 5-0**. Adjournment at 9:52 p.m. to July 21, 2010.

Minutes prepared by:
Janet Somavia
Planning Commission Clerk

Attest:
Cathy Woodbury
Interim Director of Planning