

SAN BENITO COUNTY PLANNING COMMISSION

September 15, 2010

MINUTES

COMMISSIONERS: Richard Bettencourt; Jeff Culler; Dan DeVries;
Gordon Machado; and Robert Scattini

COUNTY STAFF: Director of Planning (DoP) Gary Armstrong; 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 Staff Analyst Mike Hodges; Public Works Engineer (PWE) Art Bliss and Clerk Trish Maderis.

Chair Scattini called the meeting to order at 6:05 PM as he led the pledge of allegiance to the flag. Clerk Maderis noted all Commissioners present.

DIRECTOR'S REPORT:

DoP Armstrong reported the application period for preliminary allocations closed on September 1, 2010 and 2 applications have been received and are being processed.

DoP Armstrong also reported the Leal Use Permit Appeal was granted by the Board of Supervisors and the item would be returning to the Planning Commission for review.

CONSENT AGENDA:

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of August 18, 2010

Commissioner Machado moved to approve Consent Agenda Items No. 1, 2, and 3; Commissioner Bettencourt offered a second to the motion which passed 5-0.

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.

PUBLIC HEARING:

4. **USE PERMIT NO. 1031-10:** OWNER/APPLICANT: Lonnie Autry, Jr. LOCATION: 4067 Santa Ana Valley Rd, Hollister REQUEST: Applicant is requesting a Use Permit to convert an existing dirt road on his parcel to a private airstrip. ZONING: Agricultural Rangeland (AR) ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.
PLANNER: Ann Dolmage (adolmage@cosb.us)

AP Dolmage presented the project information aided by PowerPoint slides. AP Dolmage reported one comment letter had been received from a neighboring property owner expressing concern for the reduction in property values.

AP Dolmage concluded her presentation advising staff was recommending approval of the Use Permit. The Commission questioned the direction and type of runway, which AP Dolmage advised it would be a 25 ft. wide dirt runway in a western direction.

Applicant Lonnie Autry advised a couple of small planes would be using the runway only in safe weather permitting conditions. With no further questions, Commissioner Bettencourt moved for approval, Commissioner Culler offered a second to the motion which passed 5-0.

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. [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 permittee 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. 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 (particularly Chapter 11: Aviation Facilities), 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. [Fire]
- 5. Flammable Materials:** The aircraft operation area (AOA) and related areas shall be kept free of combustible debris at all times. [Fire]

6. Cultural 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. [Planning]

7. Hazardous Materials: Any on-site fuel storage for aircraft using this airstrip will be reported to Environmental Health, and will be subject to any requirements imposed by that department, including storage in double-walled containers. [Environmental Health]

8. FAA Noticing: Prior to the first use of the airstrip, the applicant shall file Form 7480-1, *Notice of Landing Area Proposal*, with the Federal Aviation Administration and obtain their approval for operations. The applicant shall provide Planning with a copy of the approval prior to first use of the airstrip. [Planning]

PUBLIC HEARING:

5. Consider Resolution No. 2010-13, recommending approval of the **TRANSFER OF DEVELOPMENT CREDIT (TDC) ORDINANCE**. APPLICANT: San Benito County. LOCATION: County-wide. REQUEST: A Resolution of The San Benito County Planning Commission, recommending the Board of Supervisors' adoption of a Transfer of Development Credit Ordinance. ENVIRONMENTAL EVALUATION: Negative Declaration.
PLANNER: Byron Turner (bturner@cosb.us)

ADoP Turner presented the Draft Ordinance noting to the Commission the Ordinance was a development tool that would allow the Board to approve projects using TDCs and the ultimate goal would be for the General Plan Advisory Committee (GPAC) to establish sending and receiving areas. ADoP Turner added the Board should be the body to establish the agriculture and open space areas.

ADoP Turner reported the program was voluntary, simple to use and would be used for projects. ADoP Turner further explained that once the Ordinance was recommended for approval to the Board and the Board approved and adopted the Ordinance, it can later be amended or revised as needed.

Chair Scattini stated there was a lot to review and would personally like to continue the matter to a future meeting. Commissioner Machado stated that the item had been presented many times before and has followed the direction of the Commission for revisions. Chair Scattini then opened the Public Hearing.

Richard Saxe, TDC Committee member stated he felt the mixed zones should remain in the Ordinance and requested the Commission act on the item at this meeting.

Scott Fuller, San Juan Oaks, provided a hand out and explained to the Commission 6 points in the Draft Ordinance he believed should be revised. (copy in permanent record). Mr. Fuller concluded by requesting the Ordinance move forward as it is simpler, streamlined and a voluntary program.

After some brief discussion, Chair Scattini closed the Public Hearing. Commissioner DeVries noted for the record that he, Richard Saxe and Scott Fuller had previously met on the matter and the 6 points presented by Mr. Fuller were developed.

The Commissioners by discussion concurred the Ordinance was a good tool for property owners to protect their lands on a voluntary basis. Commissioner Culler stated he would like to review the final Ordinance prior to a recommendation to the Board. Commissioner DeVries requested staff to include the 6 points from Mr. Fuller in the Draft Ordinance and return the item on the October 6th Consent Agenda.

The item was continued to the October 6, 2010 regular meeting of the Planning Commission.

PUBLIC HEARING:

6. Consider Resolution No. 2010-10 and 2010-11 recommendations to the Board of Supervisors regarding the **Santana Ranch Project** and associated land use approvals, to include adoption of a general plan amendment, adoption of a specific plan, adoption of zoning text and map amendments, adoption of conforming amendments to the San Benito County Code, approval of a development agreement, certification of the Project's Environmental Impact Report, and all associated actions required under the California Environmental Quality Act (CEQA) and CEQA Guidelines. Applicant: Santana Ranch Landowners Group Location: Parcels identified as APN 025-100-001, APN 025-370-001, APN 025-370-002, APN 025-370-007, and APN 025-370-009 located generally east of the intersections of Fairview Road with Hillcrest Road and Sunnyslope Road.
PLANNER: Lissette Knight (lknight@cosb.us)

NOTE: Shirley Murphy was seated as legal counsel for this agenda item:

SP Knight provided a PowerPoint slide presentation and suggested an agenda procedure. SP Knight explained the 4-part application: (1. Specific Plan; 2. General Plan Amendment; 3. Zone Change; 4. Development Agreement) and explained the layout of the project. SP Knight also provided some history on previous Board of Supervisor actions dating back to 1989 regarding the special study area and that this project was located in a portion of the entire special study zone.

SP Knight also provided information and explanation of the commenting agencies, the scoping and public meetings, the environmental process and what each process does. SP Knight also explained the project was exempt from the Growth Management Ordinance as a Development Agreement was included.

SP Knight advised that mitigation measures would result in less than significant impacts and pointed out the benefits of the project including creation of jobs, increased revenues for the County, 10% of development set aside for purchase by local builders; affordable housing, green programs, roof-top solar, sustainable design and senior housing.

SP Knight concluded her presentation stating staff was recommending approval to the Board of Supervisors and introduced the technical team involved in the project. That team consisted of Nadia Costa, Jeff Waller, Greg Young and Pat Kelly.

Prior to the opening of the Public Hearing, Chair Scattini called for a brief break at 7:19 PM. The meeting was called back to order at 7:28 PM with all Commissioners and staff in attendance.

Chair Scattini opened the Public Hearing.

Michael Anderson, 1851 Airway Drive, Ste E, Hollister – Co-applicant of the project presented a short video/virtual tour of the proposed project.

Frank Guerra, 45 Sunrise Drive, Hollister – Co-Owner/Applicant addressed the Commission advising the soil on the project was not suitable for agriculture production, that growth was encouraged by the Board of Supervisor action many years prior, the project would be served by Sunnyslope Water and the City of Hollister for water and sewer, the project would create jobs and County revenue and would facilitate orderly growth. Mr. Guerra concluded stating the project would be an asset to San Benito County.

Bob Heunemann, 120 Harbern Way, Hollister – Spoke in opposition of the development but agreed the soil was not prime ag land. Mr. Heunemann stated he believed the project was spot zoning and should be done through the General Plan Update process.

Leona Valdez, 410 Mansfield Road, Hollister – Expressed concern for the increased traffic on Fairview Road which she stated was already a problem without the project. Mrs. Valdez spoke in favor of the project stating union workers should be used.

Andrew Rogers, 2191 Beachwood, Hollister – a resident of Sunnyslope Village stated he felt traffic and noise were large issues and the current sound walls where he resides are not adequate. Mr. Rogers cited a section from the City code for noise levels.

Jack Bachofer, 222 Holland Circle, Hollister – representing Hollister School District, spoke in support of the project stating it would be good for the community and good for education.

Marilyn Ferreira, 1131 Union Heights Drive, Hollister – Complimented staff on an excellent presentation. Mrs. Ferreira read a letter from Bob Tiffany in support of the project calling it ‘smart growth’. Mrs. Ferreira concluded stating it was a great project and great vision for the County.

Jeannette Langstaff, 1631 Tiburon Drive, Hollister – spoke in opposition of the project stating the area should be kept rural. Ms. Langstaff felt there would be too many impacts on traffic, noise and habitat.

Bob Brians, 747 Shore Road, Hollister – stated he was concerned with the traffic and that impact.

With no other speakers, Chair Scattini closed the Public Hearing.

Commissioner DeVries requested an explanation on the noise issue brought up during the Public Hearing. SP Knight explained the noise exposure for the Santana Ranch and the Fairview Corners projects are completely different in nature. The exposures are based by the development proposed. SP Knight added the Santana Ranch project was in the County jurisdiction and governed by County Code. The code cited by Mr. Rogers was that of the City of Hollister and there are jurisdictional boundaries between his residence and the project site.

After some discussion regarding the future widening of Fairview Road to 4 lanes, SP Knight added that future development will incorporate additional noise studies throughout the life of the project and the Specific Plan calls for frontage improvements including sound walls and landscaping.

Commissioner Bettencourt asked if CSAs were included in the projects. Nadia Costa, project legal counsel explained there would be a Community Facilities District (CFD) that would only impose taxes on the homeowners within Santana Ranch. Ms. Costa also provided an explanation of what a CFD is and would be only for the homeowners in the development.

Commissioner Bettencourt asked Jeff Waller to explain the traffic questions brought up during the Public Hearing. Mr. Waller explained speed limits were governed by State law, the widening of Fairview Road would be done in the distant future and that traffic noise is reduced with lower speeds.

Chair Scattini asked Greg Young if water would be provided by Sunnyslope Water District. Mr. Young confirmed that Sunnyslope Water has adopted a water assessment for the project. DCC Murphy added the process would require LAFCo approval.

With no further discussion, Commissioner DeVries made the following motion:

- ❖ Approve Resolution No. 2010-10 recommending the following to the Board of Supervisors:
 - Certifying an Environmental Impact Report that evaluates the impacts of development under the Santana Ranch project, prepared pursuant to the California Environmental Quality Act and the CEQA Guidelines;
 - Adopt the findings required by CEQA;
 - Adopt the mitigation measures to reduce any significant environmental impacts were feasible, as recommended in the EIR;
 - Adopt a Mitigation Monitoring and Reporting Plan and;
 - Adopt a Statement of Overriding Considerations
 - General Plan consistency finds;
 - A Resolution to the Board to amend the San Benito County General Plan text and map to create a Santana Ranch Specific Plan General Plan designation that applies to the project site and incorporates many of the regulations and policies prescribed in the Santana Ranch Specific Plan;
 - A Resolution to the Board to adopt the Santana Ranch Specific Plan which will function as a comprehensive planning instrument and will implement more specific zoning designations, including Santana Ranch – Single Family Residential; Residential Multiple; Neighborhood Commercial; and Parks. The Specific Plan also contains a variety of development standards, rules and regulations that apply throughout the project site.
 - An Ordinance adopting (1) a zoning text amendment to create a zoning designation, Santana Ranch-Specific Plan, that would serve as the zoning for the project site and would implement many of the land use regulations and policies under the Santana Ranch Specific Plan and (2) a zoning map amendment to change the existing Zoning Map to show the project site rezoned from rural to Santana Ranch-Specific Plan.
 - An Ordinance adopting various conforming amendments to the San Benito County Code, to ensure consistency between the County Code and the Project.
 - An Ordinance approving a Development Agreement, whereby the Owner provides benefits to the county in consideration for certainty regarding laws applicable to development under the Santana Ranch project.

Commissioner Bettencourt offered a second to the motion. DCC Murphy requested Commissioner DeVries correct his motion to Adopt the Resolution rather than approve. Commissioner DeVries corrected the motion to state to Adopt. Prior to the vote, Commissioner Culler moved to continue the item for further review. Chair Scattini called for polled vote.

Clerk Maderis polled each Commissioner with the following result:

Commissioner Machado	Yes
Commissioner Bettencourt	Yes
Chair Scattini	Yes
Commissioner Culler	Abstain
Commissioner DeVries	Yes

The motion by Commissioner DeVries, 2nd by Commissioner Bettencourt passed 4-0-1; Commissioner Culler abstained.

Chair Scattini called for a break at 8:34 PM. The meeting was called back to order at 8:42 PM with all staff and Commissioners present. ACC Thompson was re-seated as the legal counsel.

PUBLIC HEARING:

7. Consider Resolution No. 2010-12, a recommendation to the Board of Supervisors regarding the adoption of the **San Benito County Bikeway & Pedestrian Master Plan Update**. APPLICANT: San Benito County. LOCATION: San Benito County. REQUEST: Staff is recommending that the Planning Commission recommend the adoption of the San Benito County Bikeway & Pedestrian Master Plan Update. ENVIRONMENTAL EVALUATION: Initial Study/Mitigated Negative Declaration.

Public Works Staff Analyst: Mike Hodges (mhodes@cosb.us)

SA Hodges presented the item for consideration explaining the Master Plan would provide a tool to obtain funding for bikeway and pedestrian developments. Commissioners Bettencourt and Machado both asked about funding. PWE Bliss explained grants would be applied for.

After some discussion, Commissioner Machado moved to adopt Resolution No. 2010-12 and forward the Master Plan Update to the Board of Supervisors, Commissioner Culler offered a second to the motion which passed 5-0.

DISCUSSION ITEM

8. Commissioner Announcements/Reports/Discussions

The Commissioners discussed with staff the items that would be appearing on future agendas.

ADJOURNMENT:

With no further business, Commissioner Machado moved for adjournment, Commissioner Bettencourt offered a second to the motion and the meeting was adjourned at 8:56 PM.

Minutes prepared by:
Trish Vieira-Maderis
Planning Commission Clerk