



# SAN BENITO COUNTY PLANNING COMMISSION

**Jeff Culler**  
District 1  
**Vice-Chair**

**Dan DeVries**  
District 2

**Pat Loe**  
District 3

**Ray Pierce**  
District 4  
**Chair**

**Robert Rodriguez**  
District 5

County Administration Building – Board of Supervisor Chambers, 481 Fourth Street, Hollister, California

## ***MAY 11, 2016*** **SPECIAL MEETING MINUTES**

COMMISSIONERS:

PRESENT: Ray Pierce, Dan De Vries, Jeff Culler, Pat Loe, Robert Rodriguez

ABSENT: None.

STAFF: Director of Resource Management Agency (DoRMA) Brent Barnes, Assistant Director of Planning (ADoP) Byron Turner, Associate Planner (AP) Michael Kelly, Associate Planner (AP) Shandell Clark, Assistant County Counsel (ACC) Barbara Thompson, and contract attorney Nadia Costa.

### ***6:00 PM ~ CALL TO ORDER***

- Pledge of Allegiance
- Roll Called ~ Commissioners present noted by Clerk

Chair Pierce called the special meeting to order at 6:06 p.m., noted roll, and led the chamber in the Pledge of Allegiance.

### ***PUBLIC COMMENT***

*Chair Pierce invited public comment on items other than those on the agenda, and then closed public comment after none was offered.*

### ***CONSENT AGENDA***

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting

Commissioner Loe moved to approve the Consent Agenda, and Commissioner De Vries seconded the motion. The motion was approved 5-0.

### ***PUBLIC HEARING ITEM***

**3. AFFORDABLE HOUSING WORKSHOP:** The San Benito County Planning Commission invites affordable housing providers, developers, builders, other stakeholders, and interested members of the community to participate in a community workshop regarding affordable housing in the community. Topic will include but aren't limited to affordable and inclusionary housing requirements, in-lieu fees, location of housing, affordable-by-design, re-sale restrictions, and income limits. The goal of the workshop is to assist the County in

constructing and implementing a new affordable housing ordinance. RECOMMENDATION: After discussion, the Planning Commission may adopt Resolution Recommending that the Board of Supervisors adopt an Affordable/Inclusionary Housing Ordinance or may continue the matter for future discussion. LOCATION: Countywide-unincorporated area. ENVIRONMENTAL EVALUATION: Addendum to San Benito County 2035 General Plan Update (GPA 09-42) Final Revised Environmental Impact Report.

ADoP Turner introduced and described this item. ADoP Turner explained that the current draft ordinance before the Commission has the concept of in-lieu fees removed and tabled until a study has been done to determine what that fee would be. He stated if you were to present the ordinance as it now stands to the Board of Supervisors, it would leave the in-lieu fee portion tabled for later discussion, and simply require 15% of all development in major subdivisions be devoted to affordable housing. The 15% figure is consistent with the surrounding areas; however, it can be changed to 10% or 30% if staff is directed to do so by the Commission.

Chair Pierce opened public comment, and the following persons addressed the Commission:

- Mr. Arthur Soza
- Mr. Seth Capron
- Mr. Marty Richman
- Mr. Rob Bernosky
- Mr. Todd Deutscher
- Mr. Alfred Diaz-Infante, President/CEO, Community Housing Improvement Systems and Planning Associations (CHISPA)

As there were no further speakers, Chair Pierce closed public comment.

A discussion ensued amongst the Commission and Mr. Capron as to the definition of “affordable housing”. It was agreed that the present median income in San Benito County is an \$81,100.00 annual income for a family of four. There was a concern about the 15% figure as compared to other counties within the state. The market level for home purchase prices in other counties may be significantly higher than it is here in San Benito County. On the other hand, if we are compared to Madera County, then the 15% figure may be too low.

Chair Pierce re-opened public comment, and the following persons addressed the Commission:

- Ms. Jennifer Coile, Affordable Housing Consultant (non-local) and Hollister resident
- Mr. Tony LoBue
- The following persons provided additional comments:
- Mr. Seth Capron provided a rebuttal to Mr. LoBue’s comments.
- Mr. Marty Richman.
- Mr. Art Soza.
- Mr. Jason Noble.
- Mr. Rob Bernosky provided a rebuttal.
- Ms. Valerie Egland.

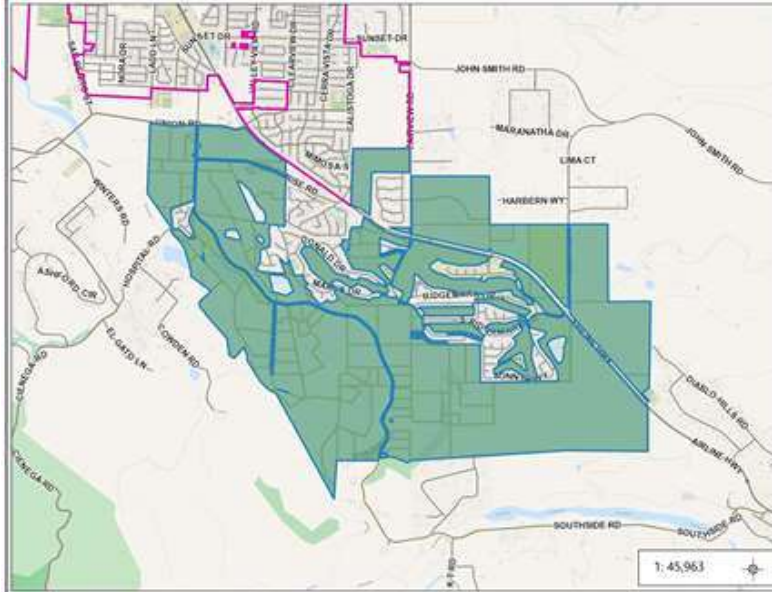
As there were no further speakers, Chair Pierce closed public comment.

It was agreed amongst ADoP Turner and the Commission that enough information is now accumulated to be integrated into the ordinance and presented at the next Planning Commission meeting. The ordinance will include a development agreement for developer’s to pay in-lieu-of fees, subject to negotiation. It was agreed that the 15% figure is acceptable if that is the recommendation. Per ACC Thompson, this figure is adjustable later if it is found to be too low or too high. It was further agreed that

ordinances and resolutions respective to affordable housing will include transparent language as to the terms and conditions.

Chair Pierce motioned to continue this item to the June Planning Commission meeting on June 15, 2016 at 6:00 p.m. Vice Chair Culler seconded the motion. The motion passed 5-0.

**4. GENERAL PLAN AMENDMENT 16-50: APPLICANT:** County of San Benito. **LOCATION:** Vicinity of Southside Road as shown below:



**REQUEST/RECOMMENDATION:** The County Resource Management Agency requests that the Planning Commission consider and adopt a Resolution recommending that the Board of Supervisors approve General Plan Amendment 16-50, establishing the Southside Road area as a New Community Study Area, as defined in the Land Use Element of the San Benito County General Plan. **GENERAL PLAN DESIGNATION:** Multiple. **ZONING:** Multiple. **ENVIRONMENTAL EVALUATION:** Addendum to San Benito County 2035 General Plan Update (GPA 09-42) Final Revised Environmental Impact Report.

Mr. Brent Barnes, Resource Management Agency Director, introduced this item and began with a description of this amendment, and the purpose of addressing this item this evening. Mr. Barnes explained that this item does not change the land use designations; it changes the process by which land use decisions are made. This concept is the same as is used in the other four CSA areas. Mr. Barnes highlighted the four available options: (1) continue to process developments piecemeal as they come forward with complete applications; (2) require a development agreement for all development projects; (3) to allow the land owners and developers to come forward with a plan for this area of the community, either entirely or their own or as facilitated by staff; (4) do nothing at all. As a result of Commission level discussion, Mr. Barnes clarified that all projects would receive a dual project and program level review to ensure compliance with the conditions of development and the EIR.

Chair Pierce reminded the Commission that they had agreed, at this time, that there should be no specific plan. Chair Pierce stated that the concern with a specific plan is that it might take up to two years and cause a delay with projects. As a result, staff was directed to not bring the Commission anything that involves a specific plan because of this potential delay, and the “ink is barely wet” on the General Plan.

Commissioner De Vries stated he likes either option #2, or the combination of options #2 and #3. A discussion ensued as to the legality of whether or not the county can ask for development agreements. Per contract attorney, Nadia Costa, the legal approach for a jurisdiction is to include a policy in their General Plan or otherwise that will state the need for development agreements. Therefore, it opens the door to provide for development agreements as a matter of general planning consistency. Ms. Costa further stated that the General Plan right now includes requirements in connection with revenue neutrality, which are hard to satisfy without a development agreement in place. This fiscal neutrality provision can be used as the basis for a request for development agreements. Ms. Costa stated that, with

respect to the CSA's, the CSA is a designation that is a part of the General Plan; however, it is separate and apart from whether or not you can move forward with a development agreement. As far as how this impacts revenue neutrality, the CSA's, and development agreements, this is also separate and apart from the planning process that is envisioned under the CSA designation. Ms. Costa confirmed that the county can "strongly encourage", but not require, developers to engage in development plan negotiation. The county can require consistency with its General Plan, and engage in analysis of that General Plan to determine if development agreements may be needed to satisfy General Plan policies and/or conditions that are currently in place.

Chair Pierce opened public comment. The following persons addressed the Commission:

- Mr. Lynn Hilden, Ridgemark property owner.
- Mr. Matt Kelley, principal engineer at Kelley Engineering.
- Mr. Scott Fuller, on behalf of the Lico family.
- Mr. Bob Huenemann.
- Mr. Marty Richman.
- Mr. Todd Deutscher.
- Mr. Chris Garwood, Developer, Pacific Union.
- Mr. Tony LoBue.
- Mr. Peter Hellman, developer, Roberts Ranch.
- Mr. Gary McIntire, Superintendent of Hollister School District.

As there were no further speakers, Chair Pierce closed public comment.

Due to the complex nature of this item, it was determined that the best course of action is to put together a discussion committee amongst the developers, staff, and any interested parties, including the public and affected property owners, to determine the scope of all parties participation, and whether or not the continuation of this process will be fruitful. It was further agreed upon that, after the date for the discussion panel is confirmed, this item will be continued to the next regular Planning Commission meeting scheduled for May 18, 2016.

Commissioner DeVries made a motion to continue this item to May 18, 2016. Chair Pierce seconded the motion. The motion passed 5-0.

Commissioner DeVries made a 2<sup>nd</sup> motion for the appointment of the Ad Hoc committee, which includes Commissioner DeVries, Chair Pierce, the developers, and any other interested parties, and a discussion panel to take place on Thursday, May 11, 2016 at 3:00 p.m. Commissioner Loe seconded the motion. The motion passed 5-0.

## **ADJOURNMENT:**

Chair Pierce moved to adjourn the meeting, and Commissioner Rodriguez seconded the motion. The motion passed 5-0. The meeting adjourned at 9:15 p.m.

### **Minutes prepared by:**

*Amy O'Brien, Office Assistant, Public Works*

***ADJOURN TO MAY 18, 2016 @ 6:00 P.M.***