



SAN BENITO COUNTY PLANNING COMMISSION

Vice-Chair
Robert J
Rodriguez II
District No. 1

Richard Way
District No. 2

Robert
Scagliotti
District No. 3

Chair Robert
Gibson
District No. 4

G.W. Devon Pack
District No. 5

*County Administration Building - Board of Supervisors Chambers, 481 Fourth Street,
Hollister, California*

REGULAR MEETING MINUTES November 17, 2021 6:00 PM

6 P.M. ~ CALL TO ORDER

This meeting was called to order at 6:00 p.m. by Chair Commissioner Robert Gibson. Four Commissioners were present, Chair Robert Gibson, Vice Chair Robert Rodriguez II, Richard Way and G.W. Devon Pack. One Commissioner Robert Scagliotti was absent. County staff members present included County Counsel Joel Ellinwood, Principal Planner Taven Kinison-Brown, Senior Planner Arielle Goodspeed, Assistant Director of Building and Planning Robin Bolster-Grant, Office Assistant II Dana Serpa-Ostojka, and Associate Planner Michael Kelly.

1. NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS

Pursuant to California Governor Gavin Newsom's [Executive Order N-29-20](#) issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, members of the County Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present. The November 17, 2021, Planning Commission meeting can be accessed in the following methods:

A. Public in-person attendance at the Board of Supervisors Chambers: 481 4th St, Hollister, CA, 95023.

Ø For the safety of public and County employees, all attendees must comply with the June 15, 2021, or any subsequently issued, California Department of Public Health face covering requirements, found at:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

- **Unvaccinated Members of the Public:** Masks are required for unvaccinated individuals. If you are exempt from the CDPH face-covering guidance (above) and are not fully vaccinated, you must wear a face shield which will be provided to attend the meeting. If you cannot, or choose not to, wear a face covering or face shield, you may participate in the meeting by Zoom.
- **Fully Vaccinated Members of the Public.** Masks are not required for fully vaccinated individuals.
- **All attendees must comply with any other rules, procedures or instructions announced by the Chair.**

B. Through Zoom (<https://zoom.us/join>) on your web-browser or the Zoom app on your tablet or smartphone using the meetings Webinar ID and Password:

Webinar ID: 867 5707 0756

Webinar Password: 460120.

- 1) Select **“JOIN A MEETING”**
- 2) The participant will be prompted to enter the **Webinar ID and Password listed above.**
- 3) The participant can launch audio through their computer or set it up through the phone.
- 4) **Public Comment:** Select the **“Participants Tab”** and click **“Raise hand”** icon, and the Zoom facilitator will unmute you when your turn arrives.

C. Zoom Audio Only (phone): If you are calling in as audio-only, please dial **US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923.**

- It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.
- It will then ask for a **Participant ID**, press the **“#” key (pound key)** to continue. Once inside the meeting you will automatically be placed on mute.
- **Public Comment:** If you are using a phone, please press **“*9” (star-nine)** to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

D. Remote live stream on CMAP, YouTube and the County’s Social Media Page(if available for that specific meeting):

Ø San Benito County Facebook Page:

<https://www.facebook.com/sbccalifornia>

Ø Community Media Access Page(CMAPS) YouTube Page:

https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.

E. Written Comments & Email Public Comment: Members of the public may submit comments via email by 5:00 PM on the Tuesday prior to the Planning Commission meeting to the Resource Management Agency at sbcplan@cosb.us. Regardless of whether the matter is on the agenda, every effort will be made to provide Planning Commission members with your comments before the agenda item is heard.

F. Public Comment Guidelines:

- The San Benito County Planning Commission welcomes your comments.
- If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, state your first name, last name, and county you reside in for the record.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

FAILURE TO COMPLY WITH THE ABOVE GUIDELINES:

- 1) The individual will be asked to leave the Board Chambers.***
- 2) The Chair will call a recess of the Planning Commission Meeting.***
- 3) If the recess does not result in the individual complying, or if the individual does not leave the meeting, the Planning Commission may close the meeting to the public and resume the meeting exclusively through Zoom and phone-in participation.***

Ø If you have any questions, please contact the Resource Management Agency at (831) 637-5313 or at sbcplan@cosb.us.

Office Assistant II, Dana Serpa-Ostojka, provided instructions on how to access the Planning Commission meeting and make a public comment through Zoom. As well as instructions on how to participate in person in the chambers.

PLEDGE OF ALLEGIANCE

Chair Commissioner Robert Gibson led the meeting into the pledge of allegiance.

ROLL CALL

Four commissioner's present in chambers, one commissioner absent.

DEPARTMENT ANNOUNCEMENTS

Robin Bolster-Grant, Planning & Building Assistant Director, wanted to make the commissioners aware that item #2 is a resolution pursuant to a law signed in on September 16th it provides public agencies the ability to hold virtual meetings while the state of emergency is still in place, also it

allows the commission to comply with the Brown Act. The resolution is not provided in the posted material. The resolution was, however, available in the packet presented to the Planning Commission.

PUBLIC COMMENT

No public comment offered via Zoom or in the chamber.

CONSENT AGENDA

MOTION:

Motion to consent Made by **G.W. Devon Pack** and seconded by **Robert J. Rodriguez**
agenda: **II**

Passed 4 - 0

For (4): Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

2. AB 361 Planning Commission

The Planning Commission adopted the resolution for this item as part of the Consent Agenda.

MOTION:

Motion to adopt a resolution related to Made by **G.W. Devon Pack** and seconded by
Assembly Bill (AB) 361: **Robert J. Rodriguez II**

Passed 4 - 0

For (4): Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

3. ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

MOTION:

Motion to approve the certificate of Made by **G.W. Devon Pack** and seconded by **Robert**
J.
posting: **Rodriguez II**

Passed 4 - 0

For (4): Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

4. ACKNOWLEDGEMENT OF PUBLIC HEARING

MOTION:

Motion to approve the acknowledgement Made by **G.W. Devon Pack** and seconded by
of public hearing: **Robert J. Rodriguez II**

Passed 4 - 0

For (4): Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

5. Draft Meeting Minutes from October 20, 2021

Chair Robert Gibson stated for the record that one correction needed to be made on October 20, 2021 meetings minutes. The correction is on the Architectural Review For The Promontory at Ridgemark item number 5 Gibson had recused himself from the presentation and vote since he is currently residing right across the street from the ongoing project. Making the Vote 4-0 not 5-0, no "I" vote for Chair Robert Gibson took place.

MOTION:

Motion to approve draft meeting minute
from October 20, 2021:

Made by **G.W. Devon Pack** and seconded by
Robert J. Rodriguez II

Passed 4 - 0

For (4):

Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

PUBLIC HEARING

6. **PLN210005 (Guerra Walnut Harvest Warehouse Use Permit)**

APPLICANT: Frank Guerra, Guerra Nut Shelling Co. OWNERS: Lorraine Guerra, Lorraine and Louis Guerra Trust, Albert Frank Guerra, Gary Anthony Guerra, Frank Vincent Guerra, Donna G. Howe Trust, Bruce H. and Donna G. Howe Living Trust, Anthony Andrade Trust, Gina M. Ryssemus, Mark J. Guerra, Curtis R. Miller Family Trust, Francine Ann Reich, Albert F. Guerra, Gary A. Guerra, Frank V. Guerra, Jeffrey A. Guerra. LOCATION: 1550 Fallon Road, ?-mile west-southwest of Fairview Road–Fallon Road intersection. APN: 017-060-009. REQUEST: To construct and operate a 33,120-ft² warehouse for walnut harvest storage with paved entry and parking areas on 3.15 acres as part of an existing walnut processing business operating elsewhere, which when established on this site would involve 10 on-site employees and five arriving trucks each 12-hour operating day at peak during October harvest, with reduced operation November through May and minimal activity June through September. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: State CEQA Guidelines §15061(b)(3) (common sense exemption with certainty of no significant environmental effect). PLANNER: Michael Kelly (mkelly@cosb.us)

Associate Planner Michael Kelly gave a PowerPoint Presentation and staff recommendation for project PLN210005 Guerra Walnut Harvest Warehouse Use Permit. The Planning Commission adopted the resolution as drafted to approve the project 4–0.

MOTION:

Motion to approve PLN210005 Guerra
Walnut Harvest Warehouse Use Permit:

Made by **Robert J. Rodriguez II**
and seconded by **G.W. Devon Pack**

Passed 4 - 0

For (4):

Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

7. PLN210016 (Vijay Vaidyanathan Minor Subdivision)

APPLICANT: Wald, Ruhnke & Dost Architects, LLP. OWNER: 700 Duncan Holdings, LLC. LOCATION: 700 Duncan Avenue, San Juan Bautista; nearest cross-street is Bixby Road. APN: 018-080-020. REQUEST: To subdivide (split) a 23.7-acre parcel into a 10.1-acre parcel and a 13.6-acre parcel. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: State CEQA Guidelines §15061(b)(3) (common sense exemption with certainty of no significant environmental effect). PLANNER: Taven M. Kinison Brown (*tkinisonbrown@cosb.us*)

Principle Planner Taven Kinison-Brown gave a PowerPoint Presentation and staff recommendation for project PLN210016, Minor Subdivision, lot split request for 700 Duncan Holdings.

Applicant Sheena Vaidyanathan spoke via zoom about the project and voiced her opinion that some of the conditions set forth in the resolution do not apply to her project.

David Mancera introduced himself via Zoom as the Director of the project, David Mancera wanted to show his support for PLN210016.

Chair Commissioner Robert Gibson asked for the commissions comments on the removal of condition 18 and if the commission feels its necessary at this time or not.

Director of RMA Michael Chambless brought up a Pipeline project that the county might need the additional right of way on Duncan Ave. This would require San Juan Bautista to improve the roads not he applicant.

Chair Commissioner Robert Gibson summarized from the discussion of differing condition 18 that applicant should make improvements if any housing were to be built on either lot.

Commissioner Richard Way thought it shouldn't just be a housing structure it should potentially go by size of structure.

Commissioners came to agreement it should be anything residential and anything over a certain number of square feet.

Resolution carried 4-0

MOTION:

Motion to adopt resolution with
amending language in Condition 18:

Made by **G.W. Devon Pack** and
seconded by **Richard Way**

Passed 4 - 0

For (4):

Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

8. Home Occupation and Rural Home Enterprise Ordinance Amendments -Proposed amendments include repeal existing sections 25.29.090 to 25.29.104 in their entirety and replace with updated Home Occupation and Rural Home Enterprise ordinances.

Senior Planner Arielle Goodspeed gave a PowerPoint Presentation on Home Occupation and Rural Home Enterprise code update.

Commissioner Richard Way, having no background on the subject, asked what the motivation was for the code amendment.

Senior Planner Arielle Goodspeed answered that the original ordinance was confusing and this was more to simplify and change the language.

The Planning Commission approved 4–0 the resolution recommending the Board of Supervisors enact the stated legislative changes.

MOTION:

Motion to approve the recommendation of County Code changes regarding home-based businesses:

Made by **Robert J. Rodriguez II**
and seconded by **G.W. Devon Pack**

Passed 4 - 0

For (4):

Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way

9. PLN210052 (Reconsideration of Ag. Mitigation for the Promontory at Ridgemark, formerly “The Bluffs”)

APPLICANT: Scott L. Stringer for Bates Stringer Hollister II LLC. OWNER: Century Communities (formerly Roy and Rita Lompa). LOCATION: South of Ridgemark Drive @ South Ridgemark Drive, adjacent to the Ridgemark community. APN: 025-420-005 and 025-420-019. REQUEST: A reconsideration of Agricultural Conservation Mitigation Measure MM AG-1 applied to the project in ***Planning Commission Resolution 2018-02 Bluffs Promontory EIR Certification***, and in ***Planning Commission Resolution 2018-03 Bluffs Promontory Subdivision Approval and Conditions***. The mitigation measure imposes a requirement of replacement or in-lieu fee on a 1:1 basis for each acre of Farmland Mapping and Monitoring Program (FMMP) Important Farmland (Prime Farmland, Farmland of Statewide Importance, and Unique Farmland). GENERAL PLAN LAND USE DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Single Family Residential (R1). ENVIRONMENTAL REVIEW: The County of San Benito completed an Environmental Impact Report (State Clearinghouse Number SCH 2016101022) consistent with the California Environmental Quality Act (CEQA). PLANNER: Taven M. Kinison Brown

(tkinisonbrown@cosb.us)

Chair Commissioner Robert Gibson recused himself from presentation since he lives across the street.

Principle Planner Taven Kinison-Brown gave a PowerPoint presentation and staff recommendation on project PLN210052 Reconsideration of Ag Mitigation for the Promontory at Ridgemark.

Attorney for Bates and Stringer, Steve Roland, gave the applicants testimony on why the Ag Mitigation should have never been put in place because there was a mistake made with the maps that were used in making the decision.

Commissioner Richard Way was confused on why the Commission is being asked to rectify this and not the consultant, also it resets the appeal clock when the appeal should have taken place when the mitigation was first approved.

Steve Roland answered that they just want the mistake fixed. They could have appealed back then but that doesn't change that there was a mistake made on the county's consultants part. The commission has the power to fix that mistake.

Commissioner G.W Pack motioned to remove Ag Mitigation. Commissioner Robert Rodriquez II 2nd the motion.

Commissioners came to a 2-1 vote. Commissioner Way voting to deny. Commissioners Pack and Rodriquez voting to approve.

County Counsel Joel Ellinwood said it requires a affirmative vote of 3 commissioners.

The commission then went back into further discussion of different options.

Commissioner Richard Way was adamant that the process was not followed back then and no appeal was made in the correct time frame and doesn't think they should get an exemption.

Commissioners Pack and Rodriquez suggested to wait for Commissioner Scagliotti to vote which would also give them more time to discuss this item.

County Counsel Joel Ellinwood stated by default the application is rejected.

Counsel Ellinwood stated the minutes of the Nov 17th minutes reflect an erroneous determination made by Counsel that the 2-1 vote Item 9 PLN210052 Reconsideration of Ag mitigation for Promotory was not effective. That portion of the minutes should be corrected to reflect that the hearing was conducted, the motion to approve the revised conditions of approval and mitigation measures was made, seconded and carried by a 2-1 vote.

COMMISSIONER ANNOUNCEMENTS

No Commissioner Announcements

ADJOURN

The motion carried 4-0. The meeting adjourned at 7:56 p.m.

MOTION:

Motion to Adjourn: Made by **Robert J. Rodriguez II** and seconded by **G.W. Devon Pack**

Passed 4 - 0

For (4):

Against (0):

Ayes: Rodriguez II, Gibson, Pack, Way