



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 AGENDA December 15, 2021 6:00 PM

6 PM ~ 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, and staff present through zoom include Principal Planner Taven Kinison-Brown, Assistant Director of Building and Planning Robin Bolster-Grant, 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: 876 0152 7338

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.

Assistant Director of Planning and Building, Robin Bolster-Grant, 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

ROLL CALL

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.

DEPARTMENT ANNOUNCEMENTS

Assistant Director Planning and Building, Robin Bolster-Grant announced the updated Covid policy requiring indoor masks. The policy was inadvertently omitted from the originally published agenda packet. Bolster-Grant also announced the permanent hiring of Michael Chambless as RMA

Director. The last department announcement concerned a special Planning Commission meeting to be tentatively scheduled for January 12th for a discussion of the proposed County zoning code changes.

PUBLIC COMMENT

There was one public comment from property owner Alex Sywak addressed the Commissioners to raise concerns regarding a lot line adjustment application that has not been approved. He referenced a packet that had been sent to each of the Commissioners. Dep. County counsel Ellinwood responded for the record to say he has been in communication with Dr. Sywak's attorney regarding a potential solution.

Public Comment was reopened by Chair Gibson

Lynn Overtree, Executive Director for the San Benito County Agricultural Land Trust spoke, referencing the letter from her organization that was sent to the Commission.

Ms. Overtree spoke about the General Plan policies protecting agriculture and the deficiencies of the mapping used to determine prime ag. She stated the soil remains important and should afford greater protection for future projects.

County Counsel responded that the resolution included in item #5 is subject to a 10-day appeal period during which the PC decision can be appealed to the Board of Supervisors.

CONSENT AGENDA

Commissioner Pack made a motion to approve the consent calendar incorporating roll call, proof of public notice and the minutes of November 17, 2021 with some noted changes. Dep County

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. Chair Gibson asked if Item #5 should be pulled from consent. Mr. Ellinwood clarified that the resolution reflects the previous decision and does not need to be pulled from consent.

Commissioner Way had a question about the item, whereupon Chair Gibson recused himself during the discussion. Commissioner Way voiced his support for the correction of the record and wondered whether the current resolution (item#5) needed to be pulled from the consent. Acting Chair Rodriguez stated that it did not.

Commissioner Way seconded the motion and it was approved by a 3-0 vote, with Chair Gibson abstaining.

Dep. County Counsel Ellinwood stated for the record, that any appeal of the item would run from the date of the current hearing (December 15, 2021).

MOTION:

Motion to approve consent agenda:

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

Passed 3 - 0

For (3):

Against (0):

Ayes: Pack, Rodriguez II, Way

2. Acknowledgement of Public Hearing

MOTION:

Motion to approve the
acknowledgement of public hearing.:

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

Passed 3 - 0

For (3): Against (0):

Ayes: Pack, Rodriguez II, Way

3. Acknowledgement of Certificate of Public Posting

MOTION:

Motion to approve the certificate of Made by G.W. Devon Pack and seconded by
posting: Richard Way

Passed 3 - 0

For (3): Against (0):

Ayes: Pack, Rodriguez II, Way

4. Draft Meeting Minutes from November 17, 2021

Commissioner Pack made a motion to approve the minutes of November 17, 2021 with some noted changes. Dep County 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. Chair Gibson asked if Item #5 should be pulled from consent. Mr. Ellinwood clarified that the resolution reflects the previous decision and does not need to be pulled from consent. Commissioner Way had a question about the item, whereupon Chair Gibson recused himself during the discussion. Commissioner Way voiced his support for the correction of the record and wondered whether the current resolution (item#5) needed to be pulled from the consent. Acting Chair Rodriguez stated that it did not. Commissioner Way seconded the motion and it was approved by a 3-0 vote, with Chair Gibson abstaining.

MOTION:

Motion to approve draft meeting minute from
November 17, 2021.:

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

Passed 3 - 0

For (3): Against (0):

Ayes: Pack, Rodriguez II, Way

5. 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)

Commissioner Pack made a motion to approve the consent calendar incorporating roll call, proof of public notice and the minutes of November 17, 2021 with some noted changes. Dep County

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. Chair Gibson asked if Item #5 should be pulled from consent. Mr. Ellinwood clarified that the resolution reflects the previous decision and does not need to be pulled from consent. Commissioner Way had a question about the item, whereupon Chair Gibson recused himself during the discussion. Commissioner Way voiced his support for the correction of the record and wondered whether the current resolution (item#5) needed to be pulled from the consent. Acting Chair Rodriguez stated that it did not.

Commissioner Way seconded the motion and it was approved by a 3-0 vote, with Chair Gibson abstaining.

Dep. County Counsel Ellinwood stated for the record, that any appeal of the item would run from the date of the current hearing (December 15, 2021).

MOTION:

Motion: Made by G.W. Devon Pack and seconded by Richard Way

Passed 3 - 0

For (3):

Against (0):

Ayes: Pack, Rodriguez II, Way

Commissioner Pack made a motion to approve the consent calendar incorporating roll call, proof of public notice and the minutes of November 17, 2021 with some noted changes. Dep County

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. Chair Gibson asked if Item #5 should be pulled from consent. Mr. Ellinwood clarified that the resolution reflects the previous decision and does not need to be pulled from consent. Commissioner Way had a question about the item, whereupon Chair Gibson recused himself during the discussion. Commissioner Way voiced his support for the correction of the record and wondered whether the current resolution (item#5) needed to be pulled from the consent. Acting Chair Rodriguez stated that it did not.

Commissioner Way seconded the motion and it was approved by a 3-0 vote, with Chair Gibson abstaining.

Dep. County Counsel Ellinwood stated for the record, that any appeal of the item would run from the date of the current hearing (December 15, 2021).

MOTION:

Motion: Made by **G.W. Devon Pack** and seconded by

0 - 0

For (0): Against (0):

PUBLIC HEARING

6. PLN200045 (Villa/Stoney Farms Cannabis Cultivation Use Permit)

APPLICANT/OWNER: Ivan Villa. LOCATION: 1180 Riverside Road, opposite San Benito River from Hollister west city limit. APN: 021-050-028. REQUEST: To operate a cannabis cultivation facility with 6 to 10 employees in a new 4,600-square-foot building plus an approximately 1,500-square-foot office building, in addition to an approximately 4,000-square-foot residence, driveway access, grading and drainage improvements, and utilities and service systems. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration.

PLANNER: Michael Kelly (mkelly@cosb.us)

Associate Planner Michael Kelly presented the Staff Report, which is to operate an indoor commercial cannabis cultivation facility in one proposed building, with a second commercial building for offices and a third structure to be constructed as a residence. The project site is located along the San Benito River and across the river from incorporated Hollister. The surrounding uses are residential, agricultural with a public park adjacent but uphill and separated by topography. Staff recommends approval and proposes filing of a Mitigated Negative Declaration pursuant to CEQA, noting that additional mitigation measures were included in response to comments received from the California Department of Fish & Wildlife.

Commissioner Way questioned staff regarding the possibility of rainstorms that could alter mitigations protecting amphibians and wondered if the resolution needed to be changed to reflect more restrictive timeframes restricting construction.

Planner Kelly responded by stating the mitigation measures require evaluating the soil conditions and potential impact to habitat at the time construction is proposed.

Applicant Ivan Villa with Stoney Farms, LLC was invited to come forward. He concurred with the Staff report and stated that two separate biotic studies were done for the property and that the applicant has met with California Fish & Wildlife staff regarding the project. Applicant's attorney Luis Osorio was made available via zoom for any other questions.

Chairman Gibson opened the public hearing and Lynn Overtree responded, saying that she had tried to comment during the public comment portion of the hearing, but was not invited to speak. Ms. Overtree wished to make a comment regarding Item #5 on the consent agenda. Assistant Director Bolster-Grant stated that the item had been approved as part of the Consent Agenda and the time for comment had passed. Ms. Overtree asked to be allowed to speak at the end of the meeting and Ms. Bolster-Grant deferred to Chair Gibson to decide whether Ms. Overtree would be given the opportunity to comment.

Chair Gibson agreed to allow public comment from Ms. Overtree prior to the conclusion of the meeting.

Additional Public comment was received from Luis Osorio, attorney for Mr. Villa. Mr. Osorio asked whether the resolution would include a permit expiration date. Dep. County Counsel Ellinwood responded stating the County Code requires commencement of construction within one year of CUP approval, with provisions for extensions if necessary.

Chairman Gibson hearing no further comment closed the public hearing.
Commissioner Pack made a motion to approve Conditional Use Permit PLN200045 per staff recommendation and subject to the conditions of approval and mitigations.
Commissioner Rodriguez seconded the motion and it was approved by unanimous vote.

MOTION:

Motion to approve PLN200045 Villa Stony Farms Cannabis Cultivation Use Permit.:

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

Passed 4 - 0

For (4):

Against (0):

Ayes: Gibson, Pack, Rodriguez II, Way

COMMISSIONER ANNOUNCEMENTS

No Commissioner Announcements.

ADJOURN

The motion carried 4-0. The meeting adjourned at 8:04 p.m.

MOTION:

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

Passed 4 - 0

For (4):

Against (0):

Ayes: Pack, Rodriguez II, Scagliotti, Way