



SAN BENITO COUNTY PLANNING COMMISSION

Mark Tognazzini	Valerie Eglund	Pat Loe	Ray Pierce	Robert J. Rodriguez
District 1	District 2	District 3	District 4	District 5
Chair				Vice-Chair

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

REGULAR MEETING MINUTES September 19, 2018

6:00 PM

*Commissioners Present: Present: Vice-Chair Robert J. Rodriguez, and Commissioners Ray Pierce, Valerie Eglund, and Pat Loe
Not Present: Chair Mark Tognazzini*

Staff Present: Principal Planner, Taven M. Kinison Brown; Permit Technician, Anita Gutierrez; Permit Technician, Rosie Habing; Interim Assistant County Counsel, Michael Ziman

6:03 PM ~ CALL TO ORDER

Vice Chair Rodriguez called meeting to order at 6:03 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

BOARD ANNOUNCEMENTS

DEPARTMENT ANNOUNCEMENTS

Principal Planner Taven M. Kinison Brown announced that in October there will be a presentation / workshop regarding General Plan implementation of Commercial Nodes along Highway 101. In November or December there will be a presentation / workshop on the Lima Specific Plan proposal. A discussion of modifying Planning Commissioner Hearing dates in November and December ensued. Commissioner Pat Loe made a motion to combine the November 21 and December 19 meetings to December 5th if the room is available.

Commissioner Pierce- Seconded the motion. Motion carried 4 – 0

PUBLIC COMMENT

There were no public comments during this opportunity.

Vice Chair Rodriguez closed the public comment period

CONSENT AGENDA

1. Acknowledgement of Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of the July 19 , 2018 Planning Commission Meeting.

Commissioner Loe motion approval of consent agenda

Commissioner Pierce- a couple of errors on the minutes pull those and he will 2nd
Removed minutes

Commissioner Loe offered a motion to approve the consent calendar, pulling the minutes

Commissioner Pierce offered a second to the motion. Motion carried 4 – 0

Commissioner Ray Pierce: Document or staff report says Commissioners directed planning staff to facilitate a meeting between the applicant and the City. Following Taven's direction and was more in agreement rather than giving directions. With that clarification will approve the minutes.

Commissioner Pierce offered a motion to approve. Commissioner Eglund seconded the motion

Motion carried 4 – 0

Acting as Chair in Commissioner Tognazini's, absence Vice Chair Rodriguez changed the Agenda order and moved the #2 Discussion and Presentation item to follow item #3 TSM 17-104 subdivision map that had been carried on from July presentation.

PUBLIC HEARING

3. Tentative Subdivision Map TSM 17-104: OWNER/APPLICANT: _Elizabeth Ann Williams / Scott Stotler. **LOCATION:** Approximately 1735 Santa Ana Road (Assessor's Parcel Number 0193100090). **REQUEST:** Project applicant proposes to subdivide one approximately 21 acre parcel into twenty (20) parcels, at 1.0 and 1.2 acre each, to be used as single-family home sites. Two parcels would access a proposed Meridian Street extension; eighteen parcels would access a proposed road to run south from Santa Ana Road to the proposed Meridian Street extension. **GENERAL PLAN DESIGNATION:** Residential Mixed (RM). **ZONING:** Rural Residential (RR). **ENVIRONMENTAL EVALUATION:** Initial Study with Mitigated Negative Declaration, per CEQA Guidelines. **PLANNER:** Richard Felsing (rfelsing@cosb.us)

Assistant Planner Rich Felsing – presented a power point presentation for the proposed 21 acre Rural Residential subdivision proposal into 20 lots of (4) 1.2 and (16) 1 acre lots.

County staff recounted the Planning Commission's direction from the last hearing date and how staff had brought the applicant and City of Hollister staff together in hopes of the applicant making project modifications or enhancements that would gain the City's commitment to serve the project with sewer. Staff clarified the project's continued inconsistencies with the San Benito County General Plan Policies for areas within the City Fringe and Sphere of Influence, and inconsistencies with the Hollister Urban Area Wastewater Plan and Memorandum of Understanding. Strong language in the County General Plan requires staff to recommend a denial.

The Applicant's representative, Anthony Lombardo, disagreed with staff's recommendation to the Planning Commission for denial of the project. The Applicant met with City and made offers of dry lining the property. It would be illegal to connect sewer because the boundary of the sewer is not adjacent to the property. Would need to go thru LAFCo and the City Sphere of Influence would have to be amended and comply with California Environmental Quality Act. Pipeline would extend 1000 ft. across other properties. Left meeting under the impression that only concern from the City was Meridian realignment. Mrs. Hall offered to meet with City regarding realignment and never was called to meet. After the meeting with the City without warning a letter was sent from the City to Sunnyslope Water District asking them to withdraw their letter of commitment to serve. Sunnyslope Water Board rejected the request for the reason of the applicant is doing all they can to bring sewer service to the property. Meets General Plan and zoning minimum lot size. Gap does not say must connect to sewer. General Plan has dozens and dozens of policies and projects never comply with all General Plan policies. According to PFS 5.5 states that the County shall permit septic systems where connection to a waste water system is not readily available.

Neighbor Sywak shared his concerns for the alignment of Meridian Street.

City Manager of the City of Hollister Bill Avera, clarified statements made by Mr. Lombardo. The City does not extend sewer lines. The developers extend sewer lines. Projects in the sphere and connection will not be growth inducing. The HUA master plan already contemplates that growth. Planning Commission has required other projects outside of the sphere to connect, because of no other way to treat. Application did not come through City as a connection request, came as septic systems within the HUAWMP area relatively close to City service area.

Neighbor Ko Cooper encourages approval to keep the unique charm of San Benito. Believes the project will enhance quality of life. General Plan is meant to be revised, revisited and on occasions rewritten, not to hold properties hostage. General Plan is meant to be a guideline not to dictate.

Engineer Anne Hall on behalf of the applicant responded to a few points regarding the Meridian Street realignment. Followed instructions to replace original 90 degree bend to follow the City's rules to bend toward other leg of Meridian which is in City limits. Anne's understanding of the sewer connection was anyone in the area was going to be able to connect to sewer. Requiring connections though would stop project for 3 yrs. Offer of dry pipe and deed restrictions a good faith effort in trying to meet half way.

Commissioner Egland questioned engineer Anne Hall on sumps required for each property to collect storm water. Could it be done with underground water storage?

Engineer Anne Hall stated that all projects have to meet State storm water guidelines and the County has strict guidelines as to the amount each property should retain. This project has one for each property rather than one for whole property. These will be shallow compared to others in the County.

Bill Nicholson, Executive Officer of LAFCO clarified the LAFCO process and statements made by Anne Hall. LAFCO has its own set of LAWS and there are specific standards for giving services to properties outside of the jurisdiction. If within the Sphere of Influence or near boundaries of Sphere, LAFCO can approve connections if there is anticipation of future annexation. That is achieved by an agreement between the City and the Landowner which gets recorded. Typical arrangement not difficult to achieve and there is a path to connect sewer through LAFCO.

Commissioner Pierce questioned whether sewer service could be extended outside City limits and what would the time frame be? Bill Nicholson Executive Officer of LAFCO responded yes it could be done within 2-3 months. He believes the key is how are you going to get it there? The issue is more about money and not about LAFCO being an obstruction. It is common for LAFCO to approve the extension of services within the sphere.

Neighbor Ingrid Sywak voiced concerns on realignment of Meridian Street. There have been several attempts to realign Meridian Street; each attempt goes deeper into her property without any conversation. Mrs. Sywak has made several attempts to meet or speak with neighboring property owner, Engineer Anne Hall and Attorney Lombardo with no response.

Anthony Lombardo rebuttal there are 2,400 linear feet from property to sewer this cannot be done in 3 months. Property was put into sphere of influence over 20 years ago. Project meets requirements and has made every effort to connect when available.

Principal Planner Kinison Brown spoke on Mr. Lombardo's comments that no development can meet all requirements in the case of LU 9.8 County General Plan Land Use Goal 9 directly speaks on how the County is to treat City fringe area and has no less than 9 policies that gives the County and the applicant directions on what's expected.

Vice Chair Rodriguez stated County Health Department finds no problem with septic system.

Principal Planner Kinison Brown responded that this project falls in the sphere which requires many additional criteria.

Commissioner Pierce stated 160 unit development does not conform to the typical use of the area.

Principal Planner Kinison Brown: Staff cannot make the findings to recommend approval. Staff recommends denial.

Commissioner Pierce questions if motion to approve Tentative Map made tonight what does that set up? EIR and Negative Declaration already complete based on septic systems what's next step?

Principal Planner Kinison Brown responded that the existing CEQA document distributed during the public review process was found to be insufficient and the project inconsistent with the goals and policies of the County General Plan. Document was never brought to Planning Commission or asked to be acted upon due to insufficient information. To get to approval, a new Environmental document would need to be prepared (that describes the changes in the project necessary to meet codes and policies) to CEQA standards.

Commissioner Loe questions if Commissioner says bring back approval would new EIR be required or what would be required?

Principal Planner Kinison Brown clarified the need to find project changes or letter of commitment for connection (from the City of Hollister).

Commissioner Loe clarification on CEQA: Is there no way to get over CEQA hurdle? Yes with condition of connections to City sewer prior to approval.

Commissioner Pierce question to property owner Scott Stottler what contractor or sub-contractors will you be using? Mr. Stottler responded he will be using local companies and he would like to address sewer connection if sewer were already there he would build smaller lots and ask for a higher density but neighbors do not want a higher density or ½ acre lots.

Commissioner Egland question for Engineer Anne Hall is there a way to make road alignment without taking much of the Sywak property?

Engineer Anne Hall: Changes could be made. The initial thought was to give them access.

Commissioner Loe does not see reason to deny and understands that there are many variables. Commission does not have ability to direct staff to approve project. Would like to forward project or decision making to Board of Supervisors without decision because she will not vote do deny.

County Counsel Michael Ziman responded in order to send to Board of Supervisors project would need to be denied.

Commissioner Pierce: If given direction to approve what would it take to come back with an approval.

County Counsel Michael Ziman County Code has nine finding if any one of those not being met is reason for denial.

Commissioner Rodriguez stated Planning Commission can override the Planning Department.

Commissioner Loe made a motion of intent to approve and staff comes back with conditions of approval.

REGULAR AGENDA

DISCUSSION

2. Presentation on the Hollister Urban Area Water and Wastewater Management Plan from the perspective of the City of Hollister. (HUA or

HUAWWMP)

City Manager Bill Avera spoke and clarified Sewer Systems connection and HUA.

ADJOURN at 9:09

Minutes prepared by:

Acting Principal Planner, Taven M. Kinison Brown and Permit Technician, Anita Gutierrez

ADJOURN TO October 17, 2018 @ 6:00 P.M.