



# SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chair

Robert Rivas  
District No. 3

Jerry Muenzer  
District No. 4  
Vice-Chair

Jaime De La Cruz  
District No. 5

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

## SPECIAL MEETING AUGUST 27, 2013 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *special session*. Supervisors Botelho, De La Cruz, Rivas, Barrios and Muenzer were present. Also present was Interim County Administrative Officer Ray Espinosa, County Counsel Matt Granger and Clerk of the Board Denise Thome. Chairman Botelho presided.

### 9:00 a.m. CALL TO ORDER:

- a) Supervisor De La Cruz led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

### REGULAR SESSION:

#### **PLANNING DEPARTMENT – B. Turner:**

- 1) **Board direction regarding General Plan Update:**
  1. **Direct staff to either keep or remove the New Community Study Areas when moving forward with the General Plan Update;**

Interim County Administrative Officer Ray Espinosa gave an introduction.

Interim Planning Director Byron Turner gave a PowerPoint presentation noting that there were flaws in the greenhouse gas study and that would be redone. He stated that the General Plan Advisory Committee (GPAC) did not want to be responsible for applying value to certain properties. Mr. Turner explained that the next steps were to hear from the public, make a decision regarding the New Community Study Areas, discuss the other items and areas and give direction to staff.

Supervisor Barrios noted that the consultant said the Request for Proposal (RFP) was too broad.

Mr. Turner concurred and they had said the General Plan was too broad and that it may be wiser to hire a consultant and work with them to define.

Supervisor Barrios asked if they could do that.

Mr. Turner stated that they may be able to focus it down and that there was no harm in sending the RFP out.

Supervisor Muenzer indicated that it was clear that they were aware that the consultant tried to meet the greenhouse gas state mandates on the backs of the

cattle industry. He stated that was not the intent of the Board and they were aware of the problem in the Environmental Impact Report (EIR).

Supervisor Rivas spoke of the New Community Study Areas and his concern with the vagueness of the study areas. He expressed that he would like to see some clarity behind the Study Areas as they were important. He added that he could not base his decision on the New Community Study Areas based on the possibility of a future project in that study area. Supervisor Rivas indicated that other general plan study areas were comprehensive and ours was vague. He stated that he would like to see a brief explanation or narrative on each study area and description of conditions for study areas. He expressed that it should include historical overview and any information related to the cities and county coordination with respect to that area. Supervisor Rivas explained that he was looking for a General Plan with predictability and study areas would give predictability.

Chairman Botelho felt that narratives were a tall task and a lot of work for staff. He indicated that he wanted to wrap up the General Plan but was very much against the establishment of boundary study areas. He felt it was better to establish study areas as applications are submitted and that was a more reliable and feasible way to proceed.

Supervisor Rivas explained that the narratives would be a brief overview of the study area and no more than three to four paragraphs long with a lot of it being historical. He thought they had a lot of the information already and asked the Planning Director for confirmation.

Mr. Turner replied yes.

Supervisor De La Cruz believed Supervisor Rivas had a point and that was the right direction.

Supervisor Barrios commented that the GPAC had done a lot of hard work. She stated that there were key reasons for the study areas and it should be stated why they were chosen in the first place.

Chairman Botelho stated that he supported the goals and concepts within the policy for growth but asked why it had to be within boundaries in a map. He added that areas that have expressed interest in development are not included and this would be entitlement. He explained that this happened years ago with 5 acre zoning with the idea being to help the farmer save his farm. He indicated that it was not entitlement and that was the idea. He further explained that what ended up happening was entitlement and it turned into urban/rural sprawl. Chairman Botelho indicated that he preferred higher densities and they did not need this to encourage residential growth. He added that Dell Web was a potential project that showed clear benefit. He indicated that water and water treatment was a very expensive proposition noting that Rocks Road has no water, narrative or no narrative. He stated that he would not support any special study areas and the merits of a project coming forward should provide.

Supervisor Barrios felt entitlement was strong language. She felt that study areas did not provide entitlement and they still had to jump through hoops.

Chairman Botelho asked if they took the special study circles off, why would they be upset.

Supervisor Barrios explained that GPAC's intent was to prevent sprawl. She asked for an answer from County Counsel regarding entitlement.

County Counsel Matt Granger stated that speaking in the legal realm, entitlement, after all the t's crossed and i's dotted, entitled to proceed. He went

on to say meaning in terms of the General Plan it says that growth is being considered in these areas as opposed to no growth being considered in those places.

Supervisor Rivas stated that he thought long and hard about removing designations or leaving in place. He commented that great communities are not created by accident and they're well planned and well thought out. He added that it's a vision.

Chairman Botelho opened the public hearing.

Those speaking under public comment were:

Marty Richman stated that he agreed with Supervisor Rivas and that an enormous amount of the county is off limits. He added that it does not relieve the Board of obligation to do planning, but this says these are the preferred places. He felt that planned communities are the future and the cost of being a non-planned community is too great.

Marvin Jones gave a handout to the Board regarding the Simulated Reserve and Corridor System to Protect Biodiversity and California Essential Habitat Connectivity Project and spoke in regards to those two matters.

Judi Johnson agreed with Chairman Botelho and thought he was spot on with his comments. She indicated that the interest of special districts had not been addressed and their interests not fully considered. She felt they should give more emphasis to special districts.

Jason Retterer indicated that he had represented Solargen and successfully defended their entitlement. He added that he had sent the Board a letter and that by designing special study areas they were not short circuiting and they still had to go through CEQA, etc. and they were not entitling projects. He stated that deleting study areas from the General Plan and EIR would not reduce risk of litigation and urged the Board to proceed with study areas.

Chairman Botelho responded to Mr. Retterer stating that he represented a group that has a 10,000 home potential in a circle, a big one. He asked him what the impact was on his effort to develop by taking out the study areas.

Mr. Retterer replied that it was more a community wide interest. He felt it was important for other agencies, i.e. transportation, to see that the county has a plan for regional planning.

Chairman Botelho felt that made sense.

Wayne Norton felt that Chairman Botelho had a point of entitlement or not because it does create winners and losers. He noted that special areas also put pressure on special districts. He suggested that they bring special districts in as partners to see which makes the most sense. He appreciated Supervisor Rivas's comment that they need to take a look at the future.

Brad Sullivan of L & G, LLP, indicated that their office believed in this area. He added that there was no one that's no growth. He indicated that it was not a new concept and that special studies are the wave of the future.

Jeanette Langstaff stated that wise development was concentrating around the cities and keeping ag areas open. She added that excess commercial areas and special study areas is where pollution is coming from, not the cattlemen. She felt the blame should be taken off of them. She further felt there should be more detail and referred to Yuba City where they show acreage for every land use. She thanked Chairman Botelho as what he said was reasonable.

Mary Hsia-Coron indicated that she has been an Aromas resident for 27 years and water has been an issue. She explained that many have gotten water from

Aromas and that the aquifer is really stressed. She commented that many of the Aromas residents were concerned for their own wells and that development there was not a good idea.

Paul Rovella, a partner at the firm of L & G, LLP, stated that he was a lifelong resident and the majority of the community wants well planned growth that will provide infra structure and preservation of farmlands. He added that each member of the Board of Supervisors has expressed that the county was open for business.

Pat Loe stated that the county's new General Plan will send a message of how we want to grow and make sure the message is that we are open for business. She felt it must be addressed in the General Plan and if they were spending money on additional environmental work, let's do it wisely. She asked if they wanted to continue as a bedroom community. Ms. Loe commented that they needed meetings to focus on where they wanted to go and if housing is encouraged it should be in areas with general services. She felt that bringing jobs to San Benito County had to be the focus and not more houses.

There being no further comment, the Chairman closed public comment.

Supervisor Muenzer indicated that he would like to address the comments regarding special districts. He asked if special districts would be included as a project proceeds if it is in their area or sphere of influence.

Mr. Turner stated that if it is in their area or sphere of influence, comments will be solicited and they would relook at them.

Supervisor Muenzer stated that under the current General Plan there was a project in the special study area without services and that project died. He indicated that they wanted growth in area where transportation is. He added that it was up to the applicant to prove that water and roads were there, their burden. Supervisor Muenzer felt they needed jobs, good jobs, but they were looking for bodies and they want to see enough rooftops to sustain. He did not feel they were there yet and further felt that growth needed to be in the northern part of the county and not entirely in the unincorporated areas. He noted the need to improve the tax base and the three elements of commercial, jobs and housing. Supervisor Muenzer stated that we were not a sustainable community, whether it be circles, on a map or wording.

Supervisor Barrios expressed that she felt strongly about getting the General Plan done. She added that she wanted to release the RFP and move forward.

Supervisor Rivas felt that it was important to move forward with the special study areas and reiterated the information he would like included as narratives.

Supervisor De La Cruz stated that he had lived here all his life and spoke of the streets, like 4<sup>th</sup> and 5<sup>th</sup>, that need to be fixed. He added that we were in a historical moment in San Benito County. He agreed with Supervisor Rivas that they had to move forward.

Chairman Botelho surmised that it was pretty much direction to maintain the special study areas and add additional description. He stated that he was on record against it as it cannot be justified. He felt that areas should be on a map and aren't. He further felt that it almost sounded like you have to be in a special study area and noted that some of that special study area is prime farm land. He asked if that is what they wanted. Chairman Botelho commented that it was ill conceived and he would not support or vote for the General Plan if this is included. He stated that he was for growth, smart and well planned growth. He

indicated that the direction was to go ahead and keep the community study areas.

Supervisor Barrios stated that even though the special study areas are in the General Plan, every future proposal is a standalone project and will be evaluated on a case by case basis. She added that farmland was a priority and they valued agricultural land.

Supervisor Muenzer asked if they excluded any areas and had they made it difficult for a developer to come into another part of the county.

Mr. Turner stated that was not their intention. He added that there may be more hurdles but it did not exclude any place in the county from development.

Supervisor Muenzer surmised that it does give them a leg up.

Mr. Turner concluded that it does make it a little more beneficial.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Rivas, **directed** staff to keep the New Community Study Areas, including narratives, when moving forward with the General Plan update. (the motion passed 4-1 with Supervisor Botelho voting no). File #790*

## **2. Discuss the topics related to the General Plan Update, including Mandatory vs. Optional General Plan Elements and Land Use designations, and direct staff accordingly;**

Interim Planning Director Byron Turner explained what was mandatory and what was optional. He indicated that there was a request to expand the wine and hospitality overlay which made sense.

Supervisor De La Cruz asked if the economic development element went along with what was said.

Supervisor Barrios stated that for planning, she would like to see it included and she wanted to make sure it was a complete package for the consultant.

Mr. Turner reported that because of the actions taken, recirculation of the document was likely.

Supervisor Barrios asked why recirculation was likely.

Mr. Turner explained that it was likely they were going to change the mitigation measures and the flexibility of the language but they would not know until they had someone on board. He added that they still had to respond to comments. He spoke of a request to relook at Tres Pinos and Aromas with regards to land use requests in the past. He noted that individuals have requested to be included and he asked how they were to answer those requests. He added that these requests were far more specific like changing a specific parcel number from A to B for example.

Chairman Botelho reiterated that they needed to get done with the General Plan.

Mr. Turner stated that they would be able to refine the RFP after today.

Supervisor Barrios explained that she based her decisions on what the GPAC recommended.

Mr. Turner stated that it was correct that the GPAC did not want to create winners and losers.

Chairman Botelho opened public comment.

Jeff Gilles felt the RFP process may get them what they want and they can always come back to the RFQ. He felt they needed to look at where they were today and that Mr. Turner can ask for a bid based on the present. Mr. Gilles

indicated that they could tell them along the way if it will trigger a recirculation. He felt the RFP process was the right way to go.

Jim West of Granite Rock and Vice-Chair of GPAC spoke of the possibility of Granite Rock railing product out of the county adding that if there was a zone change to enable that, they would reduce the greenhouse gas effect. He explained that they were requesting M2 zoning on both sides of the railroad on Quarry Road. He commented that former Planning Director Gary Armstrong said it shouldn't be in there because he (Mr. West) had a vested interest and was on GPAC.

Franz Schneider, who was on GPAC, said that GPAC had decided that they didn't want to decide on specific parcels.

Jason Noble stated that he was also on GPAC and had made a recommendation and it was discouraged. He indicated that it was not intended to cost the county more.

Marty Richman understood that there was a scheduling and money problem with the General Plan. He supported the recommendation of the Planning Department to put in optional portions. He felt they needed the Economic Development plan in there. He reported that San Benito County spends \$431 per resident in running the county and was one of the least spent in California. He commented that the bad news was because that was all they had to spend. He reiterated that they needed the optional portions.

Joe Zanger handed out a map of the wine and hospitality area and spoke of the area that was left out inadvertently. He asked that it be added now instead of a tedious General Plan amendment later on.

Supervisor Barrios indicated that the area Mr. Zanger referred to will be included.

Supervisor Muenzer noted that there would be disconnected wine areas and wondered if they should run the area up Fairview Road to 156 to connect.

Mr. Turner stated that he could relook at the whole shape.

There being no further comment Chairman Botelho closed public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor Muenzer **moved** to include optional General Plan elements along with mandatory elements. (Unanimous) File #790*

### **3. Discuss and give direction releasing an RFP or RFQ to complete the update.**

Supervisor Muenzer asked Mr. Turner if he had clear designation on land use designation.

Mr. Turner stated that he thought that would be part of the motion for item #3 and added that it would be discussed at the Planning Commission meeting in September.

There was no public comment.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz **directed** staff to release RFP to complete the update including separate proposal showing specific requests for land use. (the motion passed 4 - 1 with Supervisor Muenzer voting no) File #790*

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The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Botelho, De La Cruz, Rivas, Barrios, Muenzer  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 11:22 a.m. to September 10, 2013 at 9:00 a.m.

**ANTHONY BOTELHO, CHAIRMAN**  
San Benito County Board of Supervisors

**ATTEST:**  
Denise R. Thome, Clerk of the Board