



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Chair

Jaime De La Cruz
District No. 5

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

SPECIAL MEETING FEBRUARY 11, 2014 ACTION MINUTES

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

7:00 p.m. CALL TO ORDER:

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

CONSENT AGENDA:

COUNTY ADMINISTRATIVE OFFICE – R. Espinosa:

- 1) **Approve the contract extension to May 15, 2014 for the Interim Chief Probation Officer, Donald Blevins and authorize the Chair to sign.**

Under public comment Keith Snow spoke of high salaries and denying the public to see what's on the agenda.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Barrios **approved** the contract extension to May 15, 2014 for the Interim Chief Probation Officer, Donald Blevins and **authorized** the Chair to sign. (The motion passed 5-0) File #510*

PUBLIC HEARING (Continued from the February 4, 2014 meeting):

PLANNING DEPARTMENT – B. Turner:

Continue Public Hearing to consider the Planning Commission's recommendations set forth in Planning Commission Resolution 2014-01; adopt Resolution certifying the Environmental Impact Report, adopting the required CEQA findings and other findings required by Planning and Zoning law and County Code provision; and adopting the recommended mitigation measures, mitigation monitoring and reporting program, and statement of overriding considerations; adopt Ordinance amending the San Benito County Code to create the new overlay Zoning District: Resource Recovery Park District and to rezone approximately 30 acres of property

located on John Smith Road to the newly created Resource Recovery Park overlay zoning designation (approving Zone change 10-171), with recommended conditions of approval. (Res. No. 2014-13) (Ord. No. 922)

Interim Planning Director Byron Turner gave a PowerPoint presentation noting that two additional conditions were added which were an annual review by the Planning Commission and Planning Commission approval of the landscape plan.

Chairman Muenzer asked if the realignment of the intersection would be paid by impact fees.

Public Works Administrator Steve Wittry stated that they would be paid by a combination of landfill fees and impact fees. He spoke of the three projects identified for John Smith Road.

Integrated Waste Director Mandy Rose indicated that it had been a long journey and gave the history of the project. She stated that when we think of recycling we need to move beyond bottles, cans and newspapers. She showed a video from Mike Biddle, a chemist, explaining the process to break down plastic and the new face of recycling. She then showed a video on the New Light technologies.

County Counsel Matt Granger noted that the public hearing had been continued.

Chairman Muenzer gave the ground rules for speakers noting that the subject was the Resource Recovery Park (RRP) and not the landfill. He called for speakers under the public hearing.

Keith Snow stated that he had been watching the meetings and had a lot of concerns. He stated that he was for the city people and that it would be horrible to look over at the dump site which is very unattractive. He spoke of hazardous waste and fracking and stated that once we contaminate our groundwater, we're through. He advised the board to not go against the people because they work for the voters.

Christine Kemp, land use attorney representing Tammy Jackson and residents opposed to the RRP. She stated that the project description was inadequate and that it was too wide of a range and a wide open description. She felt that it did not meet the project objectives and there was no data to support what types of new jobs. She stated that the mitigations were inadequate and deferred and there was no project to review. She sighted issues with CEQA review and strongly urged the board to deny.

Tammy Jackson spoke of the 2008 feasibility study and asked if they would allow bio diesel to increase the tonnage at the dump. She further asked if there was any additional land to purchase.

Shorty Silva stated that the proposed ordinance showed what businesses are allowed and without public hearings, only administrative permits. He noted that significant odor causing materials had been added to the list.

Sally Silva stated that if they passed it that night chapter 2 of the EIR would be problematic because of fire dangers. She submitted documents for the record.

Hal Himenes of Heatherwood Estates stated that they all agreed that recycling was a good thing. He stated that his biggest point was that it was in a poor location and asked the board to vote no on rezoning.

Barbara Taddeo mentioned the topography #3 and that 15 of the 30 acres were currently buildable. She felt that it was a totally ridiculous spot for an RRP. She noted that all trucks coming through were all out of county. She stated that

there was an obvious majority of out of county and was another reason to vote no.

There being no further public comment Chairman Muenzer closed the public hearing.

The Board adjourned at 7:53 p.m. and reconvened at 8:00 p.m.

Interim Planning Director Turner spoke in regards to odors and that was the reason they identified all uses to be conducted indoors.

Supervisor Rivas asked the process for interested investors who wanted to develop at the site.

Integrated Waste Director Rose stated that it was an RFP process and would have to be approved by the Board. She added that there would be many things for the Board to review and the RFP elicits as much information as possible.

Supervisor De La Cruz asked if it was an administrative level decision.

Integrated Waste Director Rose stated that the way the ordinance was written was the way the Board requested.

Supervisor Rivas thanked everyone there that night and everyone who had invested a lot of time. He stated that in the fall 2014 he would be teaching his first class at Gavilan and that local government was the most influential form of government. He indicated that he and Supervisor Muenzer were thrown into the process as it started way before they started. He stated that he asked himself if it was good government and policy and that he didn't know and could argue it both ways. He stated that he viewed the RRP as representation of potential economic gains for the county. He added that he did not take growth and development in this county lightly and was concerned about our infrastructure moving forward. He indicated that if it passed, the next step would be to get more input from the community because he wanted to do what was right. He spoke of opportunities to improve and trying to do what's best for the entire community.

Supervisor Barrios thanked everyone for their input, emails and concerns. She stated there were two negatives and a lot of positives. She indicated that the first negative was unless businesses locate there, there would not be any revenues and they won't know before they approve. She listed that the second negative was that it was an area used for bicycling and there were no bike lanes and it was not part of the bike lane master plan. She stated that they had an obligation to future generations to be resourceful and reuse and recycle. She explained that it is going to be a controlled area under strict guidelines. She spoke of the potential for economic development. She added that air and water quality standards are heavily governed and every project would be reviewed on its own merits. She explained that there would be an annual report to ensure compliance. She further explained that they went from industrial, which was too broad, to the proposed ordinance for RRP zoning. She noted that the other locations considered only met two conditions. She stated that she would support the RRP zone.

Supervisor De La Cruz thanked Ms. Rose, Mr. Wittry and the public for the phone calls and emails. He stated that it was important that they do it in the right way.

Supervisor Botelho thanked everyone for taking the time in expressing their views as it helps the outcome in the long run. He stated that he was very supportive of this project and did not think it was a detriment to anyone's property. He added that with this project zoning they hoped to bring in business for recycling and also the potential for jobs.

Chairman Muenzer thanked all for coming and their orderly conduct. He read a prepared statement. He concluded that he could not support the full action before them.

Supervisor Muenzer moved to approve the overlay without approving this site specific. Supervisor De La Cruz seconded the motion. (The motion failed 2-3 with Supervisors Rivas, Botelho and Barrios voting no.

*Upon motion duly made by Supervisor Rivas and seconded by Supervisor Botelho, **adopted Resolution No. 2014-13 certifying the Environmental Impact Report, adopting the required CEQA findings and other findings required by Planning and Zoning law and County Code provision; and **adopting** the recommended mitigation measures, mitigation monitoring and reporting program, and statement of overriding considerations; **adopted Ordinance No. 922 amending** the San Benito County Code to create the new overlay Zoning District: Resource Recovery Park District and to rezone approximately 30 acres of property located on John Smith Road to the newly created Resource Recovery Park overlay zoning designation (**approving** Zone change 10-171), with recommended conditions of approval and correcting the date on the resolution and ordinance to February 11, 2014. (The motion passed 3-2 with Supervisors Muenzer and De La Cruz 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:

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

There being no further business the Board adjourned at 8:30 p.m. to February 18, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board