



# 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

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

## SPECIAL JOINT MEETING COUNTY OF SAN BENITO BOARD OF SUPERVISORS COUNTY OF SAN BENITO PLANNING COMMISSION WORKSHOP AGENDA Wednesday, March 19, 2014 **ACTION MINUTES**

**Call to order:** The meeting was called to order at 6:00 p.m. by the Chairman of the Board of Supervisors Jerry Muenzer in the Board of Supervisors Chambers, 481 Fourth Street, Hollister, CA.

**Board of Supervisors Present:** Chair Jerry Muenzer, Vice Chair Margie Barrios, Jaime De La Cruz, Robert Rivas and Anthony Botelho.

**Planning Commission Present:** Chair Dan DeVries, Vice Chair Robert Rodriguez, Jeff Culler, Pat Loe and Ray Pierce

Also present was County Administrative Officer Ray Espinosa, County Counsel Matt Granger and Clerk of the Board Denise Thome.

- a) Chairman Muenzer led the Pledge of Allegiance.
- b) Upon motion duly made by Supervisor Barrios and seconded by Supervisor Botelho, acknowledged Certificate of Posting. (10-0)

<b>WORKSHOP</b>
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### **PLANNING & BUILDING DEPARTMENT:**

- 1) Consideration of changes to the Draft Revised General Plan.

Interim Planning Director Byron Turner gave a staff report.

Michael Groves, Senior Principal of EMC Planning Group, explained how they would be reviewing the material – looking at it a piece at a time. He stated that they would not be reviewing the mapping changes.

Ashley Hefner, Associate Planner of EMC Planning Group, gave a PowerPoint presentation noting the outline of Land Use map revisions, Board of Supervisors General Plan Update policy direction, How will this work?, NCSA chronology and

closing thoughts. She stated that there were a couple changes posted after the agenda was posted and to see the errata.

Supervisor Barrios noted that on the photo on page 25, the caption under the photo needed to be changed.

There was a consensus to go through the changes page by page.

Section 3-8: Supervisor Barrios referenced the right hand side, first paragraph on the top and stated that it did not make sense to her and needed to be reworded.

Section 3-10: Commissioner Pat Loe noted that they had taken out the word required and inserted encouraged and that it had to be required.

Chairman Muenzer explained that the Board desired a more flexible document and many sentences were changed from required to encouraged. He stated that they could go over each one or have a more blanket flexible document.

Supervisor Barrios stated that it was on record that the Board wanted a more flexible document. She felt it should be encouraged and not changed back to required.

Commissioner Pat Loe asked if it would be project by project to decide if they have to mitigate or not.

Supervisor Barrios replied yes and believed that they would all have to mitigate. She noted that EMC talked about a fee ordinance.

Section 4.1-4.7: Supervisor Botelho felt strongly that water and sewer were the biggest constraints they had in this county. He asked if they shouldn't be encouraging development to utilize the Regional Wastewater Treatment Plant.

Mr. Groves stated that the reason it's not mentioned is that it's in one location and it's not appropriate to limit to one waste treatment plant.

Commissioner Pierce stated that it limits itself to development because the county doesn't have sewer and water and that it was a self limiting thing.

Supervisor Botelho stated that they made a half dozen mistakes putting developments where they never should have been in the county. He reiterated that they had made mistakes already with development that didn't have water and the county was paying for it. He felt they had to make sure not to keep making mistakes.

Supervisor Rivas felt the flexibility was hard to swallow. He stated that it was self limiting and he couldn't swallow that. He added that the county had made some mistakes. He noted there were county service areas (CSA's) throughout the county that were a burden to the general fund. He asked where they talk about annexation. He stated that hopefully it was city centered growth and asked where that was in there.

Chair DeVries referred to the topic heading itself, urban development, and asked shouldn't urban development be focused around cities that have infrastructure. He asked if they wanted to get away from septic and wells.

Mr. Groves stated that they wanted to encourage growth around the city but they wanted to look at the community study areas. He referred to policy on page 31 regarding city fringe areas.

Section 4-2 – 4.9:

Supervisor Barrios stated that on a lot of these photos it says 2030 General Plan but should say 2035.

Supervisor Botelho stated that "drainage into the Salinas River" needed to be changed.

Section 5.1 – 5.7 (Land Use)

Mr. Groves indicated that it related to the dots on the map and they needed to find out what the dots mean for the next go round. He added that they would help them define them.

New Communities:

Mr. Groves explained that New Communities had some renamed areas; San Juan Study Area, Bolsa Study Area, Union Study Area and Fairview Study Area. He asked if these write ups were what they were looking for.

Supervisor Barrios stated that she was looking for more general, not specific with names which takes away from the flexibility. She felt it needed to be less wordy, just a general description of the new study areas without detail of the area. She stated that consideration of the new development areas was broad, which she liked.

Chair Muenzer asked if they were to just drop them would that expedite the process and EIR and bring it in on time and budget.

Mr. Groves did not think it would expedite one way or another. He felt comfortable with the information in there and it didn't have to be these names. He added that it could be something like North West of the county but they needed some identifiers.

Chair Muenzer asked if it gave someone inside the circle a leg up as opposed to someone outside the circle.

Commissioner Loe asked what if they left the verbiage in there but not draw the circle on the map.

Chair DeVries asked doesn't the verbiage define the circle?

Commissioner Pierce stated that the general plan encourages community development anyway.

Mr. Groves stated that they could change the names and take the circles off the map but he was not recommending that.

Supervisor Rivas indicated that he supported the recommended narratives and didn't share the view that they needed to be more vague. He thought the narratives were great.

Supervisor Botelho felt they did a great job with the description of the areas. His concern was when all the supervisors were gone what the interpretation would be in the future. He felt they had gone as far as they could go without giving entitlements.

Mr. Groves summarized that he heard not recommending change.

Section 3-28 (LU 8.1 – 8.4):

Supervisor Botelho stated that he would like to focus the development of growth near the city. He spoke of a requirement of a developer to go into a conservation agreement.

Mr. Groves stated that he was not clear on the concept. He spoke of ag. land preservation conservation easement and habitat.

Chair DeVries spoke of the amendments to the requirements section (LU 4.9, pages 3-15) stating that it should not be voluntary and they should make it a requirement.

Supervisor Botelho stated that this was an opportunity to develop this program.

Supervisor Barrios spoke of the Transfer of Development Credits committee (TDC) and indicated that there were people in auditing on the committee. She stated that there was plenty in the ordinance that dealt with that.

Commissioner Pierce stated that he was on the committee for seven years and the problem was that farmers didn't want to stop entitlements from the land. He stated that it's not going to work and if they forced it, he didn't see it working.

Supervisor De La Cruz stated that he remembered it well and that he was against the TDC program. He added that they reached a compromise and it was a good program. He agreed to let it grow on its own.

Supervisor Botelho felt it might be a good mechanism or tool for farmers to keep their operations.

Commissioner Pierce stated that this does not stop the farmer from selling.

Chair Muenzer encouraged the use of TDC.

Mr. Groves recommended that they could suggest that criteria to be looked at and encouraged and refer back to policy. He indicated that they could encourage development companies to use TDC's and refer back.

Supervisor Botelho stated that he would take "encourage".

Supervisor Rivas stated that he would put "require" but that he could live with "encourage".

Section 8.3 - 8.8 (LU 9.1):

Supervisor Barrios stated that several areas listed San Benito County Police Department and it should be San Benito County Sheriff's Department.

LU 9.1 – 9.9:

Supervisor Barrios referred to the San Benito County Water District urban area which says North East and it is in the West side and Section 3, the Union study area was the West side of Hollister by the sewage treatment.

Land Use Implementation Programs:

Mr. Groves noted the changes on the errata.

The Chair opened public comment.

Marty Richman stated that a lot of farmland went away but not to urban development. He stated that urban development only took 10% of the farmland decrease, 55% shifted to grazing land and 33% shifted to other land. He added that only 8 counties track the other land and San Benito was not one of them. He surmised that it may be rural, residential, etc. He felt that they should track the other land in the future because it's not going to the city.

Bill Wiseman, representing the Lico-Greco Properties, stated that the Lico family would like to thank the county for recognizing the letter they submitted. He added that Michael Groves and Ashley of EMC were doing a great job. He referred to LU – 6.3/Industrial Uses noting that the policy looks at encouraging industrial uses and he recommended that the language add "and general industrial uses", not just ag-related.

Mr. Groves felt that it was an appropriate change and would not delay.

Scott Fuller of San Juan Oaks asked if they would be re-circulating the draft when it's done.

Mr. Groves stated that was the plan.

Mr. Fuller re-stated his original comments.

Mr. Groves stated that he had gone through all the comments received and they would take in comments by the direction of the Board. He stated that they would then re-write the EIR using the existing draft and republish to go out to the public for review. He spoke of the idea of the new communities study areas requiring TDC.

There was no further public comment.

The Board and Commission adjourned into a break at 8:02 p.m. and reconvened into special session at 8:15 p.m.

Chair DeVries left the meeting at 8:16 p.m.

Economic Development Element:

Mr. Groves stated that they would only change to "encourage" and information on the wine trail.

Supervisor Barrios stated that Casa de Fruta had come in and they were in there.

Commissioner Pierce noted the correction from Pinnacles National Monument to Pinnacles National Park in the tourism section.

Commissioner Rodriguez spoke of the economic section between San Felipe and Highway 25 and it should be multi-use development and encourage development in North County, San Felipe to Highway 25.

Mr. Groves stated that the Board and the Commission agreed and it was not currently in there.

Supervisor Barrios referenced the corridors at major thoroughfares and that they did have that.

Mr. Groves stated that the section was called new business attraction.

Supervisor De La Cruz asked if that would add any teeth to that statement.

Commissioner Pierce stated that it was already encouraging and asked if they wanted to expand further.

Commissioner Rodriguez replied yes.

Chair Muenzer stated that was a land use component and would change the EIR.

Mr. Groves recommended not putting any land use designations and that LU-6 might be a good place to suggest as an example.

Supervisor De La Cruz felt that was a good compromise.

Mr. Groves brought up that in the Land Use Element 6.3 Mr. Wiseman talked about adding general industrial uses. He indicated that they could say as an example and not write it into the policy.

Supervisor Barrios mentioned scenic highway.

Chair Muenzer replied that Highway 25 South of Tres Pinos is.

Mr. Groves stated that he had enough information to take it forward.

Supervisor Barrios noted that the picture of the bed and breakfast was in Benicia and asked that they use a picture of the bed and breakfast in town.

Chair Muenzer stated that if they didn't get a picture, don't worry about it.

Supervisor Barrios stated that she wanted it in.

Circulation Element:

Mr. Groves stated that Section 7, public facilities and services element, was one part of the errata.

Discussion was had regarding the rivers mentioned in the section.

Supervisor Barrios stated that low impact development was crossed out then was in another area.

Ms. Hefner stated that is was included in the errata.

Mr. Groves indicated that he would make sure it was consistent.

Commissioner Loe stated that we don't have any transfer stations.

Mr. Groves replied that most counties do and that it may not be relevant but it was good long term planning.

Chair Muenzer opened public comment.

Marty Richman referred to the circulation section and thanked them for the traffic studies in the EIR as they were superior and they had done an outstanding job. He added that if they didn't solve transportation issues in San Benito County, nothing in the General Plan would happen. He expressed that he could not tell them how important it was that they solve that issue.

Kristina Chavez Wyatt, Executive Director of the San Benito County Business Council (SBCBC), referred to the Economic Development and the reference to the Chamber of Commerce and felt that the San Benito Business Council should be referenced as well.

Chairman Muenzer felt they should add the Downtown Association as opposed to the SBCBC.

Commissioner Pierce felt the Downtown Association was geared to the city and this is a county document.

Mr. Groves stated that it was still within the county.

Supervisor Barrios noted the inconsistency with the name Pinnacles National Park and Monument.

Mr. Groves stated that he would do a word search.

Supervisor Barrios spoke in regards to Clear Creek and designation of roads as trails and asked if they would do it there and if it was an appropriate time.

Mr. Groves stated that they do not have a trail system and that it would be new. He indicated that he thought he knew why she was doing it.

Supervisor Barrios confirmed that he knew why she was doing it and if it would be costly to add.

Mr. Groves stated that there was leeway in the budget to add and he could do it in 30 minutes but mapping was harder.

Supervisor Barrios stated that it was the time to do it if they wanted to have the roads accessible to the public.

Mr. Groves stated that they would be putting a line in the sand.

Supervisor Barrios stated that she would like to recommend if feasible.

Chair Muenzer asked what a trail meant – no motorized vehicles.

Supervisor Barrios replied that it was a historical thing.

Chair Muenzer indicated that he had several dirt roads and asked if they needed to be established.

Public Works Administrator Steve Wittry stated that Panoche Road never came into question and they already had the mapping that identified the road network. He added that the Clear Creek roads were on there.

Chair Muenzer stated that it may not be the right time to discuss but at the same point they needed to make sure to designate our roads.

Mr. Wittry advised that if they opened that can of worms, it would be a huge can of worms. He explained that roads were adopted through county roads maps.

Supervisor Barrios asked if they could look into it as other counties designate roads as historical trails. She added that they can avoid litigation in the future.

Supervisor De La Cruz felt they should check with County Counsel because he didn't want risk or exposure.

Supervisor Barrios stated that they can do research on it and it may do something to benefit San Benito County.

Commissioner Pierce asked if they could establish a trail on a roadway that you don't have a right of way on.

County Counsel Matt Granger stated that in the general plan the county can designate what it wants. He stated that in regards to legally binding, he didn't think so.  
Health & Safety – Section 9:

Supervisor Rivas asked if it addressed the health and nutrition of the population.

Mr. Groves indicated that they were doing Salinas and as a part of their Economic Development, they did a quality of life element. He noted that in some areas a quality of life element is a challenge and costs money. He surmised that it was not an easy answer.

Supervisor Rivas felt that it was an extremely important topic and hoped it would be an easy fix, but it's not.

Mr. Groves stated that he could put it together and it would not be a huge dollar item. He added that they could do it after also. He indicated that if they did it now they would have to figure how much and give them a cost estimate.

Commissioner Pierce stated that the San Benito Parks Master Plan had much of that information.

Mr. Groves stated that he would look to see if there was any of the basic quality of life information he could use and put in the Health and Safety.

Supervisor De La Cruz noted that at the CSAC workshop they were talking about exactly what Supervisor Rivas was talking about.

Ms. Hefner indicated that the State was releasing an update of the general plan guidelines and it will have quality of life as an optional element.

Discussion was had regarding the updated noise ordinance.

Commissioner Pierce spoke of the wildlife mitigation corridors.

Mr. Groves asked him to pass those things on to Byron Turner and he would pass them on to them. He spoke of the Board setting another date to bring the maps back and talk to them about policy decisions regarding the EIR and going forward with the EIR.

Chair Muenzer asked if they needed to direct CAO Espinosa to set up a joint meeting.

Mr. Groves stated that it did not have to be a joint meeting because at the end of the day it needs the Board's decision as the Board is the governing body. He estimated that it would take about 45 minutes to an hour and requested that it be in the morning.

Supervisor Barrios thanked EMC Group and staff.

Chair Muenzer thanked them also and felt it was better to have them all sitting up there.

Mr. Groves acknowledged the Planning Commission, the Board of Supervisors and Byron Turner.

## **ADJOURNMENT**

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, adjourned the special joint meeting at 9:09 p.m. (the motion passed 9-0 with Commissioner DeVries absent).*

**JERRY MUENZER, CHAIRMAN**  
San Benito County Board of Supervisors

### **ATTEST:**

Denise R. Thome  
Clerk of the Board