



## SAN BENITO COUNTY PLANNING COMMISSION

**Robert J Rodriguez II** District No. 1  
**Richard Way** District No. 2  
**Robert Scagliotti** District No. 3  
**Robert Gibson** District No. 4  
**G.W. Devon Pack** District No. 5  
- Vice-Chair - Chair

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Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

### PLANNING COMMISSION - REGULAR SESSION- JANUARY 18, 2023 6:00 PM

#### 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. Additionally, members of the 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 meetings are open to the public, under the following conditions: All Attendees may attend the Planning Commission meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any other rules of procedures/instructions announced by the Planning Commission and/or County Staff. The meeting will be available through Zoom and YouTube for those who wish to join or require accommodations with the instructions below:*

*This meeting can be accessed in the following methods:*

- A. **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: 826 3217 6979  
Webinar Password: 579118

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.

**B. 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.**

- o It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.
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**C. 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>

- o **Community Media Access Page(CMAPS) YouTube Page:**

[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA)

**D. 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](mailto: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.

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- o The San Benito County Planning Commission welcomes your comments.
- o 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.
- o Each individual speaker will be limited to a presentation total of three (3) minutes.
- o 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.

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1. The individual will be asked to leave the Board Chambers.
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Ø If you have any questions, please contact the Resource Management Agency at (831) 637-5313 or at [sbcplan@cosb.us](mailto:sbcplan@cosb.us).

**CALL TO ORDER**

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## CERTIFICATE OF POSTING

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR- PLANNING AND BUILDING Acknowledgement of Certificate of Posting](#)  
CERTIFICATE OF POSTING 1-18-23.pdf

## DEPARTMENT ANNOUNCEMENTS

## PUBLIC COMMENT

## CONSENT AGENDA

*These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.*

*If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.*

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING Resolution to Authorize Teleconferencing in Accordance with Assembly Bill 361\(2021\)](#)  
PC\_Comm\_n\_Resol\_n\_Re\_Cont\_d\_Teleconf.\_Mtgs.\_Per\_AB\_361\_1-18-2023.pdf

## ADOPTION OF ACTION MINUTES

1. [RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING Approve November 16, 2022 Draft Meeting Minutes](#)  
PLANNING COMMISSION MEETING MINUTES 11-16-22.pdf

## REGULAR AGENDA

1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Nomination of Chair and Vice Chair](#)
2. [RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Confirmation of Planning Commission Meeting calendar for 2023.](#)
3. [RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Appointment of two Planning Commissioners to the Housing Advisory Committee](#)  
Housing Advisory Committee By-Laws
4. [RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - Appoint two Planning Commissioners to the San Benito County Conservation Plan Public Advisory Committee](#)  
SBCCP PAC Statement of Purpose

5. [RESOURCE MANAGEMENT AGENCY- S. LOUPE, ASSISTANT DIRECTOR PUBLIC WORKS](#)[Accept presentation regarding Road Project status.SBC FILE NUMBER: 105](#)

## **PUBLIC HEARING**

## **COMMISSIONER ANNOUNCEMENTS**

### **ADJOURNMENT**

**NOTE:** A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at [www.cosb.us](http://www.cosb.us). All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

**APPEAL NOTICE:** Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

**NOTE:** In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

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**Item Number: 41**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostoja

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR- PLANNING AND BUILDING  
ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING**

**AGENDA SECTION:**

CERTIFICATE OF POSTING

**BACKGROUND/SUMMARY:**

Acknowledge Certificate of Posting

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

Yes

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**STAFF RECOMMENDATION:**

Acknowledge the Certificate of Posting

**ATTACHMENTS:**

[CERTIFICATE OF POSTING 1-18-23.pdf](#)

San Benito County Planning Commission  
2301 Technology Parkway  
Hollister, CA 95023



**CERTIFICATE OF AGENDA POSTING**

Pursuant to Government Code §59454.2(a), I, Dana R. Serpa-Ostoja, certify that the **REGULAR AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for January 18, 2023, was posted at the following locations, freely accessible to the public, on this day of January 12, 2023, :

The bulletin board outside the front entrance of the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA

AND

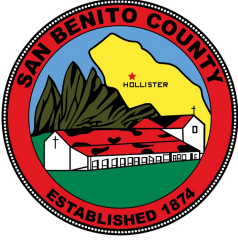
The bulletin board outside the front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA

AND

On The San Benito County website <https://www.cosb.us/> in the Events Calendar.

A handwritten signature in blue ink that reads "Dana R. Serpa-Ostoja".

Dana R. Serpa-Ostoja  
Office Assistant II  
County of San Benito



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

**Item Number: 71**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostoja

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING  
RESOLUTION TO AUTHORIZE TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL  
361(2021)**

**AGENDA SECTION:**

CONSENT AGENDA

**BACKGROUND/SUMMARY:**

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION TO AUTHORIZE  
CONTINUED REMOTE TELECONFERENCE MEETINGS.

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

Yes

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes



**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

**STAFF RECOMMENDATION:**

Staff recommends the approval of Resolution AB 361 to authorize continued remote teleconference meetings.

**ATTACHMENTS:**

[PC\\_Comm\\_n\\_Resol\\_n\\_Re\\_Cont\\_d\\_Teleconf.\\_Mtgs.\\_Per\\_AB\\_361\\_1-18-2023.pdf](#)

***BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO***

**RESOLUTION 2022-\_\_**

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION TO AUTHORIZE CONTINUED REMOTE TELECONFERENCE MEETINGS.

**WHEREAS**, the County of San Benito and the San Benito County Planning Commission is committed to preserving and nurturing public access and participation in meetings of the Board of Supervisors and Commission meetings, subject to the Ralph M. Brown Act (“Brown Act”); and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

**WHEREAS**, the proclaimed state of emergency remains in effect; and,

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

**WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

**WHEREAS**, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

**WHEREAS**, the Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the unincorporated areas of the County; and,

**WHEREAS**, the County has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the County’s various legislative bodies subject to the Brown Act; and,

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Board of Supervisors deemed it necessary to find that a *requirement* to meet in person for meetings of all County of San Benito related legislative bodies subject to the Ralph M. Brown Act would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and,

**WHEREAS**, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing, attached hereto as Exhibit “A”, and incorporated herein by this reference; and,

**WHEREAS**, on October 12, 2021, the Board of Supervisors of San Benito County adopted a resolution authorizing teleconferencing meetings pursuant to AB 361; and

**WHEREAS**, the Board of Supervisors’ adopted resolution applies to all legislative bodies of the County, thus allowing all bodies to utilize the provisions of AB 361; and,

**WHEREAS**, the Planning Commission is presented by this resolution for the opportunity to determine whether AB 361 should be specifically applied to Planning Commission meetings;

**WHEREAS**, the San Benito County Planning Commission has considered all information related to this matter, as presented at the public meetings of the Planning Commission identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

**WHEREAS**, the San Benito County Planning Commission further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

**NOW, THEREFORE, BE IT RESOLVED**, by the San Benito County Planning Commission as follows:

1. The San Benito County Planning Commission finds that the facts set forth in the recitals to this Resolution are true and correct;
2. The above findings and this resolution apply to all San Benito County Planning Commission meetings;
3. As long as the State Emergency remains in effect or until directed otherwise by the Commission, staff shall present to the Commission at every meeting an item necessary to continue the findings required by AB 361;

4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Commission adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Planning Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,
5. The County Administrative Officer and County Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

**PASSED AND ADOPTED** by the San Benito County Planning Commission, County of San Benito, State of California, on this 18th day of January 2023 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

By: \_\_\_\_\_  
 Robert Gibson, Chair San Benito County  
 Planning Commission

ATTEST:  
 Abraham Prado,  
 Director of Planning and Building

APPROVED AS TO LEGAL FORM:  
 San Benito County Counsel's Office Assistant

By: \_\_\_\_\_

By: \_\_\_\_\_  
 Joel Ellinwood, Assistant County Counsel

Date: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT "A"



**SAN BENITO COUNTY**

HEALTH & HUMAN SERVICES AGENCY

DAVID GHILARDUCCI, MD, FACEP  
INTERIM HEALTH OFFICER

TRACEY BELTON  
AGENCY DIRECTOR

**PUBLIC HEALTH SERVICES**  
Healthy People in Healthy Communities

September 30, 2021

CAO Ray Espinosa  
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta variant, I strongly recommend that all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. Conducting public meetings in a remote or hybrid manner allows for members of the community to participate from the comfort of their homes without having to risk contracting the virus by attending in-person meetings.

These measures serve to help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where a virus can potentially spread among attendees and participants. However, when combined with social distancing and masking policies, and the continued effort to increase vaccination within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of contagion for not only the public, but for agency staff, presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

Sincerely,

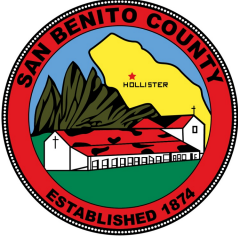
David Ghilarducci MD  
Interim Health Officer

**PUBLIC HEALTH SERVICES**  
351 Tres Pinos Road, Suite A-202  
Hollister CA 95023  
831-637-9367

**ENVIRONMENTAL HEALTH**  
351 Tres Pinos Road, Suite C-1  
Hollister CA 95023  
831-636-4033

**MEDICAL THERAPY UNIT**  
761 South Street  
Hollister CA 95023  
831-637-1989

08/23/21



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

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**Item Number: 81**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostoja

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING  
APPROVE NOVEMBER 16, 2022 DRAFT MEETING MINUTES**

**AGENDA SECTION:**

ADOPTION OF ACTION MINUTES

**BACKGROUND/SUMMARY:**

Adopt draft November 16, 2022 Planning Commission meeting minutes.

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

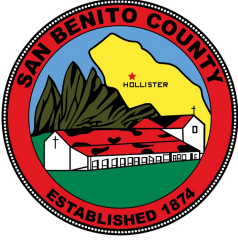
No

**STAFF RECOMMENDATION:**

Adopt November 16, 2022 Planning Commission meeting minutes.

**ATTACHMENTS:**

[PLANNING COMMISSION MEETING MINUTES 11-16-22.pdf](#)



## SAN BENITO COUNTY PLANNING COMMISSION

**Robert J**     **Richard**     **Robert**     **Robert**     **G.W. Devon**  
**Rodriguez II**   **Way**     **Scagliotti**   **Gibson**     **Pack**  
District No. 1 District No. 2 District No. 3 District No. 4 District No. 5  
- Vice-Chair     - Chair

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*Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023*

### **PLANNING COMMISSION - REGULAR SESSION-**

#### **NOTICE OF TEMPORARY PROCEDURES FOR PLANNING COMMISSION MEETINGS**

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**Webinar ID:**815 4521 8105

**Webinar Password:**658885.

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B. **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.**

- o It will ask you to enter the **Webinar ID** listed above followed by the **“#” key (pound key)**, then enter the **Password** also listed above.
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[https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA)

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Ø If you have any questions, please contact the Resource

Office Assistant II, Dana Serpa-Ostoja, 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.

## 1. CALL TO ORDER

Chair Commissioner Robert Gibson called the meeting to order at 6:00pm. 4 Commissioners were present and in chambers, 1 Commissioner Robert Scagliotti was absent. County staff members present included Assistant County Counsel Joel Ellinwood, Interim RMA Director/ Assistant Director of Public Works Steve Loupe, Assistant Director of Planning and Building Abraham Prado, Principal Planner Arielle Goodspeed, Assistant Planner Stephanie Reck and Office Assistant II Dana Serpa-Ostoja.

## 2. PLEDGE OF ALLEGIANCE

Chair Commissioner Robert Gibson asked fellow Commissioner Robert Rodriguez II to lead the meeting into the Pledge of Allegiance.

## 3. ROLL CALL

Office Assistant II Dana Serpa-Ostoja took roll call, 4 Commissioners were present in the Chambers, and 1 Commissioner Vice-Chair Robert Scagliotti was Absent.

## 4. CERTIFICATE OF POSTING

Robert J Rodriguez II motioned to acknowledge the certificate of posting.

Richard Way, Planning Commission, seconded this motion.

Robert J Rodriguez II, Planning Commission, Richard Way, Planning commission, Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Moved by** Robert J Rodriguez II; seconded by Richard Way to Approve Robert J Rodriguez II motioned to acknowledge the certificate of posting.

Richard Way, Planning Commission, seconded this motion.

Robert J Rodriguez II, Planning Commission, Richard Way, Planning commission, Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Motion Passed:** 4 - 0

**Voting For:** Robert Gibson, G.W. Devon Pack, Robert J Rodriguez II, Richard Way

**Voting Against:** None

**4.1 RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**

Acknowledgement of Certificate of Posting

**5. DEPARTMENT ANNOUNCEMENTS**

No Department Announcements

**6. PUBLIC COMMENT**

No Public Comment via Zoom.

1 Public Comment in the Chambers:

Maureen Nelson from Don't Dump on San Benito wanted to come and reiterate there stand, which is against the approval of the Landfill Expansion, and to remind the commissioners that the decision will be coming to a vote very soon. Maureen wanted the Planning Commission to take everything into consideration before the Commissioners place their votes.

Public Comment Closed.

**7. CONSENT AGENDA**

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda.

Approval of a consent item means approval of the recommended action as specified in the Staff Report.

If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

Richard Way motioned to approve the consent agenda.

G.W. Devon Pack, Planning Commission, seconded this motion.

Robert J. Rodriguez II, Planning Commission, Richard Way, Planning Commission, Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti was absent.

Motion passed 4/0.

**Moved by** Richard Way; seconded by G.W. Devon Pack to Approve Richard Way motioned to approve the consent agenda.

G.W. Devon Pack, Planning Commission, seconded this motion.

Robert J. Rodriguez II, Planning Commission, Richard Way, Planning Commission, Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti was absent.

Motion passed 4/0.

**Motion Passed:** 4 - 0

**Voting For:** Robert J Rodriguez II, Robert Gibson, Richard Way, G.W. Devon Pack

**Voting Against:** None

7.1 **Resource Management Agency- A. Prado, Asst. Director-Planning and Building**

Acknowledgement of Public Hearing-PLN200051(Lee Subdivision Project TSM/Zone Change/PUD)

7.2 **Resource Management Agency- A. Prado, Asst. Director- Planning and Building**

Acknowledgement of Public Hearing-Affordable Housing Regulations Ordinance Amendments

7.3 **Resource Management Agency- A. Prado, Asst. Director- Planning and Building**

Resolution to Authorize Teleconferencing in Accordance with Assembly Bill 361(2021)

**8. ADOPTION OF ACTION MINUTES**

Robert J. Rodriguez motioned to adopt the minutes.

G.W. Devon Pack seconded this motion.

Robert J. Rodriguez, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Moved by** Robert J Rodriguez II; seconded by G.W. Devon Pack to Approve Robert J. Rodriguez motioned to adopt the minutes.

G.W. Devon Pack seconded this motion.

Robert J. Rodriguez, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Motion Passed:** 4 - 0

**Voting For:** Richard Way, Robert Gibson, G.W. Devon Pack, Robert J Rodriguez II

**Voting Against:** None

**8.1 RESOURCE MANAGEMENT AGENCY-A. PRADO, ASST. DIRECTOR-PLANNING AND BUILDING**

Approve October 12, 2022 Draft Meeting Minutes

**9. REGULAR AGENDA**

**10. PUBLIC HEARING**

Assistant Director of Planning and Building Abraham Prado requested if it was okay with the Commission that Public Hearing items #1 and #2 switch presentation spots, #2 be presented before #1, due to county staff still getting used to the new packet production program Granicus, Item #2 was supposed to be #1 and vice versa.

Commissioner Rich Way just wanted to make sure there was no one on Zoom or in the Chambers that would now not be able to stay for item #1 if it was switched with item #2. If not, he has no objection.

No objection was made so Chair Commissioner Robert Gibson granted the Change. Item #2, Lands of Lee Subdivision, would now be presented before item #1, Amendments to the Affordable Housing Regulations.

Chair Commissioner Robert Gibson stated for the record that he had a discussion with the applicant after the meeting last week, and a phone call with Mark Medina pertaining to the Lands of Lee Project. He also wanted the record to show that the Commission has requested a Special Meeting for the Lands of Lee project and he was not very happy that it has been scheduled during a regularly scheduled meeting, and he has hopes that it will not happen again in the future.

Commissioner G.W Devon Pack also stated for the record that he conducted a site inspection, for Lands of Lee, and talked to the applicant at the same time of this inspection.

Commissioner Rich Way also stated for the record that he contributed to the discussion that took place after the last meeting with the applicant, no decisions were made he was just providing back round on the project. Commissioner Robert Rodriguez II also was a part of the discussion with the applicant.

**10.1 RESOURCE MANAGEMENT AGENCY - A. PRADO, ASST. DIRECTOR - PLANNING AND BUILDING**

Hold a Public Hearing Adopt a resolution recommending amendments to chapter 21.03 Affordable Housing Regulations. Proposed amendments include updates to definitions, the review process for development project applications requiring inclusionary contribution, the unit threshold requirement triggering inclusionary contribution, fractional unit requirements, development standards, the process and site characteristic qualifications for in-lieu payments, use of the in-lieu fund, approval process for concessions and incentives, compliance with California Gov't Code § 65915 to § 65918 for Density Bonus, and affordable-by-design standards.

Public hearing item 101 was heard second, after public hearing item 102.

Stephanie Reck, Assistant Planner, presented the revisions to Chapter 21.03 Affordable Housing Regulations. After the presentation, Stephanie Reck, Assistant Planner, recommended that the Planning Commission recommend approval of Chapter 21.03, with revisions made during the meeting, to the Board of Supervisors. Stephanie Reck, Assistant Planner, also recommended that the County of San Benito wait to include workforce housing in the Affordable Housing Regulations until such time that a study could be conducted to verify the range of AMI workforce housing falls into for our jurisdiction.

Richard Way, Planning Commission, stated that the targets for this are pretty low. I would rather see more than 15% to be honest. I am more comfortable with 20%, but to be honest this is an improvement over what is current, so I am inclined to approve it but welcome additional discussion.

Stephanie Reck, Assistant Planner, stated that rental units both on-site and off-site are at 20%, but that for-sale homes both on-site and off-site are at 15%.

No public comment via zoom.

Public comment in chambers:

1. Seth Capron, San Benito County Resident/ public member of the Housing Advisory Committee, stated that it was amazing that Stephanie Reck, Assistant Planner, was able to condense what we have spent many months working on with staff, who have all been a pleasure to work with. I would like to discuss the on-site for-sale inclusionary requirements. As it is written, it requires 10% moderate-income units and 5% low-income units, but if you look at all of the charts we were trying to split the percentages evenly, and if there was a remainder it was given to the moderate category. That is more consistent with all the other breakdowns we have for the other types. The previous ordinance included moderate-income, low-income, and very low-income, which was disbursed evenly at 5% per category. We eliminated the very low- as we thought it would not be appropriate to build single-family housing for low-income residents, but we took the 5% and added it to moderate-income. I think it makes more sense to have them both split evenly at 7.5%. At 41 units or more the 5% for low income actually results in a reduction of low-income units from the previous category from 38-40 units. I also support finding ways to create workforce housing and I think that if we are doing that we shouldn't do it by taking portions of low and moderate away. We can do this through our housing ordinance. We had the section on affordable-by-design and I spoke

about against that, my thinking has changed, but we want it to be added on and not replace our standards. I think builders can build workforce housing with smaller homes on smaller lots and they wont do it our zoning allows for large lots with large homes. I look forward to finding ways to do this so we are addressing the needs of the community.

Robert Gibson, Chair of the Planning Commission, stated that he agrees and if he is still a commissioner next year he will take a look at it.

Arielle Goodspeed, Principal planner, stated that there is a public comment via zoom and asked of the commissioners would listen to the comment.

Robert Gibson, Chair of the Planning Commission, agreed to this.

Public comment via zoom:

1. Valerie Eglund, San Benito County Resident stated that she is still listening and couldn't raise her hand fast enough during public comment. I think that Seth Capron, San Benito County Resident/ public member of the Housing Advisory Committee, has good comments and input. I have been privy to some of this along the way and it is nice to see that others want to build homes for the people within our community, and not for those who are traveling in form out of the area. You have all done a beautiful job, thank you so much.

Public comment period is over.

Robert J. Rodriguez II, Planning Commission, motioned to recommend the ordinance with the revisions Seth Capron, San Benito County Resident/ public member of the Housing Advisory Committee, requested to split the 15% inclusionary requirement evenly between the two income categories of moderate- and low-income groups.

G. W. Devon Pack, Planning Commission, seconded this motion.

Robert J Rodriguez II, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Moved by** Robert J Rodriguez II; seconded by G.W. Devon Pack to Recommend for approval

Robert J. Rodriguez II, Planning Commission, motioned to recommend the ordinance with the revisions Seth Capron, San Benito County Resident/ public member of the Housing Advisory Committee, requested to split the 15% inclusionary requirement evenly between the two income categories of moderate- and low-income groups.

G. W. Devon Pack, Planning Commission, seconded this motion.

Robert J Rodriguez II, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, and G.W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Motion Passed: 4- 0**

**Voting For:** Robert J Rodriguez II, Richard Way, Robert Gibson, G.W. Devon Pack

**Voting Against:** None

**10.2 RESOURCE MANAGEMENT AGENCY- A. PARDO, ASST. DIRECTOR OF PLANNING AND BUILDING -**

**PLN200051 (Lee Subdivision Project TSM/Zone Change/PUD):** OWNER: William Scott Lee and Michele Marie Lee Trustees in the Lee Family Trust. APPLICANT: Bill Lee. LOCATION: 291 Old Ranch Road, which connects to Fairview Road approximately 0.5 mile north of Airline Highway/State Route (SR) 25, in unincorporated San Benito County. APN: 025-320-004. REQUEST: The approximately 27.45-acre site contains formerly dry-farmed grassland, an existing roadway, and one existing single-family residence. The site is bordered by rural single-family residences to the north and west, and agricultural/open space to the east. The site is designated Residential Mixed (RM) under the 2035 General Plan and is zoned Rural (R). The project would involve the demolition of the existing on-site residence (constructed in the late 1980s), subdivision with subsequent development of 141 residential lots, a public park and open space, utilities infrastructure, internal public streets, and improvements to Old Ranch Road. The project includes 121 single-family detached units and 20 attached duet units. A total of 15 percent of the residences will be affordable, and the applicant will enter into an affordable housing agreement with the County. Up to 25 accessory dwelling units will also be offered as an optional feature to home buyers. The project would require a zone change to Residential Multiple (RM) combined with a Planned Unit Development (PUD) overlay zone to expand the flexibility allowed in the development standards. Sunnyslope County Water District (SCWD) would provide water service to the project, and either SCWD or the City of Hollister would provide wastewater treatment services for the project. GENERAL PLAN DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Rural (R). ENVIRONMENTAL REVIEW: Final Environmental Impact Report. PLANNER: Arielle Goodspeed ([agoodspeed@cosb.us](mailto:agoodspeed@cosb.us))

Public hearing item 102 was heard first, and public hearing item 101 was heard second.



Principal Planner Arielle Goodspeed, Aileen Mahoney from Rincon Consultants, and the projects owner and applicant Bill Lee presented a PowerPoint presentation on PLN200051, Lands of Lee Subdivision project. After the presentation was complete Arielle Goodspeed, Principal Planner gave the staff recommendations, which was to 1. Certification of the Environmental Impact Report (“EIR”) that evaluates the impacts of development under PLN200051 (LEE SUBDIVISION PROJECT TSM/ZONE CHANGE/PUD), prepared pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387); adopt findings required by CEQA; adopt mitigation measures to reduce any significant environmental impacts where feasible, as recommended in the EIR; adopt a Mitigation Monitoring and Reporting Plan and adopt a Statement of Overriding Consideration. Adopt a Vesting Tentative Subdivision Map, subject to Board of Supervisors approval of the zone change and PUD combining district. Finally, recommend to the Board of Supervisors zone change, PUD combining district and Affordable Housing Plan for approval.

Robert Gibson, Chair of the Planning Commission, wanted to hold commission questions until public comments were given.

#### Public Comment via Zoom

1. Mark Medina was a resident for many decades and was a Board of Supervisor for 5 years, he feels the Lee Subdivision will benefit the average consumer, he also stated we need smaller home footprints which is why the Lee Subdivision will be more affordable. He feels affordable housing, not referring to low-income but the middle, like this project will benefit our county greatly. Mark Medina was in support of the Lands of Lee project.
2. Valerie Eglund, resident of San Benito County, she was on the Planning Commission when Bill Lee first brought this project forward around the same time the Fairview Corners project and Gavilan College Project, was first introduced. She feels Bill Lee has provided many benefits that will enhance the experience of students and faculty at Gavilan. She thinks this is a great project and is in support of this project.
3. Jamila Saqqa, City of Hollister Housing Coordinator, she has a comment on the in- lieu Fee Payment qualifications, she disagrees that there is no bus service in the area of the project. Even though the bus service is not running at the moment due to lack of drivers there still is a dial a ride service for the future residents of this project and she feels that low-income units should be included in this development. If not then the In-lieu fee amount should be increased as a way to supplement the expense of the down payment assistant program.
4. Elia Salinas, San Benito County Resident, agrees with the comments previously made by Mark Medina and Valerie Eglund, she feels this is a great project. Its a great incentive for working class people, teachers, fire fighters, police, etc., to come to the area and work where they live. She also loves that Bill and Michelle Lee are always doing something for the community and paying it forward and that this project is setting an incentive for other developers. This project needs to go forward and it will support Gavilan College with water, sewer, ingress, and egress. I am shocked to hear that the State of California would let Gavilan College go through without a secondary ingress/egress.
5. Irma Gonzalez, Gavilan College Trustee for Area 7/San Benito County Resident, stated that the project is located within Area 7 and that she is here in support of the project.

One of the things I would like to bring to your attention is that when you have residential housing near a community college it is a benefit in a number of ways. Funding is based on student enrollment, having a residential neighborhood near by will make it easier for young and older students to re-enroll and having close neighbors will also help increase student enrollment. In 2024-2025 we will be off the student centered formula and off basic aid, our enrollment will play a bigger factor in our funding and success. Having this development near by will help the college reach the 500 full time students that are needed to petition the chancellor's office for approval to expand to a full college. The project also builds 15% affordable housing, that is something that will benefit our faculty, and having this available to our faculty is of extreme importance. Our students can also benefit as they will be within walking distance. The secondary access road is important and will only benefit the community and students.

#### Public Comment In Chambers

1. Shawn Tennenbaum, Superintendent of San Benito County High School District, I would like to share a few words on behalf of Mr. Bill Lee and the Land's of Lee project. First and foremost the San Benito County High School District fully supports the Land's of Lee project. The district is required to accommodate students from new residential development even though Hollister High School is over capacity. He is the first member of the development community to address the need by supporting the development of a new high school. Mr. Lee has voluntarily agreed to pay a greater developer fee than what is required by law and district employees will have the first right of refusal on the purchase of affordable homes. Mr. Lee is also cultivating relationships with building partners and the community foundation. All of his contributions come by way of cooperative partnership that serves as a pilot program for our community and as a catalyst for future partnerships. Again, the San Benito County High School District fully supports this project and hope the Planning Commission does as well. The Planning Commission, the County of San Benito, and it's advisory committee should expect all residential developers to emulate the collaborative spirit of Mr. Lee. We ask that you support the project and the district in obtaining similar agreements.
2. Mary Anderson, San Benito County Resident, my residence shares a property line with the Lee project. I would like to know if there is a date where Dividend Homes is going to break ground and start their project to where the Lee project is in reference to a secondary access. If the Dividend project is not going to happen that changes the presentation of the Lee project as far as the things it is offering dependent on Dividend Homes. I would also like to ask the Planning Commission to consider more of an open space on the bordering neighbor properties instead of having homes directly on those property lines to provide more area between the existing homes and Leal Winery to prevent future problems with noise complaints. I would also like to ask about the solar requirement on these homes, as they will help reduce PG&E costs and if there is any provision for construction noise during the time the homes are being built. I also want to know if there is a traffic signal going in at Fairview and Old Ranch, nobody wants to cross that street without protection for pedestrians with the speed people are traveling on that road now. I would also like to know if the developer will consider reducing the amount of homes so that there is more open space between homes.
3. Christina Chavez Wiatt, San Benito County Resident, I reside in the Sunnyslope Fairview area and my in-laws are residents of Ridgemark. I am here in support of the

Land's of Lee project. I have had the pleasure of working with Bill on economic development in support of Martha's Kitchen feeding needy neighborhoods in the region. We need more housing in our community of all types. One of the pain points of our business is, especially for those in agriculture and manufacturing- which makes up about 28% of our local jobs, we need more affordable homes for them, our growing schools, and our growing hospital. In this development, market rate units are considered affordable by design as they are smaller units and also with the consideration of the ADU's which provide multigenerational opportunities. This proposal may be placed in an area considered infill because of the development around the region. I am cognizant of the need for infrastructure in the area like parks, walking areas, and roadway connection. Most notably, working with Wastewater Option 2, taking in the additional capacity that it was built to take on for new homes. This may also facilitate the removal of the Cielo Vista and Ridgemark treatment facilities and provide connections for Fairview Corners and the future Gavilan campus.

4. Elvira Robinson, San Benito County Resident, I am an attorney here in Hollister, I have been a lawyer over 40 years, and a resident for over 35 years. I sat on the Board at Gavilan college for 20 years when we purchased the property and now I am the chair of the Measure X oversight committee that will oversee the 59 million dollars to oversee this beautiful project. I am in support of the Lee project, it is an exceptional project and will go hand-in-hand with Gavilan College in regards to teachers, students, housing, and secondary access. This secondary access will be vital to our students, teachers, and staff if there is ever an emergency.
5. Seth Capron, San Benito County Resident, I have been involved in the creation of the Affordable Housing ordinance since it was brought before the Planning Commission and the Board of Supervisors. I attended all of the ad-hoc committees and I am now a member of the San Benito County Housing Advisory Committee. I have some concerns about the affordability agreement that is being proposed. Throughout the process one of the main perspectives I have had is, as we create exceptions to the ordinance we want to make sure that projects coming in do not replace low-income housing with moderate-income housing, which is what this agreement proposes. I don't think it meets the letter or spirit of our ordinance. The rationale that this is not appropriate for low-income housing because of transportation is unfounded. I am helping with a 24 unit low- and very low-income project a little outside of town off Southside Road and all of those low-income families drive cars and have transportation. Low-income for our county does not mean poverty level as we have a high median income. In-lieu payments should normally go to the county for them to decide how to use, here the in-lieu fees are being used for down payment assistance, a big percentage is not going for low- or moderate-income homes, but for workforce housing. I think we agree we need workforce housing, but we need to look for strategies like smaller lots to be incorporated in our zoning laws and General Plan. These workforce units can be built at a profit and could be part of a market rate project and not displacing the low-income homes that are being taken out. Through the Housing Advisory Committee we recommended that the ADU's be taken out of the affordable concept for this project as they are not being deed restricted for low-income residents and cannot be counted towards our RHNA numbers.
6. Ray Pierce, San Benito County Resident, I am in favor of the project as long as there is one change and that is the interconnectivity of this project with any project that would be on the North boundary. That is in the Park's Master Plan, it was in part of the General Plan, and when the parks group got together they said we need connectivity between

projects and not through a round about way. We need at least a pedestrian access way. That secondary access that is being proposed was forced by the Planning Commission, prior to you, and started out as a pedestrian access and was moved into something broader than that. This workforce housing is an opportunity for the county to recruit because workforce housing for the existing firefighters, they will not make this price range, but new cadets will. however, you cannot isolate one group and only provide housing for them. You should check the documentation on that because I believe it would make this project illegal for non-connectivity.

7. Bill Lee, Land's of Lee Applicant, I would like to provide some clarification. There is a stub in the development for the parcel that is not being developed which will be able to connect with Maranatha or Best Road through the parcel behind it, it has been contemplated. The way the land is it doesn't work well to do the connection on the North it makes more sense to go through the East and connect around. As far as the affordable housing, when I started this project Harry was the RMA director and he advised me to take this approach with workforce housing. This was first proposed by the last project that went through the county the Lico project and this is where the in-lieu idea came about. If you are a school teacher and you do not qualify for market rate and make too much to qualify for the affordable, having that \$26,000 for a down payment is an excess of 5%. I think there may be some confusion, it is intended to be workforce housing but we would like to work with the county to give teachers the first shot at it, I don't know if first right of refusal is the right term for that, but we will give other workforce categories the opportunity to apply and work within the system the county generates. I have tried to listen to what the community wants and this is what I have tried to design here. I have talked with other County Supervisors who say this is what we want and here it is proposed, so please take a look at approving us tonight. We have addressed many concerns and more with this project and it is not very lucrative at this point but we want to do something that will benefit the county.

Public comment period is closed.

Robert Gibson, Chair of the Planning Commission, asked if any of the other Commissioner's have any questions or concerns.

G. W. Devon Pack, Planning Commission, asked if Steve Loupe, Assistant Director of Engineering and Public Works & Interim Director of the Resource Management Agency, could talk about the planned crossing associated with this project.

Steve Loupe, Assistant Director of Engineering and Public Works & Interim Director of the Resource Management Agency, stated that the county will likely not be moving forward with a crossing on Fairview Rd. due to the speeds we are experiencing today. What is more likely to occur to provide for a safer route is when Fairview Corners is constructed and the connectivity is made, Gavilan College is constructed, and when Fairview Corners hits their 135th building unit, they will be analyzing signal warrants. It is likely there will be a signal at the Cielo Vista connection with the Fairview Corners project and this is the safer option we will be proposing with the speeds currently experienced on Fairview.

Robert J. Rodriguez II, Planning Commission, asked why there is angled striping on the road on Fairview behind Roberts Ranch to the West.

Steve Loupe, Assistant Director of Engineering and Public Works & Interim Director of the Resource Management Agency, stated that when frontages are developed, until the lanes are connected and utilized, we place angled striping on the road so that they are not utilized by cars. You will also see this at Santana Ranch as you are exiting North bound.

Robert Gibson, Chair of the Planning Commission, asked what improvements are being proposed to Fairview Rd. by the college and the developer.

Steve Loupe, Assistant Director of Engineering and Public Works & Interim Director of the Resource Management Agency, stated that they will be developing a left-hand-turn pocket. It is likely but we will have to do a warrant analysis that when they are halfway constructed on Fairview corners we will do the analysis and signal. There will be four lanes each direction and there will be a fifth lane in the middle for the turn pocket.

G. W. Devon Pack, Planning Commission, asked if we should consider the conditions that were brought up during public comment.

Robert Gibson, Chair of the Planning Commission, asked if we can get through the other Commissioner's questions and comments first.

Richard Way, Planning Commission, stated that with regard to the park, he appreciates the fact that it would be built out. Frank Klauer park in Hollister was recently updated to accommodate ADA. I would encourage you to look at that as a possibility. I don't know what the additional cost would be but it is a great improvement and makes a difference for the kids who use it.

Robert Gibson, Chair of the Planning Commission, asked about the buffer around the vineyard property and the 5 acre zoned properties. To me if you own the 5 acres the current and future owner may have animals and we are putting properties right up to that. The vineyards get sprayed also and this does not make any sense to me.

Arielle Goodspeed, Principal Planner, stated that we are currently using the 8 foot fence to act as a buffer between this development and existing development.

Bill Lee, Land's of Lee Applicant, stated that we have been working on this for three years with the county and a buffer has not come up before until just tonight. In regards to the vineyard, there are only two lots that get near the vines, the other lots back up to his residence, and those vines are the ones that he doesn't net because they are on the hillside and he just uses them for decoration. I don't believe he runs his tractors through there as it is fairly steep, it is only about 1 acre in that section. It is in the RM zone and it is our understanding that this is an area that the county intends to develop high density in the future.

Robert Gibson, Chair of the Planning Commission, asked if the applicant knows if Leal harvests the grapes where the development would meet the winery.

Bill Lee, Land's of Lee Applicant, stated that he does not know if he harvests the grapes at all or if he does hand harvesting.

Robert Gibson, Chair of the Planning Commission, stated that if he harvests the grapes he would need to spray them and there is no way around this otherwise the bugs would have their way with it.

Bill Lee, Land's of Lee applicant, stated that he was informed in the past that Leal does not net those vines and because of that he sacrifices those grapes as they are already picked over by bugs by the time he is ready to harvest.

Robert Gibson, Chair of the Planning Commission, stated that the Commission received a letter from the Fire Department but that it does not answer why Lico had to put in 2 point of access and this one is okay with one point of access even if the other developments don't go through. I am not happy about this.

Arielle Goodspeed, Principal Planner, stated that it is her understanding that the houses which were built next to Lico are not sprinklered so that is why there was an increased need of access points there, and it is just one access point into the Oak Creek Subdivision. Due to lack of sprinklers, that subdivision had to allow for more points of access. The sprinklering requirement reduces the need for the additional points of access.

Abraham Prado, Assistant Director of Planning, Building, and Code Enforcement, stated that the Fire Chief would be logging into the meeting shortly and can provide further explanation.

Charlie Bedolla, Hollister Fire Department Battalion Chief, stated that the ingress and egress for this project is consistent with the fire code. Before, they would have to build toward the future and build a second point with planks up with a plank fence noting that they would build up in the future. That was before homes had to be sprinklered. Now the code allows up to 30

and you can grant the exception if the homes are sprinklered. There is a secure water source that is there also. It is okay because the code allows it. We need to make sure that when they do build or other projects come in they need to build the other points of access for the future to add connectivity. Homes are a lot safer now if they are sprinklered. This is why the code allows it and it is consistent. The Lico project needed an additional point of access as it was set up for connectivity for the project above it.

Robert Gibson, Chair of the Planning Commission, asked what affordable means for this project. We are saying these are affordable but nothing has explained what affordable is. What does a teacher, law enforcement officer, or firefighter make in our jurisdiction and can they actually afford these homes? Silicon Valley does impact us and they may swoop all of these affordable units up.

Arielle Goodspeed, Principal Planner, stated that we will have a break down of what workforce housing looks like for our jurisdiction on the next item and what minimum and maximum sales prices would be. In this chart, basing it on the 121% -150% AMI, this amounts to a sales price of \$562,000 with a down payment of about \$26,000, so a loan amount of about \$535,000 which comes out to roughly monthly cost of \$4,300 payments and this is the maximum.

Robert Gibson, Chair of the Planning Commission, stated that he would like to hear from someone in real estate and if this is something a police officer, a fire fighter, or a nurse could afford. I want to know if this is accurate as we shouldn't call it the missing middle if it isn't.

Ray Pierce, San Benito County Resident/realtor, stated that this number may be slightly different than his numbers. The average income for San Benito County just went to \$211,000 so you would have to look at what the pay out is, this is why I think this would be a great recruiting tool. What we have found is that nurses make too much money, they will not qualify. What we are looking at is the percentage below the median, in order to keep RHNA we would have to deed restrict the units so they can only sell for 10% below what they bought it for. Teachers would qualify, the ones that are just being recruited, also firefighters. If you put them out for \$500,000 I could sell them no problem because the average price for a home is about \$65,000.

Arielle Goodspeed, Principal Planner, clarified that we are only talking about the 7 affordable units that would be workforce housing.

G. W. Devon Pack, Planning Commission, stated that generally the new house rate in San Benito County is somewhere around the mid eights (8's) to the high nines (9's), but that is generally larger square footage projects.

Robert Gibson, Chair of the Planning Commission, stated that he thought we were discussing the whole project and not just the affordable units.

Arielle Goodspeed, Principal Planner, stated that this portion of the discussion is only about workforce housing.

G. W. Devon Pack, Planning Commission, asked Charlie Bedolla, Hollister Fire Department Battalion Chief, if the price point mentioned earlier would be one that fire fighters could achieve as someone just starting out.

Charlie Bedolla, Hollister Fire Department Battalion Chief, stated that all over the state people cannot work where they live. Since we are a small community it is important that we bring in beginning firefighters and their family. Then they can be paged out when they live in the area and when there is an emergency they are more accessible. We are trying to keep all public safety officers here, if we can do this at the entry level that would be ideal and the price point of \$65,000 is achievable.

Robert Gibson, Chair of the Planning Commission, stated the other question I have goes back to Mr. Capron's comment about affordability and leaving the low end out to cover the middle. It is unfortunate that we have to pick, and this is a concern. For those who are local and not making much money, where will they go? I also want to go over the comment and response from Sunnyslope Water District, they had a lot of concerns. Sunnyslope claims they do not have the capacity but the EIR says they do. I think the water facility would know more about the capacity than Rincon and Associates. The other huge concern is the traffic, there is probably people on highway 25 at this time of night (roughly 9pm) and the EIR says that everything is insignificant but we are ignoring the cumulative, when do we wake up and say that we cannot continue building homes until we address our jobs and workforce.

Aileen Mahoney, Rincon Consultants, stated that regarding the EIR and traffic impacts, what you are referring to is level of service impact and congestion, CEQA does not require an analysis of that as they have switched to Vehicle Miles Traveled (VMT) which is the total mileage that residents would travel. We did find a significant unavoidable impact that would occur based on VMT. We also analyzed cumulative impacts for both traffic and utilities as well as other impacts addressed in the EIR. Sunnyslope had some concerns about the cumulative impacts for wastewater service, but when we did our analysis there was adequate capacity at both of the plants for Wastewater Options 1 and 2. We also addressed where off-site improvement would be needed specifically for Wastewater Option 1. Sunnyslope Water District also expressed a preference for Wastewater Option 2. The concerns were addressed in the final EIR, some text was changed when Sunnyslope said the data was inaccurate, but even with those updated the same conclusions were made. We based the wastewater generation off the demand estimate and it came out to an additional 9,000 gallons a day associated with the additional 29 residential units, that is not the full project just the additional units that were not counted for in the plan. We did acknowledge in the EIR that Sunnyslope stated that cumulatively, this project plus other planned projects in the area would put them at capacity, but this project by itself does not put the plant over capacity.

Robert Gibson, Chair of the Planning Commission, stated that he has a lot of concerns about



the project and feels like the EIR falls short. I am also not sure why we are reviewing this item today when the commission requested special meeting to review these projects. I don't understand why this has occurred and I hope this doesn't happen again as we requested special meetings.

G. W. Devon Pack, Planning Commission, stated that to that point we are also missing one member of the commission today and this is a matter of such controversy that it might be better to have a fully constituted commission, even through we have a sufficient quorum.

Robert Gibson, Chair of the Planning Commission, stated that it would also be ideal if Sunnyslope Water District were here so that we can hear what they have to say about the wastewater issue and if it will put them at capacity or not. We have to start looking at things more closely as the EIR's are not addressing these concerns. Is there a motion to continue this item?

G. W. Devon Pack, Planning Commission, asked if there were other public comments that came in that we should address.

Stephanie Reck, Assistant Planner, stated that additional requests for public comment came in after the public comment period ended. Would the commissioners like to hear these comments?

#### Public Comment In Chambers

1. Julio Rodriquez, San Benito County Resident, stated that he has some concerns about the current project. First, single-family zoning no loner exists with SB 9, so there is no guarantee. People can buy these homes and essentially turn them into four-plex's, and that is state law. Building dwelling units with single-family zoning is law so why are we continuing down a path of single-family zoning doesn't make any sense. Also, regarding the VMT comments, that is the way California is going. We need to focus on infill projects with the City of Hollister to create mix-use developments. You could make a mixed-use specific plan. I can go on about the ag land and sewages. To be poignant it doesn't make sense to be approving single-family development as there is a lot of risk. We are better off approving mix-use or units that are mid to high density.

#### Public Comment Via Zoom

1. Richard Oliver, Dividend Homes, stated that he has worked on the Fairview Corners and Gavilan College site for over 20 years. I am here and listening to all the comments which I appreciate. I look forward to working with Bill Lee and the County. I wanted to make sure that you knew that I am listening and want to be corporative.

Public comment period is closed.

G. W. Devon Pack, Planning Commission, stated that one of the things that is in discussion is that the Lands of Lee project would create an easement access road for Gavilan College. However, we have heard this may be contingent on the timeline for the dividend home

contract. At what stage is the Dividend Homes project at and what is your timeline for your portion of the access road.

Richard Oliver, Dividend Homes, stated that they have been trying to get the project off the ground for the last four years. We keep hitting stumbling blocks with the city and the sewer system. We are hopeful to get started as soon as we can. The biggest new employer we have going is Gavilan College and we are looking forward to them coming in and they are beginning their process. We are hopeful to begin by next year.

Bill Lee, Land's of Lee Applicant, stated that to provide clarification on the Wastewater there are two options available. Option 1 goes up to Ridgemark and Option 2 goes to the City of Hollister plant. We want to go to the city plant and Sunnyslope agrees. The city gave us a letter accepting the sewer, but when we submitted the tentative map to the city to confirm they didn't even answer to confirm or deny that they would uphold that. The leadership the city will change and maybe this will open us up to go to the city plant. We anticipate as we get into the new year we can have these discussion with the city. We are all in limbo trying to get approved with sewage. I realize there is one commissioner missing, but I ask if at all possible for you to consider voting on this tonight. You have seem members of the community who have spoken for or against, please take that into consideration as all these people have come here to be part of this meeting.

G. W. Devon Pack, Planning Commission, stated that we should discuss the idea of requiring the low-income housing as a condition to the permit.

Robert Gibson, Chair of the Planning Commission, stated that he is concerned about a buffer around to surrounding the agricultural parcels. An 8 foot fence is less than appropriate to control that.

Richard Way, Planning Commission, stated that just because the current owner and the current uses of the land are one way doesn't mean that will always be the case in the future.

G. W. Devon Pack, Planning Commission, asked what has been required as a buffer for ag zones in the county? can anyone speak to that from the RMA?

Abraham Prado, Assistant Director of Planning, Building, and Code Enforcement, stated that the only example he can think of is that there is a requirement when someone moves into a new home that is next to an ag area that they sign off indicating that they know they are next to this area. I would suggest that we discuss these topics one by one then decide if you want to include these as conditions, then you can decide to make a motion on the project.

Robert Gibson, Chair of the Planning Commission, stated that when the water district came to us they said everything is okay if they raise the 6th dam an additional 10 feet and if they do the other projects for a total of 350 million dollars, but what if they don't? One of their comments to the Board of Supervisors on June 14th is that they may have to limit farmers in Paicines from pumping, we are an ag community and this is concerning as we are in a drought. We may sacrifice our ag community to house silicon valley, and they are not working with us, they only did minimum for the overpass, we need to think about what we are doing. We have the options of approving denying, continuing, and adding or deleting conditions of approval.

Joel Ellinwood, Assistant County Counsel, suggested that if there are proposals for modifications that they be made in the form of a motion and then voted on by the commission on a serial basis then to approve or deny the project as a whole, which would first require certification of the final EIR. That would also deal with a motion for the statement of overriding considerations.

G. W. Devon Pack, Planning Commission, stated that he would like to establish an itemized list of the considerations in regard to this project. The buffer zone is one, low income housing is the second, the third has to do with the in-lieu fees not going to the county. Were there other conditions?

Robert Gibson, Chair of the Planning Commission, added that the interconnectivity issue is the fourth consideration. This is in reference to the comment regarding the Parks Master Plan, but I do not see it anywhere on the map renderings.

G. W. Devon Pack, Planning Commission, asked if we can begin with a discussion of the buffer zone.

Robert Gibson, Chair of the Planning Commission, asked if the buffer zone could be a condition as it would essentially require the developer to redraw the entire map and plan for the development.

G. W. Devon Pack, Planning Commission, asked if this would be a good time to allow for a break as we have been discussing this for over two and a half hours.

Robert Gibson, Chair of the Planning Commission, stated that we will take a 10 minute recess.

\*10 minutes later\*

Robert Gibson, Chair of the Planning Commission, reconvened the Planning Commission.

Michael Durkee, Land's of Lee Legal Counsel, asked if he could speak with the commissioners. He stated that he is a representative of Mr. Lee and has been working with

staff for some time and they have been a pleasure to work with. In a gesture of cooperation and collaboration, I was hopeful that we might interject as you go issue by issue if that is the desire of the chair and that we may have some ideas for you in that process.

Robert Gibson, Chair of the Planning Commission, agreed to this.

G. W. Devon Pack, Planning Commission, stated that we were talking about the possibility of including a buffer zone in the project.

Michael Durkee, Land's of Lee Legal Counsel, stated that none of the properties surrounding have the story value to grow crop other than a winter wheat. As part of the deal Mr. Lee made with Leal when he bought the property, the top soil of the land associated with the project was scrapped and that is the top soil Leal is using in their winery. There are not crops and have not been crops on the neighboring property. One of the neighbors has a horse so we may encounter issues with horse flies. The interesting thing is that this county general planned this area, including the vineyard, to be this level of residential. We are in the transition between Victorian home and rancher, but the rancher is the one we decided we wanted. We are in a transition in this area where we have agriculture but also meeting state requirements to provide housing, and that is the pocket you choose. With respect to the other properties, they are in an area that is going to become housing unless you revise your General Plan and get HCD folks to undo housing on that land. Mr. Lee is trying to implement that. The agricultural use for this land has been planned out of existence.

Robert Gibson, Chair of the Planning Commission, asked if the response of the applicant is that they will not implement a buffer, only the 8 foot fences.

Michael Durkee, Land's of Lee Legal Counsel, stated that our response is that it would be impossible to do a buffer. If the issue at hand is only the horse fly it can fly any distance and we could not mitigate that.

G. W. Devon Pack, Planning Commission, stated that the bigger issue is the potential of the vineyard for going into a non-organic cultivation and the potential of the driftage of pesticides and others drifting onto the Lands of Lee property.

Michael Durkee, Land's of Lee Legal Counsel, stated the fact of the matter is the bull is out of the barn, it has been general planned to allow for residential. The spray pattern from the vineyard would cover this entire property. There is not a buffer that you can say a spray will stay away from. Those were the decisions you made at the top when you drafted the General Plan. You are saying that you will not implement the boss, the General Plan.

G. W. Devon Pack, Planning Commission, asked if it his position that there is no mitigation

they can perform to stop pesticides from going over the fence into this property.

Michael Durkee, Land's of Lee Legal Counsel, stated that the county could mitigate this by changing their General Plan for this area back to agriculture and kill this project. The residents are supposed to be there and the ag is not. To favor the ag and make the residential non-existent is to go against the general plan.

Arielle Goodspeed, Principal Planner, stated that the zoning for this property is agriculture but the General Plan is residential multiple and the General Plan takes precedence.

G. W. Devon Pack, Planning Commission, stated that it seems like there is no mitigation on the table for the buffer.

Robert Gibson, Chair of the Planning Commission, asked if there was a motion on the table to approve, deny or continue the project as it seems like we are at an impasse.

Robert J. Rodriguez II, Planning Commission, stated that with respect to Mr. Lee, I would like to continue this item. There are a lot of different emotions happening. There are a lot of questions, and the Planning Commission has a lot of concerns.

Michael Durkee, Land's of Lee Legal Counsel, stated that with respect, can we hear with those issue are as we have only discussed the ag buffer. If you are going to continue this item, then please just deny the application and allow us to go through the protocol as all the these kind and expensive people have put resources in front of you tonight.

Arielle Goodspeed, Principal Planner, asked for a point of clarification and if there was a motion on the table and if it is for the buffer or for the entirety of the project.

G. W. Devon Pack, Planning Commission, stated that he would like to talk about the other conditions before voting on the entire project. In regard to the low-income, we received a report from RMA regarding compliance with RHNA numbers, but the county was not able to address the targets for very low- and low-income housing. My understanding for the Lico project there was a waiver for the low- income housing, but granting exceptions from low-income housing has a cumulative effect. This becomes a burden that rolls to the next housing development. Is there sufficient overriding needs or should we stick to our low-income requirements that the county has set.

Robert Gibson, Chair of the Planning Commission, asked if Seth Capron, San Benito County Resident, could speak to his expertise in low-income housing while we are discussing this potential condition.

Seth Capron, San Benito County Resident, stated that before this project came before you, throughout developing this ordinance, my concern was that you would set a precedence on this project. The idea is that low-income housing can be crummy and that is not true, but some developers are afraid of low-income housing. In regards to the in-lieu fee, normally they would go to the county and the county would use them to perpetuate affordable housing. The way the fees are being proposed for this project is not consistent with an actual in-lieu fee. He is talking about taking funds and setting them aside within the financing of this project. Affordable housing with deed restricted homes is complicated. You have to have enough range in your AMI calculations to meet a range of people. What that mean is, if you have down payment assistance as a subsidy, you can raise the sale price of the home and still meet the marketing needs. So really the funds are staying within the project and isn't going to increase the number of families who can afford it. The same would apply to the 5% of moderate-income housing. you need to set the sales price at a range below the max AMI for that level, but having subsidy allows you to raise that sales price.

Michael Durkee, Land's of Lee Legal Counsel, stated that we are in compliance with your affordable housing ordinance, your staff has told you that we are. We are happy to do an affordable housing agreement along the lines of our proposal. Your legal council can council you to that degree. We are consistent with your ordinance and we are here to be in compliance and we have worked over different creative ideas. We will do whatever we can to be in compliance with the ordinance.

G. W. Devon Pack, Planning Commission, okay, very good. I would like to move on to the in-lieu fees. My understanding is that the potential in-lieu fees are calculated at 540,000 which are being put into a subsidy. What is the current in-lieu fund status.

Arielle Goodspeed, Principal Planner, stated that we have not adopted an in-lieu fee, it was postponed until we bring back the revised ordinance; there is not an adopted fee at this point in time, but they have discussed and were in agreement on using the \$30 fee per square foot once the ordinance comes back. As far as our existing fund is just a little shy of 1 million dollars in the fund.

G. W. Devon Pack, Planning Commission, stated that if the funds from the applicant came to the county it would increase the in-lieu fund and our capacity to support more affordable housing. Are there any other conditions that we want to go through?

Robert Gibson, Chair of the Planning Commission, asked if there was a motion on the table.

Richard Way, Planning Commission, asked if G. W. Devon Pack, Planning Commission, is proposing adding in low-income housing, and if so what that would look like in terms of number of units.

Arielle Goodspeed, Principal Planner, stated that it is the same number of units, the 7 units that would go to low-income are being substituted for workforce hosing.

G. W. Devon Pack, Planning Commission, motioned to amend the language of the conditional use permit to substitute low-income housing into the project for the workforce housing as a condition of approval, per the San Benito County Affordable Housing Regulations.

Robert Gibson, Chair of the Planning Commission, asked if there was a second for this motion and stated that without a second the motion dies.

This motion did not pass.

G. W. Devon Pack, Planning Commission, stated there is also the issue with the in-lieu fees. Should they be used as down payment subsidy or should the go to the in-lieu fund.

Richard Way, Planning Commission, asked how often in-lieu fees are used for this purpose. Is this a common arrangement to call them in-lieu fees when they are not typically used for this purpose.

Joel Ellinwood, Assistant County Counsel, stated that the county is evolving in their affordability requirements over time. For some period of time there was no process for affordable housing, it was done on a case-by-case basis when projects came in. The Lico project proposed another alternative for that project and it think Mr. Lee can attest that Lico served as a model for what they are proposing toning. The county has yet to adopt the in-lieu fee requirement, and the one on the table is only for fractional units and would not be used for subsidy within the project. What is being proposed is something that was approved for a past project. The question is if we should continue with that for this project until the county adopts an in-lieu fee the the affordable housing standards.

Bill Lee, Land's of Lee Applicant, shared that when he began this project Harry, the director of the RMA asked me to use Lico as the model for this project. We have done many things to give back to the community. As a result we have been able to do smaller homes on smaller lots and were able to do the mitigation agreement with the high school to give them extra money. There are only so many things a project can do before it is bankrupt. If we keep the affordable where it is at we get the workforce, 10% moderate, mitigation money to build a high school, and smaller homes on smaller lots.

G.W. Devon Pack, Planning Commission, stated that the motion to amend the affordable housing component did not pass for lack of a second so we are now on the matter of the allocation of the in-lieu fee.

Joel Ellinwood, Assistant County Counsel, reiterated that what is being proposed is not an in-lieu fee as it is being defined and proposed with the affordable housing regulations. It is instead a cross-subsidy, if you will, inside the project. Some part of the proceeds for the market rate housing is being used as a down payment for a certain number of the units. That

is not the same as the in-lieu fee that is being proposed and discussed by the Housing Advisory Committee.

G. W. Devon Pack, Planning Commission, stated that the applicant has expressed an interest in having us vote on this matter tonight.

Robert Gibson, Chair of the Planning Commission, stated that there was also an option on the table to remove Wastewater Option 1.

Richard Way, Planning Commission, motioned to strike Wastewater Option 1 from the project in favor of Wastewater Option 2 as a condition of approval.

Michael Durkee, Land's of Lee Legal Counsel, stated that they will agree to this.

G. W. Devon Pack, Planning Commission, seconded this motion.

Robert Gibson, Chair of the Planning Commission, asked all those in favor say "I".

Robert J. Rodriguez, Planning Commission, G.W. Devon Pack, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

Robert Gibson, Chair of the Planning Commission, asked if there were any other conditions the commissioners wanted implement before the voted on the entirety of the project.

Joel Ellinwood, Assistant County Counsel, stated that if you are making a decision on the project the first step would be to certify the final EIR the second would be to adopt the statement of overriding considerations.

G.W. Devon Pack, Planning Commission, stated there were also the other alternative options that were presented and asked if we should consider the other alternative options for the lower density development.

Robert Gibson, Chair of the Planning Commission, asked if staff would pull up the map for Alternative Option 2 to show what that would look like.

Joel Ellinwood, Assistant County Counsel, stated that there are findings for the WIR which include determination of whether the project as propose or which of the alternatives best satisfy the objective of the project. While the commission is free to consider the alternatives, we would need to revise the findings as part of any findings for adoption by the commission.



so if indeed you prefer another alternative, we would need to have staff revise the findings for certification of the EIR accordingly.

Michael Durkee, Land's of Lee Legal Counsel, stated that the General Plan that sits on the property has a density range of eight and one-half (8.5) to 20 and Alternative Option 2 falls below that density, so it would not be an ideal alternative without a General Plan amendment.

G. W. Devon Pack, Planning Commission, stated that we heard earlier that Alternative Option 2 would be the more environmentally conscious option so my question is do we have any numbers on the difference in the traffic impact factor from Alternative 1 and Alternative 2.

Aileen Mahoney, Rincon Consultants, stated that the significant and unavoidable impact from VMT would not be mitigated by either alternative because VMT is a per capita metric, it doesn't change if you decrease based on the density it is based on the number of persons living within a unit.

Richard Way, Planning Commission, stated that if the alternative will not result in mitigation of the unavoidable VMT impact it's not a reasonable option to discuss.

Robert Gibson, Chair of the Planning Commission, stated that our options are to certify the EIR, adopt the statement of overriding concerns, and pass the project with the amendment, deny the project, or continue the project to be heard at a later date.

Joel Ellinwood, Assistant County Counsel, clarified that if it is the will of the commission to deny the project, they do not need to certify the final EIR. If they wish to approve the project they will need to certify the final EIR. A motion to approve would fail if less than three persons on the commission vote nay.

G. W. Devon Pack, Planning Commission, stated that it is a preliminary matter to certify the EIR and then motioned to certify the final EIR.

Richard Way, Planning Commission, seconded this motion.

Robert Gibson, Chair of the Planning Commission, asked all those in favor say "I".

G.W. Devon Pack, Planning Commission, voted for the motion.

Robert J. Rodriguez, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, voted against this motion. Robert Scagliotti, Vice-Chair of the Planning Commission was absent.

Motion to certify the EIR failed 3/1.

Joel Ellinwood, Assistant County Counsel, stated that without a certified EIR, it would be

appropriate to follow with a motion the deny the project.

Robert Gibson, Chair of the Planning Commission, asked if there was a motion on the table to deny the project.

Richard Way, Planning Commission, motioned to deny the project.

Robert J. Rodriguez II, Planning Commission, seconded this motion.

Robert Gibson, Chair of the Planning Commission, asked all those in favor say "I".

Robert J. Rodriguez, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

G. W. Devon Pack, Planning Commission, voted against this motion.

Motion passed 3/1.

**Moved by** G.W. Devon Pack; seconded by to Amend G. W. Devon Pack, Planning Commission, motioned to amend the language of the conditional use permit to substitute low-income housing into the project for the workforce housing as a condition of approval, per the San Benito County Affordable Housing Regulations.

Robert Gibson, Chair of the Planning Commission, asked if there was a second for this motion and stated that without a second the motion dies.

This motion did not pass.

.

**Motion** Lack of Second: 0- 0

**Voting For:** None

**Voting Against:** None

**Moved by** Richard Way; seconded by G.W. Devon Pack to Amend

Richard Way, Planning Commission, motioned to strike Wastewater Option 1 from the project in favor of Wastewater Option 2 as a condition of approval.

G. W. Devon Pack, Planning Commission, seconded this motion.

Robert Gibson, Chair of the Planning Commission, asked all those in favor say "I".

Robert J. Rodriguez, Planning Commission, G.W. Devon Pack, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Motion Passed: 2- 0**

**Voting For:** Robert J Rodriguez II, Robert Gibson

**Voting Against:** None

**Moved by** G.W. Devon Pack; seconded by Richard Way to Approve G. W. Devon Pack, Planning Commission, motioned to certify the final EIR.

Richard Way, Planning Commission, seconded this motion.

Robert Gibson, Chair of the Planning Commission, asked all those in favor say "I".

G.W. Devon Pack, Planning Commission, voted for the motion.

Robert J. Rodriguez, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, voted against this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion to certify the EIR failed 3/1.

**Motion Failed: 1- 3**

**Voting For:** G.W. Devon Pack

**Voting Against:** Robert J Rodriguez II, Richard Way, Robert Gibson

**Moved by** Richard Way; seconded by Robert J Rodriguez II to Deny

Richard Way, Planning Commission, motioned to deny the project.

Robert J. Rodriguez II, Planning Commission, seconded this motion.

Robert Gibson, Chair of the Planning Commission, asked all those in favor say "I".

Robert J. Rodriguez, Planning Commission, Richard Way, Planning Commission, and Robert Gibson, Chair of the Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

G. W. Devon Pack, Planning Commission, voted against this motion.

Motion passed 3/1.

**Motion Passed: 3- 1**

**Voting For:** Robert J Rodriguez II, Richard Way, Robert Gibson

**Voting Against:** G.W. Devon Pack

## 11. COMMISSIONER ANNOUNCEMENTS

## 12. ADJOURNMENT

**NOTE:** A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at [www.cosb.us](http://www.cosb.us). All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description.

As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

**APPEAL NOTICE:** Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

**NOTE:** In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.

G. W. Devon Pack, Planning Commission, motioned to adjourn the meeting.

Robert J. Rodriguez II, Planning Commission, seconded this motion.

Robert J Rodriguez II, Planning Commission, Richard Way, Planning Commission, Robert Gibson, Chair of the Planning Commission, and G. W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Moved by** G.W. Devon Pack; seconded by Robert J Rodriguez II to G. W. Devon Pack, Planning Commission, motioned to adjourn the meeting.

Robert J. Rodriguez II, Planning Commission, seconded this motion.

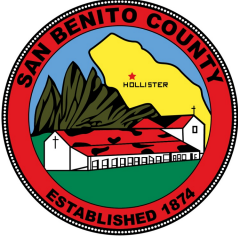
Robert J Rodriguez II, Planning Commission, Richard Way, Planning Commission, Robert Gibson, Chair of the Planning Commission, and G. W. Devon Pack, Planning Commission, voted for this motion. Robert Scagliotti, Vice-Chair of the Planning Commission, was absent.

Motion passed 4/0.

**Motion** : 4 - 0

**Voting For:** Robert J Rodriguez II, Richard Way, Robert Gibson, G.W. Devon Pack

**Voting Against:** None



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

**Item Number: 91**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostoja

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - NOMINATION OF CHAIR AND VICE CHAIR**

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

Nomination for the Chair and Vice Chair: As long as all new Planning Commissioners have been appointed by the Board of Supervisors by the first meeting in January, the Chair and Vice-Chair shall be elected annually at the first meeting in January of each calendar year. If all new Planning Commissioners have not yet been appointed and sworn in by the first meeting in January, the election for the Chair and Vice-Chair shall occur during the first meeting in February of each calendar year. In the absence or inability of either to act, the members present shall select a member to act as Chair Pro-Tern for that meeting. However, if the Chair or Vice-Chair later arrives, the Chair or Vice-Chair shall then assume responsibility for the meeting upon arrival.

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

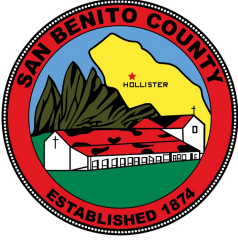
No

**STAFF RECOMMENDATION:**

Staff recommends the following:

1. Staff recommends that if all Planning Commissioners have been appointed and sworn in by the January 18, 2023 Planning Commission meeting to nominate and appoint the Chair and Vice Chair of the Planning Commission.
2. Staff recommends that if not all Planning Commissioners have been appointed and sworn in by the January 18, 2023 Planning Commission meeting to postpone nomination to the February 15, 2023 Planning Commission meeting.

**ATTACHMENTS:**



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

**Item Number: 92**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostoja

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - CONFIRMATION OF PLANNING COMMISSION MEETING CALENDAR FOR 2023.**

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

Confirmation of meeting calendar; regularly scheduled Planning Commission meetings are proposed for the third Wednesday of each month at 6 p.m.. Please confirm and adopt the following schedule for 2023.

January 18, 2023

February 15, 2023

March 15, 2023

April 19, 2023

May 17, 2023

June 21, 2023

July 19, 2023

August 16, 2023

September 20, 2023

October 18, 2023

November 15, 2023

December 20, 2023

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**



No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**STAFF RECOMMENDATION:**

Staff recommends adopting the 2023 Planning Commission meeting calendar.

**ATTACHMENTS:**



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

**Item Number: 93**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostojka

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - APPOINTMENT OF TWO PLANNING COMMISSIONERS TO THE HOUSING ADVISORY COMMITTEE**

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

Per the Housing Advisory Committee by-laws two Planning Commissioners and an alternate should be appointed to the Committee. Details of the committee are included in the attached by-laws.

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

## **STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

### **STAFF RECOMMENDATION:**

Staff recommends the Planning Commission appoint two Commissioners and an alternate to the Housing Advisory Committee.

### **ATTACHMENTS:**

[Housing Advisory Committee By-Laws](#)

# SAN BENITO COUNTY



## BY-LAWS

### Procedures for the Transaction of Business

### For

### Housing Advisory Committee (HAC)

**I. Name**

The name of the Committee shall be: Housing Advisory Committee (HAC).

**II. Authority**

- A. San Benito County amended Ch. 21.03 Affordable Housing Regulations (Former Ordinance 766) and adopted the new Ordinance 951 in 2016.
- B. The updated ordinance establishes a Housing Advisory Committee for inclusionary housing projects.
- C. The HAC acts in an advisory capacity to the County Board of Supervisors and/or Planning Commission on subjects relating to Housing.

**III. Purpose**

The purpose of this committee is to advise the Board of Supervisors on matters relating to the Housing Element of the General Plan and the inclusionary housing ordinance, and such other matters as the Board of Supervisors or County Staff shall direct. The committee is also expected to evaluate proposals for disbursement of in-lieu fees in accordance with Ch. 21. The HAC is an appointed body that is charged with reviewing and considering housing related issues for the County.

**IV. Duties**

The Duties of the HAC will meet at least quarterly, to review the following operations:

- A. Provide advice regarding affordable housing programs, guidelines and policies consistent with the Housing Element of the San Benito County General Plan.
- B. Provide advice regarding opportunities for the development of housing affordable to those households with extremely low, very low, low and moderate income.
- C. Assist staff and the Board of Supervisors to promote greater public understanding and acceptance of affordable housing.
- D. Provide advice regarding the expenditures of funds that are set aside for affordable housing programs and make funding recommendations.
- E. Make recommendations to the Planning Commission, Board of Supervisors, and staff regarding affordable housing preferences and program eligibility criteria.
- F. Provide advocacy for establishing and maintaining a diversity of housing types and opportunities in San Benito County.
- G. A housing advisory committee may be designated to review the income qualifications of potential applicants as part of the selection process of program participants
- H. Other functions include review and recommendations on proposed grant and loan applications related to specific housing projects.

**V. Attendance**

- A. HAC committee members shall attend HAC meetings.
- B. A member who cannot attend a meeting must notify the designated staff.
- C. Whenever an elected member of the HAC (Planning Commissioner & Board of Supervisor) does not attend three (3) consecutive, regularly scheduled meetings, the Chair of the HAC shall notify the nominating agency/organization of the absences and request appropriate action.

**VI. Membership**

- A. Members of the Housing Advisory Committee shall be San Benito residents who have a particular interest or expertise in the area of affordable housing and are 18 years of age or older.
- B. Members of the Committee shall be appointed by the Board of Supervisors through a recommendation by the Chair of the Board.
- C. There shall be seven (7) voting members of the Committee, serving two-year terms or until a successor is appointed and able to serve.
  - 1. Two (2) members of the San Benito County Board of Supervisors and an alternative.
  - 2. Two (2) members of the San Benito County Planning Commission and an alternative.
  - 3. Three (3) Members Appointed by the Board of Supervisors Chair
    - a. One member of the affordable housing development community.
    - b. One member of the builder development community
    - c. One member with a financial or accounting background
- D. Public applicants cannot be currently serving on another County Advisory Committee or be an elected official.
- E. Reasons for removal of members of the Committee shall be
  - 1. Members shall notify the Chair or staff in the event of an anticipated absence from a regularly scheduled meeting. Three absences in any twelve month period shall constitute voluntary resignation from being a full Committee member. If due to unforeseen circumstances, a Committee member cannot fulfill his/her duties, the Committee member may request Alternate status through the Chair.
  - 2. Conflict of interest.

## **VII. Terms**

- A. HAC members serve for two year term; with the exception of the first year of establishment, three committee members will serve for three (3) years terms.
- B. Committee members of HAC shall be appointed by and serve at the pleasure of the Board of Supervisors. Alternate committee members may be designated by each representation on HAC; however, in order to have voting privileges, an alternate designated by an organization must be officially appointed as such by the Board of Supervisors after the vacancy in membership is properly noticed per the Maddy Act (Government Code Section 54970 et seq.)
- C. Any Board appointed committee member or alternate committee member choosing to resign from the HAC must submit a written letter of resignation to the Clerk of the Board of Supervisors with a copy to the HAC Chair.
- D. Vacancies in membership shall be properly noticed (Maddy Act) and nominations to fill vacancies shall be submitted by the representative of the organization. Public-at-Large wishing to be appointed shall complete an application available from the Clerk of the Board.

## **VIII. Committee Organization**

- A. The Committee shall set a regular day and time to meet quarterly. Special meeting can be More meetings can be set by the committee.
- B. A quorum shall be 4 voting members.
  - 1. A majority of votes is defined as simple majority, if quorum present.
- C. Generally accepted practices or principles for meetings shall govern the Committee's proceedings



- D. The Brown Act Laws for Open Public Meetings, Government Code Section 54950.5 governs the Committees' actions.

### **IX. Officers & Staff**

The Officers of HAC are the Chair and Vice Chair, and designated alternates.

- A. Officers shall be elected for one year term;
- B. Officers shall be elected from the voting commissioners of the HAC at the first meeting of the New Year by a simple majority of the HAC commission present.
- C. The one-year term officers will begin upon accepting the election and terminate on December 31<sup>st</sup> of the year.
- D. The Chair of the Committee will serve one year appointment.
  1. Presides at meetings;
  2. Appoints sub-committee membership;
  3. Follows-up on work of sub-committees;
  4. Represents the Committee to the Planning Commission and Board of Supervisors;
  5. Calls special meetings;
  6. Coordinates agenda preparation with staff; and
  7. Encourages active participation of members.
- E. The Vice-Chair of the Committee Presides at meetings in the absence of the Chair.
- F. Staff role
  1. Record attendance,
  2. Prepare summary minutes,
  3. Arrange for filling vacancies,
  4. Prepare agenda in consultation with Chair,
  5. Provide information necessary for committee work,
  6. Assure compliance with applicable laws,
  7. Lend professional expertise, and
  8. Track time spent on Committee work.

### **IX. Responsibilities of the Committee**

- A. Appoint sub-committees (either special or on-going),
- B. Appoint acting Chair in absence of both Chair, Vice-Chair, and alternate.
- C. Submit recommendations to the Planning Commission.
- D. Establish goals and action plan to achieve assigned duties, and
- E. Fill vacancies as appointed by the Chair.

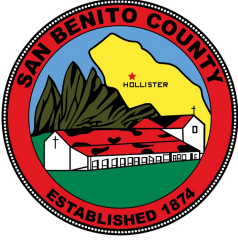
### **X. Amendments to these By-laws**

- A. Changes in these By-laws must be approved by a majority vote of the Committee and then ratified by the Board of Supervisors.
- B. Rules of Order:
  - a. All meetings will be governed by the Brown Act.

### **XI. Conflict of Interest**

If a conflict of interest is perceived to exist, at the onset of the meeting, should any commissioner determine their recusal is warranted due to conflict of interest, then that member should inform the Chairperson and state for the record that they will not be participating in that agenda item.





**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Robert J  
Rodriguez II**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**G.W. Devon  
Pack**  
District No. 5

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**Item Number: 94**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Dana Serpa-Ostoja

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, ASSISTANT DIRECTOR - PLANNING AND BUILDING - APPOINT TWO PLANNING COMMISSIONERS TO THE SAN BENITO COUNTY CONSERVATION PLAN PUBLIC ADVISORY COMMITTEE**

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

Please see attached Statement of Purpose for the SBCCP PAC.

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

Yes

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**



Yes

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission appoint two Planning Commissioners to the SBCCP PAC.

**ATTACHMENTS:**

[SBCCP PAC Statement of Purpose](#)



**San Benito County Conservation Plan Public Advisory Committee:  
Statement of Purpose  
August 15, 2022**

**Background**

San Benito County is committed to protecting and preserving its rich natural resources, including its sensitive species and the habitats that support them, while supporting the County’s agricultural economy and future growth. Toward this end and as recommended in its General Plan, the County has initiated development of a combined Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) called the San Benito County Conservation Plan (SBCCP or Plan) to accompany applications for federal and state incidental take permits for listed species.

The overall objectives of the SBCCP are to develop and implement a regional approach to habitat conservation within San Benito County; partner with landowners, Tribes, conservation organizations, and other interested parties to protect and enhance habitat for a variety of listed and sensitive species across a network of natural lands and working agricultural lands; provide a programmatic process for the mitigation of impacts to biological resources from development activities within San Benito County; authorize the use of incidental take permits for development and other projects that potentially affect covered species and their habitat; and provide local control to the County of San Benito (as a future permittee) to implement a streamlined endangered species permitting process for covered activities that will be described in the Plan. The plan area includes areas slated for future development, as well as areas that may provide important conservation opportunities to support conservation and recovery of the covered species at a landscape level.

The County of San Benito (permit applicant), acting by and through the San Benito County Resource Management Agency, is leading development of the SBCCP and will be ultimately responsible for development of the Plan, including making final decisions regarding the Plan. The U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) are the two wildlife agencies providing guidance to the County to ensure their respective permit issuance criteria may be met and

permits successfully issued. The wildlife agencies will participate in development of the Plan to provide information on procedures, respective statutory requirements, and other technical information. Ultimately, USFWS and CDFW will be the agencies responsible for determining if all permit application requirements are met and, if so, approving the HCP and NCCP, and issuing incidental take permits. A Planning Team consisting of key individuals from the two wildlife agencies, the San Benito County Resource Management Agency, and the project consultants, will provide direction, guidance, advice, strategic decision making, and assistance in developing the SBCCP. In general, the Planning Team will oversee and support the general course of development and organization of the Plan.

To ensure broad community participation throughout development of the SBCCP, the County formed and began convening a Public Advisory Committee (PAC) in the summer of 2021<sup>1</sup> with members representing the County's diverse interests including agriculture, business, conservation advocacy, housing development, landowners, local government, public agencies, recreation, transportation, Tribes, and the community-at-large. The County intends to utilize the PAC as a forum to discuss and inform development of the SBCCP. All PAC meetings will be open to the public to attend and provide comment.

### **Public Advisory Committee Role**

The PAC's purpose is to serve as a sounding board with the specific charge to review, consider, and comment upon the components that make up the SBCCP document as they are developed and as presented to the PAC for review. PAC members are motivated by their desire to collaborate in an environment of mutual respect and shall strive in their recommendations to be objective, balanced, and constructive. The overarching goal of the PAC is to help inform the development of a quality Plan that meets San Benito County's biological conservation goals while supporting planned development with a streamlined endangered species permitting process, and that reflects the broadest possible set of community interests and concerns. PAC members are expected to offer constructive input from the interest areas they represent, and to provide an interest-based level of insight on draft working documents, policies, and programs generated by San Benito County staff and the project team developing the SBCCP. Planning Team members may participate in PAC meetings to help assure coordination among all parties involved with development of the SBCCP.

The PAC operates by consensus. When consensus cannot be reached, the various positions will be reported to County staff and will be taken under consideration by the Planning Team.

PAC Member responsibilities include the following.

- Thoroughly review working draft chapters and memos prepared during the planning process regarding covered activities, biological resources, conservation strategies, costs to implement the SBCCP, and funding strategies.
- Seek to understand the issues presented and the perspectives and interests of other PAC members and their constituencies.
- Inform, educate, and involve their constituencies on a regular basis, including providing notification of upcoming PAC meetings and information on how to attend such meetings.
- Synthesize input from their constituencies and effectively represent their viewpoints, interests, and concerns.
- Work cooperatively with other PAC members.
- Commit to attending PAC meetings until completion of the Plan.

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<sup>1</sup> The PAC was originally called the SBCCP ADHOC Committee and later the Citizens Advisory Committee. The County changed the name of the group in early 2022 to the Public Advisory Committee.

Initial PAC members were selected by County Staff involved in early formation of the planning effort. Members of the public from a variety of stakeholder groups were also invited to make known their interest in joining the PAC and were accepted for membership. Admission to the PAC as a member will be at the discretion of County Staff to ensure balanced representation of a diverse constituency, and PAC members will serve at the pleasure of the County. The number of PAC members is not fixed, and the County may choose to expand the PAC at any time to ensure the broadest representation of stakeholder interests.

### **Public Advisory Committee Meetings**

PAC meetings will be led by the project consultant's facilitator who is responsible for convening and presiding over meetings and ensuring meeting agendas are followed. The project consultant's facilitator will guide meeting discussions and ensure that all PAC members have an equal opportunity to speak, ensure that PAC members communicate respectfully and collaboratively, and will help PAC members reach consensus when possible, or detail perspectives when consensus cannot be reached.

Communication and collaboration amongst PAC members, the project consultant's facilitator, County staff, and wildlife agency staff is most effective when participants use the same medium (e.g., on video via Zoom) or are physically together in the same venue. PAC meetings will be held either in-person at a County meeting place, or entirely remotely, via Zoom (and/or phone). In-person meetings will be determined by the County, in collaboration with the PAC to encourage maximum participation. PAC members are strongly encouraged to attend in-person meetings in-person; however, the County recognizes that PAC members may not be able attend all in-person meetings in person and will not deny participation to members because of an inability to attend in person. The County also recognizes that interested members of the public may not be able to attend all in-person meetings in person. Therefore, the County will make all PAC meetings accessible remotely, via Zoom or phone.

PAC meetings will involve presentations by the project consultant, County staff, or wildlife agency staff, and discussions among these three parties and PAC members. When participating remotely via Zoom, participants will use the Zoom "raise-hand" feature when they would like to speak. The facilitator will call on participants to speak in the order that they raise their hands. PAC members are encouraged to communicate succinctly to allow others time to speak. Similarly, when meeting in person, PAC members will raise their hand when they wish to speak. The facilitator will call on participants to speak in the order that they raise their hands. Members of the public in attendance at PAC meetings will be given opportunities to comment during public comment periods. The County will consider comments from the public when developing the SBCCP.

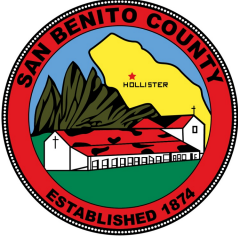
PAC members are expected to serve for a minimum term of two years and encouraged to serve for the duration of SBCCP development which is currently anticipated to be a 4-5-year process. Participation is voluntary and members will not be financially compensated. PAC meetings will occur approximately quarterly, though the PAC may meet more frequently when there are a number of substantive issues in need of discussion. PAC members who miss three or more consecutive meetings may be asked to resign. PAC members are expected to communicate respectfully with fellow PAC members, County staff, wildlife agency staff, and the project consultant, and to follow meeting ground rules formulated by the facilitator. PAC members who are disruptive to the meeting process, who will not communicate respectfully, or who will not adhere to meeting ground rules will be asked to leave the meeting. PAC members who repeatedly engage in disruptive behavior in subsequent PAC meetings may be asked to resign. If a member is asked to resign, County staff will consider whether to fill the vacancy with another

interested party representing the same constituency; this party will be identified through a self-nomination process. The intent of this policy is to encourage attendance and the ability of the PAC to engage meaningfully on SBCCP development.

County staff may at any time change the powers, functions, and duties of the PAC in any manner and to any extent as in its judgement is desirable and consistent with its goals for establishment of the SBCCP. The life of the PAC is finite and will conclude its formal purpose once the SBCCP has been finalized and approved by the San Benito County Board of Supervisors.

Adopted: \_\_\_\_\_ (Date)





**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

Dom Zanger  
District No. 1

Kollin Kosmicki  
District No. 2  
Vice Chair

Mindy Sotelo  
District No. 3

Angela Curro  
District No. 4

Bea Gonzales  
District No. 5

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**Item Number: 9.5**

**MEETING DATE:** 01/18/2023

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Arielle Goodspeed

**DEPT HEAD/DIRECTOR:** Steve Loupe

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY- S. LOUPE, ASSISTANT DIRECTOR PUBLIC WORKS**

Accept presentation regarding Road Project status.  
SBC FILE NUMBER: 105

**AGENDA SECTION:**

REGULAR AGENDA

**BACKGROUND/SUMMARY:**

The roads, bridges, and parks owned by the County are an asset to the community. The goal of the RMA is to maintain and upgrade infrastructure in a safe and efficient manner. We strive to enhance the quality of life in our community and acknowledge that achieving that objective requires diligent efforts and collaboration to cost-effectively utilize the resources available. There is currently 450 miles of roads and 51 bridges maintained by the County of San Benito County.

During the budget discussions for fiscal year 22/23, the Board of Supervisors directed staff to utilize approximately \$11M of General Fund and Benefit Fees toward roadway improvements. These funds are above and beyond the funds provided by various other funding sources.

This Project Status presentation will highlight the following:

1) Recently completed construction

- 2) Ongoing construction
- 3) Status of projects that are funded and will be constructed in the future

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

No

**CONTRACT NEEDED FOR THIS ITEM:**

No

**CONTRACT AND RFP HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

**STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:**

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

Yes

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

Yes

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

No

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

n/a

**STAFF RECOMMENDATION:**

Accept presentation regarding Road Project status.

**ATTACHMENTS:**