



SAN BENITO COUNTY GENERAL PLAN ADVISORY COMMITTEE

Tim Foley Jim West Eric Brunnemann Damon Felice Jessica French Robert Gatto Vicki Montoya Joan Moore Jason Noble Antonio Ortega George Rajkovich David Roemer Jan Saxton Franz Schneider Tom Tobias

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

MINUTES OCTOBER 29, 2009

PRESENT: Foley, West, Brunnemann, Gatto, Montoya, Noble, Roemer, Saxton, Schneider, Moore (arrived at 6:03 p.m.)

ABSENT: Felice, French, Ortega, Rajkovich, Tobias

STAFF: Director of Planning (DoP) Art Henriques, Assistant Director of Planning (ADoP) Byron Turner, Associate (AP) Planner Michael Kelly, Deputy County Counsel (DCC) Shirley Murphy

The regular meeting commenced at 6:00 p.m.

PUBLIC COMMENT

No members of the public spoke or requested to speak during this period.

DISCUSSION

1. Approval of Minutes

- a. September 10, 2009
- b. September 22, 2009

Chair Foley introduced the discussion for both the September 10 and September 22 meetings. DoP Henriques asked DCC Murphy whether the lack of a quorum on September 10 required special treatment of the meeting's minutes. DCC Murphy suggested that the September 10 minutes note the presence of a committee of the whole (the absence of a quorum). Mr. Schneider noted that the September 10 minutes stated a committee of the whole was present at that meeting. Vice Chair West moved, and Mr. Noble seconded the motion, to approve the minutes of September 10, 2009, and September 22, 2009. The motion passed 10-0.

2. Review of Draft Criteria for Including Private Proposals in the General Plan Update

DoP Henriques introduced Jessica Law, a planner with the firm Mintier Harnish, contracted by the County for the General Plan Update (GPU). Law discussed her involvement with the Update. Henriques then said that Planning Staff had received letters requesting projects be included in the GPU, and the Board of Supervisors had requested the development of the criteria for this purpose. The Committee was asked for review, comments, questions, and suggestions on the draft criteria presented to them. Henriques answered questions on how the criteria were developed and who developed them, and he referred to the memo in the packet. He noted that development entitlements would not result from projects' inclusion in the GPU.

Mr. Schneider noted that rezoning for free would occur as a result of project inclusion. Mr. Gatto asked why projects should be able to tier off the GPU environmental impact report (EIR). Henriques answered that inclusion could simplify the environmental review process. Mr. Schneider noted that the Planning Commission and Board of Supervisors would still adopt environmental reports after the GPU despite tiering. Henriques agreed and gave examples of project types that could be considered such as pipeline projects.

Henriques described the draft criteria and mentioned the Area of Special Study (unincorporated land to the east of Fairview Road near the City of Hollister and since-incorporated land to the west of Fairview). Henriques mentioned the criterion about connection to public water and sewer lines; Mr. Schneider noted that Sunnyslope County Water District said requests for service within the District are not discretionary, and Henriques further explained the criterion.

Henriques then discussed the infill criteria and mentioned the City of Hollister's pending possible incorporation of some unincorporated County islands. Mr. Schneider and Henriques then shared a discussion of which jurisdiction is responsible for projects within the Hollister Sphere-of-Influence.

Discussion took place on draft criteria for commercial projects; Chair Foley asked for clarification on which roads are considered arterials. Henriques and DCC Murphy explained.

Whether property owners must consent to actions related to the project inclusion in the GPU was discussed next. Committee members spoke of nonconforming uses and new opportunities. DCC Murphy explained that legislative acts do not require property owners' consent, though it's beneficial, that existing uses would be grandfathered, but that previously allowed land uses would not unless permitted under new rules.

Vice Chair West noted that the 156–25 intersection would be very good for development but that the property owner would not want to develop. Mr. Schneider noted that other jurisdictions' rezoning of agricultural land has triggered reassessment of that land. Ms. Moore said that rezoning may limit expansion of grandfathered land uses. Law noted that the purpose of the criteria is like a "fish net," big and wide enough to recognize projects, with criteria the size of openings in the net, designed to recognize significant projects. Mr. West discussed with Law whether the criteria would result in planning or in reacting to what property owners want. Law explained that the planners are seeking information to develop project alternatives that take desired projects into consideration. Mr. West suggested that the Committee should "paint" with a "broad brush" rather than view individual proposals. Henriques clarified for Mr. Foley that the Board requested draft criteria but did not specify the details.

Ms. Moore suggested that the process should have a filter for including projects; Ms. Saxton requested the criteria be obvious, logical, and extremely limited but stated concern toward receiving criteria prepared by the consultant. Mr. Gatto stated that some locations clearly needed or would be perfect for zone changes. Mr. Schneider recommended developing policies first, so that policies determine how the land-use map looks, rather than having the land-use map determine the policies. He also stated his experience in a previous similar committee arguing lengthily over a map. However, Mr. Roemer requested map(s) to inform the development of criteria. Mr. West restated that the GPAC should do "broad-brush" while the specific projects should be directed to the Planning Commission. Mr. Schneider requested the criteria be used just to gather information. Law responded that the criteria are meant to do just that and to help develop project alternatives with as much basis in what's actually going on in the County as possible. Mr. Foley tried to summarize the Committee's sentiment by saying the Committee wanted to paint in broad brushes. Further similar discussion took place, with Mr. Foley stating that a motion to the Board of Supervisors would be informational in nature.

Under public comment, Grant Brians stated that Sunnyslope County Water District might be misinterpreting State law on how to issue service, and he said this is partly why Areas of Special Study exist. The draft criteria are phrased in such a way that agriculture and mining are not considered important, and the criteria seem backward looking as to what projects make sense, he said. The County has an oversupply of industrial zoning and commercial zoning without regard to impacts on surrounding properties, he added, and parts of the draft criteria list have real problems.

Rani Douglas, Panoche Road, stated that a draft came about because the Board of Supervisors wants big projects to go through. She said she wondered why projects are offered things for free and that she felt it's not fair to say not everyone's voice needs to be heard. She also wondered why the process is being pushed "so quickly" and felt the process favors non-agricultural development, while she favors agricultural preservation.

Rich Saxe asked whether the Board of Supervisors directs Staff to include private proposals in the General Plan and whether the criteria were meant to paint in broad brushes or to put specific ideas into the GPU. Henriques responded that no answer could be given with certainty but that the Board might have wanted to consider both. Saxe then stated concern about private proposals' receiving General Plan amendments "for free" and the possibility that the Board would want this to happen. He said he has been on Transferable Development Credits (TDC) Committee, but the TDC ordinance had languished. He was disturbed by the exemption of projects from the TDC program when the ordinance was designed for benefits, he added.

Janet Brians stated that agriculture is the County's main occupation and wondered whether it would persist. Commerce should exist but not go on the best farmland.

Collette Cassidy, Panoche Valley, said she felt the criteria are meant to allow certain companies, such as Solargen, to go through the GPU—which prompted Chair Foley to request that she stay on topic—and she continued by saying that 85 percent of the country is in small businesses and that the County should encourage them and keep the County desirable.

Kim Williams said she saw holes in the draft criteria, requested that "where commercial sites already exist" be added to the commercial-development criteria, and requested that "and are not critical habitat and not in the Williamson Act" be added to the criteria on built-out agricultural lands. She said she has heard the Board of Supervisors has wanted to guarantee certain projects be put through, and she requested that conversion of agricultural land not be streamlined.

Ms. Saxton thanked the audience for suggestions but expressed that she was angry with the criteria memo and didn't want to make special exemptions and giveaways. "We'll get back to you when it's done," she said, referring to the

GPU, and eliciting applause from the audience. She made this into a **motion**—that, as a matter of Committee policy, the Committee not review private proposals in the GPU—which Schneider seconded.

Mr. Gatto said the GPU assumes changes will happen and added that amendments are limited each year and projects still have to go through the processes and be subjected to public comment. Mr. Foley added that the Committee can't stop growth or expedite projects. Mr. West restated that the Planning Commission reviews specific projects while the GPAC should do broad-brush planning on a blank slate and be vision-driven, not applicant-driven. Mr. Brunnemann stated that knowing what projects are out there helps but that "known" projects (i.e., with no formal application yet submitted) confuse the process.

Mr. Noble responded to Grant Brians' comment on industrial zoning. He said the County could take better advantage of opportunities, that the CEQA process is a hurdle race, that projects will still be reviewed, and that it's not uncommon and it's appropriate for the public to approach the County about possible projects. It's not for the Committee to review, though, but it's appropriate for the Planning Commission and Board, he said. Ms. Moore noted that part of the Committee's job is to take in all these comments and then put it together to make decisions, and that the Planning Department should review these comments and ideas. Mr. Schneider said, and Ms. Saxton agreed, that the Committee should know about the proposals but not decide on them. DoP Henriques asked the Committee to make a call on how much review to do. Discussion followed on the role of the Committee and the draft criteria and on the motion that remained on the table. Mr. Gatto stated that the Committee would handicap itself by not considering private proposals. Mr. Noble suggested that Planning Staff revise the criteria. Ms. Saxton said including private projects in the GPU was unfair to those whose applications would come later, after the GPU is finished, and she said she would not endorse the criteria. Ms. Moore stated that, if private proposals were not considered, General Plan amendments could happen each year and change then General Plan. Mr. Schneider stressed a focus on policy recommendations. Ms. Moore continued and stated the Board would be more apt to adopt the Plan if the Committee has taken time to review private proposals to see what people have in mind in order to plan the County (and its roads, for example); don't do piece-by-piece changes but a whole General Plan, she said. Mr. Brunnemann suggested reviewing private proposals could complicate and slow the General Plan Update process.

DCC Murphy reread the motion—that the Committee feels it should not review private projects—and a **vote** resulted in 6 in favor and 4 against the motion. The Committee also requested improvement in the secretary's recording of motions.

At the meeting's end, after the Committee had moved on to other items, DCC Murphy noted that the Committee's bylaws prevented the Committee from passing the motion on this item successfully, because the bylaws required a majority of the Committee, not just of those present, to approve the motion. Eight "aye" votes would have been required, but only six were cast, and Committee procedures prevented a revote once the Committee had moved on to other agenda items. Murphy suggested that any revote take place at a later meeting.

3. **General Plan Consultant September Progress Report**

In response to the General Plan consultant's September progress report, Mr. Schneider asked when the Committee would look at best practices like those for agriculture, natural resources, alternative transportation, etc. DoP Henriques mentioned the idea of visiting each issue by the General Plan Element that would address it. The Committee in general agreed and suggested that Land Use Element issues be first. Henriques said Planning Staff would make maps for the Committee's use.

4. **December 10 Agenda Items**

- a. Draft Background Report
- b. Updates on Other Scheduled Items

DoP Henriques discussed the Background Report and said that discussion at future meetings of key areas like land use would be helpful.

At this time DCC Murphy informed the Committee their motion for agenda item 2 failed because passage required a majority of the Committee's entire membership to vote in favor, which did not happen. Any revote would have to take place at a later meeting, because the Committee had already closed discussion on that agenda item, she explained.

The meeting was adjourned at 8:02 p.m. to the regular meeting of December 10, 2009.

Minutes prepared by Michael Kelly, Associate Planner. Attest: Art Henriques, Director of Planning.