



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 APRIL 29, 2010

PRESENT: Foley, West, Brunnemann, Gatto, Moore, Noble (left at 7:49 p.m.), Roemer, Schneider, Tobias, Montoya (arrived at 6:06 p.m.), Saxton (arrived at 6:16 p.m.)

ABSENT: Felice, French, Ortega, Rajkovich

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 6:02 p.m.

PUBLIC COMMENT

Richard Saxe, Aromas, referred to the April 14 GPAC meeting's discussion and adoption of Guiding Principles and asked whether it included an error. He referred to the fifth Land Use and Community Character principle: "Establish defined boundaries to separate cities and rural villages, using such features as agriculture buffers, greenbelts, open space, and parks." Saxe asked, separate cities and rural villages from what? He suggested it meant separation of cities and rural villages from Prime Farmland. Chair Foley said he was reticent to discuss this matter during public comment time, while Mr. Schneider recommended hearing this comment and agendaizing this matter. Mr. Saxe then referred to the first Agriculture principle (overall the eighth principle): "Ensure that agriculture and agriculture-related industries remain the county's largest economic sector by protecting productive agriculture..." He suggested changing the text "protecting productive agriculture" to "protecting productive agricultural lands." Chair Foley requested to AP Kelly that this be included on the next meeting agenda with clarification as needed.

Ms. Montoya arrived at approximately this point in the meeting, at 6:06 p.m.

ADoP Turner noted a letter sent on behalf of Robert Enz from his attorney Douglas Marshall regarding General Plan Land Use Element Policy 31 and the Committee's recent review of the General Plan Land Use Element. The letter emphasized that General Plan amendments should not be required of new quarries outside designated Mineral Resource areas. Turner noted that the issue discussed by the letter could be agendaized if the Committee chose to do so. Discussion by the Committee followed on whether a request like this should be agendaized, whether it would involve the Committee's review of a specific project rather than policy. Turner noted that the Committee would be looking at this as a policy, not as a project. Chair Foley asked for the Land Use Element policy review subcommittee's thoughts. Ms. Moore asked whether requests like this should be reviewed one-by-one or as a group; Mr. Schneider suggested reviewing them as a group.

Also submitted as written public comment was a collection of comments from Joseph Thompson about burdens on taxpayers and small businesses from regulations and from public spending on public transit by the Council of San Benito County Governments.

DoP Henriques then thanked the Committee and noted that his last day working at the County would be the day following this meeting. He then spoke on the future of the General Plan Update (GPU) process and the roles of Staff and the consultant, Mintier Harnish.

Ms. Saxton arrived at 6:16 p.m. as DoP Henriques was speaking.

DISCUSSION

1. Minutes

- a. February 24, 2010
- b. March 18, 2010
- c. April 14, 2010

Mr. Schneider made a motion to approve the minutes of February 24, March 18, and April 14, 2010, as provided in the agenda packet. Mr. Roemer seconded the motion, which then passed 11-0.

2. Transferable Development Credits Presentation

Hugh Bikle, of Creekbridge Homes and at this meeting representing the Transferable Development Credits (TDC) Committee as its chair, gave a presentation on TDC, accompanied by a PowerPoint presentation. He spoke about Measure G in 2004 and San Benito County's response by forming the TDC Committee. Bikle noted the presence of other TDC Committee members, Richard Saxe and GPAC member Mr. Tobias. He then spoke on the County's land-preservation needs and obstacles to preservation, arguing that downzoning would not work for lack of financial incentives to landowners, that planned-unit development (PUD) requires too many steps, and that purchasing development rights through tax funds is too expensive. Bikle described in detail how creating a TDC market would allow the private sector to help in preservation efforts. He continued by describing the TDC principles his committee had completed and the principles' rationale, financial incentives for landowners, and bonus credits for greater preservation needs.

Discussion by the GPAC with Bikle then took place on the permanence of open-space contracts and leases and on clarifying their understanding of the TDC concept.

Bikle then continued in his presentation, referring to a rule for preferential preservation of more important lands and arguing against limiting density on lands where appropriate services are available. He spoke in favor of more intensive development in city centers similar to the New Urbanism concept. After some further TDC details, he concluded his presentation.

Committee members asked questions on TDC. Mr. Brunnemann asked about how TDCs are recorded on title, and Bikle responded that a property's existing rights are determined, a register is kept documenting those rights, and a document is recorded upon construction of a unit. Discussion took place on the difference between agriculture and open space, and Bikle responded that the TDC Committee did not differentiate between agriculture and other open space. Ms. Saxton suggested that riparian habitat acquire special protection through bonus TDCs, and Bikle agreed this was possible. Mr. Noble noted that, since TDCs are based on the development potential of land intended for preservation, riparian habitat would not offer credits; Bikle responded that the TDC Committee recommended that, in this case, preserving lands of this type also result in credits. Further discussion took place on TDC topics such as the costs of the program, cities' involvement in the County program, and the complexity of creating a clustered PUD. Chair Foley thanked Mr. Bikle for his presentation.

Under public comment, Scott Fuller of the San Juan Oaks Golf Club expressed appreciation for TDC effort and the presentation and described San Juan Oaks as a TDC pilot project. Fuller suggested that TDC is unachievable without granting bonus TDCs for higher quality land because, otherwise, high-quality land would be too expensive to preserve and lower-quality land would be preserved first. He also recommended against requiring General Plan amendments for development enabled by TDC, because to require them would remove incentives to use TDCs in the first place. Fuller then noted that perpetual open-space easements can be extinguished and that the Committee should recognize how political the discontinuation of such easements could be. Ms. Moore remarked that she had worked in another jurisdiction that used TDCs, and easements there were held by the people of the State of California in order for the easements to last into perpetuity.

Also under public comment, Richard Bettencourt said he attended many TDC Committee meetings, did not believe in TDC at first, but became a believer. He thanked Hugh Bikle for the presentation.

Mark Tognazzini, under public comment, suggested allowing 2.5-acre lots on sites where the land had been "lost" to five-acre development, while unsplit parcels in five-acre zoning could be saved by giving them TDCs or by allowing cluster development to happen there. Chair Foley noted that this could be explored.

Richard Saxe stated that the TDC Committee had made presentations to cities years prior, and the cities had responded with excitement and felt the program was compatible with their General Plans.

Chair Foley then called a recess that began at 7:49 p.m., and he called the meeting back to order at 7:58 p.m. *During this break, Mr. Noble exited the meeting.*

Mr. Schneider then moved to direct Staff to prepare draft policy language for inclusion in the General Plan Update supporting the adoption of a TDC ordinance for San Benito County. Mr. Tobias seconded, and the motion passed 10–0.

3. **Draft Background Report**

Also present at the meeting table were Larry Mintier, Dan Amsden, and Jessica Law from Mintier Harnish, the GPU's consulting firm.

Chair Foley invited the Committee's thoughts on the Background Report. Mr. Schneider said he had many notes and questions on the report. Mr. Brunnemann had a comment on the exact acreage of Pinnacles National Monument. Discussion followed on the goal of the Committee's review of the report. The conversation turned to the topic of how the Committee would respond and provide comments on the report, how Staff would assist in the report's review, and what process works best, with DCC Murphy giving advice on Brown Act compliance. Mr. West indicated interest in a motion to review each question one-by-one at the meeting, though he acknowledged this would result in a long meeting. Mintier described the process, in which his staff would review big-picture and small-matter comments. Mr. West retracted his motion.

Discussion took place on how any mistakes would be caught. Mr. Schneider commented that the economic section of the Background Report contained data terminating in 2008, that the County was portrayed as richer than it is in 2010, that graphs seemed misleading, and that the report should be more reflective data from schools, the food bank, and unemployment. Chair Foley asked whether post-2008 data was available; Mr. Schneider further noted that the County once had the highest mean and lowest median income in the past. Mintier stated that the report may need an addendum and not a full replacement, and he remarked that the starting points for trend lines may be an issue. Mr. Schneider stated that schools' free lunch recipients had remained steady in number. Mintier said that time keeps moving, that reports can become outdated if enough time passes, and that the process should be kept moving. Ms. Saxton remarked that, like Mr. Schneider, she was surprised by findings and suggested the report tell a story beyond reporting averages, which can appear skewed. Mr. Foley stated that data from schools reflect that, and a small population can affect the numbers. After some discussion, Mr. Foley asked about which numbers are the most volatile. Mintier answered that the local vehicle-miles-traveled (VMT) figure is way down as a reflection of the economy. DoP Henriques said that projections will eventually catch up with fluctuations and that growth will happen. Mintier said that information is collected primarily to develop good public policy. Mr. Schneider responded that discrepancies in details cause doubt in the result, and he wondered when an error rate becomes significant. Mr. Brunnemann requested citations that are useful and understandable so that he can check out sources. Amsden noted that a bibliography is available for the Background Report. Ms. Moore requested that Background Report questions be in the next meeting's agenda packet, and the rest of the Committee agreed.

Public comment was invited, but none was given.

Amsden spoke on next steps, including a schedule (passed out to the Committee) from the amended contract and future agenda topics (also passed out to the Committee).

4. **Report from Policy Review Subcommittee (As Needed)**

Mr. Brunnemann stated that he, Ms. Moore, Mr. Schneider, and AP Kelly met on April 23 to review the General Plan Open Space and Conservation Element and that the review would continue. The next subcommittee meeting was set for Monday, May 3, from 1:30 to 4 p.m.

Agenda item 4 having concluded, discussion followed on how and when to submit Background Report comments, meeting length and scheduling, and guiding principles. Mr. Tobias requested the latter item be reagendaized.

Chair Foley thanked DoP Henriques for his work.

The meeting was adjourned at 9:05 p.m. to the regular meeting of June 3, 2010.

Minutes prepared by Michael Kelly, Associate Planner. Attest: Byron Turner, Assistant Director of Planning.