

**San Benito County
AIRPORT LAND USE COMMISSION
SPECIAL MEETING**

August 19, 2010 2:30 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Gomez, Director Bilich, Director Botelho, Director De La Cruz, and Director Emerson

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Administrative Services Specialist, Kathy Postigo; Transportation Planning Manager, Mary Dinkuhn; Transportation Planner, Veronica Lezama; Transportation Planner, Betty LiOwen; Secretary, Monica Gomez

CALL TO ORDER:

Chair Gomez called the meeting to order at 3:04 P.M.

A. Acknowledge Certificate of Posting

Upon a motion duly made by Director De La Cruz, and seconded by Director Botelho, the Director's unanimously approved the Certificate of Posting.

CONSENT AGENDA:

1. **Approve** ALUC Draft Meeting Minutes dated May 20, 2010 – Gomez

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director's approved Item 1 from the Consent Agenda.

REGULAR AGENDA:

2. **Consider** Site and Architectural Review Application No. MDR 91-10, Located in San Benito County, for a Consistency Determination with the 2001 Comprehensive Land Use Plan for the Hollister Municipal Airport – Lezama

Ms. Rheinheimer provided a Power-Point presentation of Site and Architectural Review Application No. MDR 91-10.

At the July 22, 2010 special meeting, the Airport Land Use Commission received a presentation on Application No. MDR 91-10. The applicant was provided with project recommendations in order to make their project more Consistent with the 2001 Comprehensive Land Use Plan for the Hollister Municipal Airport. The recommendations included:

1. Reducing the population density to a maximum of 535 people (150 per/acre) in the Traffic Pattern Zone.
2. Relocating the parking attendant booth to the outside of the Runway Protection Zone.
3. Covering all trash and recycling containers and remove them daily in order to discourage birds from the area.
4. Designing the retention pond according to the FAA Advisory Circular No. 150/5200-33.

Ms. Rheinheimer stated that the Commission continued the Consistency Determination in order for the applicant to revise the project site plan to reflect the above-mentioned recommendations. The applicant agreed with the above-mentioned recommendations and resubmitted a revised project site plan reflecting the Commissions' recommendations.

Director Emerson inquired if there is an enforcement officer who will go out to the project site and verify the number of persons at the site location once the project is found consistent.

Ms. Rheinheimer stated that the Airport Land Use Commission can only find the project consistent or inconsistent with the Plan, there wouldn't be anyone from the Commission to do any type of site enforcement. Ms. Rheinheimer noted that the Airport Land Use Commission has no approval authority over any project within its jurisdiction.

PUBLIC COMMENT:

Deane Judd
Pilot

Mr. Judd stated that he is a pilot and he expressed his objections to this project at the last meeting. Mr. Judd inquired how it was possible to find the site consistent when the applicant is changing the land use from industrial to commercial.

Chair Gomez inquired if the County has approved the zoning modification to a commercial zone.

Ms. Rheinheimer stated that it was her understanding that the site is in the Environmental Review phase, and eventually the application goes before the County Planning Commission for a zoning determination.

Matt Kelley
Kelley Engineering

Mr. Kelley stated that he represents Mr. Rodriguez and prepared the site plan. Mr. Kelley stated that the site plan has been revised to address all four staff recommendations to make the site consistent. They did not propose any measures to reduce any potential glare from cars because nobody does that. Airports all over the country operate successfully with adjacent parking lots. With regards to the land use, the applicant is not seeking a zone change as part of this project, they are seeking an M District Review, which would be an approval of this use in the industrial zoning based on the prior review of that use by the Planning Commission. It would fall under the category of "other uses".

Director Emerson inquired about the population density calculation and how they came up with their numbers because the numbers don't include the number of people for the food vendors and music bands. He also found it difficult to understand how they calculated one person per vendor booth.

There was some discussion amongst Board members regarding population density.

Director Botelho stated that the population density was not a concern because they're located outside of the protection zone.

Chair Gomez inquired how the population density will be regulated and asked if the County has enough Code Enforcement officers to ensure that they are in compliance.

Director Botelho stated that the City and County should be promoting business and economic growth. He added, that he is hopeful that the County Planning Commission does a good job with providing their conditions to the applicant and that the applicant in good faith complies with them.

Chair Gomez was in agreement with streamlining the process to promote economic growth, however, he added that it is important to ask questions to ensure that businesses are in compliance, otherwise, there is no point to pass laws and ordinances if they're not going to be enforced.

Fred Meyer, Airport Commission and Airport Tenant

Mr. Meyers stated that he is concerned that the Airport is currently a Category B2, which specifies the type of aircraft speed and land use speed. In the future the Airport will ultimately be a Category C3, when this happens the runway protection zone is going to expand quite a bit. Also, the approach limitations will be lower. Mr. Meyer stated that he has concerns with this project now, but in the future he'll have even more concerns.

**Mike Chambless
City of Hollister**

Mr. Chambless brought up two concerns. One concern is the parking lot with 270 spaces seems high. He stated that the common factor to use to determine occupancy of vehicles by state parks, CHP, special events, is 2.5 people per car, which means that the applicants parking is actually for 695 people, not 535 people. The other concern was regarding the capacity, he stated that the capacity should be based on the use not the project area. Mr. Chambless urged the Commission to confirm with the applicant that the 535 number complies with the flea market area at 135 people per acre. Mr. Chambless mentioned that there is a section on page 210 of the CLUP where it does identify the site area as industrial.

There was brief discussion between the Commission and Mr. Chambless regarding the runway protection zone.

**Mary Paxton
City of Hollister**

Ms. Paxton noted concerns about the evidence that was submitted from the reduction in the population density. Ms. Paxton stated that the numbers that were proposed in June remain the same in this proposal. Ms. Paxton stated that typically when something is scaled back for population, the factors you back out from are the number of stalls; however, the number of stalls remained the same. The only thing that dropped was the parking. Ms. Paxton recommended that the Commission continue this item once again and ask for more evidence because there is not enough evidence to make a finding at this meeting.

Director De La Cruz stated that Ms. Paxton would have ample opportunity to express the City's concerns when the application goes through the City's Planning Commission. Director De La Cruz stated that he did not believe in delaying things, as it's another way of stopping growth in San Benito County.

Director Botelho inquired if there was evidence on the number of crashes that have occurred on either side of the airport and the runway protection zone.

Ms. Paxton stated that City staff was recommending that the Commission use the criteria provided in the Comprehensive Land Use Plan (CLUP), because they're questioning whether the methodology that was used to derive the population is realistic.

There was brief discussion amongst Director's Botelho, De La Cruz, and Ms. Paxton regarding the population density concerns.

Chair Gomez stated that perhaps, the issues should be discussed with the County Planning Commission.

Richard R. Borg
Pilot

Mr. Borg stated that the two Director's who stated that they are not concerned about safety are wrong. Mr. Borg stated that there was an accident in Sacramento was the FAA, State, and County overlooked the safety issues. Mr. Borg stated that 17 children and 5 adults were killed by one aircraft because they "screwed up" and went non-compliant. Mr. Borg stated that the flea market is not a bad idea; however, it should be at another location. Mr. Borg stated that it doesn't matter how many people attend, if there are airplanes in the area, there will be deaths. Mr. Borg asked who's going to care or have remorse when people die.

Robert J. Rodriguez

Mr. Rodriguez stated that the future is not here, so they shouldn't worry about the expansion of the airport at this time. Mr. Rodriguez stated that accidents occur whether they are by airplane, car, bicycles, or boats, etc. they're unfortunate but they happen. Mr. Rodriguez stated that if a pilot is not able to fly in the runway area perhaps, they should not have a pilot's license. Mr. Rodriguez stated that as far as density goes, his project is outside of the protection zones. Mr. Rodriguez stated that he hasn't heard complaints about the number of farm workers tending the fields around the airport. Mr. Rodriguez stated that he has been in San Benito County since the age of 8 and he has been struggling with the County trying to make change for growth, but there is always someone who says "no". Mr. Rodriguez stated that he encountered the same problems with his project proposal on Shore Road. Mr. Rodriguez stated that they need to move forward because this County is hurting.

Sally Bettencourt

Ms. Bettencourt stated that her comment was in response to Director Botelho's question about accidents at the airport. Ms. Bettencourt stated that she was the bookkeeper for a crop-duster business which conducted its business out of the Hollister airport. Ms. Bettencourt stated that along one of the crop dusting flights the pilot encountered engine problems and did not make the approach and came down right on the area

Jesus J. Rodriguez

Mr. Rodriguez expressed his frustration with the comments about the population density for the project. Mr. Rodriguez stated that if there were questions about who is included in the total population density number they should've requested the information at the last meeting. Mr. Rodriguez stated that there was discussion about the fear of accidents, however accidents can occur at any time and should not be a reason to determine the project consistent or inconsistent. Mr. Rodriguez stated that there was discussion about land use and commented on how the issue exists with half of the businesses in the County are in violation because of the lack of proper land use. Mr. Rodriguez stated that there is no support for local businesses or growth in this area.

Jose Rodriguez

Mr. Rodriguez stated that it seems that the issue is "what's better for us, the airport, or businesses?" Mr. Rodriguez believed both are needed. Most of the businesses are going out of town, many are going to Gilroy. Mr. Rodriguez stated that businesses should be given an opportunity to get started; if businesses don't comply then you can shut them down. Mr. Rodriguez stated that nobody knows what will happen in the future, some businesses may not make it due to the current economy, but they should be allowed an opportunity. Mr. Rodriguez stated that many people are taking their businesses to Gilroy because they don't want to deal with the hassle in San Benito County.

Chair Gomez stated that people will probably comment that if the Commission finds the project consistent the Commission is "pro-business" if they find the project inconsistent then they're "anti-business". Chair

Gomez stated that he has to look at the project with a unique perspective, as a business owner who is soon to be pilot.

Kenneth Perez
Business Owners Association

Mr. Perez stated that he is the founder of the Business Owners Association of Hollister. Mr. Perez stated that last year there were 31 members, this year there are only 20 members because their businesses closed. Mr. Perez stated that all four times that he has attended County meetings it has been with a member who is having problems opening their business or problems with wanting to shut them down. Mr. Perez asked how many accidents have occurred at the airport since it opened and also asked if an accident will occur because this project is now in the area. Mr. Perez stated that he had the guidance from Mr. Chambless to open his business and that is what is needed in this County. The Planning Department should be guiding permit holders through the process and not trying to shut them down. Mr. Perez stated that if people receive the help that they need to get their businesses started they will create jobs and bring in the revenue that is needed in the City and County.

Director Emerson commented in regards to some of the public comment insinuations stating that the City of Hollister is “anti-business”. Director Emerson stated that the City fully supports the Economic Development Corporation and has increased their contribution; the City contributes to the Downtown Association and has hired an economic development manager, all in an attempt to support economic growth.

Director Emerson stated that he wanted to make his reason clear on why he was not in support of the project and why he was finding it inconsistent is because of the population density. The project proposal is the same; the only thing that changed was the number of parking spaces was lowered to 280 spaces. The number of vendors did not change and the population numbers do not account for food vendors, band members, and the number of people per booth.

Director Botelho stated that he believed the applicant in good faith came back to the Commission with as much information as he could to help prepare the Commission on their decision. The City and County will still have the opportunity to work together through the planning process and move forward and resolve issues that need to be resolved or addressed through code enforcement.

Director Bilich stated that she appreciated that most of her concerns were addressed today as well as the previous concerns that were made at the last meeting. Director Bilich stated that was voting in support of the project and any further concerns can be addressed through the planning process.

Upon a motion duly made by Director Botelho, and seconded by Director De La Cruz, the Director’s found Site and Architectural Review Application No. MDR 91-10, Located in San Benito County, Consistent with the 2001 Comprehensive Land Use Plan for the Hollister Municipal Airport, with Chair Gomez and Director Emerson voting No.

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director’s voted to adjourn the ALUC Meeting.

ADJOURN TO ALUC MEETING THURSDAY, SEPTEMBER 16, 2010.