

SAN BENITO COUNTY PLANNING COMMISSION

March 19, 2008

Minutes

PRESENT: Bettencourt, DeVries, Machado, Scattini, Tognazzini

ABSENT: None

STAFF: Director of Planning (DOP) Art Henriques, Principal Planner (PP) Byron Turner; Associate Planner (AP) Lissette Knight; Assistant Planner (AP) Michael Krausie; Public Works Engineer (PWE) Art Bliss; Deputy County Counsel (DCC) Shirley Murphy; and Clerk Trish Maderis.

Chair Machado called the regular meeting of the San Benito County Planning Commission to order at 6:03 p.m. as he led the pledge of allegiance to the flag and reiterated the standing rules of order. Clerk Maderis noted all Commissioners were present.

DIRECTOR'S REPORT

DOP Henriques reported on recent Board of Supervisor meetings and information on the following items:

- Approval of contract with a consultant for a required Hazard Mitigation Plan for the County of which will be funded by a grant and matched by the County. The Plan will include community participate and will assist with the Safety Element during the General Plan Update.
- Planning staff presented an annual review of the Water Well Program per the Board request. (copies provided to Commission)
- Board adoption of a Resolution, Findings and Ordinance rescinding Zone Change petition for the Spur Hotel. The Board requested to consider the Zone Change after the Commission's decision on the C-District Review application.
- Letter from John Eade requesting temporary postponement for Planning Commission review of the CDR/ZC for several months.

PUBLIC COMMENT

Chair Machado opened and closed the opportunity for public comment as there were no persons present to address matters not appearing on the Agenda.

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. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of February 20, 2008
4. Minutes of March 5, 2008

5. **CERTIFICATE OF COMPLIANCE NO. 06-64 and LOT LINE ADJUSTMENT NO. 06-486** – APPLICANT: David Addamo. LOCATION: 797 Orchard Road, Hollister. APN: 16-09-009 REQUEST: The applicant is requesting that the County determine the number of legal parcels that comprise 19.09 acres, identified as APN 16-09-009; subsequently, the applicant also proposes to adjust the three parcels, if determined to be legal. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: COC: This type of Certificate of Compliance has been determined to be exempt from CEQA; Listed under Section 15061(b) 3, review for exemption. LLA: This type of land use alteration has been determined to be exempt from CEQA; listed under Section 15061(b) 3. Section 15305, Minor alterations in land use limitations. *PLANNER: Michael Krausie (mkrausie@planning.co.san-benito.ca.us)*

Commissioner Bettencourt requested Agenda Item #3 and #5 pulled from the Consent Agenda and moved to approve Consent Agenda Items 1, 2 and 4. Commissioner Scattini offered a second to the motion which passed unanimously by all Commissioners.

Commissioner Bettencourt stated after his review Item #3 (2-20-08 Minutes) did not need discussion. Commissioner Scattini moved to approve; the motion was seconded by Commissioner Machado and passed by a vote of 3/2. Commissioners DeVries and Tognazzini abstained as they were not present at this meeting.

Agenda Item #5:

AP Krausie presented his staff report explaining the application. AP Krausie stated that although staff recommends approval of the Certificate of Compliance application, a neighbor to the project has requested a continuance. AP Krausie also noted a correction to the CEQA findings and provided a handout to the Commission.

Chair Machado opened the Public Hearing.

Doug Marshall, Attorney for the applicant stated he had no objections to the request for continuance.

Mary Anne Filice, 805 Orchard Road, Hollister stated she had requested the continuance as she has concerns pertaining to the size of the legal lots and requested the extension in order to research the proposed adjustments.

With no other speakers, Chair Machado closed the Public Hearing. Commissioner Scattini moved to continue this agenda item to the regular meeting of April 16, 2008 the motion was seconded by Commissioner Bettencourt and passed unanimously.

CONTINUED ITEM ~ COMMISSION ACTION

PUBLIC HEARING ITEM

6. **MINOR SUBDIVISION NO. 1165-05(A)** – APPLICANT: Jeff Hall. LOCATION: McMahan Road. APN: 17-050-009 REQUEST: To amend the conditions of approval of Minor Subdivision 1165-05, dividing a 395 acre parcel into one 213 acre parcel and one 182 acre parcel. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.
PLANNER: Byron Turner (bturner@planning.co.san-benito.ca.us) (continued from 02-06-08)

PP Turner stated the minor subdivision has originally been approved on August 17, 2005. That approval contained Condition No. 18 which required an irrevocable offer of dedication of right-of-way to San Benito County for access from McMahan Road to the common boundary between two parcels. PP Turner stated the applicant is unable to meet this condition and the final map cannot be recorded. PP Turner stated that County Counsel has researched the legalities of the application request and recapped her findings in an Executive Summary which was provided to the Commission earlier and by handout. PP Turner stated the original staff recommendation of denial still stood.

After discussion between Commissioners and DCC Murphy, Chair Machado opened the public hearing.

Anne Hall, San Benito Engineering, representative for the applicant stated she did not agree with the interpretation of County Counsel and re-requested the removal of the requirement of dedication of the easement. Ms. Hall added that she requested a decision from the Commission either way.

With no other persons wishing to address the Commission, Chair Machado closed the Public Hearing.

Commissioner DeVries clarified with Ms. Hall that an appeal would be filed upon denial. Ms. Hall stated her first request would be to approve the amended application, but if not approved, deny the application versus a continuance.

Commissioner DeVries reiterated that the Subdivision Ordinance regulations do not allow approval of this project, that amendments to the Ordinance would have to be considered by the Board of Supervisors for any policy changes and moved to deny MS1165-05(A) based on the findings in the staff report and the Executive Summary of County Counsel. Commissioner Bettencourt offered a second to the motion, the motion passed with a vote of 4/1, Commissioner Bettencourt voted No.

7. **USE PERMIT NO. 985-08** – APPLICANT: Aromas Water District. LOCATION: 41 Seely Ave APN: 011-21-0094 REQUEST: The applicant is seeking a Use Permit in order to build a 2,500 square foot government office building and sheriff's substation ZONING: Rural Transitional (RT) ENVIRONMENTAL EVALUATION: Categorically Exempt [15303(c)]
PLANNER: Michael Krausie (mkrausie@planning.co.san-benito.ca.us) (continued from 03-05-08)

AP Krausie presented his staff report and explained that an Executive Summary from County Counsel has been included. AP Krausie advised the Commission that the scenic easement can be vacated by the Board of Supervisors if it is determined that easement is no longer required for County of public use. AP Krausie added that staff recommends approval.

Chair Machado opened the Public Hearing

Ron Moritz, 41 Seely Avenue, Aromas stated he owned a portion of the easement and questioned if the entire easement would be vacated or only the portion for Aromas Water District. Mr. Moritz stated he wanted to construct a senior unit on his property and the easement is posing a problem on his property also.

AP Krausie explained that the Board would have to take the same action on the Moritz property as that for Aromas Water, but that would be the same process but a separate action.

Larry Cain, Manager for Aromas Water stated he was available for questions and requested approval of the Use Permit application.

With no other speakers, Chair Machado closed the Public Hearing.

Commissioner Bettencourt moved to approve Use Permit No. 985-08 with staff findings and recommended conditions. Commissioner Scattini offered a second to the motion, the motion passed unanimously.

PUBLIC HEARING ITEMS ~ COMMISSION ACTION

8. **MINOR SUBDIVISION NO. 1195-06** – APPLICANT: Raul Prado. LOCATION: 4927 Fairview Road. APN: 017-150-002. REQUEST: A proposal to subdivide 20 acres into four parcels. Lot sizes of five acres have been proposed. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration. *PLANNER: Chuck Ortwein (cortwein@planning.co.san-benito.ca.us)*

PP Turner advised that staff was requesting a continuance to finalize conditions of approval until the regular meeting of April 2, 2008.

Chair Machado opened and closed the Public Hearing as no one wished to address the Commission.

Commissioner Scattini moved to continue to April 2, 2008, Commissioner Bettencourt offered a second to the motion which passed unanimously.

Chair Machado called for a brief break at 6:49 PM. The Commission returned at 7:02 PM.

9. **MINOR SUBDIVISION NO. 1143-03** – APPLICANT: Jennifer Galindo. LOCATION: 1440 Anzar Rd, San Juan Bautista. APN: 011-200-016 REQUEST: A proposal to subdivide an 11 acre parcel into two parcels. Lot sizes of 5.72 acres and 5.33 acres are proposed. ZONING: Rural (R). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration. PLANNER: Lissette Knight (lknight@planning.co.san-benito.ca.us)

AP Knight presented her staff report and explained the application aided by power point slides. AP Knight stated staff is recommending approval of the project.

Commissioner Bettencourt noted for the record that he had visited the site with PWE Bliss.

PWE Bliss provided a handout to the Commission pertaining to Public Work recommendations for the roadways and also provided a power point presentation. PWE Bliss then read from the handout the recommended conditions of approval for roadway improvements.

Commissioner Scattini clarified that this was a division of land and 2 residences already existed on the land. Commissioner Bettencourt confirmed that the application was a family exemption. AP Knight explained that the subdivision was exempt from the Preliminary Allocation process and the application was for the daughter to care for her parents and there was a 10 year deed restriction prohibiting any sale.

Commissioner DeVries questioned why Stevens Creek Quarry was only required to make minor roadway improvements. AP Knight stated she attached the most recent approval for the Quarry permit and noted no road improvements have been made. After much discussion amongst the Commission related to road improvements and responsibilities for road maintenance, traffic and improvements, PP Turner stated that the conditions and standards for this project were those required for a subdivision and the requirements for the Quarry were those required for a Use Permit application.

Chair Machado then opened the public hearing.

Anne Hall, San Benito Engineering, representative for the applicant requested that Condition No. 21A and Condition No. 21D be waived and stated the remainder of the conditions were acceptable. Ms. Hall stated Anzar Road would be changing due to lease agreements the applicant has with Stevens Creek Quarry and felt improvements should not be required.

After extensive discussion regarding a traffic study, a right hand turn onto Anzar Road and safety concerns, DCC Murphy provided standards required to waive road improvements by reading from County Code.

With no further discussion, Chair Machado closed the Public Hearing.

Commissioner Tognazzini moved to approve the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and subdivision application based on staff findings and revised conditions in the handout, waiving of Condition No. 21A and Condition No. 21D as not necessary due to safety reasons and testimony during the Public Hearing, and the addition of NO RIGHT HAND TURN signage on the property. Commissioner Bettencourt offered a second to the motion which passed unanimously by all Commissioners.

CONDITIONS OF APPROVAL:

Standard Conditions:

- 1. Hold Harmless:** Pursuant to Section 66474.9 of the California Government Code, upon written notice by the County, the subdivider shall defend, indemnify and hold harmless San Benito County and its agents, officers and employees from any claim, action or proceeding against San Benito County or its agents, officers or employees to attack, set aside, void or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of the Government Code. [Planning]
- 2. Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
- 3. Compliance Documentation:** Prior to recordation of the parcel map, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 4. Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the Final Parcel Map is recorded. [Planning, Assessor]
- 5. Recordation:** The applicant shall submit a parcel map to the County and the parcel map shall be approved by the County Planning Department and the County Public Works Department and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
- 6. Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]

- 7. Notice of Determination (Fish & Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the tentative map. Department of Fish and Game fee (\$1,926.75) Fish & Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
- 8. Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$1200 (\$600 per parcel that is 5.1 acres or more). [Planning & Department of Fish and Game]
- 9. Conditions of Approval, Easements, and Restrictions:** Prior to recordation of the parcel map all unmet conditions of approval, mitigation measures, easements, and restrictions shall be noted on a separate sheet(s) and recorded with the parcel map. [Planning]
- 10. County Service Area:** Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join a County Service Area (CSA #43). All related processing fees, including State Board of Equalization fees, must be submitted prior to recordation of the parcel map. [LAFCO, Planning]
- 11. Improvement Plans:** Prior to recordation of the parcel map, the applicant shall submit for approval by the County Public Works Department, improvement plans for the proposed subdivision. [Public Works]
- 12. Construction Hours:** As required by County Ordinance #667, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. The applicants for building permits within the subdivision shall be required to place a note to this effect on all construction plans.
- 13. Mitigation Monitoring:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel and the Planning Director shall agree to and sign the Mitigation Monitoring Program form(s).
- 14. Exterior Lighting:** A note shall be placed on an additional sheet to the parcel map that states: "All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance #748 (along with the requirements of Zone II regulations set within Ordinance 748). Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture." [Mitigation Measure #1] [Planning]

- 15. Air Quality:** A note shall be placed on the improvement plans for the proposed subdivision which states that the following actions shall be incorporated into site improvements:
If and when grading occurs for property improvements and/or development the owner shall:
- a. Water all graded areas at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated.
 - b. All grading activities during periods of high wind (over 15 mph) are prohibited. [Mitigation Measure #2]
- 16. Archeological:** Any property owner who, at anytime in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant artifact or other evidence of an archeological site, shall:
- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of no less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals
 - c. Notify the sheriff-coroner of the discovery if human and-or questionable remains have been discovered. The Planning Department Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the coroner and the Planning Department Director permission to enter onto the property and to take all actions consistent with Chapter 5B of the San Benito County Code and consistent with Section 7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Mitigation Measure #4]
- 17. Management and Conservation of Woodlands:** Prior to the recordation of the parcel map, the applicant shall place a note on an additional sheet to the parcel map that states: "If the property owner desires to cut down a tree on his/her property they must obtain approval from the Planning and Building Department to ensure compliance to the County and State regulations for tree protection." [Mitigation Measure #3]
- 18. Geology and Soil:** Prior to the recordation of the parcel map, the applicant shall designate on the parcel map, all areas that exceed 30% slopes as 'non-buildable' and shall at a minimum plant native grasses grown on these designated areas to ensure that the effects of erosion shall be negligible." [Mitigation Measure #5]
- 19. Growth Management Ordinance:** Prior to the recordation of the parcel map, the applicant shall meet the following requirement:
- a. Pursuant to Section 31-4 of the Growth Management System (exemptions), the building site (lot) created under this provision shall be restricted by deed to prohibit sale of said lot for a period of not less than **ten years**, except that the site (lot) may be sold in the event that the family member named in the deed dies within the ten year restriction period. [Planning]

Public Works Conditions

- 20. Dedication:** Prior to the recordation of the parcel map, the applicant shall make an irrevocable offer of dedication for:
- a. Half of a 60 foot right-of-way (i.e. an additional 10 feet) along Anzar Road, to San Benito County, along the property frontage of (proposed) parcel one;
 - b. A 30 foot wide ingress-egress easement affecting and crossing the easterly side of (proposed) parcel one running in favor of (proposed) parcel two.

- 21. Roadway Improvements:** Prior to the recordation of the parcel map, the applicant shall make roadway improvements for:
- Defer the remaining roadway frontage improvements until such time as a significant section of Anzar Road in this reach or roadway is to be realigned or reconstructed and so that the single west bound lane of roadway alignment will be better funneled to the narrower roadway as it continues beyond this property.
 - Enter into a deferred improvement agreement to improve the balance of (proposed) parcel one's frontage along Anzar Road to half of a 24 foot AC surface on 34 foot roadbed.
 - Install a no-right turn sign at the intersection of parcel two's exit and Anzar Road.
 - Add a note to the face of the parcel map that states if the adjacent ingress-egress easement is not available, the owners of (proposed) parcels one & two shall be required to construct a 20 foot wide all-weather fire access road to (proposed) parcel two within the ingress-egress easement offered to the County.
- 22. Encroachment Permit:** Prior to commencement of any improvements associated with this project, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the dedicated road right-of-way.
- 23. Drainage:** As part of the submission of engineered improvement plans for the project, and prior to the recordation of the parcel map, the applicant shall comply with the County Drainage Standards and provide erosion and drainage control details for the project sheet. Any drainage calculations submitted shall comply with the requirements of the County Drainage Standard, and shall be engineer signed and stamped.
- 24. Non-Buildable Areas:** Areas in excess of 30% slopes shall be designated on the parcel map as non-buildable. *[Action 2, Policy 38 of SBC General Plan Open Space/Conservation Element]*

Aromas Fire Conditions:

- 25. County Fire:** The above mentioned project shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, Public Resource Codes 4290 and 4291 and other related codes as they apply to a project of this type and size.
- 26. Ingress/Egress:** The applicant shall ensure that there is adequate ingress and egress to any and all buildings. Roadways/Driveways shall be all weather surface conforming to applicable codes and standards. Driveway(s) shall include turnouts and turnarounds as required. Driveway addresses shall be installed so they are visible to responding emergency personnel.
- 27. County Fire Standard:** Prior to the recordation of the parcel map, the applicant shall insure that this subdivision complies with the County Fire Standard. Specifically, but not limited to, the applicant shall ensure that there are proper turnaround and turnout facilities, and that the proposed access driveway through the adjoining non-project parcels has a grade of less than 15%. [Public Works]

Department of Environmental Health

- 28. Water Quality:** Prior to the recordation of the parcel map, the applicant shall submit a water quality analysis for all water sources in accordance with the San Benito County Code. A member of the laboratory must collect the water samples for testing.

San Benito County Water District Conditions:

- 29. Pump Test:** Prior to the recordation of the parcel map, the applicant shall perform a pump test on all wells serving the properties to evaluate the drawdown recovery of the wells when operated.
- 30. Water Supply:** Prior to recordation of the Parcel Map, the applicant shall obtain a letter from a San Benito County Water District Engineer stating the proposed Local Small Water System is in compliance with the San Benito County Groundwater and Aquifer Protection Ordinance #664 (Chapter 7C of the San Benito County Code), specifically as it pertains to “Permits Required” and “Radius of Influence”. [San Benito County Water District]

PUBLIC HEARING ITEMS ~ COMMISSION ACTION

- 10. MINOR SUBDIVISION NO. 1177-05 – APPLICANT:** Everett Grabeel. **LOCATION:** 4661 Fairview Rd, Hollister. **APN:** 017-150-049 **REQUEST:** A proposal to subdivide a 16 acre parcel into three parcels. Lot sizes of 6 acres and two 5 acre parcels are proposed. **ZONING:** Agricultural Productive (AP). **ENVIRONMENTAL EVALUATION:** Mitigated Negative Declaration.
PLANNER: Lissette Knight (lknight@planning.co.san-benito.ca.us)

AP Knight presented her staff report and explained the application aided by power point slides. AP Knight advised the Commission to disregard the slide showing water/drainage, that the drainage shown is not natural drainage was actually determined to be coming from pipes on a neighboring property. AP Knight also called attention to Attachment J, pertaining to Condition No. 26 and access from Magladry Court. Ms. Knight stated the neighbors and the applicant are talking to accomplish access. AP Knight stated staff is recommending approval of the project.

Chair Machado asked who owned Magladry Court and if was a private or public road. AP Knight stated it is co-owned by Steve Meyer and Chris Infantino and that the road has been offered for dedication but not accepted by the County.

Chair Machado then opened the Public Hearing.

Everett Grabeel, the applicant addressed the Commission stating Condition No. 20A doesn't need widening that 20' on 30' already exists and no further development would occur. Mr. Grabeel also stated that he felt that Condition No. 21B improvements were unnecessary and had no problem offering the roadway frontage for improvement.

Steve Meyer, co-owner of adjacent subdivision stated he had no objection to the development but requested a written agreement for some type of compensation for Magladry Court road improvements for allowing access to the Mr. Grabeel. Mr. Meyer stated a no-access strip existed on their subdivision in order to negotiate with the property owners of the new parcels.

Frank Paura, 5 California Street, Hollister spoke on behalf of Larry Perry, the neighbor who has diverted water onto the Grabeel property. Mr. Paura stated the pipes were installed in order to divert water from running into the Perry's residence and that the land was previously owned by Mr. Perry's father.

Everett Grabeel stated he wished to note it for the record that the diversion of water was done illegally with pipes. AP Knight added that Environmental Health had been notified and are working with the Perry's to correct the problem and this issue was separate from the subdivision application.

Commissioner Bettencourt questioned access to the parcels and the non-access strip. AP Knight explained the access points using the power point slides. Commissioner Bettencourt asked what would change should the County accept the dedication of Magladry Road. DCC Murphy advised that if the County accepted it into the system of maintained road the County would then be responsible for the maintenance, but if Magladry Court was only accepted, then maintenance would be the responsibility of the property owners and was unsure of access rights.

Commissioner DeVries also asked about access and the issue of a County road. AP Knight explained that the applicant is working with the Meyer/Enfantino subdivision owners and referred to DCC Murphy. DCC Murphy explained that Magladry Court has already been offered for dedication and could become a public road should the Board of Supervisors choose to.

AP Knight stated Condition No. 26 gives the applicant and the neighbor the opportunity to come to an agreement for reimbursement and maintenance of Magladry Court. AP Knight added that other avenues could be taken, but staff is encouraging an agreement.

The Commission discussed the length of the County road for Magladry Road. AP Knight stated County jurisdiction Magladry Road extended beyond Magladry Court.

DCC Murphy stated that she would have to research if the County's acceptance of dedication would nullify the non-access strip.

Chair Machado asked PWE Bliss for Public Work's recommendation. PWE Bliss explained the roadway standards based on number of parcels accessing Magladry Court.

Applicant Grabeel stated the final recorded map indicates the non-access strip stops where the driveway starts and only 4 parcels would access Magladry Court.

PP Turner stated that staff would like the opportunity to review the Minutes and final recorded map and requested a continuance before Commission consideration.

With no further discussion, Chair Machado closed the Public Hearing.

After a brief discussion, Commissioner Tognazzini moved to continue the Public Hearing to the regular meeting of April 16, 2008, Commissioner Scattini offered a second to the motion which passed unanimously.

11. **TENTATIVE SUBDIVISION NO. 07-76** – APPLICANT: Andreas & Bernadette Abramson. LOCATION: Santa Ana Valley Road, Hollister. APN: 025-090-050 REQUEST: A proposal to subdivide a 41.22 acre parcel into eight parcels. Lot sizes of five acres have been proposed. ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.
PLANNER: Lissette Knight (lknight@planning.co.san-benito.ca.us)

AP Knight advised the Commission that staff was requesting a continuance to April 2, 2008 in order to finalize comments from San Benito County Water District.

Chair Machado opened and closed the Public Hearing as no one wished to the address the Commission.

Commissioner Bettencourt moved for continuance to April 2, 2008, Commissioner Scattini offered a second to the motion which passed unanimously.

DISCUSSION

Discussion & follow-up of Joint Special Meeting ~ Phase One General Plan Update

The Commission did not wish to discuss the meeting and Chair Machado called for adjournment.

ADJOURNMENT

Commissioner Bettencourt moved to adjourn the regular meeting of March 19, 2008, Commissioner Scattini offered a second to the motion which passed unanimously for adjournment at 8:45 PM

Minutes prepared by:
Trish Maderis
Planning Commission Clerk

Attest:
Art Henriques
Director of Planning