

## Staff Report

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### PROJECT INFORMATION:

Application: Minor Subdivision 1233-13/Use Permit #1079-13  
Date of Public Hearing: May 18, 2022  
Applicant: Ecos Energy, LLC  
Location: 1850 Buena Vista Road  
APN: 019-110-033, -034, and -035  
Zoning: Agricultural Productive (AP)  
Project Planner: Arielle Goodspeed

**PROJECT SUMMARY:** The applicant previously applied for a Minor Subdivision and Use Permit to develop, build, and operate a ground-mounted solar photovoltaic electricity generating facility, located at 1850 Buena Vista Road. The solar photovoltaic electricity generating facility has been constructed as previously approved.

The Applicant previously subdivided the 39.61 acre property into 3 separate parcels: a new 29.23 acre parcel for the Project, and two 5.19 acre parcels. The 29.23 acre Project parcel is located in northern portion of the property and the two 5.19 acre parcels are situated on the southern portion of the property.

Between June 2018 and August 2020, the applicant had ongoing conversations with the County Engineer, relating to the need for the previously required bonded improvements. It was determined by the County Engineer, on August 26, 2020, that the original required improvements were not appropriate as those requirements were applicable to an urban subdivision for lot sizes that are less than 5 acres.

This request is to amend the Subdivision and Conditional Use Permit Conditions of Approval so that they are applicable to lot sizes greater than 5 acres and return the original/previous funding deposit to the depositor. The revised conditions will require that frontage improvements be constructed as applicable for lot sizes greater than 5 acres or that a new bond be issued to construct said improvements.

**SITE INFORMATION:** The Project site is located northwest of the City of Hollister in San Benito County, California. (See **Attachment A**, Vicinity Map as shown on the approved Parcel Map)

**PLANNING AND ZONING:** The San Benito County General Plan land use designation for the property is Agricultural Productive (“AP”) with a zoning designation of AP. The AP zoning designation identifies the “development of natural resources together with the necessary buildings, apparatus, or appurtenances incidental thereto” as a conditional use (see Section 25.07.022 and Section 25.29.106, subsection (F) of the San Benito County Code).

**ENVIRONMENTAL ANALYSIS:** There is no, new solar facility being proposed at this time. The County previously prepared a Mitigated Negative Declaration (MND) for the

project that analyzed proposed construction of the solar facility, as well as a construction of frontage improvements.

**Roadway Improvements:** County code allows for an applicant to enter into a deferred improvement agreement for project related improvements. The Planning Commission may allow the required improvements to be deferred at its discretion.

**PLANNING ANALYSIS:** There is no, new proposed project. The previously approved solar project has been constructed. The project was permitted in an AP zone with a Conditional Use Permit pursuant to Article II, Agricultural Productive (AP) District, section 25.07.022, Conditional Uses, and Section 25.29.106(F) of the San Benito County Code.

The proposed minor subdivision and use permit for project were determined to be consistent with applicable policies of the San Benito County General Plan as follows.

#### **CONDITIONS OF APPROVAL:**

All prior conditions of approval for Minor Subdivision 1233-13/Use Permit #1079-13 shall remain in effect except for the proposed revision to Condition No.15. Condition no.15 shall be revised as follows:

- 15. Roadway Improvements:** Subsequent to recordation of the Parcel Map the applicant shall bond for or make the following roadway improvements:
- Half of 56 foot AC on 66 foot road bed (AB) along the property frontage of Buena Vista Road pertinent to the frontage of properties that have been approved for on-site improvements.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and a proposed revision to a condition of approval. Staff further recommends that the Planning Commission adopt the resolution subject to the conditions of approval found in the resolution.