

# STAFF REPORT

---

## PROJECT INFORMATION:

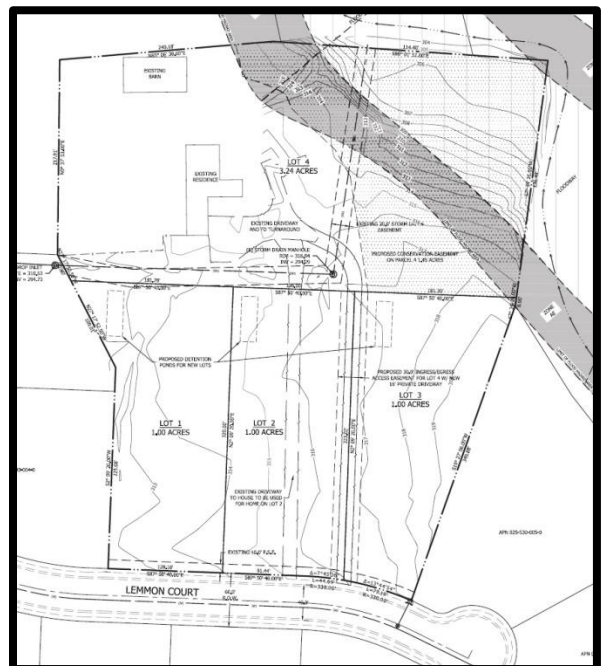
Application: PLN190063 (3030 Lemmon Court Minor Subdivision)  
Public Hearing: July 15, 2020  
Applicant/Owner: Cary J. Zink  
Location: 3030 Lemmon Court, one quarter mile north of Santa Ana Rd. at Fairview Rd.  
APN: 025-530-001  
Zoning: Rural Residential (RR)  
General Plan: Residential Rural (RR)  
Planner: Michael Kelly

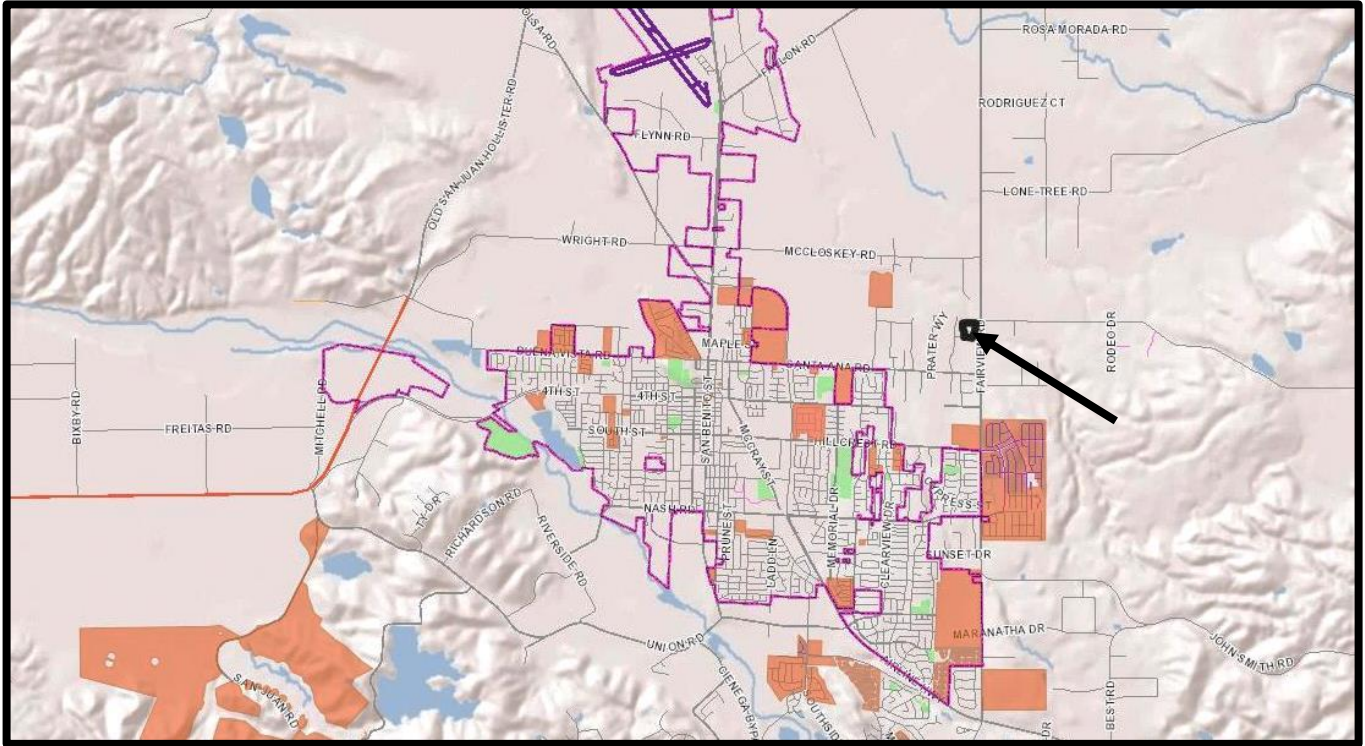
## PROJECT DESCRIPTION

The project proposes a four-lot subdivision, ultimately resulting in three one-acre lots and a 3.24-acre lot. The subdivision would be considered in two phases, the first splitting the current 6.24-acre lot into a 3-acre lot and a 3.24-acre lot, the latter with the site's existing residence and barn and utilities. The second would separate the first phase's 3-acre lot into three one-acre residential lots (Lots 1, 2, and 3) with septic systems. The 3.24-acre lot of the first phase would be maintained in the second phase and would also feature a 1.45-acre open space/conservation easement on the northeastern corner. A 30-foot access easement would straddle Lots 2 and 3 to provide new access to Lot 4. Associated utilities and detention ponds would be installed.

The subdivision's second phase is contingent on the County of San Benito adopting a Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP). As proposed, only the first phase and its one-to-two lot split would occur prior to LAMP adoption. Additional lots of the second phase would not be recorded until the LAMP is adopted and permits the additional density of lots. The LAMP, prepared by the County of San Benito Human Health Services Environmental Health Division, would permit the County its own oversight of onsite wastewater treatment systems (OWTS). Currently these systems are subject to the State Water Resource Control Board (SWRCB) OWTS Policy, which limits the proposed land use to the density of the subdivision's first phase. (This is further discussed in the Staff Analysis section.)

The project's 1.45-acre open space/conservation easement at the property's northeastern corner is among five mitigations measures for wildlife preservation as proposed in the project's Initial Study/Mitigated Negative Declaration (IS/MND). The Lemmon Acres subdivision's approval in 1994 created the current proposal's subject property and established biotic mitigation addressing habitat conditions at that time. Following the 1994 approval, a subdivision map with habitat protection measures was recorded and the subdivision was built out, but the habitat measures were not implemented. The current project includes





biotic mitigation measures, including the easement, to address current habitat conditions on the site. (See the Environmental Evaluation and Staff Analysis sections for further discussion.)

## SITE DESCRIPTION

The approximately 6.24-acre project site is located at 3030 Lemmon Court in unincorporated San Benito County, approximately 0.8 miles northeast of the city limits of Hollister. The project site, accessed by Lemmon Court, is primarily vacant and flat with one single-family residence and an existing barn located on the northwestern side of the property. Santa Ana Creek runs along the northeastern corner of the project site. An existing 370-foot driveway connects the existing single-family residence to Lemmon Court and a few trees are present on the project site. Residences surround the project site on all sides and agricultural fields are located east of the project site. The property is part of the Lemmon Acres subdivision (approved by the County in 1994 under Tentative Subdivision Map 90-38), but is identified as “open space” in the subdivision map<sup>1</sup> and is substantially larger from the subdivision’s mostly one-acre lots.

## PLANNING AND ZONING

The site has a General Plan designation of Residential Rural (RR) and a zoning designation of Rural Residential (RR). The General Plan designation is intended for “large-lot rural residential homes within areas of the county that are generally unsuitable for productive agriculture because of existing small property sizes, multiple property owners, and proximity to other more intensive residential development”; two dwellings per acre are allowable at maximum. The site’s zoning designation is

<sup>1</sup> Parcel A of San Benito County Official Records Book 12 of Maps Page 28 (1997).

similar but limits residential density to one dwelling per acre on sites lacking a public sewer or public water service, sites such as the subject property.

Although outside the City of Hollister sphere of influence, the site is within the within the City's Planning Area, where the Hollister 2005 General Plan gives the project site a designation named Rural Residential that intends one dwelling per five acres, less dense than the County designation.

Residential developers are generally expected to contribute to public needs. These include dedication of parkland, habitat conservation planning, drainage control, and road/street improvements, all proportional to the project's scale. However, while much development contributes to inclusionary or affordable housing under County Code Chapter 21.03, this and other subdivisions of four or fewer lots are exempt.

## **ENVIRONMENTAL EVALUATION**

An initial study resulting in a proposed mitigated negative declaration was prepared for this project under CEQA. The study identifies impacts that would potentially occur as a result of the proposed development. For impacts with potential to have a significant effect on the environment, the document proposes mitigation measures that would reduce impact to a level less than significant. These measures address air quality, wildlife habitat, archaeological resources, geological stability, paleontological resources, noise, and wastewater disposal. The author of the document was the consulting firm EMC, acting under contract with the project applicant; County Resource Management Agency Planning staff reviewed and edited the document in detail and considers the resulting document to reflect the staff's independent judgment. Planning staff circulated the study for comment during a public review period from June 9, 2020, through July 8, 2020. No comments resulting in substantial revision of the document were given at the time of this report's writing.

## **STAFF ANALYSIS**

The subdivision would establish lots in compliance with the site's Residential Rural (RR) General Plan land use district and Rural Residential (RR) zoning district. These designations allow single-family dwellings with a minimum building site of one acre, which the proposed lots would meet or exceed. Properties in the area, especially in the property's Lemmon Acres subdivision, are developed to this standard. The site physically presents little challenge to the possibility of new lots and new construction with its level terrain, minimal physical hazard, and proximity to prior development and community.

However, wastewater policy limits project scale, as the subdivision's second phase is contingent on the County of San Benito adopting a Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP). As proposed, only the first phase with its one-to-two lot split would occur prior to LAMP adoption. Additional lots of the second phase would not be recorded until the LAMP is adopted and permits the additional density of lots. The LAMP, prepared by the County of San Benito Human Health Services Environmental Health Division, would permit the County its own oversight of onsite wastewater treatment systems (OWTS). Currently these systems are subject to the State Water Resource Control Board (SWRCB) OWTS Policy, which limits the proposed land use to the use of one septic system per 2½ acres, close to the density of the subdivision's first phase. The LAMP is intended for County adoption in early 2021, subject to SWRCB review, although response to COVID-19 may impose a delay in the adoption.

As noted, the project's Initial Study/Mitigated Negative Declaration (IS/MND) identifies no environmental impact that would be significant as long as included mitigation measures are implemented. The General Plan also addresses and controls environmental impact, with General Plan Policy NCR-4.7 requiring best-management practices to preserve quality of drainage water and to reduce water runoff. Air quality effects from construction are similarly addressed by Policy HS-5.4 and its required emission-reduction standard practices.

A notable feature of the IS/MND is its discussion on habitat, which considers the parcel's creation as part of the Lemmon Acres subdivision, approved in 1994. At that time, mitigation of the subdivision's impact to habitat was proposed but not formalized. The 1997 recorded subdivision map designated the current subdivision site as open space but included habitat measures that were not implemented. Development of the one-acre lots along Carey Way and Lemmon Court followed and enclosed the current proposal's subject property. Between Lemmon Acres' development and this subdivision's application, as the IS/MND explains, the designated open space became no longer suitable for wildlife habitat. In response, the IS/MND addresses the more recent state of wildlife habitat on the site. Proposed biotic mitigation measures would avoid impact to certain species if found present and would formalize a conservation easement along Santa Ana Creek at the property's northeastern corner.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission adopt the attached resolution to approve the minor subdivision and tentative parcel map under County Planning file PLN190063 subject to the findings and conditions of approval included within the resolution.

## ATTACHMENTS

- A. Proposed Tentative Parcel Map
- B. Planning Commission Resolution 2020-\_\_\_\_ (draft)
  - Includes draft conditions of approval as Exhibit A to the Resolution
- C. Initial Study/Mitigated Negative Declaration

### Project Data for Planning File PLN190063

Zink, 3030 Lemmon Court

Project proposal: Four-lot subdivision to be considered in two phases, the first splitting the current lot into a 3-acre lot and a 3.24-acre lot, the second separating the first phase's 3-acre lot into three one-acre residential lots, plus the addition of a 1.45-acre open space/conservation easement at the northeastern corner.

Assessor's Parcel Number: 025-530-001

Permit Requirement: Minor Subdivision

Zoning: Rural Residential (RR)

General Plan: Residential Rural (RR)

Land Use: One residence and barn.

Minimum Building Site Allowed: 2½ acres currently; following adoption of Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP), one acre permissible.

Lot Size: 6.24 acres.

Sewage Disposal: Septic system.

Water: Sunnyslope County Water District.

CEQA Determination: Recommended mitigated negative declaration.

FEMA Flood Zone: Conservation easement area within Zone AE (100-year flood zone) per FEMA FIRM panel 06069C0205D (Apr. 16, 2009).

Fire Severity: Non-wildland/non-urban.

Earthquake fault zone: Out of Alquist-Priolo zone.

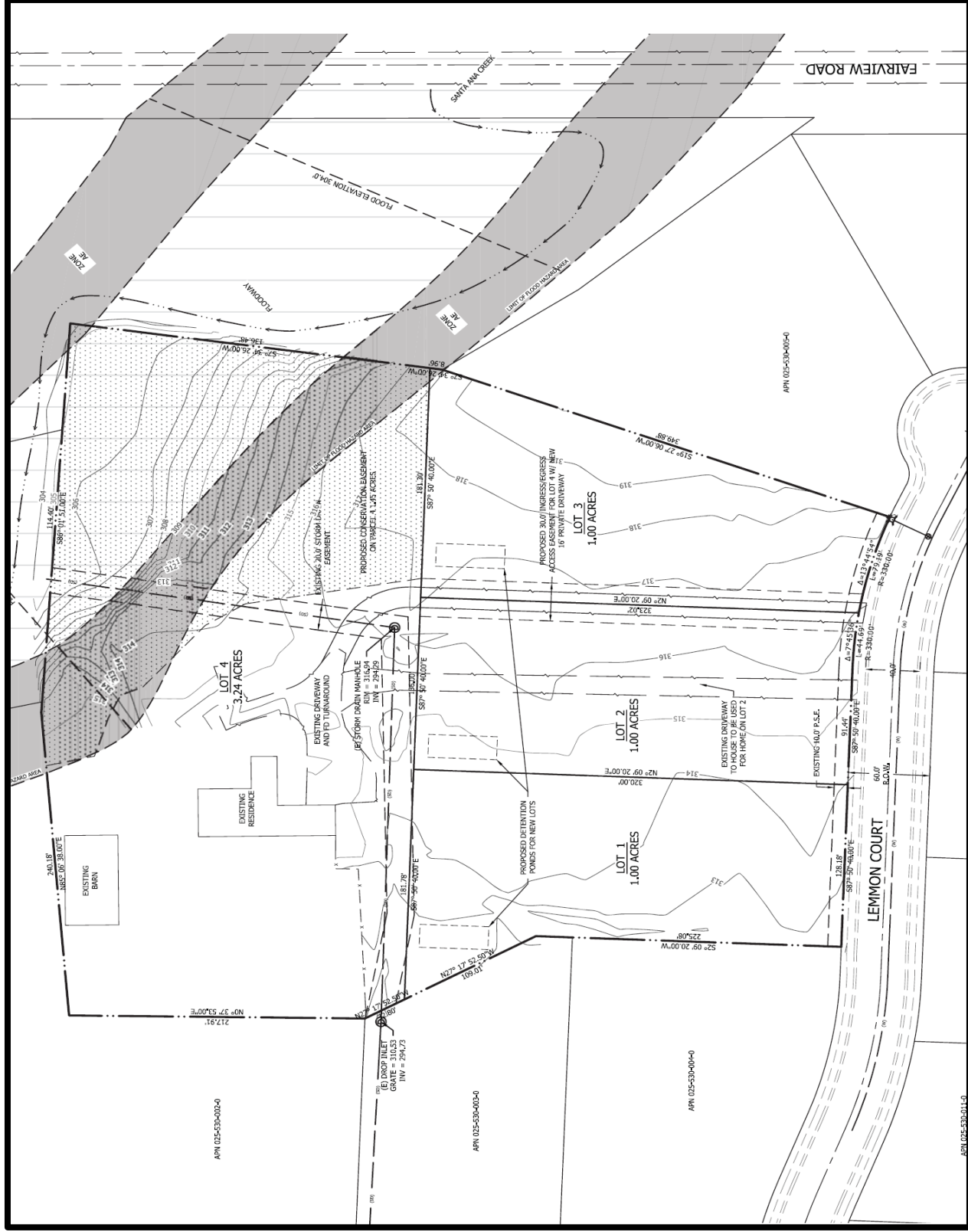
Soil: Antioch loam, 0 to 2% slopes (Grade 2) and riverwash.

Endangered Species: Potential for San Joaquin kit fox, California red-legged frog, California tiger salamander, western spadefoot, and nesting birds and raptors, among others listed in IS/MND.

Archeological Sensitivity: High sensitivity on portions away from locations of construction.

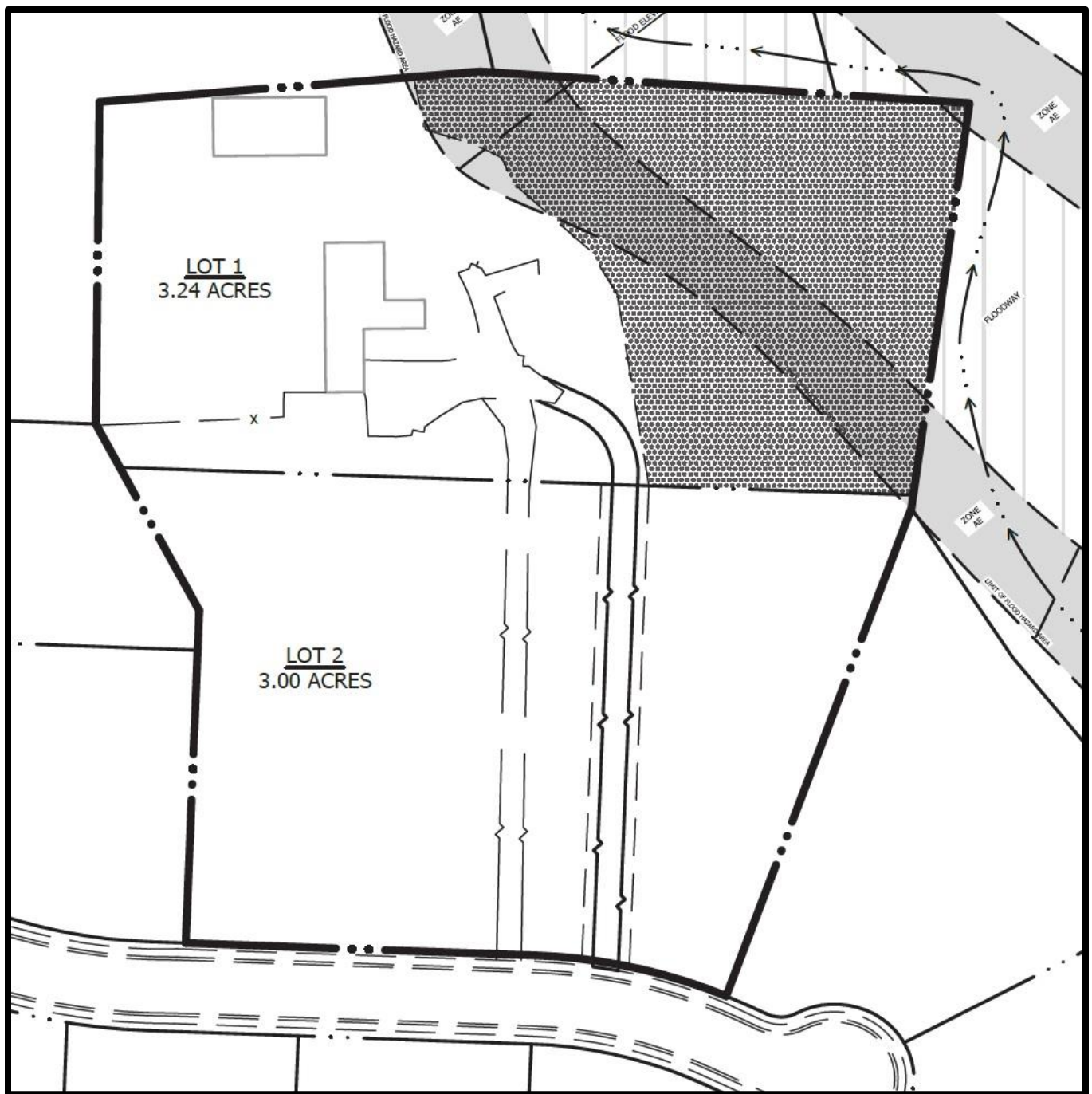
Williamson Act Contract Area: No contract.

Consistent with the General Plan Designation and zoning? Meets residential density of General Plan and zoning districts; observes General Plan policy on environmental protection.



Attachment A. Proposed Tentative Parcel Map.





**Attachment A (continued).** Proposed Phase 1 of Tentative Parcel Map, with both lots meeting the State OWTS Policy minimum lot size of 2½ acres and Lot 2 potentially to be separated into three one-acre lots.