

STAFF REPORT

PROJECT INFORMATION:

Application: CC180001 (Certificate of Compliance)
Public Hearing: December 5, 2018
Applicant: Karson Klauer
Owner: C. Stoltenberg Family Trust
Location: 500 feet east of the Edgewood Drive–Isabel Lane intersection, near Hollister
APN: 019-220-095
Zoning: Rural Residential (RR)
General Plan: Residential Rural (RR)
Planner: Michael Kelly

PROJECT DESCRIPTION

The applicant is requesting that the County recognize the 5.43-acre remainder parcel shown on Book 10 of Parcel Maps Page 36 (2006), San Benito County Official Records, as compliant with the State Subdivision Map Act (State Government Code §66499.35) and the Subdivision Ordinance of the County of San Benito (County Code §23.23.003), which would demonstrate that the lot is legally eligible for sale, lease, or finance. No development, improvements, or change or intensification of use is proposed by this project.

SITE DESCRIPTION

The subject property sits about two miles northeast of the center of Hollister and halfway between the parallel thoroughfares of McCloskey and Santa Ana Roads, almost one mile apart. Access primarily comes from Santa Ana Road via Kane Drive and Edgewood Drive. The site contains grassland generally sloping toward the northwest at approximately four percent, with a small, 12-percent elevation change in the property's middle.

To the west and south are the one-acre residential lots of Edgewood Drive, Jonquil Lane, and Daffodil Drive. The Edgewood Drive lots were established by the map that made this lot a remainder parcel. An unbuilt right-of-way for Daffodil Drive extends northward and ends at the subject property's southeast corner. To the north lie residentially-used rural lots of about the same size as this property, and to the east is a much larger, 72-acre agricultural parcel. About a quarter-mile north runs Santa Ana Creek, along which lies a broad area of floodplain beginning at the northern neighboring property. The floodplain touches neither the subject property nor its street access to Santa Ana Road.

Legal Lot of Record: Book 10 of Parcel Maps Pages 36 (2006) Remainder Parcel, San Benito County Official Records.

Minimum Building Site Allowed: 1 acre.

Land Use: Unbuilt grassland available for rural residential use.

Sewage Disposal: Septic system.

Water: Well.

State Farmland Map Designation: Grazing Land.

Land Conservation Act (Williamson Act): Not a preserve.

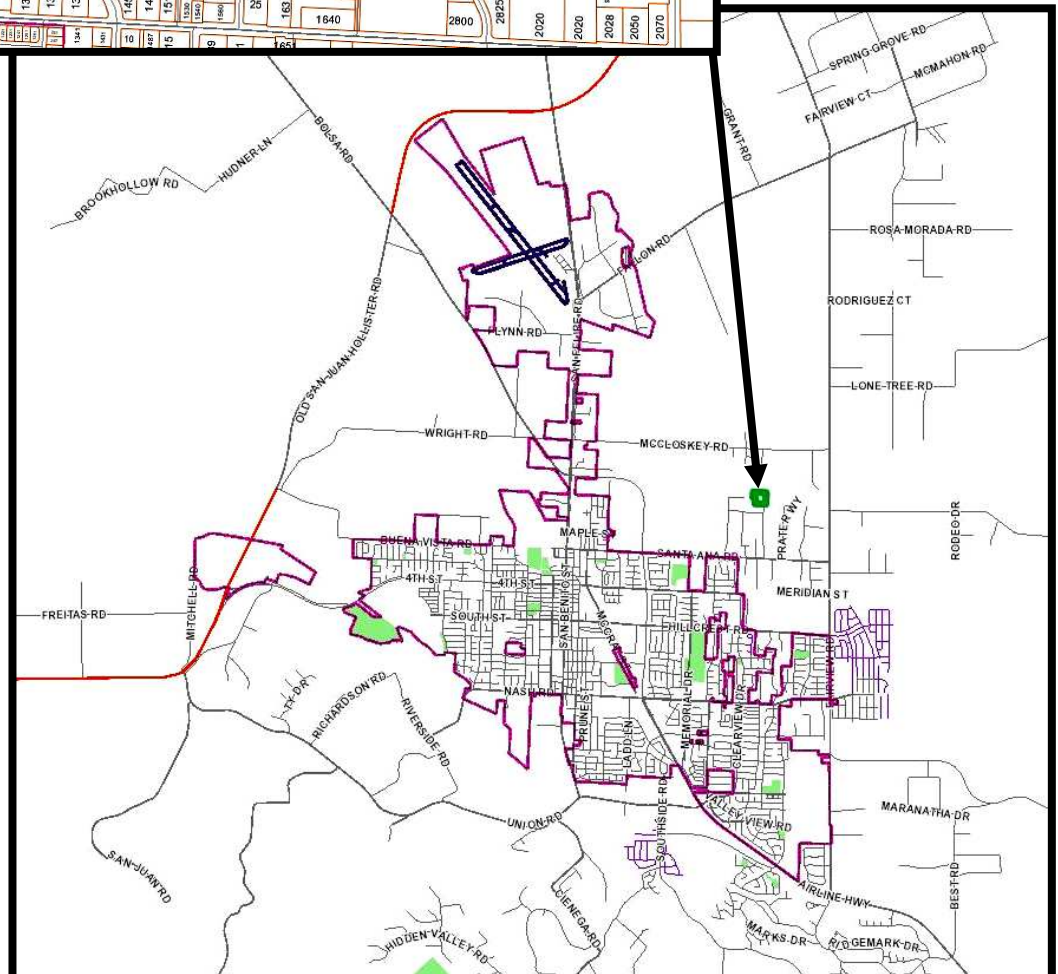
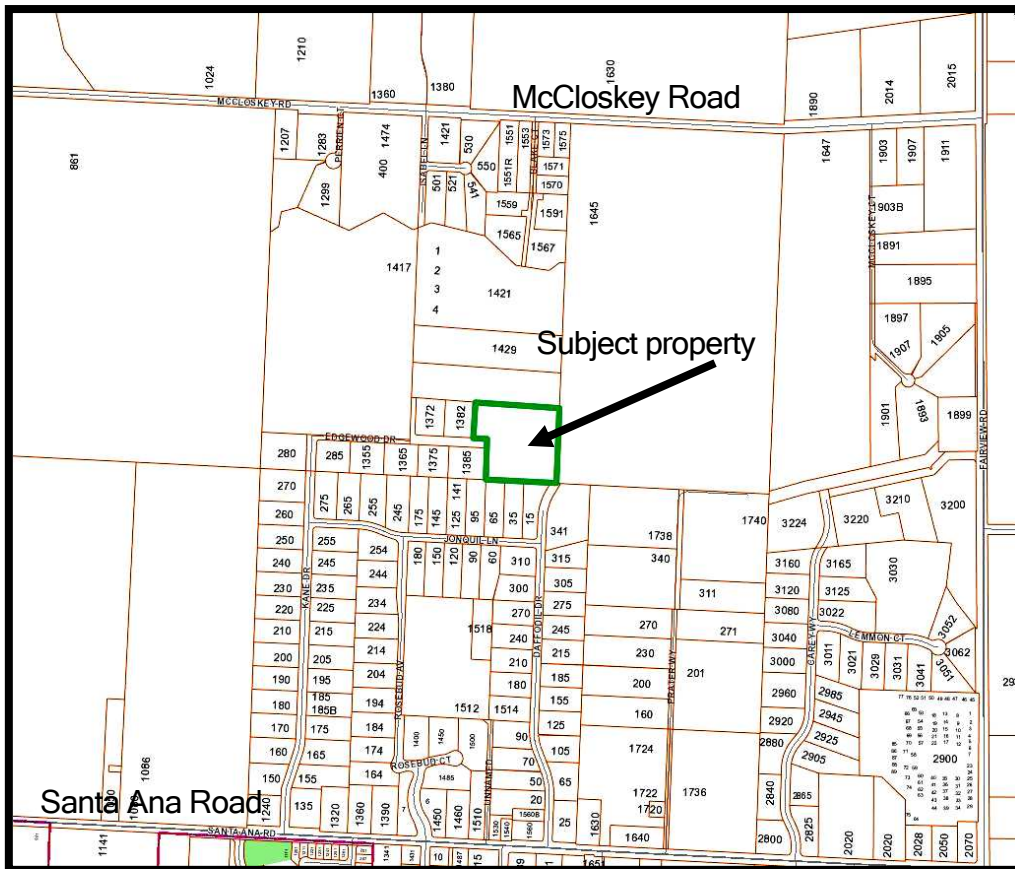
Soils: Antioch loam, 0 to 2 percent slopes (Grade 2); Antioch loam, 2 to 5 percent slopes (Grade 2).

Seismic: Not within an Alquist–Priolo Earthquake Fault Zone.

FEMA Flood Zone: Zone X, or areas determined to be outside the 0.2% annual chance floodplain, according to FEMA Flood Insurance Rate Map 06069C0205D, effective April 16, 2009.

Fire Severity: Non-wildland/non-urban (local responsibility area).

Archaeological sensitivity: Not sensitive.



PLANNING AND ZONING

The site is zoned Rural Residential (RR), described in the County Zoning Ordinance¹ as being “intended to provide areas of mixtures of housing and limited agricultural uses ... in proximity to urban services” with “a maximum of one dwelling unit per acre” if public sewer service or public water is not available. One dwelling per half-acre is allowed if both services are available.

This zoning designation corresponds to the General Plan Land Use Element designation of Residential Rural (RR), similarly described as “allow[ing] 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. These properties will typically lack public infrastructure (e.g., water, sewer, drainage).”

Requirements of the Subdivision Map Act. A certificate of compliance is a document prepared and issued by the County that recognizes a parcel or parcels as legal lots, lawfully created in compliance with the State Subdivision Map Act² and the San Benito County Subdivision Ordinance. County Code §23.23.003 allows³ a person owning real property or a potential purchaser of property to request the Planning Commission to file a certificate of compliance for record with the County Recorder. The purpose of the certificate of compliance is to cure any failure with the Map Act and local implementing ordinances in effect when the property was created. If the local agency determines that the property complies with the Map Act and local implementing ordinances, a certificate of compliance may be recorded. If the property does not comply with these rules, the County may authorize a certificate’s recording provided conditions are satisfied to establish compliance either with standards in effect at the time of the current owner’s acquisition of the property or, if divergence from subdivision regulations occurred during the current owner’s holding of the property, with standards currently in effect.

ENVIRONMENTAL EVALUATION

Staff has found the project to meet the requirements of Class 5 (Minor Alterations in Land Use Limitations) of Categorical Exemptions under State CEQA Guidelines. No physical changes on the site would occur as a result of this project. The source of environmental change most associated with this project is Minor Subdivision 1156-04, which resulted in the 2006 parcel map that established this remainder parcel and the four westward residential parcels and was reviewed under its own environmental document. No change in land use is either proposed or more likely to occur as a result of this project. In addition, no significant environmental issues were identified during project review, and there is no information of record that successive projects, similar projects, or unusual circumstances in the vicinity would contribute to a cumulative impact or a significant effect on the environment.

STAFF ANALYSIS

The aforementioned recorded parcel map, which followed County approval of Minor Subdivision (MS) 1156-04, established the 5.43-acre subject property as a remainder parcel alongside the map’s Parcels 1 through 4. As a requirement of MS 1156-04, infrastructure including Edgewood Drive road construction and utility lines were required to be built to serve Parcels 1 through 4, and these improvements were completed. This was not required of the remainder parcel, which functioned much like the legal, usable parcel that preceded the subdivision but reduced in land area. However, the subdivision’s infrastructure extended directly to the remainder parcel. That infrastructure would be available if new use or new development were proposed, but neither is currently proposed. Instead, the property is equipped to be used in a manner similar to the subdivision’s predecessor

¹ County Code §25.09.040 *et seq.*

² State Government Code §66499.35 sets forth the rules for certificates of compliance, including conditional certificates.

³ Also found in §17.92 of the San Benito County Subdivision Ordinance 617.

parcel, with sufficient access and adequate ability to use a septic system and obtain water. The subject property is still expected to satisfy requirements like those placed on subdivisions at the time of the prior project if it is to be recognized as more than a remainder parcel; for this reason, two outstanding requirements, regarding habitat conservation⁴ and facilities maintenance⁵, that were not completed for the remainder parcel upon the earlier subdivision are included as conditions of approval for this project. More intensive use of the property under a later application would necessitate still more requirements typical of new projects, but those further requirements are unnecessary under the current proposal and under built conditions at present. Provided satisfaction of the conditions of approval, the recognition of the project site as a parcel that can be sold, leased, or financed under State and County subdivision law will create no change to the neighborhood and area environment.

STAFF RECOMMENDATION

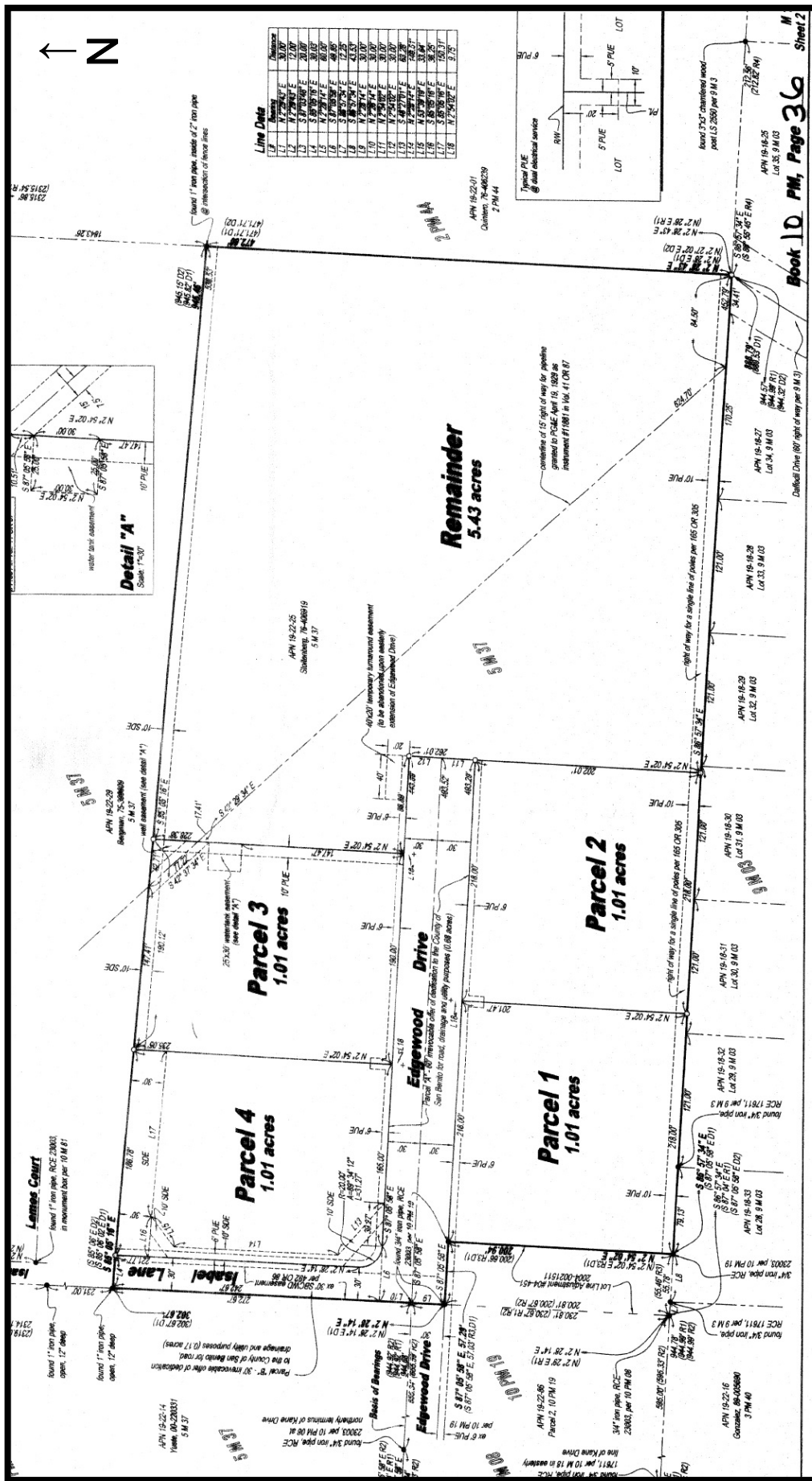
Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission adopt the attached resolution to approve CC180001 subject to the findings and conditions of approval included within the resolution.

ATTACHMENTS

- A. San Benito County Official Records Book 10 of Parcel Maps Page 36 Sheet 2 (illustration of remainder parcel)
- B. Planning Commission Resolution No. 2018-____ (draft)

⁴ As directed under County Ordinance 541.

⁵ As expected under County Code §23.25.007.



ATTACHMENT A. Portion of Book 10 of Parcel Maps Page 36 (2006), San Benito County Official Records, including the subject property as a 5.43-acre remainder parcel, directly accessible from the west via the abutting Edgewood Drive public right-of-way.