

STAFF REPORT

PROJECT INFORMATION:

Application:	Bourdet Minor Subdivision
Date of Hearing:	December 5, 2018
Applicant/Owner:	Christina & John Bourdet
File Number:	PLN 180038
Location:	1271 Los Viboras Road, Hollister
APN:	016-050-048-0
General Plan:	A Agriculture
Zoning:	AP Agricultural Productive
Project Planner:	Richard Felsing

PROJECT DESCRIPTION: The applicant proposes to subdivide an existing 41.02 acre property into two (2) parcels, one 13.0 acres and one 28.02 acres in size. Each would be configured around one of the two existing residences on the property and each would contain existing accessory structures, water wells and waterline easements, and separate gravel driveways. The Agricultural Productive (AP) zoning designation allows one single-family dwelling per 5-acre parcel, a second dwelling unit, and an accessory dwelling on each.



Figure 1. Project Site and Vicinity, with Road Network

SITE DESCRIPTION: The 41.0 acre Bourdet property is situated in an area of mixed agricultural and residential land uses characteristic of the A Agriculture land use designation outlined in the General Plan (*See Table 3-1*), with predominately agricultural uses to the north

and west, and residential uses immediately to the south along with less intensive agricultural uses. Extensive row-cropping across Los Viboras Road to the north is ongoing, and the residential neighborhood immediately to the south, accessed from Comstock Road, is already developed at roughly 5-acre parcels. The Bourdet property, about 2.1 miles east of the Fairview and Highway 156 intersection, is 4 miles northeast of the Hollister airport as the crow flies.

The property includes two existing single-family residences with accessory structures; one being the larger, primary residence at the rear-center of the southeast property line, the second being a smaller dwelling unit set back from Los Viboras Road about two-thirds of the way on the eastern property line. Both residences are served by separate gravel driveways and by existing water wells, waterlines, and storage tanks.

Located amid irregularly shaped and variably sized parcels, the subject property allocates its agricultural and residential land uses in response to local topography, so that these uses are geographically consistent with neighborhood context. The front half of the property along Los Viboras Road contains a tree-cropping operation and Christmas tree sales area on ~22.6 acres, an agricultural use reflecting the primarily row-cropped parcels adjacent to the north. The rear half of the property contains the two existing residences and yards, sited immediately adjacent to Los Viboras Creek, on about 6.5 acres. The above uses and structures sit on level terrain, which drops down to the creek bottom, forming a bench roughly 15 to 20 feet lower in elevation.

The undulating creek and the topography formed by it determined the irregular curves of the southern boundary. The creek bottom, steep slope and bench consist of live oaks and grassland, matching the plant communities and topography adjacent to the south. The existing homes and land uses are consistent with the neighborhood context and land uses to the south, which are characterized by primary residences, irregular topography, oak savanna, and a secondary agricultural component.

<u>Scenic Highway:</u>	No
<u>Seismic Hazards:</u>	No. The Quien Sabe Fault is 1,874 feet from the property.
<u>Fire Hazard:</u>	Moderate.
<u>Floodplain:</u>	Not in a Floodplain. Zone X: Areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM Panel: 06069C0090D, effective April 15, 2009.
<u>Archaeological Areas:</u>	High Sensitive. The rear half of the property only.
<u>Habitat:</u>	Within impact fee area
<u>Soils:</u>	Grade 1 Soils
<u>Williamson Act:</u>	Not under a Williamson Act contract.

The project is not in a seismic fault zone. It is more than 1,875 feet along Los Viboras Road from the Quien Sabe Fault to the center point of the frontage running along the subject property.

Proposed Parcel 1 consists of 28.02 acres of the existing Christmas tree farm as a whole, including cultivation fields, parking, sales & display area; both water wells; one driveway onto Los Viboras along with internal driveways; and the smaller secondary residence and accessory structures located on the southeast portion of the subject parcel. Scattered live oaks on grassland /oak savanna can be found along the creek and near the home.

Proposed Parcel 2 consists of 13.0 acres, the existing primary residence, accessory structures, separate driveway onto Los Viboras along with internal driveways, and creek bottom with scattered oaks.

Water and Septic Service. Parcel 1 contains both the existing and proposed wells. The secondary residence on Parcel 1 would be served by the proposed well, which is to be located in close proximity. Parcel 2 and the primary residence on it is now and would be served by the existing well located near Los Viboras Road toward the northeast end of the property. Water line easements will be created from the existing well on proposed Parcel 1 to the existing primary residence on proposed Parcel 2.

No new development is expected or proposed.

PLANNING AND ZONING: The property is designated as Agriculture (A) by the General Plan and Agricultural Productive (AP) under the Zoning Ordinance. The Agriculture land use designation is designed to maintain productive agricultural lands across a wide range of crops and agricultural land uses. Agricultural support uses, public utilities/facilities, and primary and secondary dwellings are allowed under this designation. AP zoning allows a primary residence and a secondary for family members or employees on 5 acre minimum parcel sizes.

Lot shape and depth-to-Width Ratio. Lots resulting from subdivisions are required to meet the 3-to-1 depth-to-width ratio specified in County Code §23.25.011(B)—unless nonstandard parcel boundaries constrains or unusual terrain prevents the owner or subdivider from meeting the required 3:1 ratio for lot shape. Where the “Planning Commission determines that the terrain or property boundaries make it advisable, the Commission “may grant exceptions.”

Staff finds that the subject parcel’s boundaries and terrain may make it advisable for the Planning Commission to grant an exception to the specified depth-to-width ratio, pursuant to County Code §23.25.011(B). The property boundaries to the south, east, and west are determined by the undulating curvature of Los Viboras Creek. The lot lines along with the internal driveways and proposed parcel boundaries all follow the area’s irregular topography as shaped by the creek. The existing, nonstandard property boundaries determine the resulting lot shapes and the new lot shapes are constrained by those boundaries and determined by the irregular terrain associated with Los Viboras Creek.

Viability of Agriculture on Small Parcels. Land Use Policy LU-3.12 requires subdividers to prove the continued agricultural viability of parcels under 40 acres in size. Here, characteristics specific to the subject property and the necessary design of the proposed subdivision indicate the applicant has amply demonstrated the continued agricultural viability of the resulting parcels (LU-3.12 Agricultural Viability of Small Parcel Sizes).

There is no change to current land uses under the proposed subdivision, which maintains the existing tree nursery operation as a whole and intact unit on the proposed on the proposed 28.02 acre parcel. The Christmas tree nursery is viable now, and will remain viable after subdivision. Cultivation of trees occupies only about 17.91 acres of the 41.02-acre subject parcel and remains unchanged. Another 3.54 acres contains parking, display, and sales areas. This 21.45-acre portion of the subject property maintains the agricultural viability of the

smaller-than-40-acre parcel; the remainder being used for driveways, the secondary residence, yard, and creek bottom.

The remaining portion of the 41.02-acre subject parcel has not been farmed and cannot be farmed; it consists of the residential home sites, internal gravel driveways and creek bottom. Of this, the second proposed parcel, at 13.0 acres, cannot be farmed due to topography and current residential land use, and would consist of one home site, driveways and creek bottom.

To maintain the existing use as a Christmas tree nursery and ensure its viability as an agricultural operation, this subdivision must follow the lot's irregular topography to include on a single parcel the internal driveway network the cultivated tree fields, and parking and sales areas. Since each existing residence is already equipped with separate driveway, water and septic facilities, however, dividing the property along topographic features so that a) existing uses are maintained and b) each home meets County ordinances is relatively straightforward.

Grade 1 Soils. The entire parcel consists of Grade 1 soils; uses on both resulting parcels remains unchanged. The agricultural fields will remain in use; the un-farmable homesites, driveways, and creek bottom will remain not farmable. No development is proposed; potential accessory dwelling units or second dwellings can be sited without incurring any loss of Grade 1 soils now under cultivation.

Driveway Design for Fire Access Road Purposes. Pursuant to a determination made by the Fire Chief and Fire Inspector during a site visit conducted November 26, 2018, turnouts or turnabouts are not required under SBCC §23.27.004(J)(1). The internal driveway network was determined to be of ample width, equipped with two exits and several turnaround options, and constructed to a standard more than sufficient for fire access road purposes.

STAFF ANALYSIS: The Bourdet property consists of 41.02 acres, to be divided into two parcels of 28.02 and 13.0 acres, consistent with requirements relating to zoning, and neighborhood character to the north and to the south. No new development is proposed.

Existing land uses will be maintained whole and intact. Proposed parcel shapes are determined by existing boundaries, and constrained internally by creek, irregular topography, and the need to keep the tree nursery operation intact and maintain agricultural viability of the property.

The proposed subdivision of property maintains the rural character of the area. Any eventual development would be subject to additional review under the standards of the Agriculture (A) land use designation and Agricultural Productive (AP) zoning.

San Benito County Water District, Environmental Health and Fire Departments, Public Works and Planning Divisions, and Assessor's Office have evaluated this proposal and have included standard conditions of approval to meet codes and regulations. Notably:

Environmental Health. The existing well on proposed Parcel 2 will serve the primary residence that will be on proposed Parcel 1, and easement will be created on the former to serve latter's property rights in the water well and associated equipment.

Environmental Health does not have on file records of the existing septic system locations. The owner has been required as a condition of approval to contact a licensed septic system installer to determine septic field locations, and to report findings by obtaining septic permits.

The Public Works Division provided conditions requiring the applicant to provide easements for common areas; dedicate half of the 60-foot right-of-way (ROW) along the property's entire frontage per ordinance; and enter into a deferred improvement agreement if the pavement width on Los Viboras does not conform to the 24-foot pavement on 34-foot roadbed County standard.

An easement for water well and waterline to Parcel 1 has been specified as a condition of approval. The 60-foot dedication to right-of-way (ROW) was performed by the current owners and then-family-trustees in 1999, occurring with the approval of a minor subdivision in 1999, as recorded on Book 3 of Parcel Maps Page 31, or 3PM31.

Los Viboras Road is roughly 18-20 feet wide and consists largely of broken pavement, gravel, and compacted soil; a deferred maintenance agreement will be required for improving the pavement to a 12-foot width (half the required 24-foot paved road on 34-foot roadbed at such time as increased traffic generated by new development warrants road improvements.

The Planning Division has included standard conditions of approval. At less than 5 parcels the project is below the threshold at which the San Benito County Inclusionary Housing Ordinance applies.

Staff finds the proposed minor subdivision PLN 180028 is consistent with San Benito County General Plan, Zoning Ordinance, and relevant State of California statutory requirements.

ENVIRONMENTAL EVALUATION: Staff recommends that the Planning Commission determine the project Categorically Exempt, pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. This minor subdivision results in one new lot and would have no potential for causing a significant effect on the environment: the existing property already has two residences on the property, one of which will remain on each resulting parcel. Approval of a parcel map could potentially allow a second single-family home to eventually be constructed: under Agricultural Productive (AP) zoning a second residence for family members or employees (§25.09.002(B)) may be permitted as long as parcel size remains 10 acres or greater. This would and will be exempt from CEQA when building permits are applied for (15303(a)).

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve Minor Subdivision PLN 180028 and adopt the draft Resolution findings and standard and special conditions of approval, consistent with the County of San Benito General Plan and Zoning Ordinances.

EXHIBITS

- A. Draft Resolution approving PLN 180028; with:
 - Attachment 1: Proposed Tentative Parcel Map TO COME**
- B. Project Data Sheet



Figure 3. Current Development Context, with Project Boundaries

EXHIBIT A
John & Tina Bourdet Proposed Parcel Map
County File PLN 180028

revised map to come

EXHIBIT B: Project Data Sheet PLN 180028
John & Tina Bourdet / 1271 Los Viboras Road, Hollister

Project proposal: To allow a minor subdivision of 41.02 acres into two lots of 28.02 and 13.0 acres

Assessor Parcel Numbers: 016-050-048-000

Legal Lot of Record: This 41.02 acre parcel appears as Parcel 2 on Book 9 of Parcel Maps at Page 31, County of San Benito, or 9 PM 31, dated December 29, 1999. The property was conveyed from John G. and Christina M. Bourdet by grant deed, recorded as document #0001074 on January 24, 2000.

Permit Requirement: Minor Subdivision

Zoning: AP Agricultural Productive

General Plan: A Agriculture

Land Use: Agriculture and Residential

Minimum Building Site Allowed: 5 Acres

Lot Sizes:

Parcel 1	28.02 acres
Parcel 2	<u>13.0 acres</u>
	41.02 acres

Sewage Disposal: Individual On-site Septic

Water: Two (2) wells would be sited on proposed Parcel 2 (one existing, one proposed). An easement will address future access to the existing, across Parcel 2 in favor of Parcel 1, to serve the existing primary residence.

CEQA Determination: Categorically Exempt, per CEQA Guidelines Section 15061(b)(3) the General rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No development is proposed. Future owners may exercise the option to construct an accessory dwelling unit or second single-family home under AP zoning; should such a full buildout scenario arise (it is not expected) such proposals would be subject to standard review, and covered under CEQA 15303(a).

FEMA Flood Zone: Not in Floodplain. Zone X, areas determined to be outside the 0.2% annual chance floodplain, according to FEMA FIRM 06069C0090D, effective April 15, 2009.

Fire Severity: Moderate Fire Severity

Within earthquake fault zone: None. The property is over 1,875 feet from the Quien Sabe Fault

Williamson Act Contract Area: No

Is the proposal consistent with the General Plan Designation and Zoning? Yes. Parcels 1 and 2 meet the 5 acre minimum lot size under AP Agricultural Productive zoning, and there will be no changes in land use, which conform to and are characteristic of the A Agriculture land use designation outlined in the County of San Benito General Plan.