

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2018-__**
COMMISSION APPROVING CC180001, A CERTIFICATE OF)
COMPLIANCE TO RECOGNIZE A PARCEL AS COMPLIANT)
WITH THE PROVISIONS OF THE CALIFORNIA SUBDIVISION)
MAP ACT AND THE SUBDIVISION ORDINANCE OF THE)
COUNTY OF SAN BENITO.)

WHEREAS, the subject parcel is on Edgewood Drive at its current end of right-of-way approximately 500 feet east of its intersection with Isabel Lane northeast of Hollister, San Benito County, California (Assessor's Parcel 019-220-095) and contains 5.43 acres; and

WHEREAS, Karson Klauer on behalf of the property owner has filed an application to request a certificate of compliance for the subject property; and

WHEREAS, the property was established as a remainder parcel by San Benito County Official Records Book 10 of Parcel Maps Page 36 (document 2006-0018933); and

WHEREAS, the said parcel map was a result of County review and approval of Minor Subdivision 1156-04, including the adoption of a mitigated negative declaration; and

WHEREAS, the property currently has a General Plan land use designation of Residential Rural (RR) and a zoning designation of Rural Residential (RR); and

WHEREAS, CC180001 proposes no new construction and no change in land use or development density; and

WHEREAS, the property contains slope of 4 percent on average and is at relatively low risk of natural hazard in comparison to other properties in the greater Hollister area; and

WHEREAS, the applicant and owner have demonstrated adequate street access, septic-system suitability, and water availability to demonstrate the subject parcel's usability and buildability to the satisfaction of responsible County personnel; and

WHEREAS, the Planning Commission has determined the project qualifies for Class 5 of Categorical Exemptions under California Environmental Quality Act Guidelines; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the certificate of compliance application at its regularly scheduled meeting held on December 5, 2018; and

WHEREAS, the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for a Categorical Exemption (Minor Alterations in Land Use Limitations) under Section 15305 (Class 5).

Evidence: *The project proposes a change in the legal status of a parcel with no change in land use or density. The subject property was designated a remainder parcel by Minor Subdivision 1156-04, which established four parcels plus the remainder parcel; neither additional parcel(s) nor additional development would result from or be enabled by this project. The property's average slope does not equal or exceed 20 percent. State CEQA Guidelines §15300.2's exceptions to Categorical Exemptions would not affect this proposal, which lacks the circumstances listed in the exceptions.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations and based on the evidence in the record, the Planning Commission hereby approves a certificate of compliance for the subject property subject to the following conditions of approval:

Conditions of Approval:

1. **Recordation:** The certificate of compliance shall be recorded with the County Recorder, which shall include a statement that reads:

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act or the San Benito County Subdivision Ordinance. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or the San Benito County Subdivision Ordinance. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval. [State Government Code §66499.35(f)(1)(E), Planning]

2. **Habitat Conservation Plan Fee:** In accordance with County Ordinance 541, which sets fees for habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the certificate of compliance, a habitat conservation plan mitigation fee of \$600 (lots that are 5.1 acres or larger shall pay a \$600 dollar fee). [Planning, California Department of Fish and Wildlife]
3. **Maintenance of Subdivision Facilities:** Prior to recordation of the certificate of compliance, the applicant shall establish a mechanism functionally equivalent to the purposes stated in County Code §23.25.007 and §23.25.009(K) in order to provide for the parcel's fair share of street lighting, street sweeping, road maintenance, storm drainage, and other services directly related to the subdivision. This shall include maintenance of the northerly half-street portion of Edgewood Drive abutting the subject property. [Planning]

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 5TH DAY OF DECEMBER 2018 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN

Mark Tognazzini, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County