



County of San Benito

RESOURCE MANAGEMENT AGENCY

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Determining Parcel Buildability

To determine if a parcel is potentially buildable, it is the responsibility of the property owner or applicant to provide the County with evidence of the following items:

1. **Water:** The parcel must have a "Will-Serve" letter from a water district, or water mutual, or an Individual Water Service Permit issued by the County Environmental Health Department for a well or other water source.
2. **Sewer/Septic:** The parcel must have or qualify for a compliant sewage disposal system or a septic system approved by the County Environmental Health Department. Septic systems are not allowed on slopes greater than 30 percent.
3. **Emergency Vehicle Access:** The building site must be accessible to emergency vehicles such as fire trucks. Contact local fire district for access requirements, applicable to both new and existing driveways and roads.
4. **Site Safety:** The building site must be free from geologic hazards to the extent that the safety of the structure can be ensured. A geological report and/or soils report (also called "geotechnical") may be required to assess or address environmental/safety concerns.
5. **Legal Access:** A parcel may not be used as a building site unless its principal frontage and access is located on a public or private right-of-way. The existence of a private right-of-way is typically found on the property deed, title report, or recorded map.

A Thirty (30) foot minimum right-of-way width is required for new/proposed rights-of-way and does increase depending on traffic or lot size. Please see the following link to determine rights-of-way minimum requirements:

https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/sanbenito_ca/0-0-0-10404#JD_Chapter23.29

A public or private right-of-way is a parcel or documented right that provides a location for a roadway, along with roadside improvements such as curbs, gutters, sidewalks, bike lanes, landscaping, and parking. A right-of-way is the parcel where the road goes; like property lines, rights of way may be demarcated by a survey. Rights-of-ways are almost always wider in width than physical roadways.

6. **Parcel Legality:** Building permits will only be issued for parcels that were legally created. Do not assume that legal status is conferred because a parcel has an assessor's parcel number, property taxes have been levied, a title report has been done, or the parcel is described on a deed or survey map. These items do not necessarily indicate legal status.

The following is a brief overview of the criteria for determining if a parcel was created legally:

- The parcel was created by a County-approved minor land division or a subdivision on file with the County Planning Department and Public Works Departments; or
- An Unconditional Certificate of Compliance or a Conditional Certificate of Compliance (in which the conditions have been met) was issued and recorded, or
- The parcel was “approved for development” by the issuance of a building, septic, well or similar permit, or
- If the parcel was created prior to January 21, 1972 (deeds required to demonstrate this), then:
 - a) The parcel must have been created as part of a land division of four or fewer cumulative contiguous lots created at one time by the subdivider, and
 - b) The parcel must have been in compliance with the minimum parcel size, width, and frontage established by the zoning in effect at the time of parcel creation; or
- The lot was created consistent with the State Map Act and applicable County ordinances at the time of creation. If more than four parcels were created after 1963, then a tentative map must have been approved and a final map must have been recorded.