



## SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

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District No. 3  
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Angela Curro  
District No. 4  
Chair

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District No. 5

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**Item Number: 4.4**

**MEETING DATE:** 11/26/2024

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Jonathan Olivas

**DEPT HEAD/DIRECTOR:** Abraham Prado

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, PLANNING AND BUILDING DIRECTOR-**

(To be heard at 1:30 PM or as soon thereafter as the matter may be heard)

Hold a public hearing to consider an appeal of the October 16th, 2024, Planning Commission decision regarding PLN220033, a minor subdivision, with said appeal challenging the San Benito County Planning Commission's denial of a vesting tentative map (PLN220033) adopt the resolution to deny the appeal (PLN240070) of PLN220033 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2024-148

**AGENDA SECTION:**

PUBLIC HEARING

**BACKGROUND/SUMMARY:**

At a duly noticed public hearing on October 16, 2024, the San Benito County Planning Commission reviewed PLN220033. The project proposed a minor subdivision at 494A Carpenteria Road consisting of a five-acre parcel into two 2.5-acre lots, including the removal of an existing scenic easement, to allow for the construction of a new single-family residence. Under this proposal, the existing residence on the property would remain on one of the newly created lots, while the newly constructed residence would occupy the other.

After considering all oral and written testimony and evaluating the project's Initial Study/Mitigated Negative Declaration (IS/MND), the Planning Commission denied the application. The primary rationale for denial was to uphold the scenic easement, which serves to protect the area's visual and open space resources. This decision aligns with General Plan policies, specifically Policies NCR-8.1 ("Protect Scenic

Corridors”) and NCR-4.4 (“Open Space Conservation”), which prioritize the preservation of scenic and open space values in San Benito County.

Following the Planning Commission's denial, the applicant, now appellant, filed an appeal under County Planning File PLN240070. The appeal argues that the Planning Commission's decision lacks support in the IS/MND, which concluded that the removal of the scenic easement would result in less-than-significant impacts on aesthetics. The appellant further asserts that the proposed development does not violate the terms of the scenic easement, contending that the existing easement limitations on the number of dwelling units on the property have already been met.

**RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:**

Yes

**CONTRACT NEEDED FOR THIS ITEM:**

No

**RFP AND BID HISTORY:**

N/A

**LAST CONTRACT AMOUNT OR N/A:**

N/A

**CONTRACT HISTORY (Describe all amendments and previous contracts):**

N/A

**STRATEGIC PLAN GOALS: 1. Operational Development & Excellence**

No

**STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth**

Yes

**STRATEGIC PLAN GOALS: 3. Technology**

No

**STRATEGIC PLAN GOALS: 4. Community Engagement**

No

**STRATEGIC PLAN GOALS: 5. Health & Safe Community**

No

**BUDGETED:**

N/A

**BUDGET ADJUSTMENT NEEDED:**

N/A

**SOURCE OF FUNDING:**

N/A

**UNFUNDED MANDATE:**

N/A

**SBC BUDGET LINE ITEM NUMBER:**

N/A

**CURRENT FY COST:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Supervisors review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommendations. Staff further recommends that the Board of Supervisors make the findings included in the resolution and adopt the resolution to deny the PLN240070 appeal and uphold the prior denial of the minor subdivision/tentative parcel map.

**ATTACHMENTS:**

[Appeal PLN240070 Presentation](#)

[Resolution - Appeal PLN240070](#)

[Board Staff Report](#)

[Exhibit A to Board Resolution \(Planning Commission Resolution\)](#)

[Planning Commission Staff Report](#)

[Initial Study/Mitigated Negative Declaration \(IS/MND\)](#)

[Freelance Notice](#)