



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1

Kollin Kosmicki
District No. 2

Mindy Sotelo
District No. 3
Vice-Chair

Angela Curro
District No. 4
Chair

Bea Gonzales
District No. 5

Item Number: 3.4

MEETING DATE: 11/12/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

DEPT HEAD/DIRECTOR: Abraham Prado

SUBJECT:

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

(To Be Heard at 1:30 p.m. or soon thereafter as the matter may be heard)

Hold a Public Hearing to consider the Planning Commission recommendation of PLN240037 Johnson/Weiler/San Benito Holdings Development Agreement and the Applicant's appeal PLN240071 of Planning Commission's recommendation and either adopt a resolution with findings to deny the request of an ordinance for a development agreement or adopt ordinance approving the development agreement.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2024-140

ORDINANCE NO.: 1071

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

County Planning file PLN240037 considers execution of a development agreement with owners of Assessor's parcels 012-010-030 and -031, located at 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County. In accordance with San Benito County Code Ch. 19.11 (Development Agreements), the San Benito County Planning Commission would consider adopting a resolution recommending that the County Board of Supervisors adopt an ordinance enabling execution of a development agreement between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under

review with Planning). Under County Code §19.11.003, County policy requires that development agreements shall result in a public benefit beyond that which would be forthcoming through conditions of development project approvals. The site is located in a General Plan Land Use Element combining district of Rural (R) and Commercial Regional (CR) and in the zoning districts of Rural (R) and Commercial Thoroughfare (C-1). Detailed review under the California Environmental Quality Act (CEQA) will not be necessary to enter this development agreement. Rights granted to the owner under the agreement are not a project under CEQA as the current action would neither propose any physical alteration of the Subject Property nor any change to the existing land use policies, standards or ordinances of the County. This agreement is also statutorily exempt from further CEQA compliance in that CEQA does not require duplicative environmental analysis to that previously conducted in the approved General Plan's Final EIR and an Addendum prepared for the rezoning proposed under County Planning file PLN200001 and enacted by County Ordinance 1016). The property is owned by San Benito Holdings, LLC a California limited liability company; Mark H. Johnson, trustee; and Gregory N. Weiler, trustee (collectively "Owners"). Applicant submitted the application for this development agreement. The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, the Planning Commission made findings both for and against for the denial of the development agreement to the Board of Supervisors. In addition, the applicant submitted an appeal application to the September 18, 2024 Planning Commission decision county file PLN240071, see attachment below.

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

Yes

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:

Hold a Public Hearing to consider the Planning Commission recommendation of PLN240037 Johnson/Weiler/San Benito Holdings Development Agreement and the Applicant's appeal of Planning Commission's recommendation and either adopt a resolution with findings to deny the request of an ordinance for a development agreement or adopt ordinance approving the development agreement.

ATTACHMENTS:

[Presentation](#)

[Board Resolution](#)

[Ordinance](#)

[Planning Commission Resolution](#)

[Appeal Form - PLN240037 - Johnson and Weiler San Benito Holdings LLC](#)

[Free Lance Notice](#)