



**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: 3.3

MEETING DATE: 11/12/2024

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 September 25th, 2024, Planning Commission decision regarding PLN240026, a minor subdivision, with said appeal challenging the San Benito County Planning Commission's approval of a vesting tentative map (PLN240026) adopt the resolution to deny the appeals (PLN240073 & PLN240074) of PLN240026 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

SBC FILE NUMBER: 790

RESOLUTION NO.: 2024-139

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The Planning Commission of San Benito County held a duly noticed public hearing during its regularly scheduled meeting on September 16th, 2024, to review the proposed subdivision application (PLN240026). Due to environmental concerns raised by Shute, Mihaly & Weinberger LLP, representing the Amah Mutsun Tribal Band and Amah Mutsun Land Trust, the Commission continued the item to a special meeting on September 25th, 2024. At this meeting, after considering all testimony and evidence, the Commission adopted Planning Commission Resolution 2024-16, approving the subdivision of the property into four lots, replacing the existing three. This resolution included an addendum to the Environmental Impact Report (EIR) for PLN210054 to state that the EIR sufficiently analyzes the current proposal.

Following this decision, multiple parties—Protect San Benito County, the Center for Biological Diversity, and the Amah Mutsun Tribal Band and Amah Mutsun Land Trust—appealed the Planning Commission’s approval. The appellants argue that the decision violates the California Environmental Quality Act (CEQA), asserting that the Commission improperly relied on a deficient EIR addendum and failed to provide proper notice for the September 25th special meeting. They further contend that the subdivision approval disregards the will of the voters and cite ongoing litigation challenging the certification of the original EIR.

The appellants claim that the proposed vesting tentative map was created solely to circumvent the will of the voters and assert that pending litigation will be resolved in the applicant’s favor. They also allege various deficiencies in the Staff Report, particularly with respect to the rationale for the subdivision and its consistency with land use policies. Additionally, they argue that the proposed tentative map does not comply with CEQA requirements and that improper notice was given for the September 25th, 2024, Special Meeting of the San Benito County Planning Commission. Lastly, they contend that the subdivision’s approval based on the EIR addendum is impermissible because the original EIR is allegedly invalid as described in the two pending CEQA lawsuits challenging the County’s certification of the EIR.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

N/A

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 recommended conditions of approval. Staff further recommends that the Board of Supervisors make the findings included in the resolution and adopt the resolution to deny the appeals (PLN240073 & PLN240074) of PLN240026 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS:

[Presentation](#)

[Board Resolution](#)

[Appeal Application Amah Mutsun Tribal Band.pdf](#)

[Appeal Application Protect San Benito County and Center for Biological Diversity.pdf](#)

[Staff Report](#)

[Planning Commission Resolution 2024-16 \(Adopted September 25th, 2024](#)

[Public Notice](#)