



**SAN BENITO COUNTY  
PLANNING COMMISSION**

<b>Vincent Ringheden</b> District No. 1	<b>Richard Way</b> District No. 2	<b>Robert Scagliotti</b> District No. 3 - Vice-Chair	<b>Robert Gibson</b> District No. 4 - Chair	<b>Celeste Toledo-Bocanegra</b> District No. 5
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*Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023*

**PLANNING COMMISSION - SPECIAL SESSION-  
SEPTEMBER 25, 2024  
6:00 PM**

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link  
<https://zoom.us/join> with the following Webinar ID and Password:

**Webinar ID: 874 0413 6784**  
**Webinar Password: 518281**  
**Join by Phone: +1 408 638 0968**

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “\*9”. In order to receive the full zoom experience, please make sure your application is up to date.

Remote zoom participation for members of the public is provided for convenience only. In the event that the zoom connection malfunctions for any reason, the board of supervisors reserves the right to conduct the meeting without remote access.

**Remote Viewing:**

Members of the public who wish to watch the meeting can view a livestream of the meeting online through either the:

- A. Community Media Access Partnership (CMAP) YouTube  
Page: [https://www.youtube.com/channel/UCLj3iW3\\_dsDzbYqnY1KdCvA](https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA).
- B. Peak Agenda Page: [https://cosb.granicus.com/ViewPublisher.php?view\\_id=1](https://cosb.granicus.com/ViewPublisher.php?view_id=1)

## Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at [sbcplan@cosb.us](mailto:sbcplan@cosb.us).

### Public Comment Guidelines

A. The San Benito County Board of Supervisor's welcomes your comments.

B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at [sbcplan@cosb.us](mailto:sbcplan@cosb.us).

### 1 CALL TO ORDER

### 2 PLEDGE OF ALLEGIANCE

### 3 ROLL CALL

### 4 CONSENT AGENDA

*These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.*

*If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.*

#### 4.1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Acknowledge the Certificate of Posting for the September 25, 2024 Special Planning Commission Meeting.SBC FILE NUMBER: 790.2](#)

[Certificate of Posting 2024-09-25.pdf](#)

### 5 PUBLIC HEARING

#### 5.1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a special public hearing for the continuance of PLN240026 to consider adopting a resolution to approve a tentative map subdividing an existing](#)

111.68-acre site, currently composed of three parcels, into four separate parcels. A Two, measuring 7.61 acres and 23.20 acres, would be located entirely on commercially zoned land. A The others, respectively 40.34 acres and 40.53 acres, would be located on agriculturally zoned land. This project proposes no construction at this time.SBC FILE NUMBER: 790

Staff Report  
Resolution  
Addendum  
Freelance Notice

## 6 REGULAR AGENDA

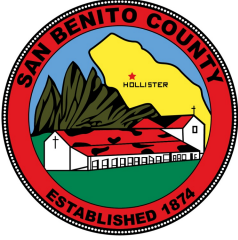
## 7 ADJOURNMENT

**NOTE:** A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at [www.cosb.us](http://www.cosb.us). All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description.

As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

**APPEAL NOTICE:** Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

**NOTE:** In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Vincent  
Ringheden**  
District No. 1

**Richard  
Way**  
District No. 2

**Robert  
Scagliotti**  
District No. 3  
- Vice-Chair

**Robert  
Gibson**  
District No. 4  
- Chair

**Celeste Toledo-  
Bocanegra**  
District No. 5

**Item Number: 4.1**

**MEETING DATE:** 09/25/2024

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Stephanie Reck

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -  
Acknowledge the Certificate of Posting for the September 25, 2024 Special Planning Commission  
Meeting.**

**SBC FILE NUMBER: 790.2**

**AGENDA SECTION:**

CONSENT AGENDA

**BACKGROUND/SUMMARY:**

N/A

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

Yes

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

No

**STRATEGIC PLAN GOALS: 3. Technology**

No

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

Yes

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

No

**STAFF RECOMMENDATION:**

Acknowledge the Certificate of Posting for the September 25, 2024 Special Planning Commission Meeting.

**ATTACHMENTS:**

[Certificate of Posting 2024-09-25.pdf](#)

*San Benito County Planning Commission  
2301 Technology Parkway  
Hollister, CA 95023*



## CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Stephanie Reck, certify that the **SPECIAL MEETING AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for September 25, 2024, was posted at the following locations, freely accessible to the public, on this day of September 24, 2024:

The bulletin board outside the front entrance of the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA

AND

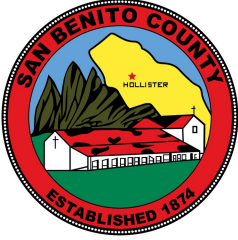
The bulletin board outside the front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA

AND

On The San Benito County website <https://www.cosb.us/> in the Events Calendar.

A handwritten signature in blue ink that reads "Stephanie Reck".

Stephanie Reck  
Associate Planner  
County of San Benito



**SAN BENITO COUNTY  
AGENDA ITEM  
TRANSMITTAL FORM**

**Vincent Ringheden**  
District No. 1

**Richard Way**  
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**Robert Scagliotti**  
District No. 3  
- Vice-Chair

**Robert Gibson**  
District No. 4  
- Chair

**Celeste Toledo-Bocanegra**  
District No. 5

**Item Number: 5.1**

**MEETING DATE:** 09/25/2024

**DEPARTMENT:** RESOURCE MANAGEMENT AGENCY

**AGENDA ITEM PREPARER:** Stephanie Reck

**SUBJECT:**

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a special public hearing for the continuance of PLN240026 to consider adopting a resolution to approve a tentative map subdividing an existing 111.68-acre site, currently composed of three parcels, into four separate parcels. Two, measuring 7.61 acres and 23.20 acres, would be located entirely on commercially zoned land. The others, respectively 40.34 acres and 40.53 acres, would be located on agriculturally zoned land. This project proposes no construction at this time. SBC FILE NUMBER: 790**

**AGENDA SECTION:**

PUBLIC HEARING

**BACKGROUND/SUMMARY:**

This project entails the subdivision of an existing 111.68-acre site, currently composed of three parcels, into four separate parcels. Two, measuring 7.61 acres and 23.20 acres, would be located entirely on commercially zoned land with an existing fruit stand on parcel one. The others, respectively 40.34 acres and 40.53 acres, would be located on agriculturally zoned land. This project proposes no construction at this time. This property is the site of the approved use permit reviewed under County Planning file PLN210054. Upon approval, the applicant received permission to develop and improve approximately 26 acres of the property area for approximately 108,425 square feet of commercial and building space.

This was to include a gas station with convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with outdoor pool and outdoor movie screen, and an outdoor event center.

The Planning Commission opened a duly noticed public hearing on September 18, 2024 and then continued the item to a date certain of September 25, 2024 at 6 p.m. at a special meeting of the Planning Commission. The Planning Commission on September 18, 2024 after hearing staff presentation, public comment, applicant presentation, and review of the public comment letter received by Shute Mihaly and Weinberger, and after deliberation motioned to continue the hearing to have Assistant County Counsel

review statements made within the Shute Mihaly and Weinberger letter. There was a 4/0 vote for continuance.

In further review, Staff has amended the CEQA findings determination from a notice of exemption to an EIR addendum, as provided for in the attachments.

**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

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission 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 Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN240026 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

**ATTACHMENTS:**

[Staff Report](#)

[Resolution](#)

[Addendum](#)

[Freelance Notice](#)



# STAFF REPORT

## PROJECT INFORMATION:

Application: PLN240026 (Minor Subdivision)  
Date of Hearing: September 25<sup>th</sup>, 2024  
Applicant: San Benito Engineering  
Owner(s): McDowell Charitable Trust  
Location: 9644 Betabel Road (approximately ½ mile south of US 101–Betabel interchange)  
APN: 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, 013-150-033  
General Plan: Rangeland (RG)/Commercial Regional (CR)  
Zoning: Agricultural Rangeland (AR)/Commercial Throughfare (C-1)  
Project Planner: Jonathan Olivas

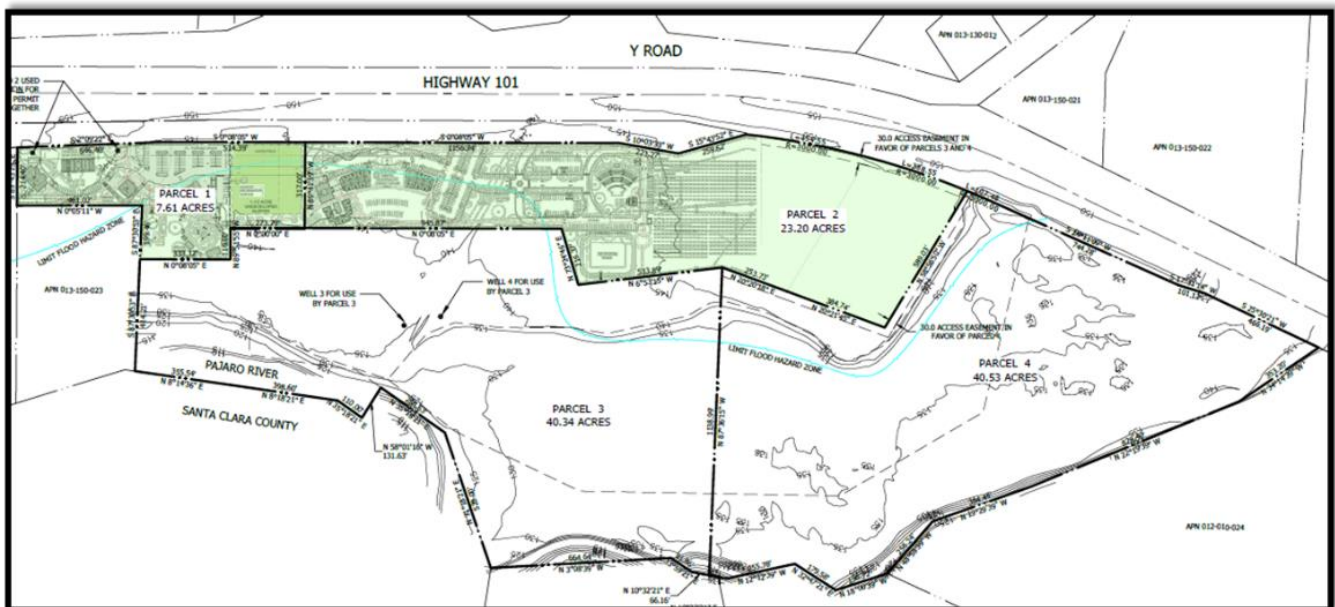
## PROJECT DESCRIPTION

This project entails the subdivision of an existing 111.68-acre site, currently composed of three parcels, into four separate parcels. Two, measuring 7.61 acres and 23.20 acres, would be located entirely on commercially zoned land. The others, respectively 40.34 acres and 40.53 acres, would be located on agriculturally zoned land. This project proposes no construction at this time.

## BACKGROUND

The project is located on the same site as the Betabel Commercial Development Conditional Use Permit (CUP) Project at 9644 Betabel Road. That project, reviewed under County Planning file PLN210054, underwent a thorough review process in accordance with the California Environmental Quality Act (CEQA). A project-level Environmental Impact Report (EIR) was prepared following the requirements of State CEQA Guidelines §§ 15161 and 15168. Staff presently recommends that, through the attached resolution, the Planning Commission adopt an addendum to the EIR per State CEQA Guidelines § 15164 to state that the EIR adequately analyzes any environmental effect of the currently proposed subdivision.

On October 12, 2022, after closing the public hearing, the San Benito County Planning Commission adopted Resolution No. 2022-12. This resolution certified the EIR, adopted the Mitigation Monitoring and



Reporting Program, and approved the CEQA Findings of Fact and Statement of Overriding Considerations for impacts identified as significant and unavoidable. The Planning Commission also made the requisite findings to approve the Conditional Use Permit (CUP) for the Betabel Commercial Development Project, subject to specified conditions of approval.

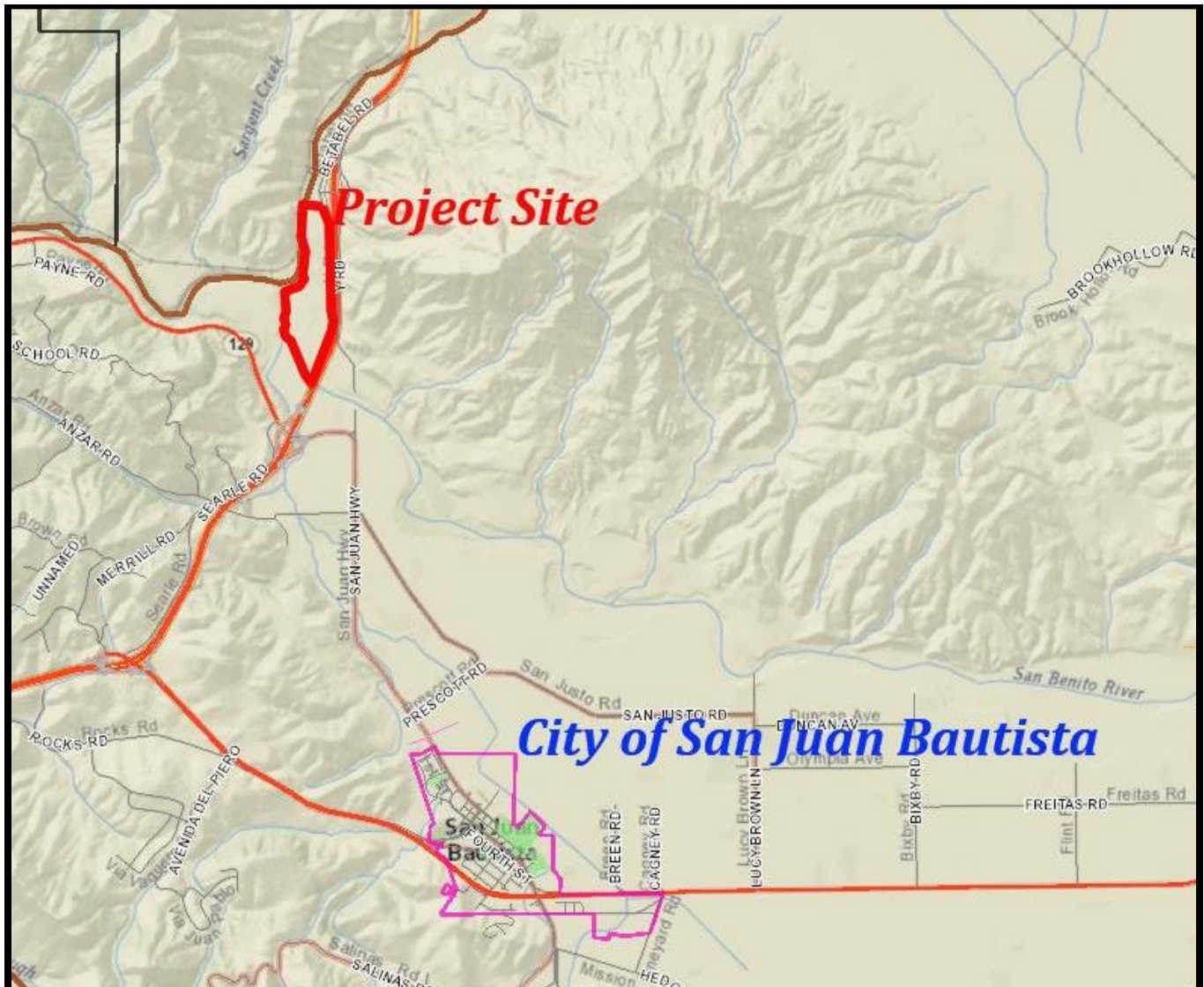
Subsequently, on October 24, 2022, appeals against Planning Commission Resolution No. 2022-12's approval were filed. After publication of sufficient public notice, the Board of Supervisors on November 8, 2022, held a public hearing to address the appeals with a complete public hearing including public comment and open deliberation on the appeal's merits. Based on the evidence presented, the Board of Supervisors denied the appeals and affirmed the Planning Commission's actions in approving its Resolution No. 2022-12.

### **SITE DESCRIPTION**

The proposed project is situated at 9644 Betabel Road and contains three parcels together adding to approximately 111.68 acres. The site is located approximately 5 miles north of downtown San Juan Bautista within unincorporated San Benito County. Positioned around a half-mile to the south of the interchange between Betabel Road and US 101, this project occupies a rural area surrounded by agricultural activities.

This property has historically been utilized for agricultural purposes and is presently undeveloped except for an existing fruit stand. Notably, no new construction is proposed as part of this project. The neighboring parcels are predominantly employed for agricultural functions, encompassing grazing and row crops, as well as housing rural residences. One of the contiguous parcels to the northeast is under the Land Conservation Act (Williamson Act) as agricultural preserves, but the project site itself does not fall within a Williamson Act contract. Properties akin in size to the subject property in the vicinity are commonly dedicated to activities like row and field crops, grazing, and the establishment of rural residences. *(See Figure 1 Vicinity Map)*

This property is the site of the approved use permit reviewed under County Planning file PLN210054. Upon approval, the applicant received permission to develop and improve approximately 26 acres of the property area for approximately 108,425 square feet of commercial and building space. This was to include a gas station with convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with outdoor pool and outdoor movie screen, and an outdoor event center.



**Figure 1. Vicinity Map.** The site lies along Betabel Road near US 101, approximately 5 miles north of San Juan Bautista.

**Legal Lot of Record:** The property currently comprises three legal lots—Parcel One, transferred by grant deed recorded in Volume 19 of San Benito County Official Records (OR) Page 21, filed for record on March 19, 1925 (conveyed from Frank R. Silva to Norman N. Nelson); Parcel Two, transferred by grant deed recorded in Book 182 OR Page 443 on January 11, 1952 (conveyed from Holmes, Holmes & Mitchell et al to the San Jose Abstract & Title Insurance Co.); and Parcel Three, approved for construction of the currently existing fruit stand under BLD20-00507, issued December 30, 2022, qualifying the parcel as a legal lot in accordance with State Government Code Sections 66499.34 and 66499.35(c) (portions of the Subdivision Map Act)—with said legal lots having been reconfigured through two Lot Line Adjustments (LLAs) recorded in the County Official Records as Document No. 2020-5952 on May 26, 2020 (following County approval under Planning file PLN190061), and as Document No. 2020-10495 on August 26, 2020 (following County approval under Planning file PLN200037).

**Minimum Building Site Allowed:** 40 acres under AR zone and 20,000 square feet under C-1 zone.

**Sewage Disposal:** Septic System.

**Water:** Private wells.

**State Farmland Map Designation:** Prime Farmland, Grazing Land, and Urban and Built-Up Land (Per 2020 FMMP).

**Land Conservation Act (Williamson Act):** Not under Williamson Act Contract.

**Soils:** Metz Sandy Loam, 0 to 2 percent slopes (Grade 1, capability units IIIs-4 (15): soils in this unit are very deep, somewhat excessively drained to well drained and have an available water holding capacity of 4.0 to 5.0 inches.); Metz Gravelly Sandy Loam, 0 to 2 percent slopes (Grade 3, capability units IIIe-4 (14):soils in this unit are very deep, well drained and somewhat excessively drained, moderately coarse textured, and gently sloping to moderately sloping and have an available water holding capacity of 4.0 to 8.0 inches.); Mocho Loam, 0 to 2 percent slopes (Grade 1, capability Units I-1 (14): soils in this unit are very deep, well drained and have a water holding capacity of 7.5 inches to 12.0 inches.); Sorrento Silt Loam, 2 to 9 percent slopes (Grade 1, capability units IIIc-1 (15): soils in this unit are very deep, well drained and have an available water holding capacity of 7.5 inches to 12.0 inches.); Sorrento Silty Clay Loam, 2 to 9 percent slopes (Grade 1, capability units IIIe-5 (15): soils in this unit are moderately deep to very deep, well drained and have an available water holding capacity of 4.0 to 12.0 inches.

**Seismic:** Not located within an Alquist-Priolo Fault Zone.

**FEMA Flood Zone:** The western portion of the project site is located within in a FEMA Flood Zones A & AE (100-year flood zone per FEMA Flood Insurance Rate Map panel 06069C0045D, April 16, 2009).

**Fire Severity:** Non-Wildland/Non-Urban

**Archaeological sensitivity:** Yes.

**Habitat Conservation Plan Study Area Interim Mitigation Fee:** Within fee area.

## PLANNING AND ZONING

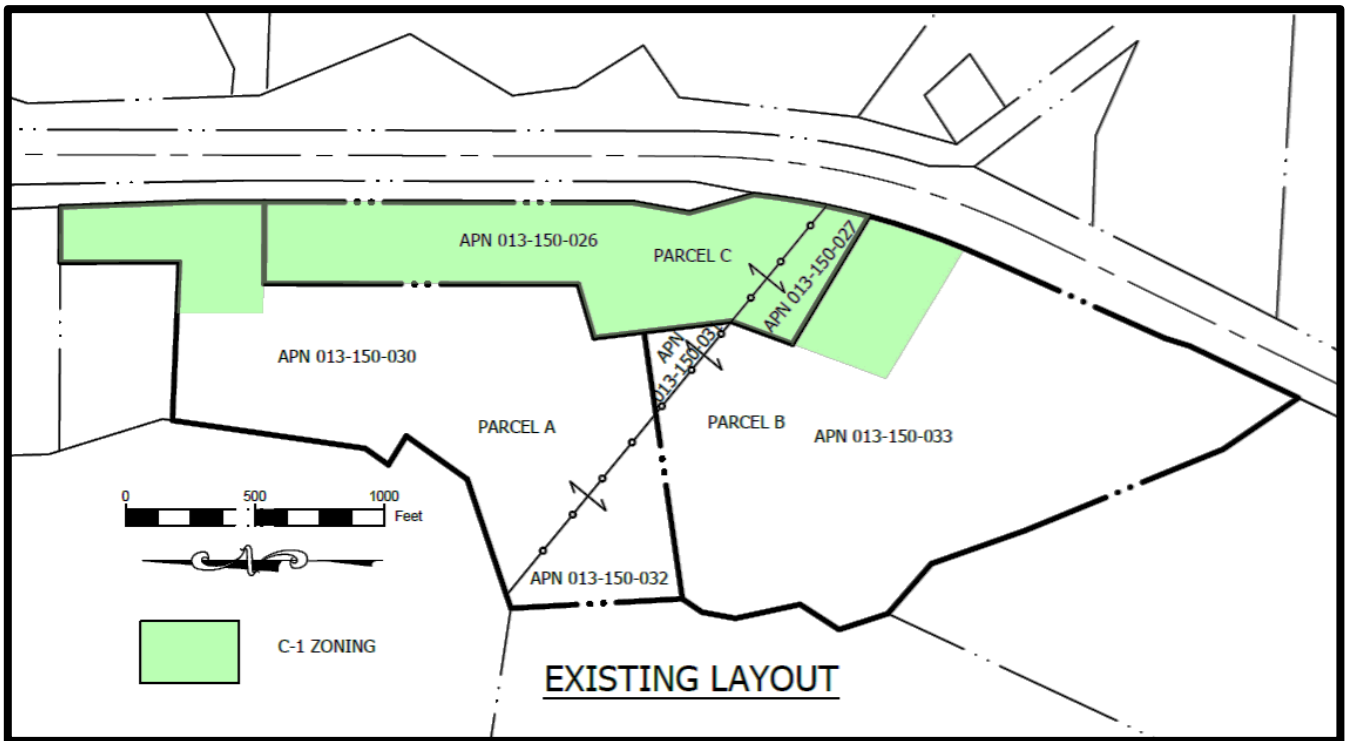
The property is designated as Rangeland (RG) and Commercial Regional (CR) under the General Plan, with corresponding zoning designations of Agricultural Rangeland (AR) and Commercial Thoroughfare (C-1). The RG General Plan designation aims to preserve open space and grazing land in remote areas characterized by high fire hazards, limited transportation access, and a lack of public infrastructure. This designation permits agricultural support uses and one principal residential dwelling per lot. The CR General Plan designation is intended to accommodate the location of such commercial uses at key intersections along State Highway 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations, tourist serving commercial uses, and hotels/motels.

The AR zoning designation supports agricultural rangeland purposes, in alignment with the General Plan, allowing for very low-density residential development and farmworker housing to preserve open space and agriculture due to the absence of public infrastructure. The C-1 zoning designation focuses on creating areas that serve as commercial activity hubs for the regional population. This includes accommodating commercial uses at key intersections along US 101 and other major state routes, such as shopping centers, truck and automobile stations, tourist-serving businesses, and hotels/motels. The proposed project, which involves no construction, is consistent with both the zoning and General Plan designations. The proposed map aligns with the intent of the RG and CR General Plan designations, as well as the AR and C-1 zoning districts. This project is also consistent with other General Plan policy, as detailed in Staff Analysis.

## ENVIRONMENTAL EVALUATION

Staff will recommend adoption of an Addendum to the Betabel Commercial Development CUP Project EIR (considered under County Planning File PLN210054). An addendum finds that, under State CEQA Guidelines §15162(a) (1–3) and §15164 and provided sufficient evidence, a previously certified EIR sufficiently analyzes a current proposal and no EIR recirculation is needed. Section 15162 sets forth the conditions under which recirculation may not occur, with an emphasis on establishing that new or substantially more severe significant impacts will not occur, and §15164 requires preparation and adoption of the addendum if §15162 conditions exist but changes or additions to the EIR are still necessary.

This addendum, found within the attached draft resolution, considers the current project in relation to a prior project approved on the site, the Betabel Commercial Development Conditional Use Permit (CUP) Project (PLN210054), and that project’s previously certified Environmental Impact Report (EIR). The addendum explains that, under the criteria of California Environmental Quality Act Guidelines Sections 15162 and 15164, the Betabel Commercial Development EIR adequately evaluates potential environmental effects of the currently proposed subdivision and that no preparation of a subsequent EIR is necessary. (See Attachment B Exhibit D for full evidence and analysis.)



**Figure 2. Existing Lot Layout.** The project site is currently composed of three parcels. The project proposes a new lot layout that includes one additional parcel for a resulting total of four parcels. Two of the parcels would have lot lines matching the existing area of C-1 zoning.

**STAFF ANALYSIS**

This project must align with its zoning and General Plan designation. Additionally, subdivisions must comply with the San Benito County Code Title 23 (Subdivisions) and the California Government Code Section 66410 *et seq.* (Subdivision Map Act).

The project is consistent with several General Plan policies. One such policy is LU-3.2 (Agricultural Integrity and Flexibility), which requires the County to protect existing agricultural resources while supporting the flexibility and economic viability of farming and ranching operations. The proposed Parcel Three, at 40.34 acres, and Parcel Four, at 40.53 acres, will continue to support agricultural activities. These parcel sizes remain viable for irrigated pasture or dry-land farming, consistent with San Benito County Code §19.01.021(D)(1)(a)(2). Another relevant policy is LU-5.6 (Visitor-Oriented Commercial Uses), which encourages commercial activities that highlight local history, boost the economy (e.g., agriculture, wineries, recreation), and promote locally produced agricultural products. Parcels One, sized at 7.61 acres, and Two, at 23.20 acres, align with this policy. Future uses planned for these parcels include a visitor

information center, fruit stand, gas station, exhibits on Parcel One, and a motel and event center on Parcel Two. These plans are consistent with the intent of Policy LU-5.6. (See Use Permit PLN210054 for further details on future developments.) Any future development, particularly those involving increased density, will require additional County evaluation. No specific plan has been adopted for this area.

The project proposes the creation of four parcels: Parcel One at 7.61 acres within the C-1 zoning district; Parcel Two at 23.20 acres within the C-1 zoning district; Parcel Three at 40.34 acres within the AR zoning district; and Parcel Four at 40.53 acres within the AR zoning district. This subdivision does not increase density or introduce uses beyond those permitted by current zoning, and no construction is proposed at this time. The General Plan's land use designations permit one dwelling per 40 acres within the RG district and 20 dwelling units per acre within the C-1 district. All four parcels meet their respective minimum lot size requirements. The only additional use allowed by the subdivision is one accessory dwelling unit on Parcel Four. However, no construction is proposed. The subdivision does not significantly alter the existing entitlements permitted under current zoning. The proposed lot configuration is consistent with current land use and density standards, demonstrating that the site is suitable for the proposed development density.

The project complies with the General Plan regarding subdivision layout and improvements, as reviewed by the County Resource Management Agency's Planning and Public Works staff. The project demonstrates appropriate access, water service connections, septic systems, and other infrastructure in accordance with General Plan policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these elements. The project does not include the use of a community sewer system. Should future development occur, new septic systems will be required, and the applicant must demonstrate the viability of these systems through a soils report. The County Division of Environmental Health has reviewed the proposed subdivision and determined it complies with all existing requirements set by the Central Coast Regional Water Quality Control Board, provided the conditions of project approval are met. Conditions of approval also include a review by the County Environmental Health Division of the septic system, specifically focusing on soil compatibility. Both systems were installed per regulations that required appropriate design to ensure effective operation within the site's specific soil conditions, further confirming the site's physical suitability for the proposed development. (See Attachment B CEQA Findings.)

The subdivision's layout and enhancements adhere to the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. Qualified personnel from responsible agencies have reviewed the proposed minor subdivision, including its ingress/egress improvements, and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval. The project does not involve new construction beyond the existing agricultural use and proposed future commercial uses as detailed earlier in this discussion. The four parcels, largely undeveloped except for an existing fruit stand, meet the minimum 40-acre lot area requirement of the RG zone and the 20,000 square foot lot size of the C-1 zone. This approach preserves the current land use while allowing for future development under existing zoning regulations, ensuring the long-term viability and productivity of agricultural operations, supporting potential commercial growth, and maintaining the continued use and enjoyment of the property for both current and future landowners. Any future development on the project site will undergo additional review as part of the building permit issuance process. The project does not affect any easements for public access through the site, and the project site is not subject to a Land Conservation Act (Williamson Act) contract. (See Attachment B Subdivision Findings.)

The project proposes no new construction at this time. While portions of the project site are identified as exceptional habitat for fish or wildlife, Condition 21 addresses these sensitive areas by requiring the

implementation of protective measures for riparian woodland habitat before any project activities occur within 50 feet of these areas. Setbacks will be established, flagged, or fenced, with no activity—including vegetation removal or ground disturbance—permitted within these zones. A qualified biologist will determine the setback distances, with a minimum of 50 feet, and best management practices will be enforced to prevent the spread of invasive species, including regular inspections. The landscaping plan will also be updated to remove invasive species. If the project impacts riparian habitat under California Department of Fish and Wildlife (CDFW) jurisdiction, the applicant will submit a Streambed Alteration Notification and comply with all required mitigation measures, including habitat compensation at a minimum 1:1 ratio through restoration, mitigation credits, or conservation easements. Additionally, fencing and signage will be installed to prevent trespassing into riparian areas.

To protect sensitive cultural resources, Condition 19 requires the applicant to establish a Tribal Cultural Resources Conservation Easement. This easement, covering approximately 50-80 acres of the undeveloped portion of the property, will be granted to the Amah Mutsun Tribal Band (AMTB) and/or the Amah Mutsun Land Trust (AMLT). The easement aims to protect and preserve tribal cultural resources while allowing AMTB and AMLT to conduct cultural, ethnobotanical, restoration, stewardship, research, and educational activities in perpetuity. The terms of the easement will ensure compatibility with the vegetation management plan outlined in Mitigation Measure 3.18-2. Given these protective measures, the design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or significantly harm fish, wildlife, or their habitat.

While the western portion of the property is located in a floodplain, no construction is currently proposed. Condition 20 (Maintain Floodplain Elevation and Extent to Pre-Project) requires that, before any grading activities, the project applicant must provide final grading, building, structure, and drainage details that demonstrate compliance with storm drainage design standards under County Code of Ordinances Chapter 23.31. This includes ensuring there is no increase in the offsite floodplain area or its elevation. This may be achieved through grading, use of the onsite stormwater retention pond, or other measures acceptable to the County. Additionally, Condition 37 (Existing Drainage Systems) mandates that existing drainage from Highway 101 be protected in place and that natural drainage paths be incorporated into the design of improvements for this project. Apart from the floodplain, the project site is free from other physical hazards, making it suitable for the proposed development.

The subject property is within an area designated by CAL FIRE as a Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally provides fire suppression and other related emergency services, with additional aid from the California Department of Forestry and Fire Protection (CAL FIRE). The closest fire stations are the Aromas Tri-County Fire Station (CAL FIRE) located at 492 Carpenteria Road in Aromas, 9 miles by road, and the City of Hollister-staffed Fire Station 4 at 24 Polk Street in San Juan Bautista, 5 miles by road. Furthermore, the County Fire Department, comprising personnel contracted from the City of Hollister Fire Department, has evaluated the design of the proposed subdivision. Their assessment resulted in a series of recommendations that have been integrated into the conditions of approval for the project.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings, recommended conditions of approval, and the recommended addendum to the Betabel Commercial Development CUP Project (PLN210054) EIR. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN240026 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

## **ATTACHMENTS**

A. Site Photos

B. Planning Commission Resolution 2024-\_\_\_ (draft) including

- Exhibit A — Findings
- Exhibit B — Conditions of Approval
- Exhibit C — Tentative Map
- Exhibit D — California Environmental Quality Act (CEQA) Addendum



**Attachment A Site Photos**



*View of the project site looking southwest along Y Road from opposite US 101. (Source: Ascent Environmental 2022)*



*View across US 101 looking northwest from Y Road toward the project site. (Source: Ascent Environmental 2022)*



*View of the project site looking west from Parcel 4 toward the San Benito River. (Source: Ascent Environmental 2022)*



*View of the project site from Parcel 1 facing north toward the neighboring property. (Source: Ascent Environmental 2022)*



*View of the project site looking east from Parcel 2 toward US Highway 101. (Source: Ascent Environmental 2022)*

**BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO**

**Resolution 2024-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN240026, A PROPOSAL FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE AN EXISTING 111.68-ACRE SITE CONTAINING THREE PARCELS INTO FOUR LOTS OF 7.61 ACRES, 23.20 ACRES, 40.34 ACRES, AND 40.53 ACRES.**

**WHEREAS** the subject property is located at 9644 Betabel Road near Hollister, San Benito County (“County”), California (Assessor’s Parcel(s) 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033) and currently contains 111.68 acres with three existing parcels; and

**WHEREAS** San Benito Engineering has filed an application for a minor subdivision/tentative parcel map (illustrated in **Exhibit C**) to subdivide the property into four lots of 7.61 acres, 23.20 acres, 40.34 acres, and 40.53 acres, replacing the three existing lots; and

**WHEREAS** the property currently comprises three legal lots—Parcel One, transferred by grant deed recorded in Volume 19 of San Benito County Official Records (OR) Page 21, filed for record on March 19, 1925 (conveyed from Frank R. Silva to Norman N. Nelson); Parcel Two, transferred by grant deed recorded in Book 182 OR Page 443 on January 11, 1952 (conveyed from Holmes, Holmes & Mitchell et al to the San Jose Abstract & Title Insurance Co.); and Parcel Three, approved for construction of the currently existing fruit stand under BLD20-00507, issued December 30, 2022, qualifying the parcel as a legal lot in accordance with State Government Code Sections 66499.34 and 66499.35(c) (portions of the Subdivision Map Act)—with said legal lots having been reconfigured through two Lot Line Adjustments (LLAs) recorded in the County Official Records as Document No. 2020-5952 on May 26, 2020 (following County approval under Planning file PLN190061), and as Document No. 2020-10495 on August 26, 2020 (following County approval under Planning file PLN200037); and

**WHEREAS** the property is currently undeveloped agricultural land and undeveloped commercially-zoned land; and

**WHEREAS** the property currently has a General Plan land use designation of Rangeland (RG) and Commercial Regional (CR) and portions under the separate zoning designations of Agricultural Rangeland (AR) and Commercial Throughfare (C-1); and

**WHEREAS** the purpose of the underlying the RG General Plan designation aims to preserve open space and grazing land in remote, high fire hazard areas with limited transportation access and no public infrastructure, allowing only agricultural support uses and one principal residential dwelling per lot; and

**WHEREAS** the purpose of the underlying CR General Plan designation is to provide areas that function as destinations for commercial activity serving the regional population, with said designation intending to accommodate the location of such commercial uses at key intersections along State Highway 101 and other major State Routes, such uses potentially including shopping centers, truck and automobile stations, tourist serving commercial uses, and hotels/motels; and

**WHEREAS** the intent of the AR zoning designation is to provide for areas within the county to be used for agricultural rangeland purposes as set forth in the general plan, with very low-density

residential development and farmworker housing being permitted due to the lack of public infrastructure and for the preservation of open space and agriculture; and

**WHEREAS** the intent of the C-1 zoning is to provide areas that function as destinations for commercial activity serving the regional population, with this designation intending to accommodate the location of such commercial uses at key intersections along US Highway 101 and major State Routes and with such uses potentially including shopping centers, truck and automobile stations, tourist-serving commercial uses, and hotels/motels; and

**WHEREAS** the aforementioned designations allow the continuation of the current agricultural operations and with a minimum building site of five acres, with the proposed lots within the AR designation being 40.34 acres and 40.53 acres respectively; and

**WHEREAS** the aforementioned designations allow the continuation of the proposed future commercial uses and with a minimum building site of 20,000 square feet, with two of the four proposed lots being coterminous with the site's C-1 zoning designation and containing 7.61 acres and 23.20 acres respectively; and

**WHEREAS** the applicant and owner have demonstrated adequate street access, road improvements, existing accessory structures, structures, and wells; and

**WHEREAS** the Planning Commission has determined that the Betabel Commercial Development EIR (County Planning File PLN210054) Environmental Impact Report (EIR), distributed for public comment as State Clearinghouse No. 2022040455, adequately evaluates potential environmental effects of the currently proposed subdivision and that no preparation of a subsequent EIR is necessary in that the proposed subdivision meets the criteria outlined in CEQA Sections 15162 and 15164, affirming that no major revisions to the EIR are necessary and that all environmental protections will remain intact, with the current project maintaining consistency with the previously evaluated land use, traffic, utilities, biological and cultural resources, and cumulative impacts, thereby confirming that no new or significantly more severe environmental effects will occur; and

**WHEREAS** the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regular meeting held on September 18<sup>th</sup>, 2024, and the item was continued for additional review to the special meeting on the date certain of September 25<sup>th</sup>, 2024; 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 stated in **Exhibit A**.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby adopts an addendum to the Betabel Commercial Development CUP Project (County Planning File PLN210054) Environmental Impact Report (EIR) to declare that the EIR adequately evaluates potential environmental effects of the currently proposed subdivision and that, pursuant to CEQA, conditions do not exist that would require preparation of a subsequent or supplemental EIR for the current action, said addendum being attached as **Exhibit D**.

**BE IT FURTHER RESOLVED** by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN240026 and its minor subdivision/tentative parcel map subject to the conditions of approval found in **Exhibit B** and as illustrated in **Exhibit C**.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 25<sup>th</sup> DAY OF SEPTEMBER 2024 BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

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Robert Gibson, Chair  
San Benito County Planning Commission

ATTEST:

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M. Abraham Prado, Director, Planning and Building  
Resource Management Agency San Benito County

**Subdivision Findings:**

**Finding 1:** The proposed map is consistent with the General Plan or any applicable specific plan.

*Evidence:* The property is designated as Rangeland (RG) and Commercial Regional (CR) under the General Plan, with corresponding zoning designations of Agricultural Rangeland (AR) and Commercial Thoroughfare (C-1). The RG General Plan designation aims to preserve open space and grazing land in remote areas characterized by high fire hazards, limited transportation access, and a lack of public infrastructure. This designation permits agricultural support uses and one principal residential dwelling per lot. The CR General Plan designation is intended to provide areas that function as destinations for commercial activity serving the regional population. This designation intends to accommodate the location of such commercial uses at key intersections along US Highway 101 and other major State Routes. These uses could include shopping centers, truck and automobile stations and tourist serving commercial uses, and hotels/motels.

The AR zoning designation supports agricultural rangeland purposes, in alignment with the General Plan, allowing for very low-density residential development and farmworker housing to preserve open space and agriculture due to the absence of public infrastructure. The C-1 zoning designation focuses on creating areas that serve as commercial activity hubs for the regional population. This includes accommodating commercial uses at key intersections along US 101 and other major state routes, such as shopping centers, truck and automobile stations, tourist-serving businesses, and hotels/motels. The proposed project, which involves no construction, is consistent with both the zoning and General Plan designations. In accommodating these land uses with the changes to lot lines, the proposed map aligns with the intent of the RG and CR General Plan designations, as well as the AR and C-1 zoning districts.

Additionally, this project aligns with General Plan Policy LU-3.2 (Agricultural Integrity and Flexibility), which mandates that the County protect the integrity of existing agricultural resources while ensuring the flexibility and economic viability of farming and ranching operations. Parcels Three and Four, with proposed sizes of 40.34 and 40.53 acres, respectively, will allow agricultural operations to continue. These parcel sizes remain viable for irrigated pasture or dry-land farming, consistent with San Benito County Code §19.01.021 (D)(1)(a)(2).

Parcels One and Two, with sizes of 7.61 and 23.20 acres, respectively, align with General Plan Policy LU-5.6 (Visitor-Oriented Commercial Uses). This policy encourages visitor-oriented commercial activities that promote the local history, economy (e.g., agriculture, wineries, recreation), and market locally produced agricultural products. The proposed future uses for these parcels include a visitor information center, fruit stand, gas station, various exhibits on Parcel One, and a motel and event center on Parcel Two. These plans are consistent with the intent of Policy LU-5.6. (See Use Permit PLN210054 for further information on future developments).

Any potential future development, particularly those entailing an increase in density, would necessitate further evaluation by the County. No specific plan has been adopted in this particular area.

**Finding 2:** The design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

*Evidence:* The project maintains consistency with the General Plan concerning the subdivision's layout and enhancements, which the County Resource Management Agency's Planning and Public Works staff

have reviewed. The proposed project has demonstrated appropriate access, connections to water services, septic systems, and other infrastructure, all executed in accordance with the guidelines specified in General Plan policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these topics.

The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

**Finding 3:** The site is physically suitable for the type of development.

**Evidence:** The project does not involve new construction beyond the existing agricultural use and the proposed future commercial uses (as detailed in Finding 1). The four parcels, largely undeveloped except for an existing fruit stand, meet the minimum 40-acre lot area requirement of the RG zone and the 20,000-square-foot minimum lot size of the C-1 zone. This approach preserves the current land use while allowing for future development in accordance with existing zoning regulations, ensuring the long-term viability and productivity of agricultural operations, supporting potential commercial growth, and maintaining the continued use and enjoyment of the property for both current and future landowners.

Additionally, the conditions of approval include a review by the County Environmental Health Division of the septic system, specifically focusing on soil compatibility. Both systems were installed in accordance with regulations that required appropriate design to ensure effective operation within the site's specific soil conditions, further confirming the site's physical suitability for the proposed development.

While the western portion of the property is located in a floodplain, no construction is currently proposed. Condition 20 (Maintain Floodplain Elevation and Extent to Pre-Project) requires that, prior to any grading activities, the project applicant must provide final grading, building, structure, and drainage details that demonstrate compliance with storm drainage design standards under County Code of Ordinances Chapter 23.31. This includes ensuring there is no increase in the offsite floodplain area or its elevation. This may be achieved through grading, use of the onsite stormwater retention pond, or other measures acceptable to the County. Additionally, Condition 37 (Existing Drainage Systems) mandates that existing drainage from Highway 101 be protected in place and that natural drainage paths be incorporated into the design of improvements for this project. Apart from the floodplain, the project site is free from other physical hazards, making it suitable for the proposed development.

**Finding 4:** The site is physically suitable for the density of development.

**Evidence:** The project and its four parcels—Parcels One and Two, within the C-1 zoning district and measuring 7.61 acres and 23.20 acres respectively; and Parcels Three and Four, within the AR zoning district and measuring 40.34 acres and 40.53 acres respectively—do not increase density or introduce uses beyond what current zoning allowances permit. The site already contains three parcels, with this project adding one lot and reconfiguring other lot lines, and no construction is proposed at this time. The General Plan's land use designations permit one dwelling per 40 acres within the RG district and 20 dwelling units per acre within the C-1 district. All four parcels comply with their respective minimum lot size requirements.

The only additional use allowed by the subdivision would be one accessory dwelling unit on the proposed Parcel Four. However, this project proposes no construction. The subdivision does not significantly alter the entitlements already permitted under the existing zoning, as the proposed lot configuration aligns with



*the current land use and density standards. The applicant is only proposing new parcel boundaries, without any new development, as the existing zoning already supports nearly the same level of use without the subdivision. This demonstrates that the site is physically suitable for the proposed density of development.*

**Finding 5:** The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Evidence:** *The project proposes no new construction at this time. While portions of the project site are identified as exceptional habitat for fish or wildlife, Condition 21 addresses these sensitive areas by requiring the implementation of protective measures for riparian woodland habitat before any project activities occur within 50 feet of these areas. Setbacks will be established, flagged, or fenced, with no activity—including vegetation removal or ground disturbance—permitted within these zones. A qualified biologist will determine the setback distances, with a minimum of 50 feet, and best management practices will be enforced to prevent the spread of invasive species, including regular inspections. The landscaping plan will also be updated to remove invasive species. If the project impacts riparian habitat under CDFW jurisdiction, the applicant will submit a Streambed Alteration Notification and comply with all required mitigation measures, including habitat compensation at a minimum 1:1 ratio through restoration, mitigation credits, or conservation easements. Additionally, fencing and signage will be installed to prevent trespassing into riparian areas.*

*Moreover, to protect sensitive cultural resources, Condition 19, environmental mitigation continuing from the site's prior use permit review, requires the applicant to establish a Tribal Cultural Resources Conservation Easement. This easement, covering approximately 50-80 acres of the undeveloped portion of the property, will be granted to the Amah Mutsun Tribal Band (AMTB) and/or the Amah Mutsun Land Trust (AMLT). The easement aims to protect and preserve tribal cultural resources while allowing AMTB and AMLT to conduct cultural, ethnobotanical, restoration, stewardship, research, and educational activities in perpetuity. The terms of the easement will ensure compatibility with the vegetation management plan outlined in Mitigation Measure 3.18-2. Given these protective measures, the design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or significantly harm fish, wildlife, or their habitat.*

**Finding 6:** The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

**Evidence:** *Although this project proposes no new construction at this time, it has undergone thorough review by relevant agencies to ensure public health is safeguarded. Conditions of approval focus on water quality, including well and septic system use, as well as controlling effects from grading activities, such as water runoff and dust emissions.*

*To further protect public health, the project includes several conditions, many serving as environmental mitigation for the prior use permit remaining in effect on the project site. Condition 29 requires a detailed soil evaluation for pesticide and herbicide contamination prior to grading. Soil sampling must follow the Department of Toxic Substances Control's guidelines, and if harmful substances are found, remediation must be completed to meet health standards before the site becomes operational. Similarly, Condition 30 requires a Phase I Environmental Site Assessment, and potentially a Phase II, to identify and remediate any contamination from previous land use. This remediation must be completed before building permits are issued or grading begins, under the supervision of the San Benito County Environmental Health Division and applicable state agencies.*

*The evidence in the record indicates that the proposed project and improvements are not likely to cause serious public health problems as long as the aforementioned conditions of approval are adhered to. Any future development on the project site will undergo additional review during the building permit issuance process to ensure continued compliance with public health standards.*

**Finding 7:** The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

*Evidence: The project would affect no such easement.*

**Finding 8:** Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

*Evidence: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) contract.*

**Finding 9:** Subject to Cal. Gov't Code § 66474.6, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in a violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Cal. Water Code Division 7 (commencing with § 13000).

*Evidence: The project does not include the use of a community sewer system; instead, should any future development occur, new septic systems will be utilized for sewage disposal and the applicant would need to show the viability of these systems via a soils report. The proposed subdivision as submitted has undergone a review by the County Division of Environmental Health and has been determined to be in compliance with all existing requirements set forth by the Central Coast Regional Water Quality Control Board, provided that the conditions of project approval are met.*

**Finding 10:** The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

*Evidence: This property is located in a Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations, accordingly, incorporated into conditions of approval.*

**Finding 11:** Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

*Evidence: The subject property is within an area designated by CAL FIRE as Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are Aromas Tri-County Fire Station (CAL FIRE) located at 492 Carpenteria Road in Aromas 9 miles by road and City of Hollister-staffed Fire Station 4 at 24 Polk Street in San Juan Bautista 5 miles by road.*

**Finding 12:** Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

***Evidence:** Qualified personnel from responsible agencies have reviewed the proposed minor subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval.*

**Conditions of Approval:**

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY'S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in Exhibit C) and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

*I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.*

*Applicant Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]

5. **Notice of Exemption (California Department of Fish and Wildlife Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. In accordance with State CEQA Guidelines §15062, the notice shall be provided by the County Resource Management Agency and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.<sup>00</sup> shall be submitted to the Resource Management Agency Planning staff for the filing of the notice. [Planning, California Department of Fish and Wildlife]
6. **Condition of Approval:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel, and the County Planning Director shall agree to and sign the Condition of Approval form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions. If multiple parcel maps are filed, separate agreements with new builders/owners may be required. [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map to be paid in full. Additionally, the project applicant shall be responsible for payment of fees associated with the review and monitoring of the conditions of approval. Payment of these invoices shall be a prerequisite to commencing the Staff verification of compliance with the Conditions of Approval for this project. Failure to comply with this condition shall result in a hold on the tentative map until such time that this condition is complied with or that the tentative map expires, whichever occurs first. [Planning]
8. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
9. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
10. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
11. **Construction Hours:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code, Title 19, Chapter 19.39 *et seq.* Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
12. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
  - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
  - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of

discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
  - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]
13. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
14. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
15. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$2400 (\$600 for each lot over 5.1 acres and \$300 per lot 1.1 to 5 acres). [Planning]
16. **Dust Control:** A note shall be placed on the improvement plans for the proposed subdivision to state that the applicant/owner shall incorporate the following requirements into any grading activities occurring as part of this project:
- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
  - b. All grading activities during periods of high wind, over 15 mph, are prohibited.
  - c. Haul trucks shall maintain at least two feet of freeboard.
  - d. All trucks hauling dirt, sand, or loose materials shall be covered.
  - e. Inactive storage piles shall be covered.
  - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]
17. **Building Permit Requirement:** Prior to issuance of a building permit, the applicant shall produce, including but not limited to, all necessary tests and reports to ensure compliance with all applicable County Code and State Government Code §66410 *et seq.* (the Subdivision Map Act). A note shall be placed on the Parcel Map to this effect. [Planning]
18. **Wildland-Urban Interface:** Any construction on the subject property shall comply with the requirements of California Building Code R337 Materials and Construction Methods for Exterior Wildfire Exposure *et seq.* A note shall be placed on the Parcel Map to this effect. [Planning/Building]
19. **Establish a Tribal Cultural Resources Conservation Easement:** The applicant shall offer a grant of cultural conservation easement to AMTB and/or Amah Mutsun Land Trust (AMLT). The cultural conservation easement shall apply to the undeveloped area of the property of approximately 50-80 acres. The purposes of the cultural conservation easement shall include, but not be limited to,

protection and preservation of tribal cultural resources, and facilitation of AMTB and AMLT's use of the area for cultural, ethnobotanical, restoration, stewardship, research, and education activities, in perpetuity. The cultural conservation easement shall contain terms to ensure its compatibility with the vegetation management plan identified in Mitigation Measure 3.18-2. A note shall be placed on the Parcel Map to this effect. (See EIR PLN210054) [Planning, PLN210054 Mitigation Measure 3.16-1d]

20. **Maintain Floodplain Elevation and Extent to Pre-Project Conditions:** Prior to grading activities, the project applicant shall provide final grading, building, structure, and drainage details that demonstrate compliance with storm drainage design standards under County Code of Ordinances Chapter 23.31 as well as no increase in offsite floodplain area or its elevation. A note shall be placed on the Parcel Map to this effect. [Planning/Public Works, PLN210054 Mitigation Measure 3.10-4]
21. **Setbacks:** A note shall be placed on the Parcel Map that the applicant shall provide Riparian Setbacks, Best Management Practices, and Compensate for Unavoidable Loss of Riparian Habitat. The project applicant shall implement the following protection measures prior to implementation of project activities (e.g., construction, staging) within 50 feet of riparian woodland habitat on the project site:
  - a. Setbacks shall be established around all riparian woodland habitat on the development area and shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist and no project activities (e.g., vegetation removal, ground disturbance, staging) shall occur within these areas. Setback distances shall be determined by a qualified biologist in consultation with the appropriate agency (e.g., CDFW), but will be a minimum of 50 feet. The final siting of all project features, including the livestock corral, will be at least 50 feet from riparian woodland habitat. Foot traffic by personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species or inadvertent crushing of plants and soil compaction. Periodic inspections (e.g., once per week at a minimum) during construction shall be conducted by a qualified biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
  - b. Best management practices to limit the introduction and spread of invasive plants to adjacent natural habitat will be implemented, including but not limited to cleaning clothing, footwear, and equipment; inspecting heavy equipment, vehicles, and tools; and staging equipment in areas free of invasive plant infestations.
  - c. Before the building permit is issued, the project applicant shall update its landscaping plan to remove species considered invasive by the California Invasive Plant Council. This shall include removing the Canary Island date palm and common olive tree from the currently proposed landscaping plan.
  - d. If project implementation cannot avoid and thus may adversely affect riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, the following measures shall apply:
    - A Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1602 of the California Fish and Game Code. If proposed project activities are determined to be subject to CDFW jurisdiction, the project applicant shall abide by the measures to protect fish and wildlife resources required by any executed agreement prior to any vegetation removal or activity that may affect the resource. Measures to protect fish and wildlife resources shall include a combination of the following mitigation.

- The project applicant shall compensate for the loss of riparian habitat and habitat function and value of this habitat by at a ratio sufficient to offset the loss of riparian habitat function (at least 1:1):
  - restoring riparian habitat function and value within the project site;
  - restoring degraded riparian habitat outside of the project site;
  - purchasing riparian habitat credits at a CDFW-approved mitigation bank;
  - or preserving existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement.
- The project applicant shall prepare and implement a Compensatory Mitigation Plan that shall include the following:
  - For preserving existing riparian habitat outside of the project site in perpetuity, the Compensatory Mitigation Plan shall include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The project applicant shall provide evidence in the plan that the necessary mitigation has been implemented or that the project applicant has entered into a legal agreement to implement it and that compensatory habitat shall be preserved in perpetuity.
  - For restoring or enhancing riparian habitat within the project site or outside of the project site, the Compensatory Mitigation Plan shall include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.
  - Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project applicant (e.g., Lake and Streambed Alteration Agreement), if these requirements are equally or more effective than the mitigation identified above.
- e. Fencing and signage shall be installed between the development footprint and the riparian woodland habitat associated with the Pajaro River to discourage trespassing into stream and riparian habitat. Fencing design shall be at the discretion of the project applicant and may include permeable, symbolic fencing (e.g., post and cable). [Planning, PLN210054 Mitigation Measure 3.4-3]

22. **Preservation of Important Farmland:** A note shall be placed on the Parcel Map that prior to issuance of a grading permit, stating that important Farmland shall be preserved in San Benito County at a minimum ratio of 1:1 for each acre of Farmland converted to nonagricultural use by the project. Such lands must have an NRCS soils classification or FMMP categorization of the same or greater value than farmland converted by project implementation. Mitigation lands will be protected by agricultural conservation easements containing restrictive encumbrances in a form deemed acceptable to and approved by the County. Farmland preserved for the purpose of habitat mitigation may be counted toward the Farmland mitigation measure if the preserved land has the same or better NRCS or FMMP classification as the farmland being converted to by the project. [Planning, PLN210054 Mitigation Measure 3.2-1]



**San Benito County Water District:**

- 23. **Well Access:** In order to ensure that well ownership is well defined, if well is to be shared between parcels, easements regarding said well shall be executed and reflected on the parcel map. [San Benito County Water District]
- 24. **River Activities:** A note shall be placed on the Parcel Map stating that any activities in the river must be permitted through the Department of Fish and Game. This includes clean up and clearing of debris. [San Benito County Water District, PLN210054]

**Central Coast Regional Water Quality Control Board**

- 25. **Regional Water Quality Control:** Prior to any site development, the operation shall maintain proper satisfaction of permitting requirements by the Central Coast Regional Water Quality Control Board. A note shall be placed on the Parcel Map to this effect. [Central Coast Regional Water Quality Control Board, PLN210054]

**County Division of Environmental Health:**

- 26. **Sewage Disposal:** It is the owner’s responsibility to ensure all existing septic systems meet the required setback from all property lines and to show proof that all properties are feasible for installation of a septic system prior to issuance of a building permit. [Environmental Health]
- 27. **Water:** It is the owner’s responsibility to ensure all water systems meet the required GPM for the number of connections allowed and that the water meets Title 22. The owner shall contact the State Water Resources Control Board Division of Drinking Water regarding permit(s) for this project. [Environmental Health]
- 28. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan (HMBP) shall be completed and submitted to County Division of Environmental Health. [Environmental Health]
- 29. **Soil Evaluation and Remediation for Pesticide/Herbicide Contamination:** Prior to grading activities on the project site and Betabel Road, project applicant shall include a detailed assessment of soil contamination associated with previous herbicide/pesticide use on the site. Soil sampling shall be conducted in a manner consistent with Department of Toxic Substances Control’s 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision). If substances are detected at concentrations that could pose a health hazard and/or violate local, State, or federal health standards, remediation of the affected areas shall be undertaken to a level that is protective of public health for commercial, lodging, and outdoor event centers consistent with the requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Remediation shall be completed prior to operation of the site. [Environmental Health, PLN210054 Mitigation Measure 3.9-1a]
- 30. **Contamination:** Onsite Contamination Evaluation and Remediation of Identified Contamination Issues. Prior to approval of building permits and grading activities on the project site and Betabel Road, a Phase 1 Environmental Site Assessment and a Phase II (if required based on the result of the Phase I and to determine the presence of aerially deposited lead in soils or other contaminants) shall be conducted to determine whether onsite and Betabel Road soil conditions and previous building sites contain contamination that present impacts to public health. Remediation measures shall be identified

to address any identified contamination to a level that is protective of public health for commercial, lodging, and outdoor event centers consistent with the requirements of the San Benito County Environmental Health Division of the Health Department and applicable State agencies (e.g., Regional Water Quality Control Board and Department of Toxic Substances Control). Remediation shall be completed prior to operation of the site. [Environmental Health, PLN210054 Mitigation Measure 3.9-1a]

### **San Benito County Fire:**

31. **Fire:** Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code and other related codes as they apply to a project of this type and size. [County Fire]

### **Public Works Division:**

32. **Right of Way Dedication/Confirmation:** Applicant shall provide confirmation that 60 feet right of way already exist on Betabel Road, otherwise shall be required to dedicate right-of-way (ROW) to make Betabel Road 60 foot right of way. Applicant is negotiating with the County to acquire Betabel Road from the County. It is the applicant's responsibility to do the research and provide necessary documentations and/or confirmations for the road ownership which includes but not limited to; Caltrans ROW Maps, Caltrans relinquishments to the County, recorded documents/deeds, and all other documentations needed for the negotiations to acquire Betabel Road. A note shall be placed on the Parcel Map to this effect. [§ 23.15.002 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easement] [Public Works, PLN210054]
33. **Improvements:** Proposed project improvements (permanent improvements) which are not part of the required right-of-way improvements shall be built outside of the required 60 foot right of way. A note shall be placed on the Parcel Map to this effect. [Public Works, PLN210054]
34. **Roadway Improvement:** Applicant shall be required to improve the full width of Betabel Road to County Road Standards by constructing full 32-foot asphaltic concrete (AC) on 42-foot aggregate base (AB) roadbed for the whole length of Betabel Road from Highway 101 interchange to the southern project boundary. In case the existing road already have 32-foot AC pavement or more, applicant shall be required to provide AC overlay on the existing 32-foot wide or more AC pavement. Per County's email sent on May 26, 2022, the County Engineer requires that portion of Betabel Road adjacent to the project's property frontage shall be reconstructed with 3-inch AC on 8-inch AB. Although applicant is negotiating with the County to acquire Betabel Road (whether the whole road or portion thereof) from the County and is proposing a lesser requirement but until the County and Applicant will reach an agreement, the above requirements mentioned above remain the same. A note shall be placed on the Parcel Map to this effect. [Public Works, PLN210054]
35. **Repave Betabel Road with Noise-Reducing Asphalt:** To reduce the effects of traffic-related noise impacts, project construction plans shall include repaving Betabel Road from the US 101 interchange crossing north of the Betabel RV Resort to the terminus of Betabel Road south of the project site with noise-reducing asphalt such as rubberized asphalt, gap-graded asphalt, or other materials providing 3-4 dB of traffic noise attenuation over time as compared to conventional asphalt overlays. The County shall review all project construction plans to ensure compliance prior to issuance of construction

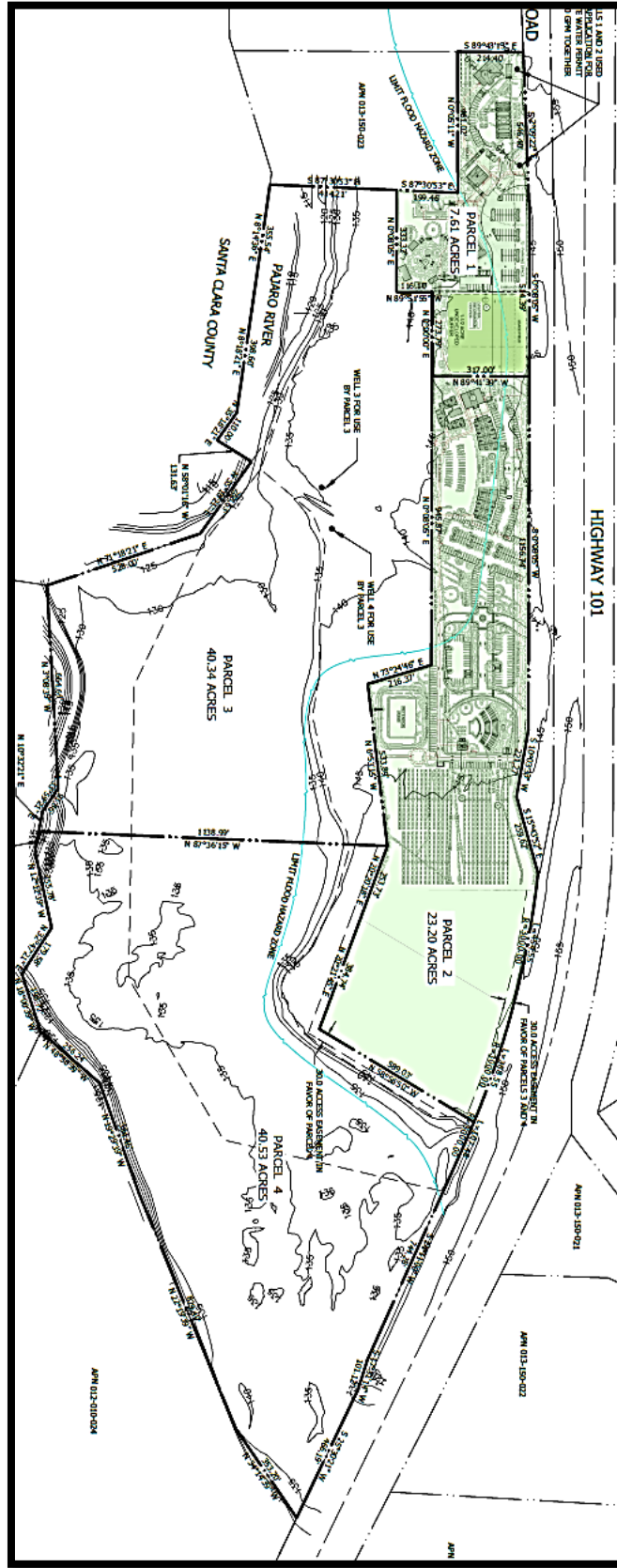
permits. A note shall be placed on the Parcel Map to this effect. [Public Works, PLN210054 Mitigation Measure 3.12-3]

36. **Geotechnical Report:** As part of submission of engineered improvement plans for this project, a design-level geotechnical engineering investigations report shall be submitted for review by the County Engineer, and the same (once reviewed and accepted) shall be the basis of the design of any proposed or required improvements within the property. Applicant may also provide existing Soils Report for the property, if any. Prior to acceptance of any required improvements, a letter of geotechnical compliance shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the parcel map to this effect. [§ 23.31.023]
37. **Existing Drainage:** Existing drainage systems from Hwy 101 shall be protected in place and existing/natural drainage paths shall be accommodated in the design of improvements for this project. A note shall be placed on the Parcel Map to this effect. [Public Works, PLN210054]
38. **Drainage:** As part of submission of engineered improvement plans for this project, the applicant shall comply with County Storm Drainage Design Standards (§ 23.31.040-045), hence, shall mitigate concentrated or increased runoff resulting from the impermeable surfaces created by the project. Included in this will be drainage calculations and construction details for the required detention/retention pond. Details and direction of flows of drainage swales and grades shall also be included. Applicant shall ensure that runoff from the proposed improvement(s) shall be directed to existing drainage systems and/or drainage easements and shall not negatively impact neighboring properties. Applicant shall also be required to implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways, hence, erosion control measures shall also be shown on the plans. All drainage improvements must be installed in conjunction with any improvements that would create impermeable surfaces as part of this project. [Public Works]
39. **Floodplain:** A portion of the property is in the floodplain. If proposed improvements are to be built within the floodplain, applicant shall provide proof by means of hydraulic calculations/modeling that the proposed project will not significantly impact neighboring properties. The hydraulic models shall include existing and proposed conditions with enough detail to ascertain the impact of proposed development on the floodplain and neighboring properties. Applicant shall also be required to comply with provisions of the County Code Chapter 19.15 - Flood Damage Prevention, with emphasis of compliance toward §19.15.070. [Public Works]
40. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electric, telephone and cable television facilities where available. All necessary utilities must be installed prior to recordation of the Parcel Map. [§ 23.17.003 REQUIRED IMPROVEMENTS, (E); (F)]
41. **Improvement Plans:** Applicant must submit with the Improvement Plans all applicable utility plans approved by the respective utility company. Approved utility plans will be included as part of the final or approved improvement Plan. It is the applicant's responsibility to provide utility easement(s) to each of the utility companies whose services are necessary for the proposed subdivision. Said easement(s) shall be shown on the Parcel Map.
42. **Storm Water Pollution Prevention Plan:** If disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction

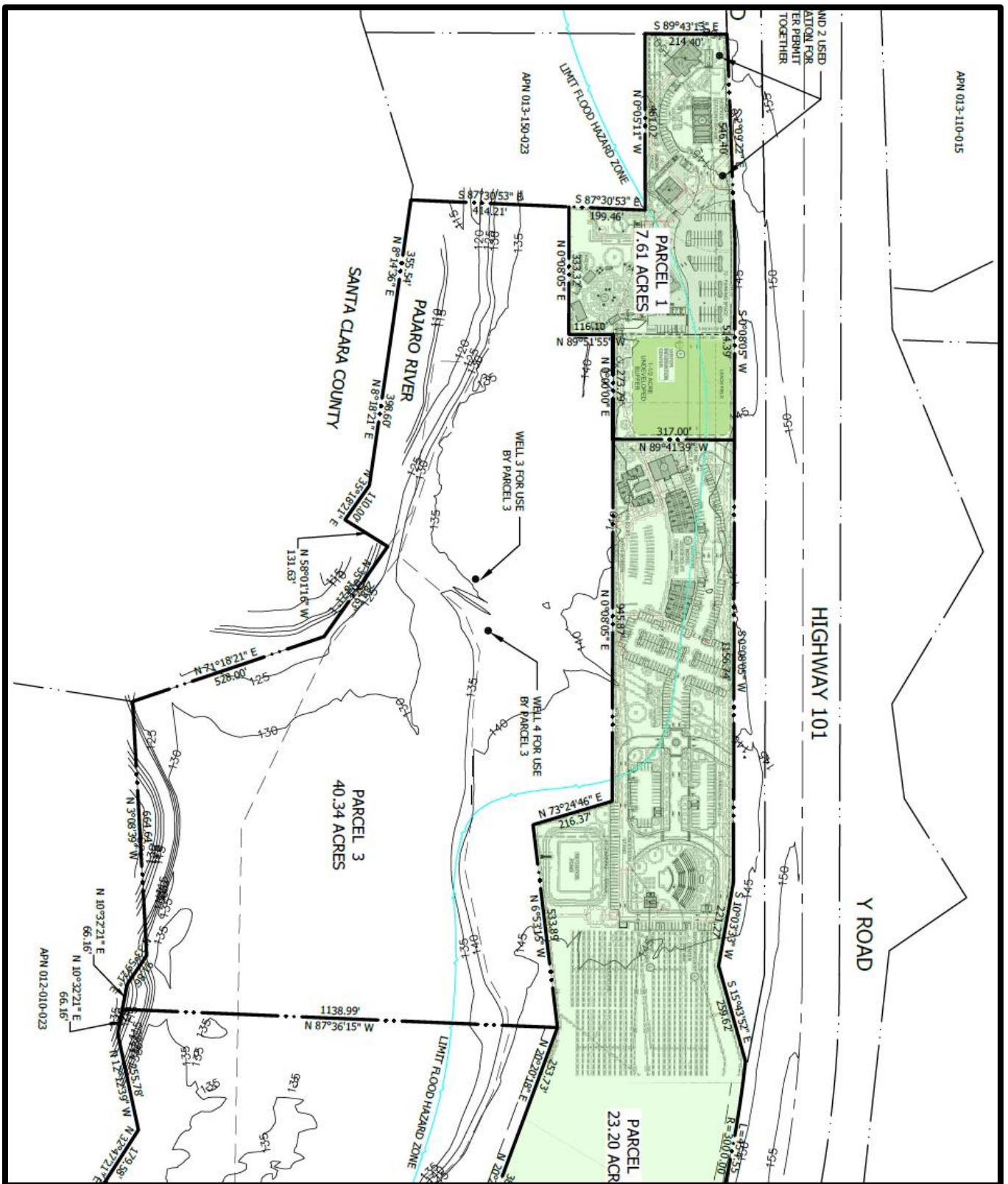
Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the Public Works Division prior to start of any construction activities as part of this project. A note to this effect must be added on the Improvement Plans.

43. **Community Facilities District:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.
44. **Dedication of Parkland:** Prior to recordation of the Parcel Map, pursuant to San Benito County Code of Ordinances Section 23.15.008 (Dedication of Parkland), the subdivider shall dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.
45. **Encroachment Permit:** Pursuant to § 19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project.
46. **Warranty Security:** Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)]
47. **As Built Improvement Plans:** Prior to the recordation of the Parcel Map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and delivered to the Public Works Department. [§ 23.31.002.(K)(1)]

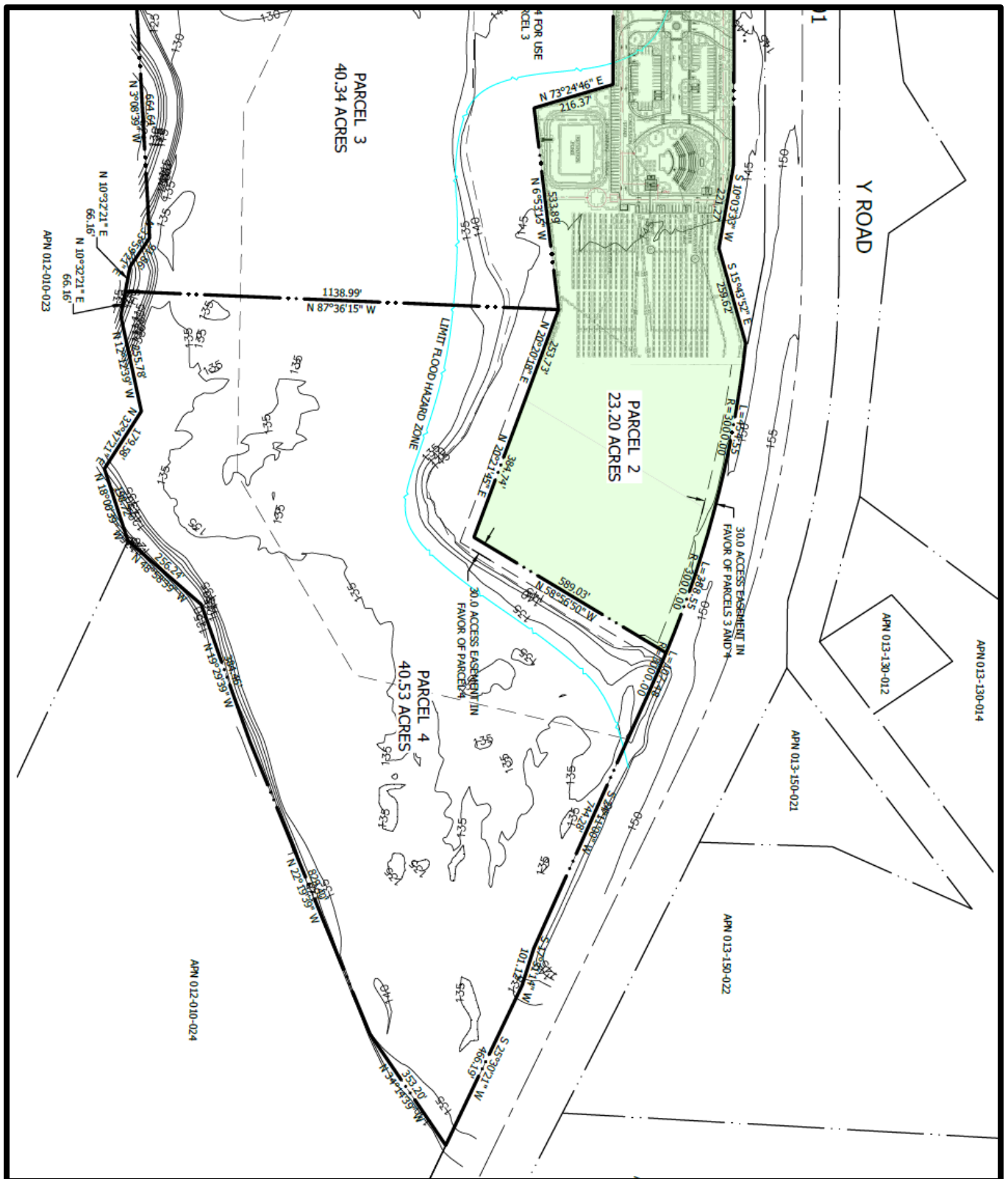
Exhibit C to Planning Commission Resolution (Site Plan)



Site plan as submitted. All depicted development is part of prior-approved conditional use permit PLN210054.



Northern portion of site plan.



Southern portion of site plan.

**Addendum to Betabel Commercial Development CUP Project  
(County Planning File PLN210054)  
Environmental Impact Report  
(State Clearinghouse No. 2022040455) for  
9644 Betabel Road Subdivision  
County of San Benito  
September 25, 2024**

The current project, County Planning file PLN240026, is a subdivision of the 111.68-acre, three-parcel site at 9644 Betabel Road to establish four lots, or a net addition of one lot. The lot lines, which currently straddle two zoning districts, would be drawn with two lots entirely within Agricultural Rangeland (AR) zoning and two lots entirely within Commercial Thoroughfare (C-1) zoning. This addendum considers the current project in relation to a prior project approved on the site, the Betabel Commercial Development Conditional Use Permit (CUP) Project (PLN210054), and that project's previously certified Environmental Impact Report (EIR). The addendum explains that, under the criteria of California Environmental Quality Act Guidelines Sections 15162 and 15164, the Betabel Commercial Development EIR adequately evaluates potential environmental effects of the currently proposed subdivision and that no preparation of a subsequent EIR is necessary.

**Previous Environmental Documentation**

The Betabel Commercial Development Conditional Use Permit (CUP) Project, located at 9644 Betabel Road under project file PLN210054, underwent a thorough review process in accordance with the California Environmental Quality Act (CEQA). A project-level Environmental Impact Report (EIR) was prepared following the requirements of State CEQA Guidelines §§ 15161 and 15168. On October 12, 2022, after closing the public hearing, the San Benito County Planning Commission adopted Resolution No. 2022-12. This resolution certified the EIR, adopted the Mitigation Monitoring and Reporting Program, and approved the CEQA Findings of Fact and Statement of Overriding Considerations for impacts identified as significant and unavoidable. The Planning Commission also made the requisite findings to approve the Conditional Use Permit (CUP) for the Betabel Commercial Development Project, subject to specified conditions of approval.

Subsequently, on October 24, 2022, appeals against Planning Commission Resolution No. 2022-12's approval were filed. After publication of sufficient public notice, the Board of Supervisors on November 8, 2022, held a public hearing to address the appeals with a complete public hearing including public comment and open deliberation on the appeal's merits. Based on the evidence presented, the Board of Supervisors denied the appeals and affirmed the Planning Commission's actions in approving its Resolution No. 2022-12.

**Project Overview and Objectives**

The Betabel Commercial Development Project is located at 9644 Betabel Road, approximately two miles south of Sargent and four miles north of San Juan Bautista. The project site, encompassing approximately 116 acres, includes six Assessor's Parcel Numbers (APNs): 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. The site is bordered by Betabel Road and U.S. Highway



101 (US 101) to the east, the Betabel RV Park to the north, and agricultural and open space to the south and west. The Pajaro and San Benito Rivers are located to the west and south of the property, respectively. The project proposes to develop approximately 26 acres of the site, creating 108,425 square feet of commercial space. This development will include a gas station with a convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with an outdoor pool and movie screen, and an outdoor event center, alongside the already approved on-site farm stand. The design of the project is inspired by American roadside architecture from the 1940s and 1950s.

The primary objectives of the project are to create a one-stop roadside destination that supports the local economy and promotes the area's history, and to provide retail, hospitality, and automotive services for travelers on US 101 while offering local events. Additionally, the project proposes to emphasize San Benito County's heritage, including its arts, winemaking, agritourism, and historical significance, while creating new employment opportunities within the County to enhance its economic health by leveraging the commercial potential of the US 101 corridor. The applicant indicates the commercial project's revenues would be dedicated entirely to funding children's cancer research, particularly for curing childhood brain cancer.

### **Environmental Impacts and Mitigation**

The EIR, prepared in accordance with CEQA, evaluates the physical environmental effects of the proposed Betabel Commercial Development Project, including the level of significance of each impact both before and after the implementation of recommended mitigation measures. The EIR identifies several significant and unavoidable impacts associated with the project including damage to scenic resources, the conversion of prime farmland to non-agricultural use, an increase in vehicle miles traveled (VMT), and adverse changes in the significance of a tribal cultural resource. Additionally, the project is expected to create cumulative aesthetic, agricultural resource, VMT, and tribal cultural resource impacts.

The EIR evaluates several alternatives to the proposed project. Among others, these alternatives include the No Project-No Development Alternative and the North Site Development Only Alternative (which would limit site development to the proposed gas station, convenience store, restaurant, and farm stand). The No Project-No Development Alternative is considered the environmentally superior option but would not meet the project's objectives. When the No Project Alternative is identified as environmentally superior, the State CEQA Guidelines require the identification of the next superior alternative, in this case resulting in selection of the North Site Development Only Alternative.

The EIR, its analysis, and its selection of project alternative and impact-mitigation measures were certified under Planning Commission Resolution No. 2022-12, which was subsequently affirmed by the Board of Supervisors following appeal.

### **Triggers for Further Environmental Review Under CEQA**

To provide a degree of finality, CEQA requires that, once an EIR has been completed and certified, the lead agency may not require preparation of a subsequent or supplemental EIR unless one of three triggering conditions exists as described below by State CEQA Guidelines Section 15162(a) (1-3):

*(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; or*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; or*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.*

CEQA Guidelines Section 15164 states, in relevant part: “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” Furthermore, although not required under the law, a lead agency may prepare an addendum to a previously certified EIR to evaluate changes to a project, changes in circumstances, or new information, and to document the agency’s determination that an environmental review under CEQA is not required. See Section 15164.

### **Addendum Pursuant to Section 15164**

This Addendum to the previously certified Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit (CUP) Project has been prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of this Addendum is to evaluate the potential environmental impacts associated with the current four-lot subdivision proposal when considered as a modification to the Betabel Commercial Development CUP Project.

Section 15164 of the CEQA Guidelines allows for the preparation of an addendum to a previously certified EIR when only minor technical changes or additions are necessary, and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred. The County of San Benito, as the Lead Agency, has determined that the proposed four-lot subdivision does not result in any new significant environmental impacts or a substantial increase in the severity of previously identified significant effects.

**Project Modification to Include a Four-Lot Subdivision.** The proposed modification to the Betabel Commercial Development CUP Project involves the subdivision of a 111.68-acre project site, already containing three lots, into four separate lots for a net addition of one lot. The subdivision would delineate two parcels exclusively located in the site's Commercial Thoroughfare (C-1) zoning and two parcels exclusively located in the site's Agricultural Rangeland (AR) zoning. The commercial lots would be available for those commercial uses specifically approved in the original project, facilitating the phased development and potential sale of these parcels. The degree of commercial use allowed after the subdivision would be the same as that before the subdivision. Similarly, the extent of use allowed by the AR zone would be the same after subdivision as before, as the site both before and after subdivision would contain two AR-zoned lots each eligible for permitted and conditional uses allowed under AR zoning. Each of the four proposed lots will continue to adhere to the development footprint and uses previously evaluated in the EIR.

The three lots would be divided and reconfigured into the following:

- Lot 1: 7.61 acres, with an existing fruit stand and is otherwise undeveloped commercial land. The future development under approved CUP PLN210054 will include a gas station, convenience store, visitor center, amusement buildings, and a restaurant.
- Lot 2: 23.20 acres, currently undeveloped commercial land. The future development under approved CUP PLN210054 will include motel and outdoor event center on Lot 2.
- Lot 3: 40.34 acres, now undeveloped agricultural land. No construction is proposed on Lot 3.
- Lot 4: 40.53 acres, now undeveloped agricultural land. No construction is proposed on Lot 4.

**Consistency with Certified Betabel Commercial Development EIR.** The proposed four-lot subdivision does not introduce any new land uses or expand the physical development footprint on any of the subdivision's 111.68-acre site beyond what was previously evaluated in the Betabel Commercial Development CUP Project EIR. All mitigation measures adopted in the EIR will continue to apply to subsequent use of the site, with those relevant to the subdivision incorporated into the subdivision's conditions of approval. As such, the subdivision will not result in any new significant environmental impacts or substantially increase the severity of impacts previously identified. The following are key environmental considerations:

- **Land Use.** The proposed four-lot subdivision at 9644 Betabel Road aligns with the land use designations and zoning evaluated in the certified Betabel Commercial Development EIR. The property is designated as Rangeland (RG) and Commercial Regional (CR) under the General Plan, with corresponding zoning of Agricultural Rangeland (AR) and Commercial Thoroughfare (C-1), and would remain so. This subdivision is consistent with the General Plan's intent to preserve open space and agricultural land while accommodating commercial activities at key highway intersections.

The proposed parcel sizes, in addition to intended uses actively remaining under the Betabel Commercial Development's approval, adhere to zoning requirements and General Plan policies, particularly those aimed at preserving agricultural integrity and promoting visitor-oriented commercial uses. The resulting lot layout allows no greater amount of residential development than previously permitted, with two lots eligible for residential use both before and after the subdivision. The approved use permit for the Betabel Commercial Development CUP remains in effect and unchanged, neither contracted nor expanded, following the current project. Additionally, the

resulting lot lines will align with zoning boundaries, ensuring that each lot is located exclusively within one zoning district without overlapping.

- **Traffic and Circulation.** The proposed subdivision will not generate additional traffic beyond what was analyzed in the EIR. The internal circulation and access points remain unchanged, and the subdivision layout adheres to the Subdivision Map Act and the San Benito County Subdivision Ordinance’s design standards. Qualified personnel from responsible agencies have reviewed the proposed minor subdivision, including its ingress/egress improvements, and have determined that the design meets fire safety standards, contingent upon compliance with the stipulated conditions of approval.

Since the project involves no new construction beyond existing agricultural use and proposed future commercial uses, the layout preserves current land use while allowing for future development under existing zoning regulations. The current subdivision will require the same degree of improvements to Betabel Road as those stipulated in the approved use permit, ensuring that traffic circulation and access points remain unchanged and compliant with existing standards and that site disturbance not exceed that already studied in the Betabel Commercial Development EIR.

- **Utilities and Infrastructure.** The subdivision will utilize the same utilities and infrastructure evaluated in the EIR, ensuring that there are no increases in demand or capacity requirements. The proposed subdivision complies with General Plan policies concerning subdivision layout and improvements, as reviewed by the County Resource Management Agency's Planning and Public Works staff. The subdivision demonstrates appropriate access, water service connections, septic systems, and other infrastructure in accordance with policies such as PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability), all in the same manner as analyzed in the approved Betabel Commercial Development EIR. The County Division of Environmental Health has reviewed the proposed subdivision and determined that it complies with existing requirements, including those for human safety and natural-resources protection, provided that conditions of project approval are met.

The site is within a Non-Wildland/Non-Urban fire hazard zone, and the County Fire Department has evaluated and approved the design of the proposed subdivision, with recommendations integrated into the conditions of approval. This evaluation results in the same effect as that of the equivalent evaluation performed upon the Betabel Commercial Development’s review.

- **Biological and Cultural Resources.** The subdivision will not impact additional biological or cultural resources beyond those identified in the EIR because it does not involve any new construction or land uses beyond what was previously analyzed. The proposed project maintains the same land use intensity as permitted before, and all existing mitigation measures from the EIR to protect biological and cultural resources will continue to apply to any subsequent use of the property, resulting in no potential impacts beyond those previously assessed.
- **Additional Considerations.** Further key mitigation measures from the Betabel Commercial Development EIR and remaining after subdivision include the establishment of a Tribal Cultural Resources Conservation Easement, traffic-related noise mitigation through repaving Betabel Road with noise-reducing asphalt, and maintaining the floodplain's elevation and extent at pre-project conditions. The applicant is required to conduct a detailed soil assessment prior to grading to evaluate potential contamination and implement necessary remediation measures. Additionally, the project includes provisions to protect riparian woodland habitat and mitigate the conversion of

Important Farmland, ensuring long-term preservation and compliance with San Benito County regulations.

- **Cumulative Impacts.** Cumulative impacts remain consistent with the analysis in the EIR, and the subdivision does not contribute to any new cumulative effects. This is due to the absence of new construction proposed as part of the subdivision, and the fact that the same degree of land use would be permitted regardless of the subdivision’s approval. The addition of one lot to a site where three lots currently exist is anticipated to have an insignificant cumulative impact on the area. Previous subdivisions in the vicinity, such as Minor Subdivision 794-87, Minor Subdivision 1042-91, and Minor Subdivision 1227-11, involved minimal impact and no construction, similar to this project. Larger projects in the area, like Rancho Larios and San Juan Oaks, have had their cumulative impacts accounted for in their respective environmental reviews.

Any potential future development that would significantly increase population density or alter the site will undergo comprehensive evaluation and require additional approval from the County. The subdivision does not contribute to any new cumulative effects because no new construction is proposed, and the same degree of land use will be allowed both before and after the current project, ensuring that cumulative impacts remain consistent with the analysis in the EIR.

## Conclusion

Based on the analysis presented above, the proposed four-lot subdivision aligns with the findings of the Betabel Commercial Development’s certified Environmental Impact Report (EIR). No substantial changes to the project or the surrounding environmental setting have occurred that would necessitate the preparation of a subsequent EIR. All previously identified impacts and their corresponding mitigation measures remain applicable.

In conclusion, pursuant to Government Code §15162, the County finds that the proposed subdivision does not involve substantial changes that would require major revisions to the EIR. The project maintains consistency with previously evaluated aspects, including land use, traffic, utilities, biological and cultural resources, and cumulative impacts. Consequently, the County affirms that no new or significantly more severe environmental effects will result from the proposed subdivision. The findings and mitigation measures outlined in the original EIR continue to apply, ensuring ongoing compliance with all necessary environmental protections.

The County of San Benito, acting as the Lead Agency, has therefore determined that the proposed four-lot subdivision does not necessitate the preparation of a subsequent or supplemental Environmental Impact Report (EIR) and that an Addendum to the previously certified EIR is deemed appropriate in accordance with CEQA Guidelines Section 15164, with no conditions or “triggers” specified in Section 15162 having occurred in relation to the consideration of the current proposal:

**CEQA Addendum Finding:** Pursuant to Sections 15162 and 15164 of State CEQA Guidelines, the County finds, based on substantial evidence in light of the whole record, that:

- In re §15162(a)(1): The proposed Subdivision does not propose such substantial changes to the approved Betabel Commercial Development as to require major revisions to the Betabel Commercial Development environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.

In re §15162(a)(2): There have been no substantial changes in circumstances under which the Betabel Commercial Development project would be undertaken that will require major revisions to the environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.

In re §15162(a)(3): No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the Betabel Commercial Development environmental impact report.

**Evidence:** *Regarding §15162(a)(1), the subdivision aligns with the land use designations and zoning evaluated in the certified Betabel Commercial Development Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit Project (PLN210054). The subdivision maintains the existing zoning boundaries, ensuring that the land use potential remains unchanged, and the approved use permit for commercial activities remains in effect. Thus, the project's impacts on land use, traffic, and other environmental factors continue to be consistent with the original Betabel Commercial Development EIR analysis and require no analysis of further effects.*

*Regarding §15162(a)(2), the conditions surrounding the proposed subdivision have not changed in a manner that would lead to new or significantly more severe environmental effects than those previously considered in the EIR. The proposed subdivision involves no new construction and adheres to the same General Plan designations and zoning policies, ensuring that any environmental impacts related to traffic, utilities, and biological resources remain consistent with the original analysis. Furthermore, the existing conditions remain unchanged, as there have been no developments or alterations in surrounding land use or environmental conditions that would necessitate a reevaluation of the project's impacts.*

*Regarding §15162(a)(3), the project and its associated activities have been thoroughly reviewed, and all relevant environmental factors have been considered in relation to the current conditions. The findings from the original EIR remain valid, as the project does not involve any new construction and the same degree of land use would be permitted both before and after the current project. Consequently, there is no additional information that indicates new or more severe environmental effects. All mitigation measures established in the original EIR continue to apply, ensuring that environmental protections are upheld.*

*In conclusion, the County finds that the proposed subdivision meets the criteria outlined in CEQA Sections 15162 and 15164, affirming that no major revisions to the EIR are necessary and that all environmental protections will remain intact. The project maintains consistency with the previously evaluated land use, traffic, utilities, biological and cultural resources, cumulative impacts, and other environmental topics, thereby confirming that no new or significantly more severe environmental effects will occur.*

**Addendum to Betabel Commercial Development CUP Project  
(County Planning File PLN210054)  
Environmental Impact Report  
(State Clearinghouse No. 2022040455) for  
9644 Betabel Road Subdivision  
County of San Benito  
September 25, 2024**

The current project, County Planning file PLN240026, is a subdivision of the 111.68-acre, three-parcel site at 9644 Betabel Road to establish four lots, or a net addition of one lot. The lot lines, which currently straddle two zoning districts, would be drawn with two lots entirely within Agricultural Rangeland (AR) zoning and two lots entirely within Commercial Thoroughfare (C-1) zoning. This addendum considers the current project in relation to a prior project approved on the site, the Betabel Commercial Development Conditional Use Permit (CUP) Project (PLN210054), and that project's previously certified Environmental Impact Report (EIR). The addendum explains that, under the criteria of California Environmental Quality Act Guidelines Sections 15162 and 15164, the Betabel Commercial Development EIR adequately evaluates potential environmental effects of the currently proposed subdivision and that no preparation of a subsequent EIR is necessary.

**Previous Environmental Documentation**

The Betabel Commercial Development Conditional Use Permit (CUP) Project, located at 9644 Betabel Road under project file PLN210054, underwent a thorough review process in accordance with the California Environmental Quality Act (CEQA). A project-level Environmental Impact Report (EIR) was prepared following the requirements of State CEQA Guidelines §§ 15161 and 15168. On October 12, 2022, after closing the public hearing, the San Benito County Planning Commission adopted Resolution No. 2022-12. This resolution certified the EIR, adopted the Mitigation Monitoring and Reporting Program, and approved the CEQA Findings of Fact and Statement of Overriding Considerations for impacts identified as significant and unavoidable. The Planning Commission also made the requisite findings to approve the Conditional Use Permit (CUP) for the Betabel Commercial Development Project, subject to specified conditions of approval.

Subsequently, on October 24, 2022, appeals against Planning Commission Resolution No. 2022-12's approval were filed. After publication of sufficient public notice, the Board of Supervisors on November 8, 2022, held a public hearing to address the appeals with a complete public hearing including public comment and open deliberation on the appeal's merits. Based on the evidence presented, the Board of Supervisors denied the appeals and affirmed the Planning Commission's actions in approving its Resolution No. 2022-12.

**Project Overview and Objectives**

The Betabel Commercial Development Project is located at 9644 Betabel Road, approximately two miles south of Sargent and four miles north of San Juan Bautista. The project site, encompassing approximately 116 acres, includes six Assessor's Parcel Numbers (APNs): 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. The site is bordered by Betabel Road and U.S. Highway 101 (US 101) to the east, the Betabel RV Park to the north, and agricultural and open space to the south and west. The Pajaro and San Benito Rivers are located to the west and south of the property, respectively.

**Exhibit D** (continued).

The project proposes to develop approximately 26 acres of the site, creating 108,425 square feet of commercial space. This development will include a gas station with a convenience store, a restaurant, amusement buildings with exhibits, a motel and banquet hall with an outdoor pool and movie screen, and an outdoor event center, alongside the already approved on-site farm stand. The design of the project is inspired by American roadside architecture from the 1940s and 1950s.

The primary objectives of the project are to create a one-stop roadside destination that supports the local economy and promotes the area's history, and to provide retail, hospitality, and automotive services for travelers on US 101 while offering local events. Additionally, the project proposes to emphasize San Benito County's heritage, including its arts, winemaking, agritourism, and historical significance, while creating new employment opportunities within the County to enhance its economic health by leveraging the commercial potential of the US 101 corridor. The applicant indicates the commercial project's revenues would be dedicated entirely to funding children's cancer research, particularly for curing childhood brain cancer.

### **Environmental Impacts and Mitigation**

The EIR, prepared in accordance with CEQA, evaluates the physical environmental effects of the proposed Betabel Commercial Development Project, including the level of significance of each impact both before and after the implementation of recommended mitigation measures. The EIR identifies several significant and unavoidable impacts associated with the project including damage to scenic resources, the conversion of prime farmland to non-agricultural use, an increase in vehicle miles traveled (VMT), and adverse changes in the significance of a tribal cultural resource. Additionally, the project is expected to create cumulative aesthetic, agricultural resource, VMT, and tribal cultural resource impacts.

The EIR evaluates several alternatives to the proposed project. Among others, these alternatives include the No Project-No Development Alternative and the North Site Development Only Alternative (which would limit site development to the proposed gas station, convenience store, restaurant, and farm stand). The No Project-No Development Alternative is considered the environmentally superior option but would not meet the project's objectives. When the No Project Alternative is identified as environmentally superior, the State CEQA Guidelines require the identification of the next superior alternative, in this case resulting in selection of the North Site Development Only Alternative.

The EIR, its analysis, and its selection of project alternative and impact-mitigation measures were certified under Planning Commission Resolution No. 2022-12, which was subsequently affirmed by the Board of Supervisors following appeal.

### **Triggers for Further Environmental Review Under CEQA**

To provide a degree of finality, CEQA requires that, once an EIR has been completed and certified, the lead agency may not require preparation of a subsequent or supplemental EIR unless one of three triggering conditions exists as described below by State CEQA Guidelines Section 15162(a) (1-3):

*(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*



**Exhibit D** (continued).

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; or*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; or*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.*

CEQA Guidelines Section 15164 states, in relevant part: “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” Furthermore, although not required under the law, a lead agency may prepare an addendum to a previously certified EIR to evaluate changes to a project, changes in circumstances, or new information, and to document the agency’s determination that an environmental review under CEQA is not required. See Section 15164.

**Addendum Pursuant to Section 15164**

This Addendum to the previously certified Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit (CUP) Project has been prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of this Addendum is to evaluate the potential environmental impacts associated with the current four-lot subdivision proposal when considered as a modification to the Betabel Commercial Development CUP Project.

Section 15164 of the CEQA Guidelines allows for the preparation of an addendum to a previously certified EIR when only minor technical changes or additions are necessary, and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred. The County of San Benito, as the Lead Agency, has determined that the proposed four-lot subdivision does not result in any new significant environmental impacts or a substantial increase in the severity of previously identified significant effects.

**Project Modification to Include a Four-Lot Subdivision.** The proposed modification to the Betabel Commercial Development CUP Project involves the subdivision of a 111.68-acre project site, already containing three lots, into four separate lots for a net addition of one lot. The subdivision would delineate two parcels exclusively located in the site’s Commercial Thoroughfare (C-1) zoning and two parcels exclusively located in the site’s Agricultural Rangeland (AR) zoning. The commercial lots would be

**Exhibit D** (continued).

available for those commercial uses specifically approved in the original project, facilitating the phased development and potential sale of these parcels. The degree of commercial use allowed after the subdivision would be the same as that before the subdivision. Similarly, the extent of use allowed by the AR zone would be the same after subdivision as before, as the site both before and after subdivision would contain two AR-zoned lots each eligible for permitted and conditional uses allowed under AR zoning. Each of the four proposed lots will continue to adhere to the development footprint and uses previously evaluated in the EIR.

The three lots would be divided and reconfigured into the following:

- Lot 1: 7.61 acres, with an existing fruit stand and is otherwise undeveloped commercial land. The future development under approved CUP PLN210054 will include a gas station, convenience store, visitor center, amusement buildings, and a restaurant.
- Lot 2: 23.20 acres, currently undeveloped commercial land. The future development under approved CUP PLN210054 will include motel and outdoor event center on Lot 2.
- Lot 3: 40.34 acres, now undeveloped agricultural land. No construction is proposed on Lot 3.
- Lot 4: 40.53 acres, now undeveloped agricultural land. No construction is proposed on Lot 4.

**Consistency with Certified Betabel Commercial Development EIR.** The proposed four-lot subdivision does not introduce any new land uses or expand the physical development footprint on any of the subdivision's 111.68-acre site beyond what was previously evaluated in the Betabel Commercial Development CUP Project EIR. All mitigation measures adopted in the EIR will continue to apply to subsequent use of the site, with those relevant to the subdivision incorporated into the subdivision's conditions of approval. As such, the subdivision will not result in any new significant environmental impacts or substantially increase the severity of impacts previously identified. The following are key environmental considerations:

- **Land Use.** The proposed four-lot subdivision at 9644 Betabel Road aligns with the land use designations and zoning evaluated in the certified Betabel Commercial Development EIR. The property is designated as Rangeland (RG) and Commercial Regional (CR) under the General Plan, with corresponding zoning of Agricultural Rangeland (AR) and Commercial Thoroughfare (C-1), and would remain so. This subdivision is consistent with the General Plan's intent to preserve open space and agricultural land while accommodating commercial activities at key highway intersections.

The proposed parcel sizes, in addition to intended uses actively remaining under the Betabel Commercial Development's approval, adhere to zoning requirements and General Plan policies, particularly those aimed at preserving agricultural integrity and promoting visitor-oriented commercial uses. The resulting lot layout allows no greater amount of residential development than previously permitted, with two lots eligible for residential use both before and after the subdivision. The approved use permit for the Betabel Commercial Development CUP remains in effect and unchanged, neither contracted nor expanded, following the current project. Additionally, the resulting lot lines will align with zoning boundaries, ensuring that each lot is located exclusively within one zoning district without overlapping.

- **Traffic and Circulation.** The proposed subdivision will not generate additional traffic beyond what was analyzed in the EIR. The internal circulation and access points remain unchanged, and the

subdivision layout adheres to the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards. Qualified personnel from responsible agencies have reviewed the proposed minor subdivision, including its ingress/egress improvements, and have determined that the design meets fire safety standards, contingent upon compliance with the stipulated conditions of approval.

Since the project involves no new construction beyond existing agricultural use and proposed future commercial uses, the layout preserves current land use while allowing for future development under existing zoning regulations. The current subdivision will require the same degree of improvements to Betabel Road as those stipulated in the approved use permit, ensuring that traffic circulation and access points remain unchanged and compliant with existing standards and that site disturbance not exceed that already studied in the Betabel Commercial Development EIR.

- **Utilities and Infrastructure.** The subdivision will utilize the same utilities and infrastructure evaluated in the EIR, ensuring that there are no increases in demand or capacity requirements. The proposed subdivision complies with General Plan policies concerning subdivision layout and improvements, as reviewed by the County Resource Management Agency's Planning and Public Works staff. The subdivision demonstrates appropriate access, water service connections, septic systems, and other infrastructure in accordance with policies such as PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability), all in the same manner as analyzed in the approved Betabel Commercial Development EIR. The County Division of Environmental Health has reviewed the proposed subdivision and determined that it complies with existing requirements, including those for human safety and natural-resources protection, provided that conditions of project approval are met.

The site is within a Non-Wildland/Non-Urban fire hazard zone, and the County Fire Department has evaluated and approved the design of the proposed subdivision, with recommendations integrated into the conditions of approval. This evaluation results in the same effect as that of the equivalent evaluation performed upon the Betabel Commercial Development's review.

- **Biological and Cultural Resources.** The subdivision will not impact additional biological or cultural resources beyond those identified in the EIR because it does not involve any new construction or land uses beyond what was previously analyzed. The proposed project maintains the same land use intensity as permitted before, and all existing mitigation measures from the EIR to protect biological and cultural resources will continue to apply to any subsequent use of the property, resulting in no potential impacts beyond those previously assessed.
- **Additional Considerations.** Further key mitigation measures from the Betabel Commercial Development EIR and remaining after subdivision include the establishment of a Tribal Cultural Resources Conservation Easement, traffic-related noise mitigation through repaving Betabel Road with noise-reducing asphalt, and maintaining the floodplain's elevation and extent at pre-project conditions. The applicant is required to conduct a detailed soil assessment prior to grading to evaluate potential contamination and implement necessary remediation measures. Additionally, the project includes provisions to protect riparian woodland habitat and mitigate the conversion of Important Farmland, ensuring long-term preservation and compliance with San Benito County regulations.
- **Cumulative Impacts.** Cumulative impacts remain consistent with the analysis in the EIR, and the subdivision does not contribute to any new cumulative effects. This is due to the absence of new

**Exhibit D** (continued).

construction proposed as part of the subdivision, and the fact that the same degree of land use would be permitted regardless of the subdivision's approval. The addition of one lot to a site where three lots currently exist is anticipated to have an insignificant cumulative impact on the area. Previous subdivisions in the vicinity, such as Minor Subdivision 794-87, Minor Subdivision 1042-91, and Minor Subdivision 1227-11, involved minimal impact and no construction, similar to this project. Larger projects in the area, like Rancho Larios and San Juan Oaks, have had their cumulative impacts accounted for in their respective environmental reviews.

Any potential future development that would significantly increase population density or alter the site will undergo comprehensive evaluation and require additional approval from the County. The subdivision does not contribute to any new cumulative effects because no new construction is proposed, and the same degree of land use will be allowed both before and after the current project, ensuring that cumulative impacts remain consistent with the analysis in the EIR.

**Conclusion**

Based on the analysis presented above, the proposed four-lot subdivision aligns with the findings of the Betabel Commercial Development's certified Environmental Impact Report (EIR). No substantial changes to the project or the surrounding environmental setting have occurred that would necessitate the preparation of a subsequent EIR. All previously identified impacts and their corresponding mitigation measures remain applicable.

In conclusion, pursuant to Government Code §15162, the County finds that the proposed subdivision does not involve substantial changes that would require major revisions to the EIR. The project maintains consistency with previously evaluated aspects, including land use, traffic, utilities, biological and cultural resources, and cumulative impacts. Consequently, the County affirms that no new or significantly more severe environmental effects will result from the proposed subdivision. The findings and mitigation measures outlined in the original EIR continue to apply, ensuring ongoing compliance with all necessary environmental protections.

The County of San Benito, acting as the Lead Agency, has therefore determined that the proposed four-lot subdivision does not necessitate the preparation of a subsequent or supplemental Environmental Impact Report (EIR) and that an Addendum to the previously certified EIR is deemed appropriate in accordance with CEQA Guidelines Section 15164, with no conditions or "triggers" specified in Section 15162 having occurred in relation to the consideration of the current proposal:

**CEQA Addendum Finding:** Pursuant to Sections 15162 and 15164 of State CEQA Guidelines, the County finds, based on substantial evidence in light of the whole record, that:

In re §15162(a)(1): The proposed Subdivision does not propose such substantial changes to the approved Betabel Commercial Development as to require major revisions to the Betabel Commercial Development environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.

In re §15162(a)(2): There have been no substantial changes in circumstances under which the Betabel Commercial Development project would be undertaken that will require major revisions to the environmental impact report due to new or substantially more severe significant environmental effects than previously analyzed in the environmental impact report.

**Exhibit D** (continued).

In re §15162(a)(3): No new information of substantial importance as described in subsection (a)(3) of Section 15162 has been revealed that would require major revisions to the Betabel Commercial Development environmental impact report.

***Evidence:** Regarding §15162(a)(1), the subdivision aligns with the land use designations and zoning evaluated in the certified Betabel Commercial Development Environmental Impact Report (EIR) for the Betabel Commercial Development Conditional Use Permit Project (PLN210054). The subdivision maintains the existing zoning boundaries, ensuring that the land use potential remains unchanged, and the approved use permit for commercial activities remains in effect. Thus, the project's impacts on land use, traffic, and other environmental factors continue to be consistent with the original Betabel Commercial Development EIR analysis and require no analysis of further effects.*

*Regarding §15162(a)(2), the conditions surrounding the proposed subdivision have not changed in a manner that would lead to new or significantly more severe environmental effects than those previously considered in the EIR. The proposed subdivision involves no new construction and adheres to the same General Plan designations and zoning policies, ensuring that any environmental impacts related to traffic, utilities, and biological resources remain consistent with the original analysis. Furthermore, the existing conditions remain unchanged, as there have been no developments or alterations in surrounding land use or environmental conditions that would necessitate a reevaluation of the project's impacts.*

*Regarding §15162(a)(3), the project and its associated activities have been thoroughly reviewed, and all relevant environmental factors have been considered in relation to the current conditions. The findings from the original EIR remain valid, as the project does not involve any new construction and the same degree of land use would be permitted both before and after the current project. Consequently, there is no additional information that indicates new or more severe environmental effects. All mitigation measures established in the original EIR continue to apply, ensuring that environmental protections are upheld.*

*In conclusion, the County finds that the proposed subdivision meets the criteria outlined in CEQA Sections 15162 and 15164, affirming that no major revisions to the EIR are necessary and that all environmental protections will remain intact. The project maintains consistency with the previously evaluated land use, traffic, utilities, biological and cultural resources, cumulative impacts, and other environmental topics, thereby confirming that no new or significantly more severe environmental effects will occur.*

# Notice of Public Hearing

## COUNTY OF SAN BENITO PLANNING COMMISSION MEETING OF SEPTEMBER 18th, 2024, at 6:00 p.m.

**NOTICE IS HEREBY FURTHER GIVEN** that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, September 18th, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers:

+1 408 638 0968 US (San Jose) or  
+1 669 900 6833 US (San Jose).

To access the meeting, please enter the Webinar ID **821 4941 3929** AND Webinar Password **754449**.

Agenda Packet can be viewed at [www.cosb.us/](http://www.cosb.us/) under "Events" or [https://cosb.granicus.com/ViewPublisher.php?view\\_id=1](https://cosb.granicus.com/ViewPublisher.php?view_id=1) under "Upcoming Events" by the Friday before the meeting.

### **PLN240026 (Minor Subdivision at 9644 Betabel Road):**

OWNER: McDowell Charitable Trust. APPLICANT: San Benito Engineering. LOCATION: 9644 Betabel Road (5 miles north-northwest of central San Juan Bautista) in unincorporated San Benito County. APN(s): 013-150-026, 013-150-027, 013-150-030, 013-150-031, 013-150-032, and 013-150-033. REQUEST: This project proposes the subdivision of an existing 111.68-acre parcel into four separate parcels, measuring 7.61 acres, 23.20 acres, 40.34 acres, and 40.53 acres respectively. Parcels One and Two are undeveloped commercial land and Parcels Three and Four are undeveloped agricultural land. GENERAL PLAN LAND USE DESIGNATION(s): Rangeland (RG) and Commercial Throughfare (CT). ZONING DISTRICT: Agricultural Rangeland (AR) and Commercial Throughfare (C-1). ENVIRONMENTAL REVIEW: Categorically Exempt under State CEQA Guidelines Sections 15061 (Review for Exemption, subparagraph (b)(3)), 15301 (Existing Facilities, subparagraph c), and 15304 (Minor Alterations to Land subparagraph (a)). PLANNER: Jonathan Olivas ([jolivas@sanbenitocountyca.gov](mailto:jolivas@sanbenitocountyca.gov)).

### **PLN240037 (Johnson/Weiler/San Benito Holdings Development Agreement):**

OWNER: San Benito Holdings, LLC a California limited liability company, MARK H. JOHNSON, TRUSTEE, AND GREGORY N. WEILER, TRUSTEE (collectively "Owners"). APPLICANT: Dan DeVries. LOCATION: 1720A Searle Road (at Searle Rd and State Route 129), near San Juan Bautista in unincorporated San Benito County. APN: 012-010-030 and -031. REQUEST: 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. GENERAL PLAN LAND USE DESIGNATION: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ZONING DISTRICT: Combining district of Rural (R) and Commercial Thoroughfare (C-1). ENVIRONMENTAL REVIEW: Exempt. PLANNER: Arielle Goodspeed ([agoodspeed@sanbenitocountyca.gov](mailto:agoodspeed@sanbenitocountyca.gov))

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at [vdelgado@sanbenitocountyca.gov](mailto:vdelgado@sanbenitocountyca.gov), or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: August 30th, 2024

PUBLISHED:  
Friday, September 6th, 2024~  
Hollister Free Lance  
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