

**STAFF REPORT**

**PROJECT INFORMATION**

Application: Adoption of the Frazier Lake AirPark Airport Land Use Compatibility Plan and accompanying General Plan text amendments (GPA \_\_\_\_\_) to implement the Frazier Lake AirPark Airport Land Use Compatibility Plan

Date of Hearing: November 18, 2020

Location: 7901 Frazier Lake Road.

Assessor’s Parcel Number: APN’S 013-050-017, 013-058-001

General Plan Designation: Agricultural

Zoning District: Agricultural Productive

CEQA: Negative Declaration & San Benito County 2035 General Plan EIR

Project Planner: Stan Ketchum, Principal Planner

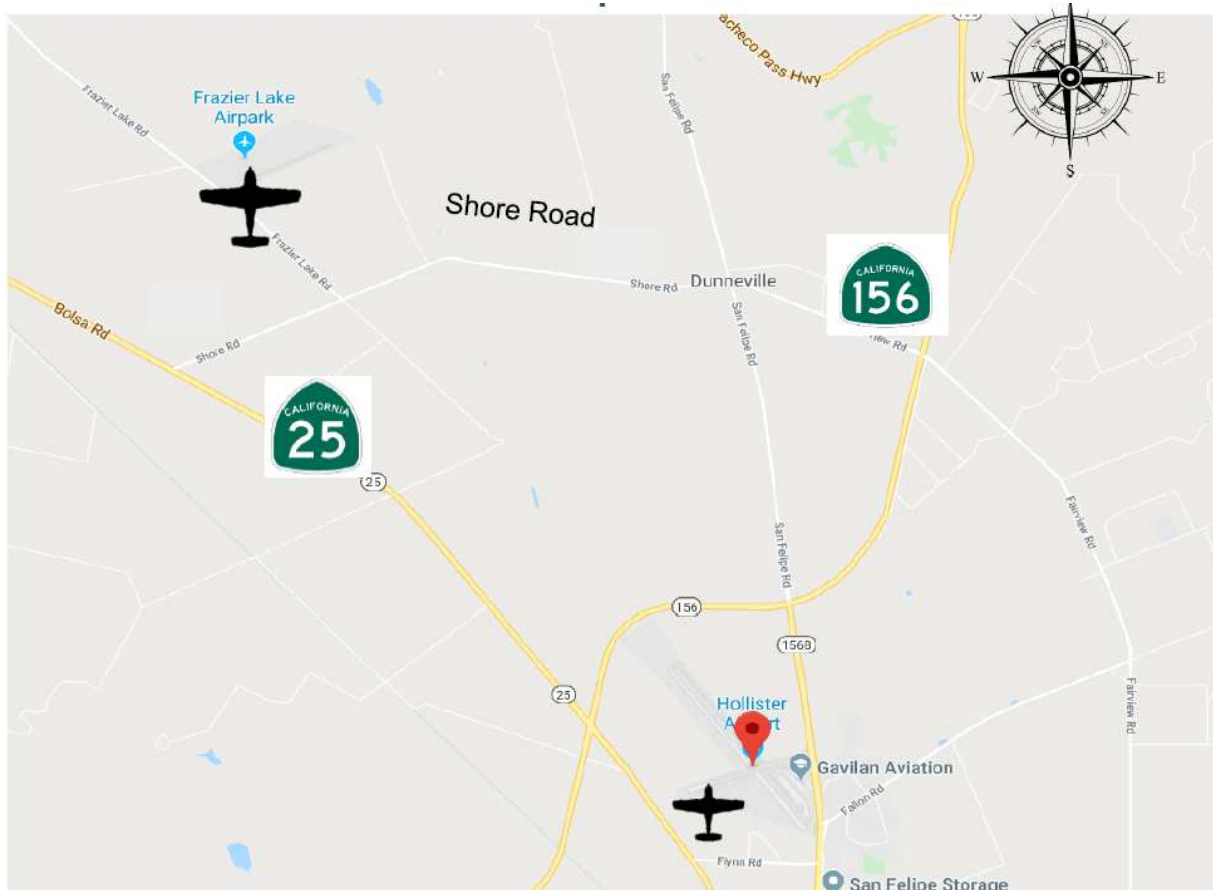
**AGENDA SECTION:**

**PUBLIC HEARING**

**BACKGROUND/SUMMARY:**

The Public Utilities Code of the State of California (PUC), Sections 21670 et seq. authorizes each county to establish an Airport Land Use Commission (ALUC) and defines its range of responsibilities, duties and powers. The San Benito County Council of Governments (COG) performs the duties and responsibilities of the Airport Land Use Commission. Section 21675 requires the ALUC to formulate and maintain an Airport Land Use Compatibility Plan (ALUCP) for the area surrounding each public-use airport within San Benito County. The County has two public-use airports, Frazier Lake AirPark, and the Hollister Municipal Airport.

Figure 1 – Airport Location Map



On October 16, 2019 and October 22, 2019, respectively, the Planning Commission and Board of Supervisors received presentations from San Benito County Airport Land Use Commission staff regarding the draft Frazier Lake AirPark ALUCP.

On December 18, 2019, the San Benito County Airport Land Use Commission adopted the updated Frazier Lake AirPark Airport Land Use Compatibility Plan (ALUCP) (see Attachment 1). The ALUCP identifies the following actions to be taken by the County:

1. Adopt the ALUC policies and the Airport Influence Area (AIA) boundary maps and any adopted amendments.
2. Incorporate the adopted ALUC policies and adopted amendments, boundary maps, and land use recommendations into the local agency’s General and/or Specific Plan and Zoning Ordinances within 180 days of adoption or vote to overrule per PUC 21676 (a).

3. Provide ongoing review of land uses within the AIA to ensure that land use changes are compatible with ALUC policies and plans. The affected local agency shall work closely with ALUC staff to establish and carry out review coordination with the ALUC.
4. Obtain avigation easements for any development within the AIA under County jurisdiction.
5. Incorporate the AIA boundary and associated policy maps into the local agency's geographic information system (GIS).

This report provides an overview of the ALUCP requirements and describes the conformance of the 2035 General Plan. Minor edits to the General Plan text are proposed to improve clarity and to reflect the adoption of ALUCP's for both county airports. In addition, revisions to the Zoning Ordinance will be recommended to more fully implement the ALUCP. Due to the complications from the Covid-19 shelter-in-place, County staff was unable to meet the 180-day requirement referenced above.

### **ENVIRONMENTAL DETERMINATION**

The Frazier Lake AirPark Airport Land Use Compatibility Plan and the proposed General Plan amendments are both projects subject to the California Environmental Quality Act (CEQA). The ALUC adoption of the Frazier Lake AirPark ALUCP, as referenced above, included adoption of an Initial Study and Negative Declaration (IS/ND) prepared in accordance with CEQA requirements (see Attachment 2). The IS/ND concluded that there were no impacts that required mitigation. The Staff recommends the Planning Commission adopt the Initial Study/Negative (IS/MND) Declaration prepared for the project by the San Benito County Airport Land Use Commission. on December 18, 2019.

The San Benito County 2035 General Plan was adopted on July 21, 2015. The adoption of the General Plan included the adoption of the Final General Plan Environmental Impact Report (see attachment 4). The San Benito 2035 General Plan incorporates goals and policies addressing the various requirements of the Frazier Lake AirPark ALUCP, including ALUC review of development proposals in the vicinity of the airport, elimination of annoying or harmful noise levels, and avoidance of hazards to the safe operation of aircraft in flight and persons on the ground. Staff has recommended approval of minor General Plan text amendments to improve the clarity and consistency with the Frazier Lake ALUCP. Staff recommends the Planning Commission consider the 2035 General Plan EIR and find there is no substantial evidence that the proposed General Plan text amendments will have any significant effects on the environment not already fully analyzed in the General Plan EIR.

### **ANALYSIS**

The responsibility for implementation of ALUC-adopted compatibility plans rests with the affected local agencies. Government Code Section 65302.3 establishes that each county and city

affected by an airport land use compatibility plan must make its general plan and any applicable specific plans consistent with the ALUC compatibility plan. Alternatively, local agencies have the option to make findings prescribed in Public Utilities Code Section 21676 to overrule the ALUC policies.

The Frazier Lake AirPark ALUCP contains land use compatibility policies and standards, based on relevant State and Federal statutes and regulations, that focus on the three primary areas of ALUC responsibility:

- aircraft noise
- control of the location and height of structures in navigable airspace
- the safety of persons on the ground

These compatibility topics are contained in several policy areas described below, together with identification of the 2035 General Plan goals and policies that address, and are consistent with, the ALUCP policies.

#### **ALUCP 4.2 Jurisdictional Responsibilities**

##### ALUCP 4.2.1.1 Review of Development Projects, 4.2.1.2 Project Submittals, 4.2.1.3 Review Process

These sections require local jurisdictions to submit referrals to the ALUC for review and comment regarding development projects in the vicinity of the airport, including residential, major infrastructure, land acquisition for sensitive land uses, and structures over 200 feet in height anywhere in the County.

##### Conforming General Plan goals and policies

*LU-1.9 The County shall coordinate planning and zoning with the San Benito County Airport Land Use Commission and ensure that all land uses and regulations within the Hollister and Frazier Lake Airports areas of influence are consistent with the adopted San Benito County Airport Land Use Compatibility Plan. Note: A minor General Plan text amendment is proposed to replace “San Benito County Airport Land Use Compatibility Plan” with “Hollister and Frazier Lake AirPark airport land use compatibility plans”.*

*HS-7.2 Coordination with ALUC. The County shall coordinate with the ALUC on land use planning around airports and submit development proposals for land within the airport area of influence for review by the ALUC for consistency with the Airport Land Use Compatibility Plan.*

## **ALUCP 4.3 Compatibility Policies**

### **4.3.2 Noise Compatibility**

The objective of the noise compatibility criteria is to minimize the number of people exposed to frequent and/or high levels of aircraft noise. ALUCP Table 4-1 Noise Compatibility Policies specifies where land uses can be located in relation to the aircraft noise pattern surrounding the airport.

#### **Conforming General Plan goals and policies**

*General Plan Health and Safety Element Goal HS-8. Protect the health, safety and welfare of county residents through the elimination of annoying or harmful noise levels.*

*HS-8.1 Project Design. The County shall require new development to comply with the noise standards shown in Tables 9-1 and 9-2 through proper site and building design, such as building orientation, setbacks, barriers (e.g., earthen berms), and building construction practices. The County shall only consider the use of sound walls after all design-related noise mitigation measures have been evaluated or integrated into the project or found infeasible. Note: The content of Table 9-2 is identical to that in ALUCP Table 4-1.*

*HS-8.2 Acoustical Analysis. The County shall require an acoustical analysis to be performed prior to development approval where proposed land uses may produce or be exposed to noise levels exceeding the “normally acceptable” criteria (e.g. “conditionally acceptable”, “normally unacceptable”) shown in Table 9-1. Land uses should be prohibited from locating, or required to mitigate, in areas with a noise environment within the “unacceptable” range.*


*HS-8.5 Aircraft Noise. The County shall prohibit new noise-sensitive development within the projected future 60 dB Ldn noise contour of any public or private airports and private airstrips, and require that new noise sensitive development within the projected future 55-60 dB CNEL complete an acoustical analysis demonstrating how residential units have been designed to meet an interior noise level of 45 dB CNEL.*


Figure 2 - 2035 General Plan Noise Element


| Table 9-1<br>Non-Transportation Noise Level Performance Standards for Noise-Sensitive Uses |                                 |                                   |
|--|---------------------------------|-----------------------------------|
| Noise Level Descriptor   | Daytime<br>(7:00 am – 10:00 pm) | Nighttime<br>(10:00 pm – 7:00 am) |
| Hourly L <sub>eq</sub> dB  | 55                              | 45                                |
| Maximum Level, dB  | 70                              | 65                                |


Notes: These standards apply to new or existing residential areas affected by new or existing non-transportation sources.

| Table 9-2<br>Land Use Compatibility Guidelines for Community Noise Environments |  |    |    |    |    |    |
|---|--|----|----|----|----|----|
| Land Use Category   | Community Noise Exposure L <sub>dn</sub> /CNEL, dB |    |    |    |    |    |
|   | 55   | 60 | 65 | 70 | 75 | 80 |
| Residential – Low Density Single Family, Duplex, Mobile Homes                   |  |    |    |    |    |    |
| Residential – Multi. Family   |  |    |    |    |    |    |
| Transient Lodging – Motels, Hotels  |  |    |    |    |    |    |
| Schools, Libraries, Churches, Hospitals, Nursing Homes                          |  |    |    |    |    |    |
| Auditoriums, Concert Halls, Amphitheaters                                       |  |    |    |    |    |    |
| Sports Arenas, Outdoor Spectator Sports   |  |    |    |    |    |    |
| Playgrounds, Neighborhood Parks   |  |    |    |    |    |    |
| Golf Course, Riding Stables, Water Recreation, Cemeteries                       |  |    |    |    |    |    |
| Office Buildings, Business Commercial and Professional                          |  |    |    |    |    |    |
| Industrial, Manufacturing Utilities, Agriculture                                |  |    |    |    |    |    |

 CLEARLY ACCEPTABLE  
The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

 NORMALLY ACCEPTABLE  
The noise exposure is great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.

 NORMALLY UNACCEPTABLE  
The noise exposure is significantly more severe so that unusual and costly building construction is necessary to insure adequate performance of activities. (Residential areas: barriers must be created between the site and prominent noise sources to make the outdoor environment tolerable.)

 CLEARLY UNACCEPTABLE  
The noise exposure is so severe that construction costs to make the indoor environment acceptable for performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

N-5 Rental/Lease Notification.

All property owners within the 60 dB CNEL contour boundary who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 60 dB CNEL in a manner that is consistent with current state law including AB2776 (2002).

Conforming General Plan goals and policies

*The General Plan does not address the requirement for rental/lease notifications. As noted above, following adoption of the ALUCP by the Board of Supervisors, staff will be preparing appropriate amendments to the Zoning Code, which will include the requirement for rental/lease notifications all projects located within the AIA.*

**ALUCP 4.3.3 Height Compatibility**

The objective of the height compatibility criteria is to avoid development that could cause a hazard to aircraft flight. Table 3-3 and Figures 5a and 5b describe the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace (FAR Part 77) surfaces. Any structure or object that penetrates these surfaces is considered an incompatible land use.

**ALUCP 4.3.4 Taller Structure Compatibility.**

Structures taller than 200 feet located anywhere in the County could pose a hazard to aircraft in flight.

Conforming General Plan goals and policies

*GOAL HS-7 To promote the safe operation of public and private airports and protect the safety of county residents.*

*HS-7.1 Land Use Compatibility. The County shall prohibit land uses within unincorporated areas that interfere with the safe operation of aircraft or that would be exposed to hazards from the operation of aircraft.*

*HS-7.3 Compliance with FAA Regulations. The County shall require development within the airport approach and departure zones to be in compliance with Part 77 of the Federal Aviation Administration Regulations (FAA regulations that address objects affecting navigable airspace).*

*HS-7.4 Locations for New Air Strips or for New Development Adjacent to Existing Air Strips. The County shall require sites for proposed air strips to be outside of air traffic control zones and a safe distance from existing airports (generally three miles), and to be a reasonable distance from residential areas and compatible with the surrounding uses. Similarly, the County shall encourage proposed residential uses or uses that result in a concentration of persons to be located at a reasonable distance from existing air strips to ensure safety.*

*HS-7.5 Transmission Towers and Lines. The County shall review all proposed radio, television, power, or related transmission towers and lines for appropriate location and possible air travel conflicts during the discretionary application process.*

### **ALUCP 4.3.5 Safety Compatibility**

The objective of safety compatibility criteria is to minimize the risks associated with potential aircraft accidents. These include the safety of people on the ground and the safety of aircraft occupants.

Table 4-2 and Figure 6 in the ALUCP, shown on the following pages, identify the Airport Safety Zones and compatibility policies established to determine if proposed land uses in close proximity to the airport are consistent with the ALUCP. Table 4-2 specifies the allowed land uses, population density and open space requirements in each of the Safety Zones. With the exception of the Runway Protection Zone (RPZ) and the Inner Safety Zone (ISZ), the land uses allowed in the safety zones are compatible with the Agricultural General Plan designation. In particular, residential uses shall be allowed at a minimum density of one dwelling unit per five (5) acres. In the RPZ, located directly off the ends of the runways, no structures are allowed. This zone is located entirely on airport property on the west end of the runways and extends across Lake Road onto private property to the east of the runways. The ISZ extends beyond the RPZ, extending onto private property both east and west of the airport. New residential uses are also prohibited in the ISZ. Existing land uses are not affected by the provisions of the ALUCP.

#### **Conforming General Plan goals and policies**

*The minimum residential density specified in the Agriculture General Plan designation, where the Frazier Lake AirPark is located, is one dwelling unit per five (5) acres. The combination of one residence and allowed agriculture structures on a five-acre (or greater) parcel will provide adequate open space to meet ALUCP requirements.*

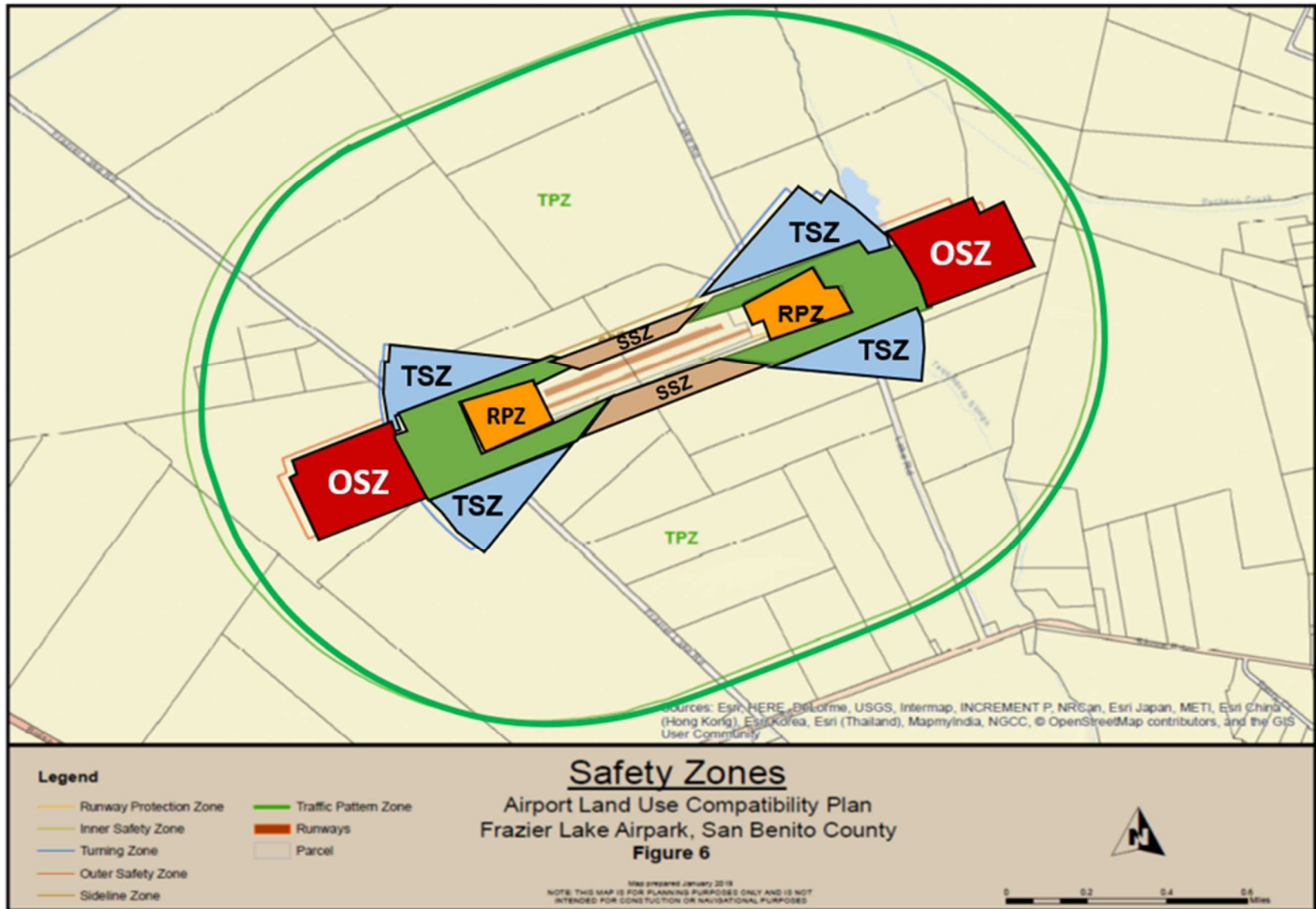
*General Plan GOAL HS-7, and Policies HS-7.1 Land Use Compatibility, and HS-7.3 Compliance with FAA Regulations, referenced above, also address safety compatibility of land uses surrounding the airport.*

Figure 3 - ALUCP Table 4-2  
Safety Zone Compatibility Policies - Frazier Lake AirPark

| Safety Zone  | Maximum Population Density   | Open Space Requirements  | Land Use  |
|--|--|--|---|
| Runway Protection Zone – RPZ<br><br>Also known as Zone 1 | -0-<br>(No people allowed)   | 100 percent<br>(No structures allowed)   | Agricultural activities, roads, open low-landscaped areas. No structures, trees, telephone poles or similar obstacles. Occasional short-term transient vehicle parking is permitted. No open man-made water retention ponds.  |
| Inner Safety Zone – ISZ<br><br>Known as Zone 2           | Nonresidential, maximum 20 people per acre (includes open area and parking area required for the building’s occupants) | 30 percent of gross area open. No structures or concentrations of people within 100 feet of the extended runway centerlines. | <u>Residential</u> – none allowed.<br><u>Nonresidential</u> – uses should be activities that attract relatively few people. No shopping centers, restaurants, theaters, meeting halls, stadiums, multi-story office buildings, labor-intensive manufacturing plants, educational facilities, day care facilities, hospitals, nursing homes or similar activities. No hazardous material facilities (gasoline stations, etc.). No open man-made water retention ponds. |
| Turning Safety Zone - TSZ<br><br>Known as Zone 3         | Nonresidential, maximum 60 people per acre (includes open area and parking area required for the building’s occupants) | 20 percent of gross area<br><br>Minimum dimensions: 300 ft long by 75 ft wide parallel to the runways.                       | <u>Residential</u> – Allow residential infill to existing density (1 dwelling unit per 5 acres).<br><u>Nonresidential</u> – no regional shopping centers, theaters, meeting halls, stadiums, schools, day care centers, hospitals, nursing homes or similar activities. No hazardous material facilities (gasoline stations, etc.).   |
| Outer Safety Zone – OSZ<br><br>Known as Zone 4           | Nonresidential, maximum 85 people per acre (includes open area and parking area required for the building’s occupants) | 20 percent of gross area   | <u>Residential</u> – Allow residential infill to existing density (1 dwelling unit per 5 acres).<br><u>Nonresidential</u> – no regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes or similar activities. No above ground bulk fuel storage.  |
| Sideline Safety Zone - SSZ<br><br>Known as Zone 5        | Nonresidential, maximum 60 people per acre (includes open area and parking area required for the building’s occupants) | 30 percent of gross area   | <u>Residential</u> – Allow residential infill to existing density (1 dwelling unit per 5 acres).<br><u>Nonresidential</u> – no regional shopping centers, theaters, meeting halls, stadiums, schools, large day care centers, hospitals, nursing homes or similar activities. No above ground bulk fuel storage.  |
| Traffic Pattern Zone – TPZ<br><br>Known as Zone 6        | No Limit   | 10 percent of gross area every one-half mile   | <u>Residential</u> – Allowed if consistent with County General Plan.<br><u>Nonresidential</u> – no large sports stadiums or similar uses with very high concentration of people.  |

Source: Based on 2011 *Airport Land Use Planning Handbook, Ch 4*, prepared by the California Department of Transportation, Division of Aeronautics.

Figure 4 – Airport Land Use Compatibility Plan Safety Zones



### **ALUCP 4.3.6 Overflight**

The objective of the overflight compatibility criteria is to assist those persons who are highly annoyed by overflights or have an above-average sensitivity to aircraft overflights to avoid living in locations where these impacts may occur.

#### **Policy O-1**

All new projects within the AIA that are subject to discretionary review and approval shall be required to dedicate an avigation easement to the County of San Benito.

#### **Conforming General Plan goals and policies**

*The General Plan does not address the requirement for avigation easements. As noted above, following adoption of the ALUCP by the Board of Supervisors, staff will be preparing appropriate amendments to the Zoning Code, which will include the requirement for avigation easements for all projects located within the AIA.*

### **Zoning Code Conformance**

San Benito County Zoning Code includes two chapters addressing airports in the county. Chapter 19.03 Airport Zoning, adopted in 1966, relates only to Hollister Airport. While the airport is within the city limits of the city of Hollister, a significant portion of the airport boundary abuts unincorporated lands requiring appropriate controls on land use and new development within the vicinity of the airport. This chapter is outdated and will need significant updating. Chapter 25.21 Airport Safety District, adopted in 1966 and last amended in 1992, provides land use and development regulations for protection of people and property on the ground in the vicinity of all airports in the County. This chapter is also outdated and will need revision to incorporate current safety criteria and terminology and reflect the adoption of the Hollister Airport and Frazier Lake AirPark ALUCPs. In prior discussions with ALUC staff and consultants, the concept of a new airport overlay or combining district to implement the Frazier Lake AirPark ALUCP was discussed. Based on the extensive ordinance revision work required, staff will be recommending that the Board of Supervisors adopt the ALUCP and accompanying General Plan text amendments, and direct staff to proceed with the ordinance revision work for presentation to the Planning Commission and Board of Supervisors at a later date.

### **General Plan Text Amendments**

The above analysis describes how the General Plan goals and policies satisfactorily address the ALUC land use compatibility policies and standards contained in the ALUCP. There are a number of minor text amendments necessary to ensure the General Plan reflects the most current terminology and references to adoption of the Frazier Lake AirPark ALUCP. No changes in the substance of General Plan policies are necessary. The proposed text amendments are included as Attachment 4.

## **PUBLIC OUTREACH**

As part of the development of the Frazier Lake AirPark ALUCP, the San Benito County ALUC staff conducted public outreach in the following ways:

- Project website
- Project information letter mailed to all property owners within the Airport Influence Area
- Bilingual project signage posted near Frazier Lake AirPark
- One-on-one meetings were held with property owners who requested one
- Presentation to the Frazier Lake AirPark Board of Directors
- Press release announcing availability of documents for public review
- Presentation of draft ALUCP to San Benito County Planning Commission and Board of Supervisors

## **Conclusion**

The enclosed analysis confirms that the San Benito County 2035 General Plan is in conformance with the Frazier Lake AirPark ALUCP. Staff is recommending preparation of required zoning ordinance revisions occur subsequent to adoption of the ALUCP.

## **RECOMMENDATION**

Staff recommends the Planning Commission recommend to the Board of Supervisors, that they:

- 1) Consider and adopt the Final Negative Declaration certified by the San Benito Airport Land Use Commission (Attachment 2), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the County's independent judgment and analysis; and
- 2) Consider the 2035 General Plan Final EIR certified by the Board of Supervisors, and find that there is no substantial evidence that the proposed General Plan text amendments project will have a significant effect on the environment and that the 2035 General Plan Final EIR reflects the County's independent judgment and analysis(Attachment 3); and,
- 3) Adopt a resolution (Attachment 5) recommending the Board of Supervisors adopt a resolution to adopt the Frazier Lake AirPark Airport Land Use Plan, including the ALUC policies and the Airport Influence Area (AIA) boundary maps and any adopted amendments, and to incorporate the adopted ALUC policies and adopted amendments, boundary maps, and land use recommendations into the San Benito 2035 General Plan;
- 4) Adopt a resolution (Attachment 6) approving General Plan text amendments to improve clarity and consistency with the new Frazier Lake ALUCP

## **ATTACHMENTS**

1. Frazier Lake AirPark Airport Land Use Compatibility Plan (ALUCP)
2. Final Initial Study and Negative Declaration
3. 2035 General Plan EIR
4. Draft General Plan Text Amendments
5. Resolution recommending the Board of Supervisors adopt the Frazier Lake AirPark ALUCP
6. Resolution recommending the Board of Supervisors adopt the proposed General Plan text amendments

C: San Benito County Airport Land Use Commission