

Attachment 5

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution No. 2020-

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION RECOMMENDING TO THE BOARD OF SUPERVISORS THAT THEY ADOPT THE UPDATED FRAZIER LAKE AIRPARK AIRPORT LAND USE COMPATIBILITY PLAN PREPARED BY THE SAN BENITO COUNTY AIRPORT LAND USE COMMISSION, 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;. APN'S 013-050-017, 013-058-001 AND ALL APNs WITHIN THE AIRPORT INFLUENCE AREA (AIA) AS DEFINED IN THE PLAN:

WHEREAS, acting in its capacity as the Airport Land Use Commission(ALUC) for San Benito County, the San Benito Council of Governments (COG) has prepared and updated the Frazier Lake AirPark Land Use Compatibility Plan (Compatibility Plan), pursuant to California state statute (Public Utilities Code 21675); and

WHEREAS, establishing compatibility policies that minimize conflicts between airport operations and land use and development projects would protect the public health, safety, and welfare; and

WHEREAS, by providing for the orderly expansion of airports and the adoption of land use criteria, the adoption of the Compatibility Plan will minimize the public's exposure to excessive noise and other safety hazards; and

WHEREAS, The COG staff drafted an amended Frazier Lake AirPark Land Use Compatibility Plan, with Draft Initial Study and Negative Declaration (IS/ND) to meet California Environmental Quality Act (CEQA) requirements; and

WHEREAS, the ALUC Board of Directors released the draft Compatibility Plan and draft IS/ND for public review from September 20 to November 4, 2019; and

WHEREAS, the ALUC staff presented the draft Compatibility Plan to the Planning Commission on October 16, 2019, and to the Board of Supervisors on October 22, 2019 for review and feedback; and

WHEREAS, on December 19, 2019 the ALUC Board of Directors adopted the Compatibility Plan and IS/ND; and

WHEREAS, California Government Code 65302.3 (b) mandates that the County shall incorporate the Compatibility Plan provisions into its General Plan; and

WHEREAS, the IS/ND was presented to the Planning Commission, which reviewed and considered the information contained in the IS/MND and received public comment prior to making its recommendation on the Compatibility Plan; and

WHEREAS, the IS/ND found all potential environmental impacts to be less than significant; and

WHEREAS, the IS/ND reflects the County of San Benito's independent judgment and analysis; and

WHEREAS, on November 18, 2020, the Planning Commission in considering approval of the Frazier Lake AirPark ALUCP and associated minor General Plan text amendments, heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to any matter related to the petition; 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 follows:

California Environmental Quality Act (CEQA) finding

Finding 1: The Initial Study for the Frazier Lake AirPark ALUCP has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: All provisions including both State and County environmental guidelines and policies for the preparation of an initial study have been followed. The environmental documents in the preparation of the initial study are filed in the project record located at the San Benito County Resource Management Agency regarding the Frazier Lake AirPark ALUCP.

Finding 2: The Planning Commission has considered the mitigated negative declaration together with all comments received from the public review process.

Evidence: An initial study/mitigated negative declaration (IS/MND) was prepared and circulated publicly to receive comments from members of the public and other public agencies. The IS/MND document, the staff report, and written and verbal testimony were presented to the Planning Commission in preparation for, and during, the November 18, 2020, Planning Commission meeting.

Finding 3: The mitigated negative declaration reflects the independent judgment of the Planning Commission.

Evidence: The IS/ND was prepared by the San Benito County Airport Land Use Commission. The IS/ND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.

Finding 4: The Planning Commission has found that there is no substantial evidence that the adoption of the Frazier Lake AirPark ALUCP will have a significant effect on the environment.

Evidence: The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to adoption of the negative declaration. The Planning

Commission determined that, based on this evidence, that all impacts would be less than significant.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that it hereby finds as follows:

Findings to Approve the Frazier Lake AirPark Airport Land Use Compatibility Plan

Finding 1: The San Benito County Airport Land Use Commission, prepared the Frazier Lake AirPark Airport Land Use Compatibility Plan (ALUCP) in conformance with Section 21675 of the Public Utilities Code of the State of California (PUC).

Evidence: On December 18, 2019, the San Benito County Airport Land Use Commission adopted the updated Frazier Lake AirPark Airport Land Use Compatibility Plan (ALUCP) and found it in conformance with Section 21675 of the Public Utilities Code of the State of California (PUC).

Finding 2: San Benito County is required to adopt 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 local agency's General and/or Specific Plan and Zoning Ordinances or vote to overrule the ALUC per PUC 21676 (a).

Evidence: The requirements for adoption of the ALUCP and incorporation of ALUCP policies, maps and land use recommendations into the County General Plan, and/or Specific Plan and Zoning Ordinances are included in the Frazier Lake AirPark ALUCP in conformance with Section 21675 of the Public Utilities Code of the State of California (PUC).

Finding 3: The San Benito 2035 General Plan is in substantial conformance with the requirements of the Frazier Lake AirPark ALUCP.

Evidence: 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. .

THIS RECOMMENDATION TO THE BOARD OF SUPERVISORS PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 18th DAY OF NOVEMBER BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Valerie Eglund, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County