

## **Attachment 6**

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

#### **Resolution No. 2020-**

#### **A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION ADOPTING AMENDMENTS TO THE TEXT OF THE 2035 GENERAL 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**, 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 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

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

**WHEREAS**, Exhibit 1 to this resolution includes minor amendments to the text of the 2035 General Plan proposed to improve clarity and consistency with the new Frazier Lake ALUCP; and

**WHEREAS**, the 2035 General Plan Environmental Impact Report (EIR) was approved on July 25, 2015; and

**WHEREAS**, the proposed General Plan text amendments do not raise any new environmental impacts not already fully addressed in the 2035 General Plan EIR; and

**WHEREAS**, on November 18, 2020, the Planning Commission in considering approval of the 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 proposed General Plan text amendments.

**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) Findings**

**Finding 1:** The 2035 General Plan EIR 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 the 2035 General Plan EIR have been followed. The 2035 General Plan EIR is filed at the San Benito County Resource Management Agency.

**Finding 2:** The Planning Commission has considered the 2035 General Plan EIR together with all comments received from the public review process.

*Evidence:* The 2035 General Plan EIR was circulated publicly to receive comments from members of the public and other public agencies during the preparation of the 2035 General Plan. The 2035 General Plan EIR, 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 2035 General Plan EIR reflects the independent judgment of the Planning Commission.

*Evidence:* The 2035 General Plan EIR was prepared by the San Benito County Resources Management Agency. The 2035 General Plan EIR 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 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. .

**Finding 5:** The Planning Commission has found that there is no substantial evidence that the proposed project will have any significant effects on the environment not already fully analyzed in the General Plan EIR.

*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.

### **Findings to Approve Amendments to the text of the San Benito 2035 General Plan**

**Finding 1:** San Benito County is required to incorporate the adopted ALUC policies and adopted amendments, boundary maps, and land use recommendations into the General and/or Specific Plan or vote to overrule the ALUC per PUC 21676 (a).

*Evidence: The requirement for incorporation of ALUCP policies, maps and land use recommendations into the County General Plan is included in the Frazier Lake AirPark ALUCP in conformance with Section 21675 of the Public Utilities Code of the State of California (PUC).*

**Finding 2:** 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. .*

**Finding 3:** Minor amendments to the text of the 2035 General Plan that do not change the substance of the goals and policies are necessary to improve clarity and consistency with the new Frazier Lake ALUCP.

*Evidence: Exhibit 1 to this resolution includes minor amendments to the text of the 2035 General Plan proposed to improve clarity and consistency with the new Frazier Lake ALUCP.*

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 18<sup>th</sup> DAY OF NOVEMBER BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

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Valerie Egland, Chair  
San Benito County Planning Commission

**ATTEST:**

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

## Exhibit 1

### Proposed General Plan text amendments for Conformance with Frazier Lake ALUCP

1. Figures 3-12, 3-4, 3-5, 3-6, and 4-1  
Correct the location of Frazier Lake Airpark
2. Page 3-15, LU-1.9 Airport Land Use Coordination and Consistency. Revise as follows:  
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 Municipal and Frazier Lake Airports areas of influence are consistent with the adopted San Benito County Airport Land Use Compatibility Plans.
3. Page 6-17, Air Transportation. Revise first sentence as follows:  
San Benito County has two one public use airports, (Hollister Municipal Airport and one private airport (Frazier Lake Airpark), and several landing strips scattered throughout the county.
4. Page 6-17, Air Transportation. Revise sixth sentence as follows:  
The County coordinates with the Airport Land Use Commission (ALUC), which makes recommendations to the Board of Supervisors about development around the Hollister Municipal Airport and Frazier Lake Airpark in order to ensure orderly growth around the airport and protect the safety of nearby residents.
5. Page 9-12, Airport Hazards. Revise second paragraph, fourth sentence as follows:  
More recently, in 2011, the ALUC adopted an updated Airport Land Use Compatibility Plan for the Hollister Municipal Airport only., and in 2019, the ALUC adopted an updated ALUCP for Frazier Lake Airpark.
6. Page 9-13, Noise. HS-8.2 Acoustical Analysis. Revise as follows:  
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. “normally conditionally unacceptable”, “clearly unacceptable”) shown in Table 9-2. Land uses should be prohibited from locating, or required to mitigate, in areas with a noise environment within the “clearly unacceptable” range. (RDR)
7. Page 9-14, 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 – 65 dB CNEL complete an acoustical analysis demonstrating how residential units have been designed to meet an interior noise level of 45 dB.