



SAN BENITO COUNTY PLANNING COMMISSION

Eduardo
Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert
Gibson
District No. 4

Robert Rodriguez
District No. 5

*County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister,
California*

REGULAR MEETING AGENDA October 16, 2019 6:00 PM

6:00 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BOARD ANNOUNCEMENTS

DEPARTMENT ANNOUNCEMENTS

PUBLIC COMMENT

The San Benito County Planning Commission welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does **NOT** appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide to the Clerk prior to the meeting. Except as otherwise provided by law; no action shall be taken on any item NOT appearing on the Agenda or items that have been continued to a future public hearing date. When addressing the Commission, **please state your name for the record**. Please address the Commission as a whole through the Chair. This open forum period is provided to allow members of the public an opportunity to address the Planning Commission on general issues of land use planning and community development. It is not intended for comments on items on the current agenda, any pending items.
- If you wish to speak on an item contained in the Agenda, please complete a Speaker Card identifying the Item(s) and provide it to the Clerk prior to consideration of the item.
- **Each individual speaker will be limited to a three (3) minute presentation.**

CONSENT AGENDA

ACKNOWLEDGEMENT OF PUBLIC HEARING

ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

- 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.

ADOPTION OF ACTION MINUTES

1. Draft Meeting Minutes from March 20, 2019
2. Draft Meeting Minutes from June 19, 2019
3. Draft Meeting Minutes from July 17, 2019
4. Draft Meeting Minutes from August 21, 2019
5. Draft Meeting Minutes from September 18, 2019

REGULAR AGENDA

6. DRAFT Airport Land Use Compatibility Plan for Frazier Lake Airpark

PUBLIC HEARING

DISCUSSION

7. Discussion of Commissioner requests for presentations and conference attendance.

ADJOURN

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. 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**

Eduardo Navarro
District No. 1

Valerie Eglund
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District No. 5

Item Number: 1.

MEETING DATE: 10/16/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Taven M. Kinison Brown

AGENDA ITEM PREPARER: Anita Gutierrez/Rosie Habing

SBC DEPT FILE NUMBER:

SUBJECT:

Draft Meeting Minutes from March 20, 2019

AGENDA SECTION:

ADOPTION OF ACTION MINUTES

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
March 20, 2019 PC Minutes	10/9/2019	Minutes



SAN BENITO COUNTY PLANNING COMMISSION

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County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MINUTES March 20, 2019 6:00 PM

6:04 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL *Commissioners Present: Chair, Robert J. Rodriguez, Vice-Chair Valerie Eglad, Robert Gibson, Robert Eggers.*

Commissioners Absent: Eduardo Navarro

Staff Present: Principal Planner, Taven M. Kinison Brown; Permit Technician, Rosie Habing, Deputy County Counsel Michael Ziman, County Counsel Barbara Thompson, Associate Planner Michael Kelly, Assistant Planner Richard Felsing

PLANNING COMMISSIONER ANNOUNCEMENTS

Commissioner Gibson suggested that the majority of the Commissioners direct the staff to invite the Planning Commissions of San Juan Bautista and Hollister to bi-annual joint sessions for the next agenda. Principal Planner, Taven M. Kinison Brown will place this item as a discussion item for the April 20, 2019 Planning Commission meeting for further discussion of dates and what is expected of the meetings.

Commissioner Valerie Eglad report that the moonlight walk in her District on the De Anza trail was very successful and over 140 people attended.

DEPARTMENT ANNOUNCEMENTS

Principal Planner, Taven M. Kinison Brown reported that he convened an interview for an assistant planner position in the planning department. Mr. Brown also reported that the RMA Director, John Guertin gave notice of his resignation March 19, 2019.

PUBLIC COMMENT

None.

CONSENT AGENDA

1. Acknowledgement of public hearing
2. Acknowledgement of certificate posting
3. No meeting minutes were presented

Principal Planner Taven M. Kinison Brown acknowledged the public hearing and the certificate of posting.

REGULAR AGENDA

1. **Procedures for the Transaction of Business for Planning Commissioners:**
Review of business procedures and consideration of resolution to adopt minor amendments.

Principal Planner, Taven M. Kinison Brown presented the minor modifications made.

No Public Comment

No comments or questions from the Planning Commissioners

An action was already taken on the Transaction of Business for Planning Commissioners.

PUBLIC HEARING

2. **PLN190013. First Amendment to the “Development Agreement By and Among The County of San Benito, Pulte Home Corporation and San Juan Oaks, LLC.”**

OWNER/APPLICANT: San Juan Oaks LLC/Scott Fuller. LOCATION: All lands within the San Juan Oaks Specific Plan District. REQUEST: Presently, the negotiated term of the Development Agreement (DA) locks impact fees at 2014 rates to March 31, 2023 (4 more years). The applicant’s requested First Amendment to the DA extends the lock term for the 2014 Impact Fee rates to March 31, 2029. GENERAL PLAN: Planned Development and Rangeland. ZONING: San Juan Oaks Specific Plan District. ENVIRONMENTAL EVALUATION: Proposed Addendum to the San Juan Oaks Specific Plan Subsequent Environmental Impact Report (State Clearinghouse No. 2013101006). PROJECT STAFF: Barbara Thompson, County Counsel and Taven M. Kinison Brown, Principal Planner. (tkinisonbown@cosb.us).

Principal Planner, Taven M. Kinison Brown presented the staff report and exhibits.

Scott Fuller made a presentation on the behalf of the applicant and stated that 95% of the Development Agreement that was executed in 2015 is going to remain the same. Scott Fuller reiterated that the Development Agreement Amendment is asking for an extension of the lock term of the 2014 Impact Fees. He also highlighted the benefits of this development project such as; 5.5 million community benefit fee, senior housing, 1,240 acres of permanent open space onsite, off site preservation of 150 acres of prime agriculture land offsite, as well as preservation of 50 acres of farmland onsite.

County Counsel, Barbara Thompson spoke on the behalf of the County and brought to attention page three of the staff report. The staff report was reviewed and supported by the CAO office due to the economic value and community benefit the project brought to the County.

Scott Fuller clarified that the Board of Supervisors approved this proposal back in November 2018.

Public Comment was opened

Citizens, Larry Martin and Dave Wright (a member of the Community Services Development Corporation) commented in support of the development agreement changes and ongoing support for the complete project.

Citizen, Karson Klauer in favor of the development but concerned with the lack of financial analysis in the staff report. He did not see a breakdown of the impact fees from 2014 versus 2019 impact fees. Mr. Klauer specifically mentioned the traffic impact fees.

Scott Fuller provided further clarification that he did some calculations comparing the 2014 fees to the 2019 fees. He found that with the additional upfront fees the applicant is to pay the 2014 fee amount would be very similar to the 2019 fee amount.

Public Comment was closed

Commissioner Rodriguez and Commissioner Gibson wanted it on record that they spoke with Mr. Fuller on the phone and had no questions.

Commissioner Eggers stated that he spoke with Scott Fuller on the phone and was appreciative of the information provided. He also pointed out that the Commissioners are aware of the significant difference in the 2014 impact fees and the 2019 impact fees. Commissioner Eggers questioned if the County should continue the lease with the 2014 Impact Fees as the County will be taking a sizable hit since costs have risen since 2014.

Commissioner Rodriguez stated that if the County does not continue the lease then we may not have anything come from this project. In the short term the project will generate jobs and possibly income for local companies for materials. Commissioner Rodriguez

stated that the 2014 rates were the rates at the time of the agreement and that purpose today is to only extend the agreement.

Commissioner Eglund stated that she has had many conversations with Mr. Fuller when she was working with the Parks Commission. She stated that the parks and amenities that this project will provide to the County as a whole are hugely beneficial in the long run. Commissioner Eglund stated that Commissioner Eggers and Mr. Klauer have a valid point that the Commissioners need to acknowledge what is being given to the owners in exchange for this great benefit that the Commissioners envision for this County; without that the citizens will look at the Commissioners as if we did not give due consideration. The Commissioners are willing as a County to not get full compensation on an ordinary basis but in the long run the upfront money can benefit the County. This type of community is something that the Commissioners have looked forward to.

Gibson moved that the Planning Commission adopt resolution 2019- next recommending approval to the BOS for the Development Agreement Amendment. Commissioner Eglund seconded and it was voted 3-1.

3. Use Permit UP 1168-17:

OWNER/APPLICANT: Richard & Bonnie Swank. **APN:** 026-130-026 and a portion of 016-140-012. **LOCATION:** 4751 Pacheco Pass Highway (the frontage road). **REQUEST:** To use the 21.3-acre parcel for an agritourism operation and event center, to include Swank Farms' annual corn maze and related seasonal attractions. **GENERAL PLAN:** Agriculture (A). **ZONING:** Agricultural Productive (AP). **ENVIRONMENTAL EVALUATION:** Categorically Exempt. §15301, §15303(e), §15304(e). (rfelsing@cosb.us).

Assistant Planner, Richard Felsing presented the staff report and PowerPoint slides.

Principal Planner, Taven M. Kinison Brown made additional comments about the proposed use permit regarding the ability to serve beer and wine at the events. It was also mentioned that this agritourism use would put San Benito County on the map. As well as, a letter was submitted from the neighbors with concerns about the use permit.

Bonnie Swank and Richard Swank spoke of gratitude for the opportunity to share their project as well as provided some history of their farm and operations.

Public Comment was opened

Citizens Lizz and Rich Hunter, neighbors to the Swank farm, asked that the decision be postponed to gather more information and have conversations with everyone. It was expressed that they have been good neighbors dealing with the corn maze events during October, however during those weekends they hear a lot of noise and it is disturbing. They are concerned about the proposed locations for the event center and the noise that will be generated year round.

Citizens Gary Hartman and Ramero Rodriguez are neighbors who are in support of this use permit. Gar Hartman is an agriculture business owner who sees benefit in having a location to host consulting seminars.

Citizens Michelle and Veronica Moreno are employees of Swank Farms, who are in support of the use permit. Michelle has been the manager of the corn maze for almost 10 years, she spoke about the benefit this event brings to the community and that Swank Farms employs the students from San Benito High School.

Public Comment was closed

Commissioner Eglund expressed concern about the neighbors being disturbed from the farms weekend event activities. She asked if there were any mitigation that could be put in place to help with the noise and light that may come from night-time events. Commissioner Eglund supports the idea of this project and thinks it would be a great benefit to the County.

Commissioner Rodriguez asked if the County already has mitigation on noise. Principal Planner, Taven M. Kinison Brown stated that the County has an established standard and some operational standards have been included in the resolution for the use permit.

There was a general agreement among the Commissioners for postponing the decision another 30 days for more discussion between the neighbors.

Commissioner Gibson moved to continue the discussion at the April meeting and was seconded by Commissioner Eggers 5-0.

DISCUSSION

None.

ADJOURN at 8:02 PM

Minutes prepared by Staff Services Specialist, Megan Stevens



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Item Number: 2.

MEETING DATE: 10/16/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Harry Mavrogenes

AGENDA ITEM PREPARER: Richard Felsing

SBC DEPT FILE NUMBER:

SUBJECT:

Draft Meeting Minutes from June 19, 2019

AGENDA SECTION:

ADOPTION OF ACTION MINUTES

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description

June 19, 2019, Minutes

Upload Date Type

10/10/2019

Minutes



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County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MINUTES June 19, 2019 6:00 PM

6:02 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL *All Commissioners Present: Chair Robert J. Rodriguez, Vice-Chair Valerie Eglund, Robert Gibson, Eduardo Navarro, Robert Eggers.*

Staff Present: RMA Director Harry Mavrogenes; Principal Planner Taven M. Kinison Brown; Permit Technician Anita Gutierrez; Deputy County Counsel Michael Ziman; Housing Coordinator Jamila Saqqa

PLANNING COMMISSIONER ANNOUNCEMENTS

None.

DEPARTMENT ANNOUNCEMENTS

Principal Planner Kinison Brown introduced the new RMA Director, Harry Mavrogenes.

Director Mavrogenes then offered brief remarks:

[inaudible] . . . very excited; . . . plenty of work to do. We've got a . . . a good staff to work with . . . [crosstalk] [finds green button on microphone]

Again, I'm looking forward to working with you all. . . . In many of the projects that are going on. We have some challenges in this county, there's a lot of pressure, for development; there's a need to keep the quality of life of this community, and I think that's one thing I want to make sure, that whatever we do we always keep the character, and the quality of life here. We have housing issues, you're dealing with some of them tonight, and I think as we move forward I will very much continue to work with you all and make things better here. So thank you for letting me introduce myself; and we'll be working together. Any questions?

Commissioner Eglund: Yes, where . . . where did you work before?

[crosstalk]

Director Mavrogenes: Oh, okay! Ah, resume time! The most recent job I had actually was running the Stockton Airport, which came about after my economic development activity of San Joaquin; ah I was there for five years. Before that, I ran the San Jose Redevelopment Agency. Which, did a tremendous amount development, quality development in downtown San Jose; industrial development, job creation. We also provided a significant amount of money for affordable housing, 30% of our revenue went to affordable housing in the community. Redevelopment was disbanded in 2011 so when that happened I went onto on to San Joaquin, at Stockton Airport I was able to bring in Amazon Prime; we hadn't had freight activity at all before then; we brought more airlines in, including now flights to Los Angeles as well as San Diego and Phoenix which they didn't have before. So I feel that every job I've had I worked in Miami Beach in the 1990s, was involved in a lot of the revitalization activity there; ran basically the same kind of department over there.

So I've seen a lot; I have some ideas. But the real input comes from the community itself; what do you want to be, and how can I help you get there. So I hope that gives you a little bit of a slice.

Commissioners: [crosstalk] .. beautiful! Thank you!

PUBLIC COMMENT

None

CONSENT AGENDA

1. Acknowledgement of public hearing
2. Acknowledgement of certificate of posting
3. No meeting minutes were presented

The Commission acknowledged the certificate of posting and public hearing.

REGULAR AGENDA

PUBLIC HEARING

1. **Use Permit PLN190020 The San Benito Hemp Campus:**
OWNER/APPLICANT: Chambers/Pacific Bay Capital Group. **LOCATION:** 7777 Frazier Lake Road and 7800 Lake Road, Hollister, CA 95023, more commonly known as Assessor's Parcel Number 013-050-028-000. **REQUEST:** The San Benito Hemp Campus proposes to reuse 275,000 square feet of existing structures at a former turkey egg raising facility on a 75-acre agriculturally (A) zoned parcel south of and adjacent to the Frazier Lake Airport. the property is presently used as an equestrian facility and or storage. The San Benito Hemp Campus facility would provide for hemp cultivation and hemp-derivative manufacturing and oil extraction. The manufacturing processes will include compounding and formulating various hemp (CBD) products. The project includes a proposal to erect 60,000

square feet of hoop greenhouses for seed production and cultivation. The San Benito Hemp Campus will process hemp grown elsewhere in the California region to the degree the market will bear. The proposed facility would operate seven days per week, 24 hours/day with two, twelve-hour shifts. Initially, the facility is expected to employ between 50 and 75 employees with potentially 125 employees at full development.

The applicants have also offered to enter into a Development Agreement with the County of San Benito. The Development Agreement will vest the Applicant's rights to conduct hemp related activities, including but not limited to cultivation, testing and distribution and derivative manufacturing and oil extraction and other hemp processing activities in accordance with County Code. The Development Agreement also addresses specific Community Benefits for San Benito County. The Planning Commission will decide on the merits other Use Permit for the reuse of the existing facility, and then make a recommendation to the Board of Supervisors who will take final action.

Principal Planner Taven M. Kinison Brown presented staff report with PowerPoint

Commissioners: Access through east? Why the term of 15 years?

TKB: Access would be available from the east and the west. It's in our code; in year 16 it goes to zero.

Skip Spearing, Applicant: I represent the San Benito Hemp Campus. We are here to work with the County ... the Code said 15 years, so we chose that. Traffic—everything is served from Frazier Lake [Road] and that'll be the way it continues. Lake Road is a secondary access only, we don't really want any traffic there to speak of. Frazier Lake is the primary access, there'll be a guard house there and full security all the way around the property.

The waste is set up as a closed system. Thought about using ethanol extraction . . . but we're primarily leaning toward the TFE, which is freon. Lower pressure, doesn't have the waste ... [explains details]. Three septic systems already on the property. New construction would be greenhouses or hoop houses; that's already asphalt so no new impermeable surfaces. Any questions?

Commissioners: Sounds like you have found a perfect facility; what luck

Skip Spearing: They really had a clean sterile facility; drivers had to take showers they were that worried about disease ...

Commissioners: Question on truck routes, frequency, timing; how many points of entry are there?

Skip Spearing: Just one; there's no real reason to come in another route. We will have it in our requirements to use Frazier Lake Road. We're trying to stagger the work shifts and truck to have the least impact on Frazier Lake.

Commissioners: Noise Closed system—odors? Power?

Skip Spearing: Answer to all of those is No. Odors confined by heavy HVAC system. No I think we're in great shape. Good access to gas line; cogen potential, as high-tech as you can get. We're really excited about that for power

Public Comment was opened [time not noted]

Citizens Lou Urbina, Melody Gomes, Ann Griffin spoke. Mr. Urbina asked for clarification on planned cultivation & what's being brought in. No lighting on the Lake Road side; and staff/customers use Lake Road now to access site. It's bad and they'll use Lake Road.

Melody Gomes: resident of Lake Road, at Shore & Lake. It's a one-lane used for exercise and our kids are out there. Traffic has a big impact here; they try to beat the traffic. If we're not back in our homes by 2pm; we're not going anywhere. Consider would you like it in your neighborhood next to you

David Leonardo, 7777 Lake Road: It's a one-lane road; two small cars, sure, but bigger vehicles and somebody's in the mud or dirt. The road is destroyed, it will not take any more.

Ann Griffin, resident of Lake Road, for 30 years: Echo concerns about using Lake Road. Employee routes in? Road's in bad shape. Grandkids ride their bikes; no room for a lot of traffic; it's a one-lane road.

Taven M. Kinison Brown: seed nursery, no proposed grow; raw product will come in on trucks; closed HVAC systems to control odor. No intention of using Lake Road. RMA Planning will ask for numbers, and we have conditions of approval . . .

Skip Spearing: Happy to enter into condition of approval to use only Frazier Lake Road; happy with circulation component. It'll be seed cultivation.

A motion was made by Commissioner Egland for approval; seconded by Commissioner Eggers. Passed 5/0

Recommendation to Board of Supervisors—Robert Gibson, as written; seconded by Commissioner Eggers. Passed 5/0

2. Inclusionary Housing Ordinance Amendments:

a) Conduct public hearing regarding the amending Inclusionary Housing Ordinance regulations in San Benito County to include, but limited to the following items: 1) Assigning the in-lieu fee to \$61,950 per on-site building permit; 2) Assigning the in-lieu to \$82,600 per off-site building permit and setting the Inclusionary Unit Cost at \$413,000; 3) Updating the Housing Advisory Committee to seven members; 4) Including the term extremely low income; and 5) Removing Sections 21.03.014, 21.03.015, 21.03.016. (Chapter 21.03 of the San Benito County Code); and

b) Consider recommending the approval of Housing Advisory Committee By-Laws to the Board of Supervisors; and

c) Consider adoption of resolution recommending that the Board of Supervisors adopt an Ordinance amending Chapter 21.03 of the San Benito County Code relating to Inclusionary Housing land used regulations, making 2035 General Plan consistency findings and determinations, and making appropriate findings and determinations under the California Environmental Quality act ("CEQA").

Housing Programs Coordinator Jamila Saqqa presented the staff report

DISCUSSION

Commissioners discussed density bonuses and incentives, off-site vs. on-site distinctions, size minimums, and how the proposed reduced fees would be applied. Housing Programs Coordinator Jamila Saqqa and Principal Planner Taven M. Kinison Brown provided clarifications.

Rodriguez: I think this is a start something'll be worked out

Commissioner Gibson: . . . need to remember the purpose of inclusionary zoning is to actually build units. And we don't want people just to pay a fee.

Taven M. Kinison Brown: Really want them to build on-site, so units peppered thought the community.

Public Comment was opened [time not noted]

Citizen Scott Fuller asked for clarification on in-lieu fees, to be multiplied by number of market-rate units or affordable units? Clarified that off-site affordable units funded by multiplying rate-to-be-approved by number of total market-rate units (since no affordable units would be built on-site). Mr. Fuller: "To that point, no one would use the inclusionary. Accomplishes the purpose of having developers build it on-site.

Citizen Jared McDonald Is there an incentive for a property owner to invest in their own property if rent-restricted; just build more apartments stabilize rents; it'd be great

Jamila Saqqa clarified that some equity could be captured; Taven M. Kinison Brown noted that right now the in-lieu fee is set at zero, the repairs the ordinance.

A motion was made by Commissioner Gibson for approval; with the amendment to add language "extremely low" and to include the reduced impact fees to all affordable units; the exact fees to apply to the affordable units in any development. Approve by-laws. Seconded by Commissioner Eggers. Passed 5/0

ADJOURN at [time not noted]

Minutes prepared by Assistant Planner Richard Felsing



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Item Number: 3.

MEETING DATE: 10/16/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Harry Mavrogenes

AGENDA ITEM PREPARER: Anita Gutierrez/Rosie Habing

SBC DEPT FILE NUMBER:

SUBJECT:

Draft Meeting Minutes from July 17, 2019

AGENDA SECTION:

ADOPTION OF ACTION MINUTES

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description

July 17, 2019 PC Minutes

Upload Date Type

10/10/2019

Minutes



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County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MINUTES

July 17, 2019

6:00 PM

6:00 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

All present stated the pledge.

ROLL CALL

All Commissioners Present: Robert Rodriguez, Eduardo Navarro, Valerie Eglund, Robert Eggers, Robert Gibson

Staff Present: Principal Planner (PP) Taven Kinison Brown; Deputy County Counsel (DCC) G. Michael Ziman; County Counsel (CC) Barbara Thompson; Agricultural Commissioner (AC) Karen Overstreet; Permit Technician Anita Gutierrez

BOARD ANNOUNCEMENTS

Commissioner Gibson asked PP Taven Kinison Brown about the Commission joining the California Planning Association and spoke of a seminar series in September in Santa Barbara. Gibson said he wanted to see that commissioners would be able to attend if they wanted. He then requested to have rules of order on the next agenda so that the Commission could amend them to allow individual commissioners to have items placed on an agenda and give the Commission more authority over the agenda. Commissioner Navarro asked about the protocol to agendize items; PP Kinison Brown described the protocol as discussion through the chair, while Commissioner Gibson asked for streamlining to make agendizing items easier for commissioners other than the chair.

DEPARTMENT ANNOUNCEMENTS

PP Kinison Brown spoke of an interview panel to fill an Assistant Planner position and offering the position to the chosen candidate, Arielle Goodspeed. He answered a question by Commissioner Eggers to say that the candidate would fill an opening left by the departure of the earlier Planning Technician. PP Kinison Brown also spoke of the new position of Staff Services Specialist, granted to Megan Stevens, earlier an Office Assistant. He said the Board had approved four positions for the Resource Management

Agency (RMA), including a Code Enforcement Officer and Assistant Director for Planning and Building. He then said that on the following day an open house would take place for Assembly Member Rivas at the RMA office to recognize the presence of Rivas' staff at that office. Commissioner Eglund asked about Public Works staff, including a replacement for the former Capital Programs Manager; PP Kinison Brown said a temporary employee was holding that position while recruitment for the position would occur. Chair Rodriguez and PP Kinison Brown then discussed hiring for a head of building inspection.

PUBLIC COMMENT

Chair Rodriguez opened public comment. When no comment was offered, Chair Rodriguez closed public comment.

CONSENT AGENDA

ACKNOWLEDGEMENT OF PUBLIC HEARING

ACKNOWLEDGEMENT OF CERTIFICATE OF POSTING

Commissioner Eglund and PP Kinison Brown discussed the preparation of minutes and tools to assist in this task. With no Consent Agenda items included in the meeting agenda, no action took place at this time.

REGULAR AGENDA

No Regular Agenda items were included on the meeting agenda, and no mention of the Regular Agenda took place.

PUBLIC HEARING

- 1. Hemp Regulations (County Code Chapter 7.04):** Adopt a Resolution recommending adoption of an ordinance by the Board of Supervisors adding Chapter 7.04 to Title 7 of the San Benito County Code related to Hemp regulation, including but not limited to definitions, prohibitions, the establishment of the Hemp Entity Management Program, registration requirements and regulations, fees, zoning for cultivation, required setbacks, odor and pollen drift mitigation, minimum parcel size, other requirements and administration and enforcement provisions. ENVIRONMENTAL EVALUATION: Exempt from CEQA, including, but not limited to, State CEQA Guidelines sections 15061, subd. (b)(3) and 15308. APPLICANT/PROPONENT: San Benito County. PROPERTY: Unincorporated San Benito County.

CC Barbara Thompson presented minor changes to the hemp ordinance that the Commissioners reviewed in May 2019. She said that after the May review the ordinance was presented to the Board, where public comment prompted the changes under consideration at this meeting. After her presentation, Chair Rodriguez opened the public hearing and then closed the public hearing when no comment was given. Commissioner Eggers asked about direction given from the State government and about other counties' drafting of similar ordinances; CC Thompson said she had not received recent information to share with the Commission. AC Karen Overstreet spoke of changes resulting from Assembly Bill 153 to make updates based on United States Department of Agriculture requirements.

Commissioner Eglund moved to adopt the resolution to recommend adoption of the ordinance. The motion was seconded by Commissioner Eggers and was approved with all in favor.

DISCUSSION

No discussion took place.

ADJOURN

Commissioner Egland moved to adjourn the meeting. Commissioner Eggers seconded the motion, which was approved with all in favor. The meeting adjourned at 6:23 p.m.

Minutes prepared by Michael Kelly, Associate Planner



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 4.

MEETING DATE: 10/16/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Harry Mavrogenes

AGENDA ITEM PREPARER: Anita Gutierrez/Rosie Habing

SBC DEPT FILE NUMBER:

SUBJECT:

Draft Meeting Minutes from August 21, 2019

AGENDA SECTION:

ADOPTION OF ACTION MINUTES

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description

August 21, 2019 PC Minutes

Upload Date Type

10/10/2019

Minutes



SAN BENITO COUNTY PLANNING COMMISSION

Eduardo Navarro
District No. 1

Valerie Egland
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MINUTES August 21, 2019 6:00 PM

6:00 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

All Commissioners Present: Chair Robert J. Rodriguez, Vice-Chair Valerie Egland, Robert Gibson, Eduardo Navarro, Robert Eggers.

Staff Present: Principal Planner, Taven M. Kinison Brown; Permit Technician, Anita Gutierrez, Deputy County Counsel Michael Ziman, Associate Planner Michael Kelly, and Assistant Planner Arielle Goodspeed.

PLANNING COMMISSIONER ANNOUNCEMENTS

None

DEPARTMENT ANNOUNCEMENTS

None

PUBLIC COMMENT

None

CONSENT AGENDA

1. Acknowledgement of public hearing

2. Acknowledgement of certificate of posting
3. No meeting minutes were presented

The Commission acknowledged the certificate of posting and public hearing.

PUBLIC HEARING

1. Continuance of:

Tentative Subdivision Map (TSM) 09-82: OWNER/APPLICANT: Roth Bypass Trust/Roth Family Living Trust. APN: 011-270-007. LOCATION: 240 Cole Road, ½-mile north of Route 101 at San Juan Road, near Aromas. REQUEST: To subdivide a 37.43-acre property into six residential parcels plus one remainder parcel, all of 5 to 6 acres in area, in addition to building access drives and infrastructure to serve the lots. GENERAL PLAN: Rural (R). ZONING: Rural/Open Space (R/OS). ENVIRONMENTAL EVALUATION: Initial Study/Mitigated Negative Declaration. PLANNER: Michael Kelly (*mkelly@cosb.us*).

Associate Planner Michael Kelly asked for continuance

6:03 Back to Commission

Commissioner Egland made a motion for continuance. Commissioner Gibson seconded the motion and it was carried 5-0.

2. **Tentative Subdivision Map (TSM) 16-97:** OWNER: Bray Family Trust and Culler Living Trust. APPLICANT: James Bray APN: 020-280-054. LOCATION: ¼ -mile west of Southside Rd.-Enterprise Rd. intersection, near Hollister. REQUEST: To rezone a four-acre parcel from Agricultural Productive (AP) to Single-family Residential (R1) and subdivide the site into 11 lots, including 10 between 6,000 and 7,600 square feet for residential use plus one lot for public utility use, together with a SSCWD water line, a City of Hollister sewer line, approximately 700 feet of additional length to Mojave Way and Fulton Way, and earthmoving for the street extension and building sites. GENERAL PLAN: Residential Mixed (RM). ZONING: Agricultural Productive (AP). ENVIRONMENTAL EVALUATION: Initial Study/Negative Declaration. PLANNER: Michael Kelly (*mkelly@cosb.us*).

Associate Planner Michael Kelly presented the staff report and PowerPoint slides

6:20 Public Comment was opened

6:21 Project Engineer Anne Hall spoke to address Council member Egland comments regarding the easement into Sunnyslope Water District. It was an agreement entered into prior to this subdivision, and Sunnyslope is releasing about 32 feet of the easement back to the property owner. In addition, Anne Hall addressed comments regarding the zone change. She spoke to the effect that the General Plan has already changed the designation, and the zone

change is to bring zoning into compliance with the General Plan. Finally, Anne Hall questioned condition of approval number 20, which speaks to additional invoices from county staff. She wanted to know what the recoverable fee would be, as there was no information available. She wanted to be able to reserve the right to discuss condition of approval number 20 until fee amount is given. Principal Planner, Taven M. Kinison-Brown, provided the information that there is administrative recourse to appeal this item. Permit Technician, Anita Gutierrez, provided information on the old fee schedule that would apply to this project on this condition of approval item number 20.

There were no questions for Engineer Anne Hall from Public Commissioners.

6:33 Back to Commission

Commissioner Gibson made a motion to adopt Resolution 2019-X to rezone the property to single family residential and approve the tentative subdivision map 16-97 per findings from staff recommendations and subject to conditions of approval. Commissioner Eggers seconded the motion and it was carried 5-0.

DISCUSSION

3. Discussion of PC Members assigning “Discussion Items” to staff

6:35 Principal Planner, Taven M. Kinison-Brown introduces new hires Assistant Planner Arielle Goodspeed and Staff Services Specialist Megan Stevens. He reviews list of activities that are conducted within the Planning Department. The three main discussion items to have Staff work on to implement General Plan policies include working to fix and update the Zoning Code and associated regulations for consistency with state law, modernizing our approach to housing in the community, and implementing components of the Economic Development Element. Staff anticipates that a quarterly interval would allow enough constructive and demonstrable progress for most matters. Some may require additional financial resources from the County.

6:50 Commissioner Gibson wanted to see pre-zoning for commercial corridors.

6:51 Principal Planner, Taven M. Kinison-Brown brought it back to needing Zoning Code Updates. Consider 3 main items to implement General Plan and provide feedback on what you would like staff to proceed with.

6:56 Commissioner Eglund brought up issue that American Casting encountered to get permitted an addition of a portable office.

6:59 Principal Planner, Taven M. Kinison-Brown addressed Commissioner Eglund's issue in regards that this particular property was on City of Hollister land, and falls under City of Hollister jurisdiction.

7:00 Commissioner Rodriguez had concerns with the length of time and the number of times for resubmittal on a building permits under County jurisdiction.

7:02 Principal Planner, Taven M. Kinison-Brown addressed Commissioner Rodriguez issue that we do not have qualified staffing within our department to review building applications and that it is outsourced with consultants such as 4Leaf, and this adds to the factors of length of time.

7:05 Commissioner Eglund asked what is the process to go about funding for qualified county employees.

7:06 Principal Planner, Taven M. Kinison-Brown addressed Commissioner Eglund that first the Commission would need to determine the direction we would like to go forward with first, prior to determining hiring of Staff.

7:07 Commissioner Eglund asked how do we go forward with streamlining commercial design.

7:08 Principal Planner, Taven M. Kinison-Brown addressed Commissioner Eglund how currently we are going forward with commercial nodes policy formation as a step towards streamlining commercial.

7:09 Commissioner Gibson restated that the request from July 17, 2019 Planning Commission meeting for discussion was not just addressing applications, but designating land in the General Plan for commercial. What are the steps to take to get an Environmental Impact Report done on these commercial areas to help incentivize employers. Commissioner Gibson identified that the biggest issue the County is facing is employment, and the best benefit for the community is jobs.

7:10 Commissioner Rodriguez asked how we can go about re-zoning some industrial parks.

7:11 Principal Planner, Taven M. Kinison-Brown addressed Commissioner Rodriguez the issue with rezoning some industrial parks is having the infrastructure to support these kinds of activities. This is generally why it falls into City jurisdiction.

7:13 Commissioner Gibson stated that we need to plan long-term and that our County needs more than just housing tracks.

7:13 Principal Planner, Taven M. Kinison-Brown discussed how in part of our job description we entertain calls including finding locations within our County for University Campuses.

7:14 Commissioner Rodriguez asked what prevents the County from getting its own sewer plant as part of the infrastructure necessary for building industrial parks.

7:15 Principal Planner, Taven M. Kinison-Brown addressed Commissioner Rodriguez that the County is under an agreement plan with the Hollister Water and Wastewater Treatment Plan and that we have limitations from this on what we could build. In addition, the County is under multiple State agencies regulations to move forward with such an activity.

7:17 Commissioner Rodriguez stated that the Hollister treatment plant already has purple lines that lead out to water row crops.

7:18 Commissioner Eglund asked how does the Planning Commission bring up topics of interest to Staff.

7:21 Commissioner Rodriguez stated to start the Planning Commission could choose one topic to discuss quarterly.

7:22 Commissioner Eglund suggested that each Planning Commissioner work with their direct Board of Supervisor to discuss and bring back ideas and direction the Board would like to see that could later be brought back to the Board of Supervisors for approval.

7:23 Principal Planner, Taven M. Kinison-Brown made an editorial that none of these items

under the discussion are for policy formation nature, and that the policy formation was already done under the General Plan. The items of discussion are merely the nuts and bolts of how to implement the policies laid out under the General Plan.

7:25 Commissioner Gibson stated that we need to be able to multi-task all three of the main discussion items, as they are all important.

7:26 Principal Planner, Taven M. Kinison-Brown brought forward document from Margy Barnos that discussed how to tackle the zoning code updates needed.

7:28 Commissioner Gibson stated how three to four months prior and AdHOC committee was established that addresses all housing issues and will be working towards getting zoning up-to-date.

7:29 Principal Planner, Taven M. Kinison-Brown identified under Margy Barnos document at page one through page two regarding zoning consistency items that are out of date with State Law and need to be updated.

7:30 Commissioner Gibson asked about the update on General Plan updates the previous RMA director was to bring back, and if this is still in the works with the new RMA director.

7:30 Principal Planner, Taven M. Kinison-Brown stated that he has not heard from the current RMA director regarding the General Plan update. Although Principal Planner, Taven M. Kinison-Brown is aware of the commercial nodes update implementation on the books, and the Housing Element that was completed in 2015.

7:37 Commissioner Rodriguez would like to see one discussion item brought back every three months for an update to the Planning Commission.

7:37 Commissioner Gibson stated how the AdHOC committee would be meeting on August 22, 2019 to start looking at housing items. Commissioner Gibson also discussed how he would like staff to start looking at areas where we could further commercial and industrial development. He would like to see the Planning Commission and Staff being proactive to planning for the future.

7:41 Principal Planner, Taven M. Kinison-Brown stated he would like to bring up Arielle Goodspeed to talk on the discussion items.

7:43 Assistant Planner, Arielle Goodspeed addressed how Staff was looking into updating zoning through the process of applying for the SB2 Grant. Assistant Planner, Arielle Goodspeed also identified how Staff could look into possible locations where we could place potential commercial and industrial zones and bring that back at the next discussion.

7:44 Commissioner Gibson stated how Staff could look into United Way to help with completion of SB 2 Grant.

7:44 Assistant Planner, Arielle Goodspeed identified how Staff had looked at City of Monterey SB 2 Application, award, and the process they took to receive that award of SB 2 monies.

7:45 Principal Planner, Taven M. Kinison-Brown identified a broader issue of how the City of Monterey had Staff on hand to write Grants, and the need to fund qualified Staff who are able to perform these job functions. Principal Planner, Taven M. Kinison-Brown also addressed the Planning Commissions comments to receive more reporting from our department, specifically on the three main discussion items brought today.

7:47 Commissioner Eglund stated how there is a lack of procedures in place for Planning Commission to bring up items for Staff to look into.

7:48 Commissioner Rodriguez stated how he would like to see Staff look into streamlining and focusing on industrial parks.

7:50 Principal Planner, Taven M. Kinison-Brown stated that Staff could report quarterly.

7:51 Commissioner Eglund asked where planning Staff would need help from Planning Commission to proceed with these discussion items.

7:51 Principal Planner, Taven M. Kinison-Brown addressed how generally planning departments have dedicated planners for advanced planning.

7:54 Commissioner Eglund stated how this County needs to invest in its long-term planning, and the need for additional planning Staff for the County.

7:55 Commissioner Rodriguez stated to continue the discussion items in three months.

7:56 Commissioner Gibson made a motion to continue discussion in three months, and was seconded by Commissioner Eglund 5-0.

ADJOURN at 7:56

Minutes prepared by Assistant Planner, Arielle Goodspeed



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 5.

MEETING DATE: 10/16/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Harry Mavrogenes

AGENDA ITEM PREPARER: Taven M. Kinison Brown

SBC DEPT FILE NUMBER:

SUBJECT:

Draft Meeting Minutes from September 18, 2019

AGENDA SECTION:

ADOPTION OF ACTION MINUTES

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description

September 18, 2019, Minutes

Upload Date Type

10/10/2019 Minutes



SAN BENITO COUNTY PLANNING COMMISSION

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

County Administration Building - Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING MINUTES September 18, 2019 6:00 PM

6:02 PM ~ CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL *All Commissioners Present: Chair Robert J. Rodriguez, Vice-Chair Valerie Eglund, Robert Gibson, Eduardo Navarro, Robert Eggers.*

Staff Present: Principal Planner, Taven M. Kinison Brown; Permit Technician, Rosie Habing, Assistant County Counsel, Joel Ellinwood, Deputy County Counsel Michael Ziman, Associate Planner Michael Kelly, Assistant Planner Arielle Goodspeed.

PLANNING COMMISSIONER ANNOUNCEMENTS

Commissioners Gibson and Eglund briefly reported on their recent attendance at the American Planning Association (APA) conference attendance in Santa Barbara California, Sunday September 15 – 18, 2019.

DEPARTMENT ANNOUNCEMENTS

None

PUBLIC COMMENT

Citizen Robert Robe requested that the County look into billboard regulations and that new signs appear to have been erected near Livestock 101.

CONSENT AGENDA

1. Acknowledgement of public hearing
2. Acknowledgement of certificate of posting
3. No meeting minutes were presented

The Commission acknowledged the certificate of posting and public hearing.

REGULAR AGENDA

1. County Counsel - B. Thompson

Review and adopt resolution regarding General Plan Conformance regarding the proposed purchase of APN 019-230-002.

Assistant County Counsel, Joel Ellinwood gave an overview of the report.

No Public Comment

Planning Commissioners Eggers, Rodriquez Eglan and Navarro questioned whether the item would return to them once the Board of Supervisors followed through with a purchase, what the price of the property was, expressed concern for flooding due to the proximity to the river.

Assistant County Counsel acknowledged that should a development proposal be developed, including the potential for a requested zone change, that such proposals would be reviewed by the Planning Commission. Price was not a factor under consideration of the PC, only compliance with the General plan and County Codes.

A motion to approve was made by Commissioner Gibson, seconded by Commissioner Eglan and it was carried 5-0.

PUBLIC HEARING

2. **Tentative Subdivision Map (TSM) 09-82:** OWNER/APPLICANT: Roth Bypass Trust/Roth Family Living Trust. APN: 011-270-007. LOCATION: 240 Cole Road, ½-mile north of Route 101 at San Juan Road, near Aromas. REQUEST: To subdivide a 37.43-acre property into six residential parcels plus one remainder parcel, all of 5 to 6 acres in area, in addition to building access drives and infrastructure to serve the lots. GENERAL PLAN: Rural (R). ZONING: Rural/Open Space (R/OS). ENVIRONMENTAL EVALUATION: Initial Study/Mitigated Negative Declaration. PLANNER: Michael Kelly (mkelly@cosb.us).

Associate Planner Michael Kelly presented the staff report and PowerPoint slides

6:28 Public Comment was opened

Citizens Andy Hsia-Coron and Mary Hsia-Coron spoke to the history and participation of nearby owners in road maintenance responsibilities. Suggested that the existing width of improvements was satisfactory, and that new surfacing seemed to be more relevant and potentially acceptable by other property owners who share the road.

6:34 Project Engineer Allen Andrade spoke of a win-win situation and had compliments to County RMA

staff. Believes the project fully and properly mitigated and respectful of neighbors.

Commissioner Eglund questioned Engineer Andrade about tree retention and avoidance, Acknowledged the Conditions and applicant's willingness to preserve existing trees through minor adjustments to improvements if necessary.

Citizen Robert Robe questioned what a CFD Community Facilities District was, and also expressed that existing trees should be retained to the best of the applicant's ability.

Project Applicant Elizabeth Caldwell shared her father's history with the property and participation in road maintenance and the road's initial construction. Ms. Caldwell clarified that the subdivision was for purposes of estate planning and sharing among the children of her father, not a "developer" looking at profits.

6:50 Back to Commission

Commissioner Gibson made a motion to approve with modifications to the street improvements condition required along Ricardo Drive to only include new surfacing along the length of the subdivision frontage, and not require physical changes to curbs, gutters or other structural aspects of Ricardo Drive. Commissioner Eggers seconded the motion and it was carried 5-0.

DISCUSSION

None

ADJOURN at 7:11

Minutes prepared by Principal Planner, Taven M. Kinison Brown



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 6.

MEETING DATE: 10/16/2019

DEPARTMENT: COUNCIL OF GOVERNMENTS

DEPT HEAD/DIRECTOR: Mary Gilbert

AGENDA ITEM PREPARER: Veronica Lezama

SBC DEPT FILE NUMBER:

SUBJECT:

DRAFT Airport Land Use Compatibility Plan for Frazier Lake Airpark

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Frazier Lake AirPark Land Use Compatibility Plan Update/Amendment. Policy Document: Draft Update of the Airport Land Use Compatibility Plan for Frazier Lake Airpark. OWNER: N/A. PETITIONER/APPLICANT: County Of San Benito Council of Governments/ALUC (Airport Land Use Commission). LOCATION: Frazier Lake Airpark Airport Influence Area (AIA). APNs: All parcels/APNs within AIA. REQUEST: Receive Presentation and Comment on the Draft Airport Land Use Compatibility Plan for Frazier Lake AirPark. ENVIRONMENTAL EVALUATION: Draft Initial Study for a Proposed Negative Declaration. GENERAL PLAN: An amendment to the County General Plan will be necessary upon adoption of the Compatibility Plan by the San Benito County Airport Land Use Commission (ALUC). ALUC/COG PLANNER: **Veronica Lezama (Veronica@sanbenitocog.org)**.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

1. Receive a presentation on Draft Frazier Lake AirPark ALUC Plan and Mitigated Negative Declaration
2. Provide comments & feedback
3. Adopt a Resolution to recommend Board of Supervisors approve Mitigated Negative Declaration and Frazier Lake AirPark Land Use Compatibility Plan and initiate a 2035 General Plan Amendment

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
Frazier Lake AirPark ALUC Staff Report	9/17/2019	Staff Report
Resolution_Receive&Refer_FrazierLk ALUC	10/10/2019	Resolution
Att1: Airport Land Use Compatibility Plan, Frzr Lk AirPark	9/17/2019	Exhibit
Att2: Draft Negative Declaration_CEQA_ALUC	9/17/2019	Exhibit



Staff Report

To: San Benito County Planning Commission
From: Veronica Lezama, Transportation Planner **Telephone:** (831) 637-7665
Date: October 16, 2019
Subject: Draft Airport Land Use Compatibility Plan for Frazier Lake Airpark

Recommendation:

RECEIVE Presentation and **Comment** on Draft Airport Land Use Compatibility Plan for Frazier Lake Airpark.

Summary:

The Council of San Benito County Governments acting in its capacity as the Airport Land Use Commission (ALUC) for San Benito County, has the basic function of preparing an Airport Land Use Compatibility Plan (*Compatibility Plan*). The *Compatibility Plan* promotes compatibility between Frazier Lake Airpark and the land uses surrounding it. This function is accomplished through establishment of a set of compatibility criteria applicable to new development proposed around the Airpark. All development projects proposed within the Airport Influence Area for Frazier Lake Airpark are subject to ALUC review. Geographically, the *Compatibility Plan* pertains to lands within the jurisdiction of San Benito County.

However, neither the *Compatibility Plan* nor the ALUC have authority over existing land uses, approval or disapproval of projects, or airport operations. ALUC can only find a proposed project as either *Consistent* or *Inconsistent* with the *Compatibility Plan*.

Financial Impact:

There is no financial impact to the San Benito County Planning Commission.

Background:

Airport Land Use Commissions (ALUC) have been established for all counties with public use airports within the State of California. ALUCs are formed with the specific intent of implementing State law, regarding airports and surrounding land use for compatibility.

The purpose of ALUCs is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports.

As a primary function, ALUC must prepare an Airport Land Use Compatibility Plan in accordance with the California Airport Land Use Planning Handbook is published by the California Department of Transportation Division of Aeronautics.

Discussion:

Over the last several months, the San Benito County Airport Land Use Commissions (ALUC) has been working on the preparation of the Airport Land Use Compatibility Plan for Frazier Lake Airpark (*Compatibility Plan*).

The ALUC Board of Directors released the draft *Compatibility Plan* and Draft Initial Study for a Proposed Negative Declaration at their September 19, 2019 meeting (Attachment 1 and 2). The official Draft Plans are posted at this website, <http://sanbenitocog.org/aluc/>.

As part of the development of the Plan, Airport Land Use Commission staff established a Project Development Team composed of County of San Benito Planning Department staff, Frazier Lake Airpark Airport Manager, and Aviation Consultant Walter Windus to formulate the enclosed *Compatibility Plan*. In addition to establishing a Project Development Team, ALUC staff conducted the following preliminary public outreach to ensure early community engagement.

- Developed project website <http://sanbenitocog.org/aluc/>.
- Mailed a project information letter to property owners located within the Airport Influence Area.
- Placed two 4' x 8' project signs (May – October) at locations near Frazier Lake Airpark.
- Held one-on-one meetings with property owners.
- Presented to the Frazier Lake Airpark Board of Directors.

Upon ALUC adoption of *Compatibility Plan*, the County as the land use authority for the land surrounding the Airpark, has the responsibility to enforce the *Compatibility Plan* per Public Utilities Code §21670. Specifically, Government Code Section §65302.3(b) mandates the County to incorporate *Compatibility Plan* provisions into its General Plan and/or Specific Plans within 180 days of the Plan being adopted by ALUC.

The *Compatibility Plan* provides sample documents and guidance to implement of the Compatibility Plan by the County of San Benito.

Below is the *Compatibility Plan* project timeline.

	2019
ALUC Board of Directors comments on draft Compatibility Plan Policies	April 2019
ALUC Board of Directors comments on draft Compatibility Plan & Draft Initial Study	August 15
ALUC Board of Directors releases draft Compatibility Plan & Draft Initial Study	September 19
Public comment period opens	September 20
Public outreach: County Planning Commission, County Development Review Committee, press release, etc.	Sept. -Oct
Public hearing on draft Compatibility Plan & draft Initial Study, 3:30 PM, County Board Chambers	October 17
Public comment period closes	November 4
ALUC Board of Directors considers adoption of Compatibility Plan and Initial Study	December 19

Attachments:

1. Draft Airport Land Use Compatibility Plan for Frazier Lake Airpark
2. Draft Initial Study for a Proposed Negative Declaration

'BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN BENITO)
COUNTY PLANNING COMMISSION)
RECEIVING, COMMENTING, AND)
REFERRING AN UPDATE/)
AMENDMENT TO THE FRAZIER)
LAKE AIRPARK LAND USE)
COMPATIBILITY PLAN. APNs 013-050-)
017, 013-058-001, AND ALL APNs IN)
AIRPORT INFLUENCE AREA (AIA).**

Resolution No. 2019-21

WHEREAS, acting in its capacity as the Airport Land Use Commission (ALUC) for San Benito County, the County of San Benito Council of Governments (COG) has prepared and updated the *Frazier Lake AirPark Airport 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 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 Airport Land Use Commission is acting to minimize the public's exposure to excessive noise and other safety hazards; and

WHEREAS, Council of Governments staff drafted an Amended Frazier Lake AirPark Land Use Compatibility Plan, with Draft Initial Study and Negative Declaration to meet California Environmental Quality Act (CEQA) requirements; and

WHEREAS, COG staff presented the draft Compatibility Plan to the Airport Land Use Commission Board of Directors, as amended, and the Initial Study, for review and feedback; and

WHEREAS, the ALUC Board of Directors released the draft Compatibility Plan and draft Initial Study and Negative Declaration, opening the 45-day public comment period which is running from September 20 to November 4, 2019; and

WHEREAS, in presenting evidence for the record and testimony before the Planning Commission, ALUC/COG staff seeks comment and feedback from the Commission; and

WHEREAS, ALUC/COG staff is scheduled to seek comment and feedback from the County of San Benito Board of Supervisors on October 22, 2019, in regular session; and

WHEREAS, upon closure of the public comment period on November 4, 2019, the ALUC Board of Direction will consider adoption of the *Compatibility Plan* and Initial Study on December 19, 2019, after which the County Board of Supervisors will have 180 days to update and amend the 2035 County General Plan for consistency with the *Compatibility Plan*; and

WHEREAS, on October 16, 2019, the Planning Commission, having received the draft amended *Frazier Lake AirPark Airport Land Use Compatibility Plan*, and Initial Study with Negative Declaration, and having received the ALUC/COG staff presentation; and

WHEREAS, having heard and received all oral and written testimony and evidence; and after considering and discussing the *Compatibility Plan* as amended, and the Initial Study and Negative Declaration; and

NOW THEREFORE BE IT RESOLVED that based on the evidence in the record, the Planning Commission of the County of San Benito hereby provides the following comments, feedback, questions, and concerns, as read into the record:

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that based on the foregoing evidence and discussion, that the draft amended *Compatibility Plan* is hereby referred to the County of San Benito Board of Directors for review and comment.

Richard Felsing, Assistant Planner
San Benito County
Resource Management Agency

Date

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 16TH DAY OF OCTOBER 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

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



AIRPORT LAND USE COMPATIBILITY PLAN
FRAZIER LAKE AIRPARK



SAN BENITO COUNTY
AIRPORT LAND USE COMMISSION
HOLLISTER, CALIFORNIA
DRAFT August 15, 2019

AIRPORT LAND USE COMPATIBILITY PLAN
SAN BENITO COUNTY

FRAZIER LAKE AIRPARK

Draft Amendment
5/24/2019
WBW

Prepared For
SAN BENITO COUNTY
AIRPORT LAND USE COMMISSION
Hollister, California
August 15, 2019

ALUC Board of Directors

ALUC Board

César E. Flores, Chair
City of San Juan Bautista

Jim Gillio, Vice Chair
San Benito County Board of Supervisors

Anthony Botelho
San Benito County Board of Supervisors

Marty Richman
Hollister City Council

Ignacio Velazquez
Hollister City Council

Mission Statement

The mission of the San Benito Airport Land Use Commission (ALUC) is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

ALUC AGENCY STAFF

Mary Gilbert
Executive Director

Veronica Lezama
Project Manager

Prepared by
Walter B. Windus, PE
Aviation Consultant
Saratoga, California
(408) 255-1917

ACKNOWLEDGEMENTS

The author gratefully acknowledges the contributions made by those below in the development of this document.

Original cover design - Ashley Hall

Cover airport photo - Tom Reeves

Cover revisions - Hamilton

TABLE OF CONTENTS

1	INTRODUCTION AND BACKGROUND	1-1
1.1	PURPOSE AND SCOPE.....	1-1
1.2	LEGAL AUTHORITY	1-1
1.3	BACKGROUND AND HISTORY	1-1
1.4	CONTENTS OF THE AIRPORT LAND USE COMPATIBILITY PLAN.....	1-2
1.5	TECHNICAL REFERENCE DOCUMENT	1-2
2	FRAZIER LAKE AIRPARK AND ENVIRONS.....	2-1
2.1	AIRPORT ROLE.....	2-1
2.2	AIRPORT LAYOUT PLAN	2-1
2.2.1	Existing Airport Facilities.....	2-4
2.2.2	Future Airport Facilities	2-5
2.3	AVIATION ACTIVITY.....	2-5
2.3.1	Based Aircraft.....	2-5
2.3.2	Aircraft Operations	2-5
2.4	AIRPORT ENVIRONS.....	2-7
3	LAND USE COMPATIBILITY GUIDELINES.....	3-1
3.1	OVERVIEW.....	3-1
3.2	LAND USE COMPATIBILITY CRITERIA	3-1
3.3	NOISE RESTRICTION AREA.....	3-1
3.3.1	Airport Noise Descriptors.....	3-2
3.3.2	Land Use Compatibility Standards – California.....	3-2
3.3.3	Land Use Compatibility Standards - San Benito County	3-3
3.3.4	Frazier Lake Airpark Noise Contours.....	3-3
3.3.5	Aircraft Operations	3-3
3.3.6	Impacts on Land Use	3-4
3.4	HEIGHT RESTRICTION AREA.....	3-8
3.4.1	Primary Surface	3-8
3.4.2	Approach Surface	3-8
3.4.3	Transitional Surface.....	3-12
3.4.4	Horizontal Surface.....	3-12
3.4.5	Conical Surface.....	3-12
3.4.6	Summary.....	3-12
3.5	SAFETY RESTRICTION AREA	3-12
3.5.1	Runway Protection Zone	3-13
3.5.2	Turning Sector Defined	3-13
3.5.3	Inner Safety Zone	3-13
3.5.4	Turning Safety Zone.....	3-13
3.5.5	Outer Safety Zone.....	3-15
3.5.6	Sideline Safety Zone.....	3-15
3.5.7	Traffic Pattern Zone.....	3-15
3.6	OVERFLIGHT RESTRICTION AREA	3-15
3.7	AIRPORT INFLUENCE AREA	3-15
4	LAND USE COMPATIBILITY POLICIES.....	4-1
4.1	LAND USE PLANNING ISSUES.....	4-1
4.2	JURISDICTIONAL RESPONSIBILITIES.....	4-1

4.2.1	San Benito County Airport Land Use Commission Procedures	4-1
4.2.2	County of San Benito	4-3
4.2.3	Airport Owner/Operator Responsibilities	4-4
4.3	COMPATIBILITY POLICIES.....	4-4
4.3.1	General Compatibility	4-4
4.3.2	Noise Compatibility.....	4-5
4.3.3	Height Compatibility	4-7
4.3.4	Tall Structure Compatibility	4-7
4.3.5	Safety Compatibility.....	4-7
4.3.6	Overflight	4-9
4.3.7	Reconstruction.....	4-10
4.3.8	Infill.....	4-10
5	IMPLEMENTATION.....	5-1
5.1	CONSISTENCY WITH LOCAL PLANS AND ZONING.....	5-1
5.2	LAND USE DESIGNATIONS	5-1
5.2.1	Airport Overlay Zones.....	5-1
5.2.2	Avigation Easements	5-2
5.2.3	Buyer Awareness Measures.....	5-3
5.2.4	Methods of Calculating Density and Building Occupancy.....	5-4
6	BIBLIOGRAPHY.....	6-1
7	APPENDIX A - Sample Implementation Documents.....	7-1
8	APPENDIX B - Excerpts	8-1
9	APPENDIX C - Update History	9-1

LIST OF TABLES

Table 2 - 1 Updated Aviation Activity Forecast.....	2-8
Table 3 - 1 Airport Configuration and Runway Use	3-5
Table 3 - 2 Annual Aircraft Operations	3-6
Table 3 - 3 FAR Part 77 Dimensions	3-12
Table 4 - 1 Noise Compatibility Policies.....	4-7
Table 4 - 2 Safety Zone Compatibility Polices.....	4-9

LIST OF FIGURES

Figure 1 Location Map	2-2
Figure 2 Airport Layout Plan.....	2-3
Figure 3 San Benito County General Plan Land Use.....	2-10
Figure 4 Aircraft Noise Contours & Flight Tracks.....	3-7
Figure 5a FAR Part 77 Surfaces	3-9
Figure 5b FAR Part 77 Approach Surfaces	3-10
Figure 6 Airport Safety Zones.....	3-14
Figure 7 Airport Influence Area.....	3-17

Section 1

1 INTRODUCTION AND BACKGROUND

1.1 PURPOSE AND SCOPE

This Airport Land Use Compatibility Plan (ALUCP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the Frazier Lake Airpark (also referred to as the "Airport" throughout this report). This ALUCP is also intended to ensure that surrounding land uses do not affect the Airport's continued operation for the next twenty-year planning period.

Specifically, the ALUCP seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. The implementation of this ALUCP is expected to prevent future incompatible development from encroaching on the Airport and allow for its development in accordance with the 1984 Frazier Lake Airpark Layout Plan that was approved by San Benito County (the County) in October 1984 and that was approved by the Caltrans Division of Aeronautics (Caltrans) on July 18, 1984.

The aviation activity forecasts for the Airport were updated to reflect the existing (2018) aviation activity and provide at least a 20-year forecast of activity. The updated aviation activity forecasts formed the basis for preparation of 2038 aircraft noise contours. The Airport Layout Plan and updated aviation activity forecasts and 2038 aircraft noise contours formed the basis for preparation of this ALUCP.

1.2 LEGAL AUTHORITY

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 has assumed the duties and responsibilities of the Airport Land Use Commission. The composition of the ALUC includes two members from the county, two members from the City of Hollister, and one member from the City of San Juan Bautista.

Section 21675 requires the ALUC to formulate and maintain a Airport Land Use Compatibility Plan (ALUCP) for the area surrounding each public-use airport within San Benito County. An ALUCP may also be developed for a military airport at the discretion of the ALUC. The County has two public-use airports, Frazier Lake Airpark, and the Hollister Municipal Airport. Section 21675 also specifies that comprehensive land use plans will:

- (a) *... provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The Airport Land Use Compatibility Plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.*

1.3 BACKGROUND AND HISTORY

Legislation passed by the State of California in 1967 mandated the creation of an Airport Land Use Commission in each county that had an airport served by a scheduled airline or operated for use by the

general public. In conformance with this legislation the San Benito Council of Governments (COG), an existing decision-making body with representation from the City of Hollister, the City of San Juan Bautista and the County of San Benito, was designated to be the Airport Land Use Commission (ALUC) for San Benito County by the Board of Supervisors. After certification by the California Secretary of State, the Airport Land Use Commission officially came into existence in San Benito County in 1989.

The San Benito County Council of Governments is composed of two representative from the County of San Benito, two representatives from the City of Hollister, and one representative from the City of San Juan Bautista. Each of these agencies has one alternate COG member.

1.4 CONTENTS OF THE AIRPORT LAND USE COMPATIBILITY PLAN

The Airport Land Use Compatibility Plan contains several major elements:

- The existing and planned-for facilities at the Airport that are relevant to preparing the ALUCP;
- Appropriate noise, height, and safety policies and land use compatibility standards;
- Specific findings of compatibility or incompatibility with respect to existing land uses, proposed General Plan land uses, or existing zoning controls; and
- Specific actions that need to be taken to make the County of San Benito General Plans, Specific Plans, Master Plans and/or Zoning Ordinances consistent with the Airport Land Use Compatibility Plan.

The ALUCP establishes an airport land use planning area, referred to as the Airport Influence Area (AIA) (Figure 3), which sets the boundaries for application of ALUC Policy. The ALUCP contains the relevant policies for land use compatibility and specific findings of compatibility or incompatibility of land uses within the AIA. Of particular interest to the ALUC are areas "not already devoted to incompatible uses" and, more specifically, undeveloped lands within the AIA. The planning effort is focused on identifying these lands because the policies and standards of the plan are intended to control the compatibility of future development in these areas.

The ALUCP is not intended to define allowable land use for a specific parcel of land, although the plan establishes development standards or restrictions that may limit or prohibit certain types of uses and structures on a parcel. The ALUCP is not retroactive with respect to existing incompatible land uses, but discusses actions to be taken when expansion, replacement or other significant changes are made to incompatible land uses.

The ALUCP does not apply to property owned by the federal government but may be used as a planning guide for land use development.

1.5 TECHNICAL REFERENCE DOCUMENT

A separate Technical Reference Library is being maintained by the County of San Benito. That Technical Reference Library along with the hyperlinks in the bibliography, and the Appendices in the 2012 Hollister ALUCP, are the major reference documents associated with the land use compatibility planning criteria in this ALUCP. The documents will be available for review at San Benito County Planning Office.

2 FRAZIER LAKE AIRPARK AND ENVIRONS

2.1 AIRPORT ROLE

Frazier Lake Airpark is geographically located in the northwest area of San Benito County approximately 8 miles northwest of Hollister, 40 miles southeast of San Jose, and 40 miles northeast of Monterey. The Airport is located on 156 acres of land, at an elevation of 153 feet above mean sea level. The Airport is owned and operated by the Frazier Lake Airpark Corporation. The location of the Airport with respect to nearby communities and other airports is illustrated on Figure 1.

Frazier Lake Airpark is unique in two respects; one of its runways is irrigated turf, the other runway surface is water. The turf runway attracts pilots from other airports due to the unique experience of landing on a grass surface and is the only public-use irrigated turf runway in the state.

The water runway is used both by based seaplanes, and transient seaplanes needing a rest stop or sanctuary from adverse weather conditions. It is also used as mitigation to reduce rain water runoff from the developed surfaces on the airport, and by the County Vector Control District as an incubator for mosquito fish. Cal-Fire has had helicopters use it as a source of water for fire fighting in the area. The water runway is the only manmade FAA approved water runway in the western United States.

Frazier Lake Airpark is classified as a General Aviation Airport per the definitions in the FAA NPIAS report although it is not listed in this report. General Aviation Airports are airports that do not have scheduled commercial air-carrier service. General Aviation Airports are the most convenient source of air transportation for about 19 percent of the U.S. population and are particularly important to rural areas based on the latest publication of the Federal Aviation Administration's (FAA) *National Plan of Integrated Airport Systems* (NPIAS) (2017-2021). Caltrans Division of Aeronautics identifies and lists the Airport as a Community Airport in their *2016 California Aviation System Plan*.

Publicly owned Hollister Municipal Airport (included in the NPIAS) is the nearest airport to Frazier Lake Airpark. Hollister Municipal Airport is located approximately 6 nautical miles southeast of Frazier Lake Airpark in the City of Hollister. Hollister Municipal Airport offers general aviation service and support facilities and is the only other public-use airport in the County. Other public-use airports in the region include the San Martin Airport, located 10 nautical miles to the northwest; the Watsonville Municipal Airport, located 16 nautical miles to the west; and the Salinas Municipal Airport located 19 nautical miles to the south.

The Airport has been used by aircraft from Hollister Municipal Airport as a temporary basing site during the times when Hollister Municipal Airport was not available for use.

2.2 AIRPORT LAYOUT PLAN

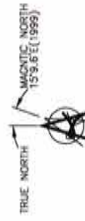
The first Frazier Lake Airpark Airport Layout Plan was approved by the Caltrans Division of Aeronautics on July 18, 1984. The current Airport Layout Plan (ALP), illustrated on Figure 2, delineates the layout of existing and proposed airport facilities. This ALP has been reviewed by the FAA and was accepted by the Burlingame office on February 22, 2001. This Airport Layout Plan was also submitted to Caltrans for their review and was accepted on March 29, 2001. The Caltrans-approved ALP is used by Caltrans for Airport Improvement Program (AIP) grant funds for eligible construction and development projects. FAA approval is a prerequisite for an instrument approach procedure to the Airport.

Selected data about the existing Airport facilities and information about its planned development are presented in the following paragraphs.

LOCATION MAP

LEGEND

	INTERSTATE HIGHWAY
	U.S. HIGHWAY
	CALIFORNIA STATE HIGHWAY
	AIR CARRIER AIRPORT
	GENERAL AVIATION AIRPORT

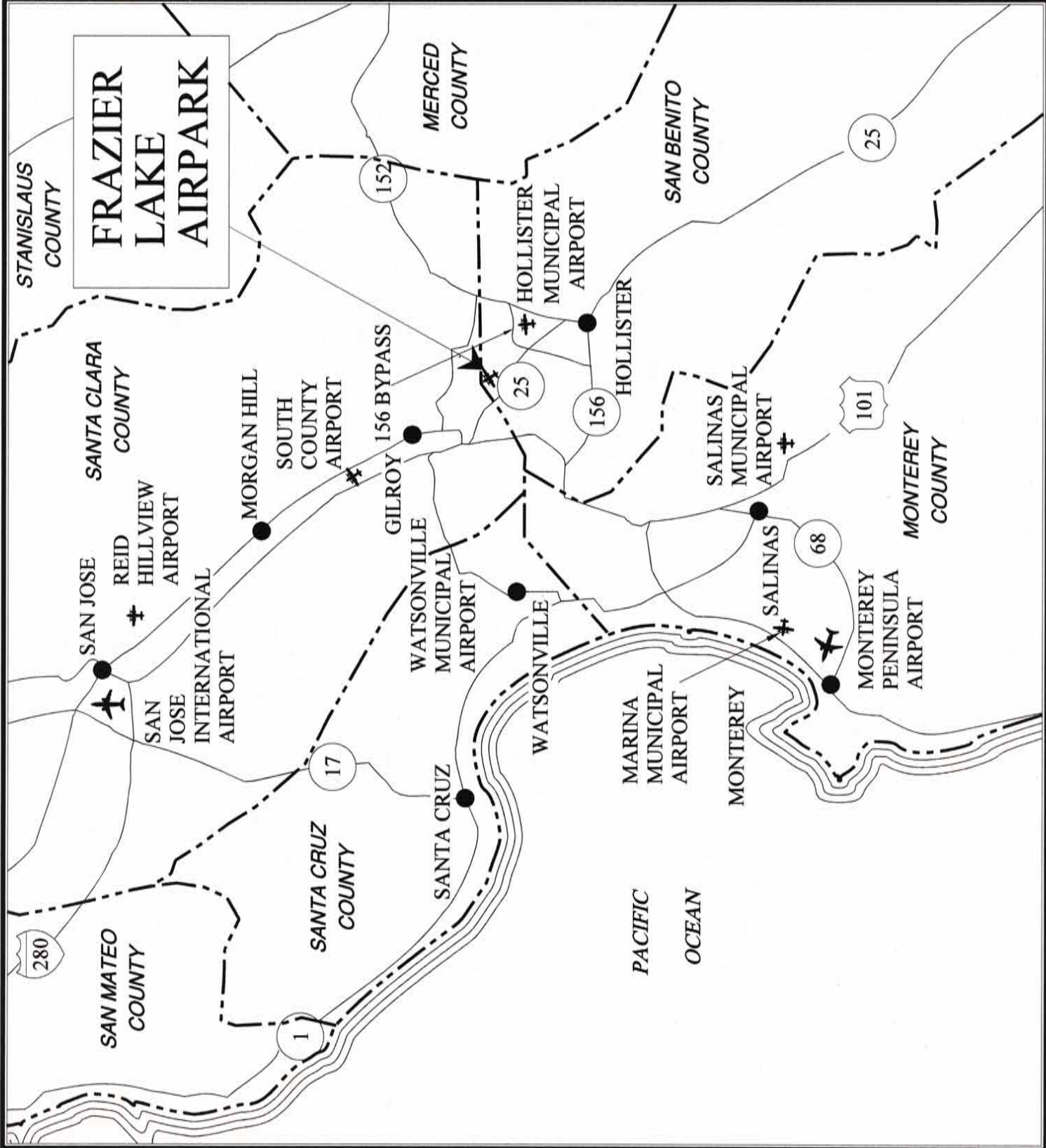


NOTE: NO GRAPHIC SCALE

THIS DRAWING IS FOR PLANNING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES.

ARIES CONSULTANTS LTD.

FRAZIER LAKE AIRPARK	PROJECT NO.	1
SAN BENITO COUNTY, CALIFORNIA	NAME FILED	NO. 4170-04
	DATE	12-13-99
		PLOT SCALE: 1"=52,000'



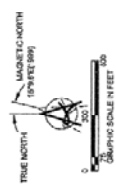
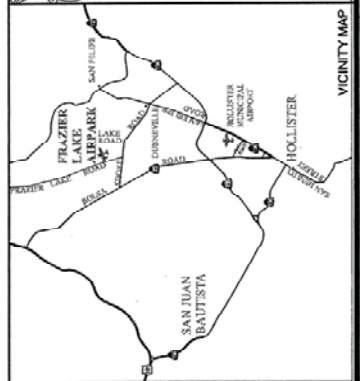
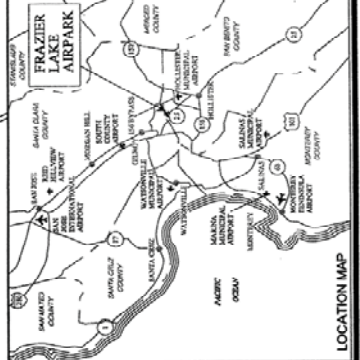
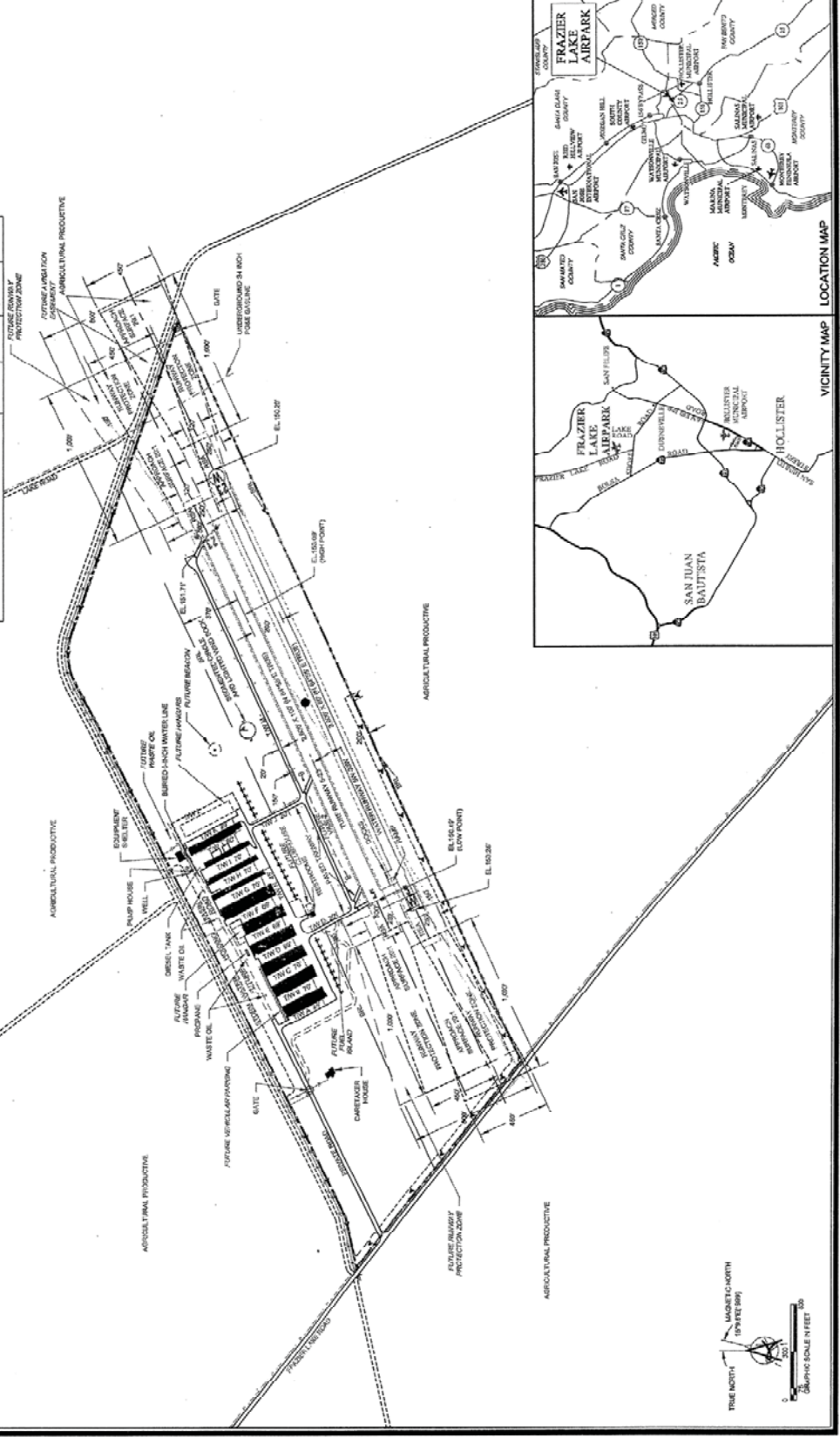
AIRPORT LAYOUT PLAN

NOTE:
 THIS DRAWING IS FOR PLANNING PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR FINANCIAL PURPOSES.

NO.	DATE	REVISIONS

PROJECT: FRAZIER LAKE AIRPARK
 CLIENT: ARIES CONSULTANTS LTD.
 SAN BENITO COUNTY, CALIFORNIA
 NAME: ARLAND
 NO.: 4300-20
 DATE: 11-30-00
 PLOT SCALE: 1"=500'

LEGEND		AIRPORT DATA		RUNWAY DATA		RUNWAY END COORDINATES (NAD 83)	
EXISTING	ULTIMATE	EXISTING	ULTIMATE	EXISTING	ULTIMATE	EXISTING	ULTIMATE
STRUCTURE	STRUCTURE	AIRPORT ELEVATION (ASL) (FEET)	150	EXISTING	ULTIMATE	RUNWAY 9	39737.2430N
APPROACH PAVEMENT	APPROACH PAVEMENT	AIRPORT REFERENCE POINT	3872.1030N	EFFECTIVE GRADE (FT)	65	RUNWAY 9	12173.8485W
AIRFIELD PROPERTY LINE	AIRFIELD PROPERTY LINE	AIRPORT COORDINATES (NAD 83)	12173.2330N	WIND COVERAGE (MPH) (ALL WIND DIRECTIONS)	NOT AVAILABLE	RUNWAY 23	39737.2287N
FENCE	FENCE	NORMAL MAX. TEMP. (MONTHLY) (FAV)	84°F	INSTRUMENT RUNWAY	NO	RUNWAY 23	12173.1885W
AIRPORT REFERENCE POINT	AIRPORT REFERENCE POINT	AIRPORT AND TERMINAL MARKS	NO	APPROACH SURFACES (FAR) (METERS)	18151 VISUAL	RUNWAY 24	39737.2430N
DRAINAGE DITCH	DRAINAGE DITCH	AIRPORT SERVICE LEVEL AND ROLE	NO	APPROACH SURFACES (NEAR) (METERS)	18151 VISUAL	RUNWAY 24	12173.1885W
RUNWAY END INDICATOR LIGHT (REEL)	RUNWAY END INDICATOR LIGHT (REEL)	ROTARY BEACON	NO	MINIMUM PAVED WIDTH (FEET)	200	RUNWAY 24	39737.2430N
FUEL ISLAND	FUEL ISLAND	AIRPORT LIGHTING	YES	PAVED WIDTH (FEET)	200	RUNWAY 24	12173.1885W
THRESHOLD LIGHTS	THRESHOLD LIGHTS	TAXIWAY LIGHTING	YES	PAVED WIDTH (FEET)	200	RUNWAY 24	39737.2430N
WING BOOM	WING BOOM	AIR TRAFFIC CONTROL TOWER	NO	PAVED WIDTH (FEET)	200	RUNWAY 24	12173.1885W
POWER LINES	POWER LINES	RADAR APPROACH ASSISTANCE CONTROL	NO	PAVED WIDTH (FEET)	200	RUNWAY 24	39737.2430N
RUNWAY SAFETY AREA	RUNWAY SAFETY AREA	SEGMENTED CIRCLE AND LIGHTED WING DONE	YES	PAVED WIDTH (FEET)	200	RUNWAY 24	12173.1885W
GROUND CONTOURS	GROUND CONTOURS	AIRPORT REFERENCE CODE	B4	PAVED WIDTH (FEET)	200	RUNWAY 24	39737.2430N
TELEPHONE	TELEPHONE	AIRPORT PROPERTY (ADDRESS)	156	PAVED WIDTH (FEET)	200	RUNWAY 24	12173.1885W
BEACON	BEACON			PAVED WIDTH (FEET)	200	RUNWAY 24	39737.2430N



2.2.1 Existing Airport Facilities

The existing airfield consists of two parallel runways, Runways 5-23 and 5W-23W. Runway 5-23 is an irrigated grass surface 2,500 feet long by 100 feet wide. This runway is equipped with low intensity runway lights (LIRLs), with runway end identifier lights (REILs) on Runway 23. Runway 5W-23W is a waterway (seaplane lane) 3,000 feet long by 60 feet wide by 24 inches deep. This runway has no runway lights and is intended for daylight visual use only. The existing maximum gross weights of aircraft by gear configuration are as follows:

Runway	Aircraft Maximum Gross Weight (pounds)	
	Landplane	Seaplane
5-23	6,700 lbs.	
5W-23W		3,000 lbs

Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, defines imaginary surfaces that are used to identify obstructions to air navigation. The following tabular data shows the FAR Part 77 approach slopes, compared with existing obstacle/obstruction controlled approach slopes and other information relative to the controlling obstacle/obstructions based on the latest FAA Form 5010-1, Airport Master Record for Frazier Lake Airpark.

Controlling Obstacle/Obstruction:						
Location from Runway Threshold Related to Extended Runway Centerline						
Runway No.	Elevation	FAR Part 77 Slope	Actual Slope	Type of Obstruction	Height Above Runway Threshold	Location
5	153	20:1	33:1	Power Line	40E	1,350 feet along and on the extended runway centerline
23	153	20:1	50:1			
5W	151	20:1	27:1	Power Line	40E	1,100 feet along and feet left of the extended runway centerline
23W	151	20:1	50:1			

The FAA establishes Runway Protection Zones off each runway end to enhance the safety of aircraft operations and the protection of people and property on the ground. The following defines the size of the Runway Protection Zones for each runway.

Runway No.	Protection Zone	Length (feet)	Inner Width (feet)	Outer Width (feet)
5	Non-precision	1,000	500	800
23	Non-precision	1,000	500	800
5W	Visual	1,000	250	450
23W	Visual	1,000	250	450

Caltrans requires that the airport sponsor have adequate property interest in the Runway Protection Zones (RPZs) as a condition of receiving certain grants. Portions of the Runway 5 and 5W Runway Protection Zones are outside the Airport boundary.

The main entrance to the Airport is from Frazier Lake Road on the west side of the Airport. The aircraft basing areas are located on the northwest side of the Airport. There are 20 aircraft tiedown spaces and 94 hangars in this area. Services available at the Airport include restrooms, day camping and picnic facilities.

2.2.2 Future Airport Facilities

A GPS Instrument Approach is anticipated for Runway 5-23 within the 20-year planning period. (The FAA has indicated an eventual goal of at least one instrument approach for all public use airports.) There are two potential routes for these approaches to Frazier Lake Airpark, one coming from over the Hollister Airport for a circle-to-land approach, and the second coming from the west over the Carlyle Hills/Miller area, which would meet the FAA straight-in approach criteria with subsequent lower approach minimums. The missed approach departure paths could be either back over Hollister Airport, or back over the Carlyle Hills area or northwest over San Martin Airport. The Carlyle Hills departure would be preferred to avoid interference with IFR approaches to other airports in the area.

In addition, the 1980 San Bemito County Airport Use Permit provides for additional facilities including hangars, tiedowns, an aviation fuel facility and a clubhouse facility.

2.3 AVIATION ACTIVITY

The original 1984 Frazier Lake Airpark Airport Layout Plan (ALP) is over 30 years old, and the forecast aviation activity is out of date. The 1981 Environmental Assessment/Environmental Impact Report for the Frazier Lake Airpark project (EA/EIR) stated that 100 aircraft would be based at the Airport. Aircraft noise contours prepared for EA/EIR were based on an estimated 110,000 annual aircraft operations. However, no technical analysis was presented in the EA/EIR to support this number of annual aircraft operations.

As the ALUCP is a 20-year planning document, the existing base year (2017) aviation activity was reviewed and updated aviation activity forecasts were prepared through the year 2038. A report on the forecast aviation activity was submitted to the County on September 28, 1999 for review and comment in preparation for development of the 2001 ALUCP. This same forecast is being used for this amended ALUCP. A summary of the existing and forecast aviation activity is presented in Table 2-1 and discussed in the following paragraphs.

2.3.1 Based Aircraft

The number of based operational aircraft at Frazier Lake Airpark is forecast to increase from 75 in 2017 to 123 by 2038 as shown in Table 2-1. (Over 50 percent of the existing based aircraft at the Airport in 2017 are registered to owners residing in Santa Clara County.) The growth in forecast-based aircraft at the Airport is due in part to the population increases forecast for the County. In addition, based on forecast employment data, over one-half the total population employed in the County by 2038 will be commuting to jobs or businesses located outside the County. This 150 percent increase in employment will contribute to a number of aircraft being relocated from other airports.

As the San Jose International Airport has expanded to accommodate increasing air carrier activity, general aviation based aircraft have been redistributed to other Bay Area airports. Some of these aircraft owners have moved their aircraft from San Jose International Airport and Palo Alto Airport to Frazier Lake Airpark.

As economic conditions improve, the pilots currently located at the Airport are likely to purchase an additional aircraft with different characteristics to allow them to enjoy a different aspect of flight activity.

2.3.2 Aircraft Operations

The number of annual aircraft operations at Frazier Lake Airpark, as presented in Table 2-1, is forecast to increase from an estimated 10,790 in 2017 to 23,990 by 2038.

Local Operations. Local operations are performed by aircraft operating in the local traffic pattern and aircraft departing for, or arriving from, local practice areas. These operations include training operations (referred to as touch-and-goes) by both aircraft based at the Airport and aircraft from other airports in nearby counties. (Frazier Lake Airpark is an attractive practice surface due to it having the only public use irrigated grass runway in California.) The local operations include the activities of based aircraft pilots maintaining their landing skills and activities of itinerant aircraft pilots who come to practice landing on the grass runway. Local operations also are forecast to include glider operations at the Airport.

Table 2 - 1

UPDATED AVIATION ACTIVITY FORECASTS

Frazier Lake Airpark

2018–2038

	Base Year	Forecast				
		2017	2018	2023	2028	2033
GENERAL AVIATION BASED AIRCRAFT						
Single-engine – piston	73	73	82	94	102	114
Single-engine – turbine	0	0	0	0	0	0
Multi-engine – piston	1	1	2	2	3	4
Multi-engine – turbine	0	0	0	0	0	0
Helicopter	0	0	1	2	3	3
Other (Glanders, Ultralights)	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>3</u>	<u>3</u>
Total based aircraft	75	75	87	100	111	124
AIRCRAFT OPERATIONS						
General aviation						
-Itinerant	7,190	7,190	8,640	10,600	13,030	15,990
-Local	<u>3,600</u>	<u>3,600</u>	<u>4,320</u>	<u>5,300</u>	<u>6,510</u>	<u>8,000</u>
Subtotal – general aviation operations	10,790	10,790	12,960	15,900	19,540	23,990
Air Taxi	0	0	0	0	0	0
Military	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total operations	10,790	10,790	12,960	15,900	19,540	23,990
OPERATIONS PER BASED AIRCRAFT	144	144	149	159	176	195

Source: Airport Management

Local operations are forecast to remain constant at 33 percent of total general aviation aircraft operations and will continue to account for the smaller number of general aviation operations.

Itinerant Operations. Itinerant operations are conducted by aircraft that takeoff from one airport and land at another airport, or the reverse. They include the operations of aircraft based at the Airport and flights of other aircraft to and from the Airport. The itinerant operations at the Airport include aircraft based on the airport used for personal business and recreational activities. These types of aircraft operations include multiengine aircraft such as the Beech Baron, single-engine seaplanes and single-engine land planes. Several antique military aircraft such as the Stearman PT-13, Navy N3N, Aeronca L2, Stinson L5, Ryan PT-22 and Vultee BT-13 are also based at the Airport and are on display as a museum several times during the year. The operations of these aircraft are included in itinerant operations when the aircraft are taken to airshows outside the area. Other activities, including rides in these older aircraft, are included in the local operations described above.

2.3.2.1 General Aviation

The number of annual aircraft operations at Frazier Lake Airpark, as presented in Table 2-1, is forecast to increase from an estimated 10,790 in 2017 to 23,990 by 2038.

2.3.2.2 Air Taxi

In 2017 there were no Air Taxi operations at the Airport. Air taxi operations include the unscheduled "for hire" operations carrying passengers and cargo to and from the area including any operations by bank couriers or other small package carriers. Based on discussions with persons knowledgeable of the Airport and its activities, no Air Taxi operations are foreseen through the year 2038.

2.3.2.3 Military

Based on discussions with persons knowledgeable of the Airport and its activities, there were no military operations in 2017, although a limited number of military helicopter operations did occur in 1997. The runways are not suitable for fixed-wing military aircraft. Current military aircraft require runways of greater length than those at the Airport.

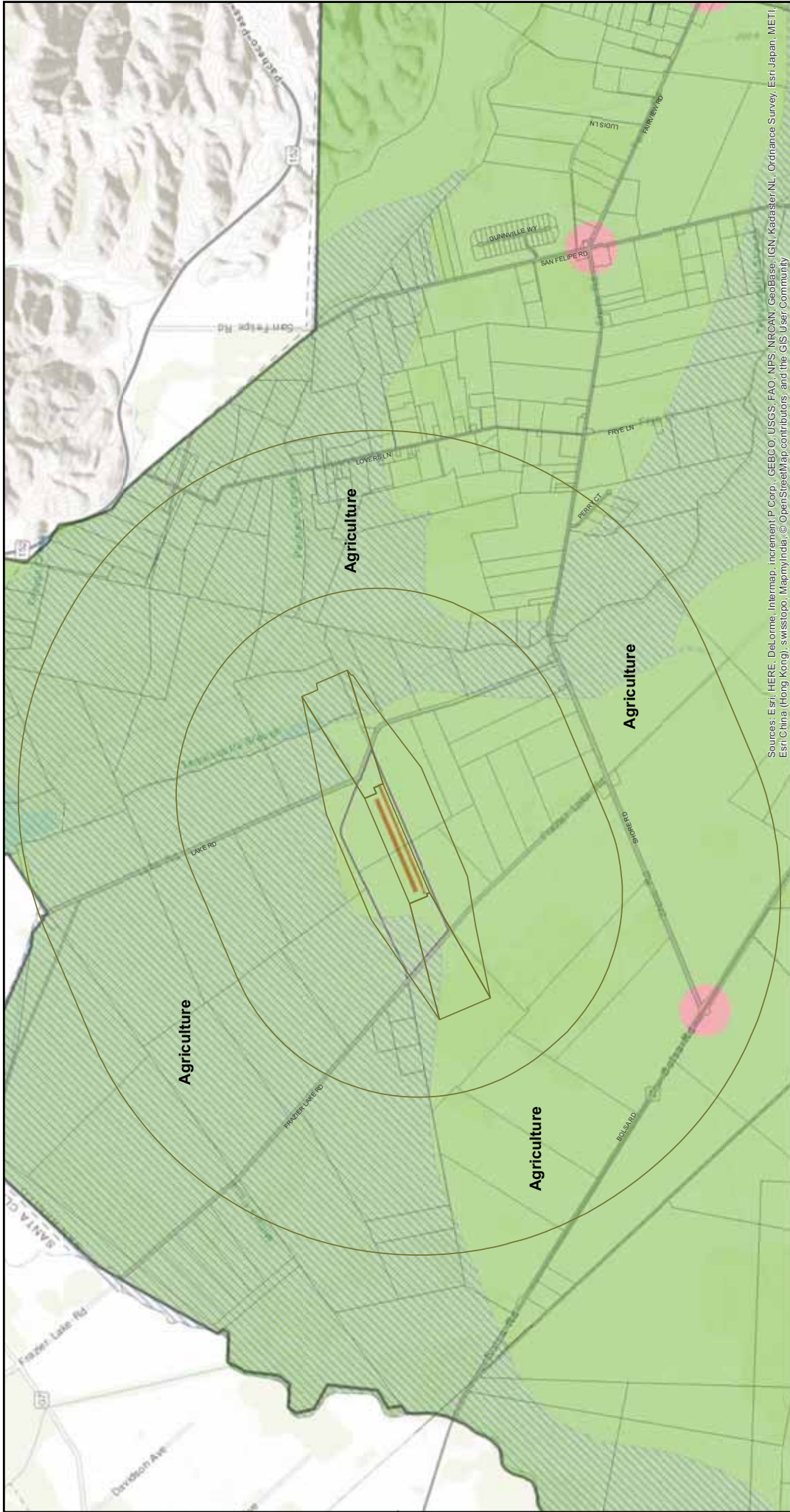
Military helicopter operations are not expected to contribute in a predictable manner to the number of annual airport operations through 2038.

2.4 AIRPORT ENVIRONS

Figure 3 presents the land use designations within the Airport environs based on the current San Benito County General Plan. The Airport property is within the limits of San Benito County. The predominant land uses in the Airport environs are Agricultural Productive (AP) and Agricultural Rangeland (AR).

The [California High Speed Rail Authority](#) is studying a San Jose to Merced rail route which appears to run to the immediate north of and nearly adjacent to the Airport property line. Airport management has been in contact with the authority engineers and has attended numerous public meetings pointing out the existence of the unique public-use airport in the immediate vicinity of their planned routing. At this time, it does not appear that the rail line would impact the Airport or interfere with airport operations.

San Benito County planning needs to monitor this design activity to verify that the rail line design complies with the Frazier Lake Airpark ALUCP.



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCO, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

General Plan Land Use

Airport Land Use Compatibility Plan

Frazier Lake Airpark, San Benito County

Figure 3

- Legend**
- Agriculture (1du/5 acres or Max. Floor Area ratio 0.5)
 - FEMA Flood Zone
 - Commercial thoroughfare (Max. Floor Area Ratio: 0.8)
 - Runway
 - Parcel
 - FAR Part 77 Surfaces
 - Airport Property



Map prepared January 2019
 NOTE: THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES

3 LAND USE COMPATIBILITY GUIDELINES

3.1 OVERVIEW

Land use compatibility policies and standards are based on community values, sound technical knowledge, and acceptable analytical methods. These policies and compatibility criteria form the basis for evaluating existing land use compatibility and provide the foundation for the San Benito County Airport Land Use Commission (ALUC) policies. These standards focus on the three areas of ALUC responsibility including aircraft noise, the control of structures in navigable airspace, and the safety of persons on the ground. These compatibility criteria are contained in relevant State and Federal statutes and regulations and are discussed in this section.

Federal, State and other local agencies have developed and published guidelines for airport land use compatibility planning. Unfortunately, no civilian or military authority has established regulations or statutes that specify a single methodology for mitigating the incompatibilities between an airport and its environs, nor have such incompatibilities been adequately defined. The enabling legislation for the San Benito County Airport Land Use Commission offers some guidance while directing the Commission to provide for the orderly growth of the Airport and the area surrounding the Airport, and to safeguard the general welfare of the inhabitants within the vicinity of the Airport and the public in general. The legislation further enables the Commission to develop height restrictions on buildings, to specify the use of land, to determine building standards, including soundproofing, and to assist local agencies in ensuring compatible land uses in the vicinity of the Airport to the extent that the land in the vicinity of the Airport is not already devoted to incompatible uses. The Commission is also empowered to coordinate planning at the State, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

3.2 LAND USE COMPATIBILITY CRITERIA

The principal source for airport land use compatibility planning is the October 2011 *California Airport Land Use Planning Handbook* (2011 Handbook) published by the California Department of Transportation, Division of Aeronautics (Caltrans). The 2011 Handbook provides guidelines for formulating compatibility criteria and policies for preparing Airport Land Use Compatibility Plans (ALUCPs). Noise and safety compatibility concepts and issues are presented, and copies of relevant legislation and examples of mitigation measures, such as model noise and aviation easements are included. The 2011 Handbook can be viewed by clicking on the hyperlink in the bibliography or going to the following website: <http://www.dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf> Note that a local agency is not precluded from establishing land use policies that are more restrictive than those described in this ALUCP.

3.3 NOISE RESTRICTION AREA

Airport noise affects many communities. At certain levels, airport noise can interfere with sleep, conversation, or relaxation. It also may disrupt school and work activities. At even higher levels, airport noise may make outdoor activities impossible and may begin to raise health concerns with respect to hearing loss and stress-related problems. However, hearing damage from airport noise may not be a problem for nearby neighbors because noise levels are simply not of sufficient intensity to cause such damage. An exception to this is the exposure a ground crew member receives during the handling of a jet aircraft. Similarly, medical studies are inconclusive on a cause-and-effect relationship for non-auditory health concerns near airport. A more general conclusion is that noise may have an additive effect for some people with anxieties, ulcers, and tension illness.

The amount of annoyance that aircraft noise creates among people living and working in the vicinity of an airport varies on an individual basis. Studies show that a certain percentage of people will continue to be annoyed by aircraft noise at any given noise level, regardless of how low that aircraft noise may be.

All levels of government share responsibility for addressing the airport noise issue. The Federal government establishes noise standards for aircraft as published in Federal Aviation Regulations (FAR)

Part 36, *Noise Standards: Aircraft Type and Airworthiness Certification*, and conducts research on noise abatement techniques and noise compatibility. The preparation of a special airport noise study under the provisions of FAR Part 150, *Airport Noise Compatibility Planning*, provides technical assistance to the airport operator in planning and implementing a noise compatibility program. The State of California also prescribes noise standards for all airports as defined in Title 21, *Airport Noise Standards*, of the California Code of Regulations, and sets noise insulation standards for residential structures as defined in Title 24, *California Building Standards Code*, of the California Building Standards Commission. The airport operator may develop airport noise control programs and enact operational restrictions to control and reduce noise levels in the community. Finally, local governments have the responsibility to limit the exposure of the population to excessive airport noise levels through the land use planning and zoning process.

3.3.1 Airport Noise Descriptors

To adequately address the airport noise issue, local governments need a standard way to measure and describe airport noise and establish land use compatibility guidelines. The County of San Benito has identified Ldn and CNEL as being equivalent measures of noise. Relative to aviation, it is common to use the Community Noise Equivalent Level (CNEL) for determining land use compatibility in the community environment.

The Community Noise Equivalent Level (CNEL) descriptor is a method of averaging single-event noise levels over a typical 24-hour day and applying penalties to noise events occurring during the evening (7 p.m. to 10 p.m.) and night (10 p.m. to 7 a.m.) hours. CNEL is usually defined in terms of average annual conditions, so that the CNEL measured on a given day may be either less than or greater than the annual average.

The State of California uses the CNEL descriptor to describe land use compatibility with respect to aircraft noise exposures. CNEL is the noise descriptor standard defined in Title 21 of the California Code of Regulations, *Airport Noise Standards*, and the standard specified for evaluation of exterior and interior noise impacts in Title 24 of the California Building Standards Commission, *California Building Standards Code*. The CNEL is identified as one of two noise descriptors used in the preparation of a noise element of a general plan according to guidelines established by the Office of Noise Control, California Department of Health Services (now documented as *General Plan Guidelines, Appendix D*).

The Federal Aviation Administration (FAA) recognizes the CNEL as essentially equivalent to the Yearly Day-Night Average Sound Level (DNL), which is the basis for FAA recommendations for land use compatibility with respect to aircraft noise described in FAR Part 150, *Airport Noise Compatibility Planning*.

The decibel (dB) is the unit of measurement for the magnitude of a sound. A decibel is equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear (e.g., 55, 60, 65, 70 and 75 dB).

3.3.2 Land Use Compatibility Standards – California

Land use compatibility guidelines for airport noise are included in the 2011 Handbook. Amendments to the law enacted in October 1994 mandate the use of these guidelines in the preparation of airport land use plans. These guidelines were originally developed in 1983 after considering State Office of Noise Control (ONC), FAA, and U.S. Department of Housing and Urban Development (HUD) guidelines together with a review of available airport land use plans. Existing Federal and State laws were reviewed as part of the updated 2011 Handbook. The State ONC criteria established the 60 dB CNEL as a residential threshold value to distinguish normally acceptable from conditionally acceptable situations.

The Caltrans guidelines for land use compatibility standards extend below the Federal 65 dB CNEL, as the Federal threshold does not sufficiently explain the annoyance area surrounding general aviation airports. The frequency of operations from some airports, visibility of aircraft at low altitudes and typically lower background noise levels around many general aviation airports are all believed to create a heightened awareness of general aviation activity and potential for annoyance outside of the 65 dB CNEL contour.

At and above the 60 dB CNEL level, the *California Building Code*, Section 1208A.8.3 requires an acoustical analysis of proposed residential structures, other than detached single-family dwellings, to achieve an indoor noise level of 45 dB CNEL.

The noise attenuating properties of existing types of construction were considered in setting state standards. Typical wood frame construction with drywall interiors provides noise reduction of between 15 and 20 dB. Thus, residential units exposed to outdoors noise in the range between 60 and 65 dB CNEL can be attenuated to achieve the 45 dB CNEL level indoors when built using normal standards of construction.

The 2002 Handbook (see Appendix B herein) urges ALUCs to be conservative when establishing noise contours.

3.3.3 Land Use Compatibility Standards - San Benito County

In the Health and Safety Element, HS-8.5 of the San Benito County *2035 General Plan*, the County adopted the 60 dB Ldn (equivalent to 60 dB CNEL) as the clearly acceptable standard for residential uses. Above the 60 dB Ldn, residential uses are normally acceptable, however, 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.

3.3.4 Frazier Lake Airpark Noise Contours

An analysis of annual aircraft operations and related noise levels for Frazier Lake Airpark was made to prepare CNEL noise exposure maps for the year 2038 forecast aircraft operations based on the existing runway configuration. Note that these noise contours are based on 190,000 annual operations, the maximum number possible for this runway (See Appendix B).

The Federal Aviation Administration's (FAA) Integrated Noise Model (INM) Version 5.2a was used to prepare CNEL noise exposure maps based on the FAA aircraft noise level database and airport operational factors described below. The INM was developed by the FAA and represents the Federally-sanctioned and preferred method for analyzing aircraft noise exposure. Version 5.2a incorporates an updated database of aircraft performance parameters and noise levels.

3.3.5 Aircraft Operations

Aircraft operational factors that can significantly affect overall noise levels as described by CNEL include the aircraft fleet mix, the number of daily operations and the time of day when aircraft operations occur. Runway use factors also significantly influence CNEL values. Trip length can affect aircraft single-event noise levels. An aircraft that is prepared for a long flight may carry more fuel and passengers than that for a short flight. The INM applies corrections to air carrier aircraft takeoff profiles to account for these differences, but makes no corrections to general aviation aircraft takeoff profiles.

Aircraft operational assumptions for the Airport were based upon analyses of airport activity provided by Airport Management. These assumptions are summarized in Tables 3-1 and 3-2.

Twin engine aircraft are represented by the INM BEC58P aircraft. The high-performance single-engine propeller aircraft such as the Cessna 210 were represented by the INM GASEPV aircraft, and standard single-engine propeller aircraft were represented by the INM GASEPF aircraft type. Single-engine fixed-pitch propeller aircraft (GASEPF) were assumed for 70 percent of the touch-and-go operations.

Descriptions of aircraft flight tracks were developed for use in the INM through discussions with Airport Management and review of the assumptions used for previous descriptions of aircraft operations at the Airport. Based on these data, generalized flight tracks were prepared for use in the noise modeling process to describe areas with a concentration of aircraft overflights. It is recognized that variations in flight paths occur at the Airport and that the tracks used for this analysis are a general representation of those flight tracks.

3.3.5.1 2038 CNEL Noise Exposure Contours

The FAA Integrated Noise Model (INM) Version 5.2a was used to prepare CNEL noise exposure contours for the Airport based on the aircraft noise level and operational factors described in the previous sections.

User inputs to the INM include the following:

- Airport altitude and mean temperature
- Runway configuration
- Aircraft flight track definition
- Aircraft stage length (not applicable to Frazier Lake Airpark)
- Aircraft departure and approach profiles
- Aircraft traffic volume and fleet mix
- Flight track utilization by aircraft types

The INM database includes aircraft performance parameters and noise level data for numerous commercial, military and general aviation aircraft classes. When the user specifies a particular aircraft class from the INM database, the model automatically provides the necessary inputs concerning aircraft power settings, speed, departure profile, and noise levels. INM default values were used for all fixed-wing aircraft types.

After the model had been prepared for the various aircraft classes, INM input files were created containing the number of operations by aircraft class, time of day and flight track for annual average day aircraft operations and future operations.

From these data, the INM produces lines of equal noise levels, i.e. noise contours. The location of these noise contours become less precise with distance from the runway since aircraft do not follow each flight track exactly as defined in the model. However, they are accurate enough to indicate general areas of likely community response to noise generated by aircraft activity and serve as the basis for land use compatibility determinations.

3.3.6 Impacts on Land Use

The 55, 60, 65, 70, 75, and 80 dB CNEL noise contours based on the maximum aircraft operations are illustrated on Figure 4 and discussed below.

3.3.6.1 75 and 80 dB CNEL Noise Levels

The 75 and 80 dB CNEL contours are completely contained within the Airport boundaries.

3.3.6.2 70 dB CNEL Noise Level

The 70 dB CNEL aircraft noise contour is generally contained within the Airport boundaries with the following exceptions: The 70 dB CNEL contour extends approximately 100 feet beyond the Airport boundary to the northeast and approximately 200 feet beyond the airport boundary to the east over areas designated by the County as Agricultural Productive.

3.3.6.3 65 dB CNEL Noise Level

The 65 dB CNEL aircraft noise contour is also generally contained within the Airport boundary with the following exceptions: The 65 dB CNEL contour extends beyond the Airport boundary by about 500 feet to the northeast and southeast over areas designated by the County as Agricultural Productive. It also extends beyond the Airport boundary by about 300 feet to the south, and 1000 feet to the southwest along the extended runway centerline over areas designated by the County as Agricultural Productive.

Table 3 - 1

AIRPORT CONFIGURATION AND RUNWAY USE

**Frazier Lake Airpark
2038**

Airport Configuration				
Runway Configuration:	5-23 5W-23W			
Field Elevation: (Runway High Point)	153 feet MSL			
Temporal Distribution of Operations:	90 percent Day 7 percent Evening 3 percent Night			
Runway Use Factors				
Operations by Aircraft Class	Runway 5	Runway 23	Runway 5W	Runway 23W
<i>Takeoffs:</i>				
GA Aircraft	5%	90%	1%	4%
All Others	25%	75%	0%	0%
<i>Landings:</i>				
GA Aircraft	5%	90%	1%	4%
All Others	25%	75%	0%	0%

Source: *Airport Management*

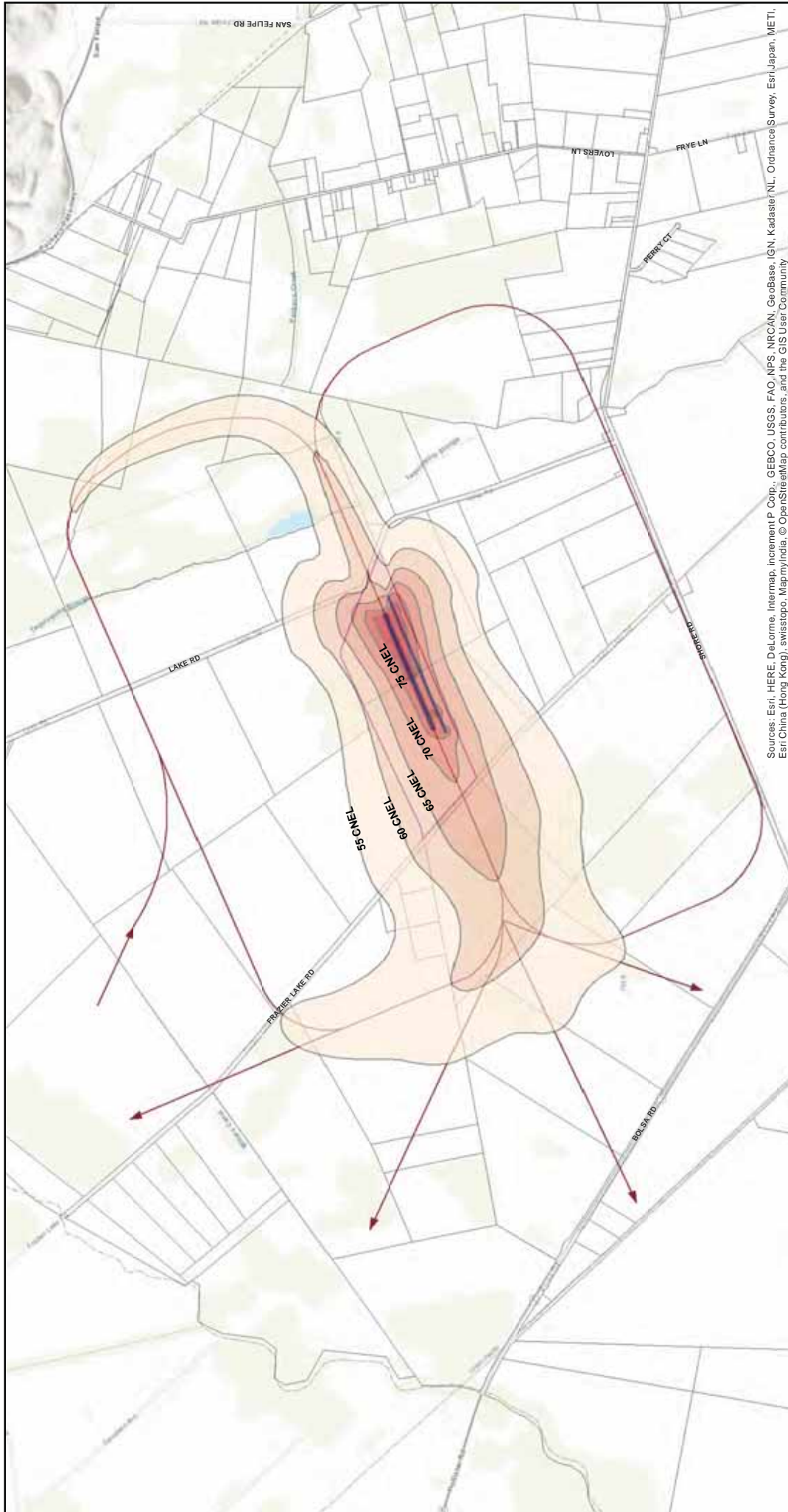
Table 3 - 2

ANNUAL AIRCRAFT OPERATIONS

Frazier Lake Airpark

Generalized Aircraft Type (INM Designation)	Year 2038
Piston Engine Twin Prop (BEC58P)	525
Single-Engine Prop - High Performance (GASEPV)	4,585
Single-Engine Prop - Standard (GASEPF)	18,360
Helicopters	260
Gliders	260

Source: *Airport management*



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, Mapbox, Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Noise Contours

Airport Land Use Compatibility Plan

Frazier Lake Airpark, San Benito County

Figure 4

Map prepared May 2019
 NOTE: THIS MAP IS FOR PLANNING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES

- Legend**
- < 55-60 dB CNEL
 - 60-65 dB CNEL
 - 65-70 dB CNEL
 - 70-75 dB CNEL
 - 75-80 + dB CNEL
 - Flight Track
 - Parcels
 - Runways
 - Airport Property

3.3.6.4 60 dB CNEL Noise Level

The 60 dB CNEL aircraft noise contour extends beyond the Airport boundary to the north through the southwest. To the southwest along the extended runway centerline, the 60 dB CNEL contour extends about 3,500 feet beyond the Airport boundary across Frazier Lake Road and to the northeast, the 60 dB CNEL contour extends 3000 feet beyond the Airport boundary across Lake Road. Both are over areas designated by the County as Agricultural Productive.

3.3.6.5 55 dB CNEL Noise Level

The 55 dB CNEL aircraft noise contour extends considerably beyond the Airport boundary in all directions. The 55 dB CNEL contour extends about 5,000 feet to the southwest and curves to the north outside the Airport boundary across Frazier Lake Road and over areas designated by the County as Agricultural Productive. To the northeast, the 55 dB CNEL contour extends about 4,000 feet beyond the Airport boundary across Lake Road and curves up to the north over areas designated by the County as Agricultural Productive.

The 55 dB CNEL contour also extends up to 1500 feet southeast of the Airport boundary and 1000 feet northwest of the Airport boundary, again over areas designated by the County as Agricultural Productive.

3.4 HEIGHT RESTRICTION AREA

Airport vicinity height limitations are required to protect the public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. This protects both those in the aircraft and those on the ground who could be injured in the event of an accident. In addition, height limitations are required to protect the operational capability of airports, thus preserving an important part of National and State aviation transportation systems.

Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation. Each surface is defined as a slope ratio or at a certain altitude above the Airport elevation.

FAA uses FAR Part 77 obstructions standards as elevations above which structures may constitute a safety hazard. Any penetrations of the FAR Part 77 surface are subject to review on a case-by-case basis by the FAA. The FAA evaluates the penetration based on the published flight patterns for the airport, as they exist at that time. If a safety problem is found to exist, the FAA may issue a determination of a hazard to air navigation. The FAA does not have the authority to prevent the encroachment, however California law can prevent the encroachment if the FAA has made a determination of a hazard to air navigation. The local jurisdiction can establish and enforce height restrictions.

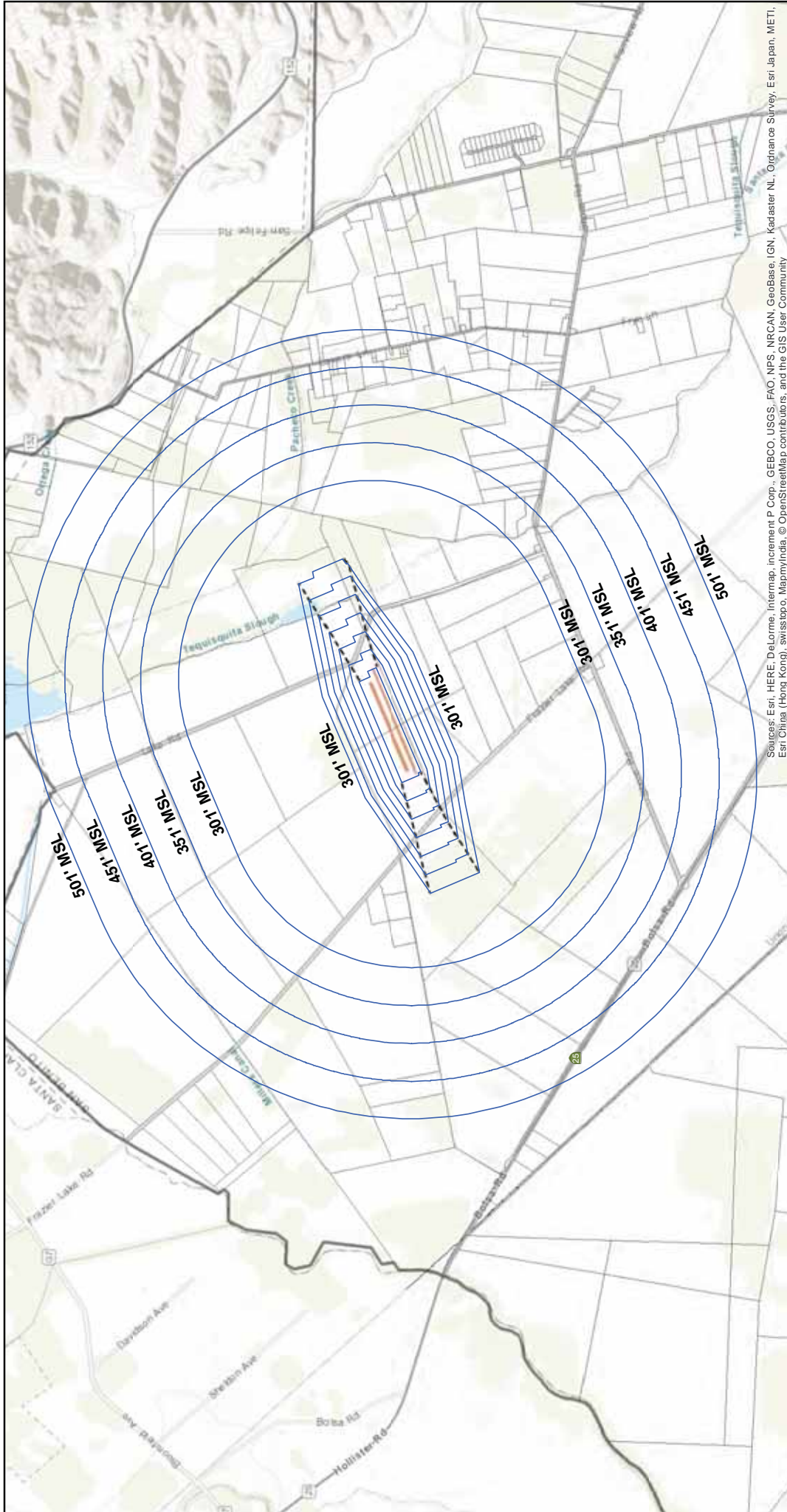
The dimensions of the imaginary surfaces vary depending on the type of approach to a particular runway as illustrated on Figures 5a and 5b for the Airport based on the ultimate dimensions shown on the Airport Layout Plan. Nonprecision runways generally have larger surfaces and flatter approach slopes than visual runways. Table 3-3 tabulates the imaginary surfaces described below.

3.4.1 Primary Surface

A surface longitudinally centered along a runway, and extending 200 feet beyond each end of the instrument runways. For Runway 5-23 the width is 500 feet and the primary surface extends 200 feet beyond each end of the runway. For Runway 5W-23W the width is 250 feet and the primary surface extends only to the ends of the runway.

3.4.2 Approach Surface

A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface. An Approach Surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The inner edge of the Approach Surface is the same width as the Primary Surface and it extends for a length of 5000 feet at a slope noted in Table 3-3. Runway 5-23 Approach Surface has a width of 2000 feet at the outer end and Runway 5W-23W Approach Surface has a width of 1250 feet at the outer end.



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

FAR Part 77 Surfaces

Airport Land Use Compatibility Plan

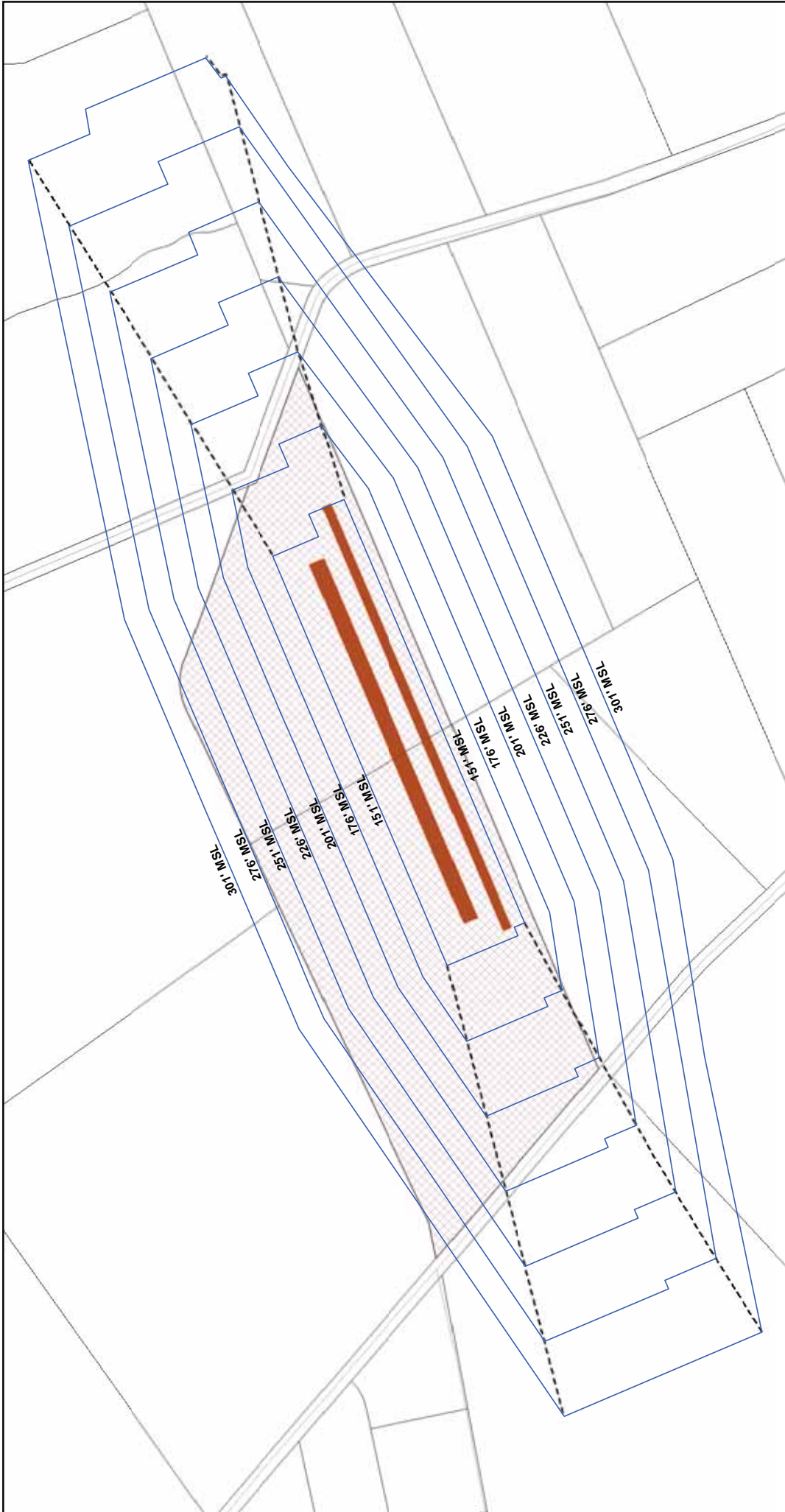
Frazier Lake Airport, San Benito County

Figure 5a

Map prepared May 2019
 NOTE: THIS MAP IS FOR PLANNING PURPOSES ONLY AND IS NOT
 INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES

Legend

- FAR Part 77 Surfaces
- Runways
- Parcels



FAR Part 77 Surfaces

Airport Land Use Compatibility Plan

Frazier Lake Airport, San Benito County

Figure 5b

Map prepared May 2018
 NOTE: THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT
 INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES



- Policy Boundaries**
- FAR Part 77 Surfaces
 - Runways
 - Parcels
 - Airport Property

Table 3-3

FAR PART 77 DIMENSIONS

Frazier Lake Airpark

Runway Type	Runway			
	<u>5</u> Nonprecision	<u>23</u> Nonprecision	<u>5W</u> Visual	<u>23W</u> Visual
Primary Surface				
Length (feet)	2,900	2,900	3,000	3,000
Width (feet)	500	500	250	250
Approach Surface				
Slope	20:1	34:1	20:1	20:1
Length (feet)	5,000	5,000	5,000	5,000
Inner Width	500	500	250	250
Outer Width	2,000	2,000	1,250	1,250
Transitional Surface				
Slope	7:1	7:1	7:1	7:1
Horizontal Surface				
End Radius (feet)	5,000	5,000	5,000	5,000
Elevation (feet MSL)	303	303	303	303
Conical Surface				
Slope	20:1	20:1	20:1	20:1
Width (feet)	4,000	4,000	4,000	4,000

Source: Federal Aviation Regulations, Part 77

3.4.3 Transitional Surface

A surface extending outward and upward from the sides of the Primary Surface and from the sides of the Approach Surfaces at a slope of 7 to 1.

3.4.4 Horizontal Surface

A horizontal plane 150 feet above the established airport elevation (the highest point of an airport's usable landing area measured in feet above mean sea level), the perimeter of which is constructed by swinging arcs 5,000 feet out for Runway 5-23 and Runway 5W-23W, from the center of each end of the Primary Surface of each runway and connecting the adjacent arcs where they intersect.

3.4.5 Conical Surface

A surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

3.4.6 Summary

Where imaginary surfaces overlap, such as in the case where the Approach Surface penetrates and continues upward and outward from the Horizontal Surface, the lowest surface is used to determine whether or not an object would be an obstruction to air navigation.

Any proposed new construction or expansion of existing structures that would penetrate any of the FAR Part 77 imaginary surfaces of the Airport is considered an incompatible land use, unless either the FAA has determined that the proposed structure does not constitute a hazard to air navigation or the Caltrans Aeronautics Program has issued a permit allowing construction of the proposed structure. The FAA has established minimum standards for the determination of hazards or obstructions to aviation. Note that the FAA uses current established approaches when they make their determination, they do not consider future approach patterns (GPS for example) that would require a lower protected approach slope, thus the FAR Part 77 surfaces should be the controlling height limit for structures under the approach surfaces.

The FAA permits local agencies such as the ALUC to establish more restrictive criteria for determining if the height of a structure creates a safety hazard to aircraft operations. A determination by the FAA or Caltrans that a project does not constitute a hazard to air navigation does not limit the ALUC from determining that a project may be inconsistent under the policies of this ALUCP.

3.5 SAFETY RESTRICTION AREA

Safety of people on the ground and in the air and the protection of property from airport-related hazards are among the responsibilities of the Airport Land Use Commission. The 2011 Handbook presents guidelines for the establishment of airport safety areas in addition to those established by the FAA.

Airport safety zones are established to minimize the number of people exposed to potential aircraft accidents in the vicinity of the Airport by imposing density and use limitations within these zones. Figure 6 illustrates the airport safety zones for Runways 5-23 and 5W-23W at the Airport. The safety zones are related to runway length and expected use and planned instrument flight rules (IFR) approach procedures. Aircraft flight tracks are also shown on Figure 4.

In addition, the survivability of aircraft occupants in the event of an emergency landing has been shown to increase significantly if the aircraft is able to reach the ground under control of the pilot. As a result, open area requirements are established for the safety zones in addition to density and use requirements.

Exposure to potential aircraft accidents diminishes with distance from the airport runways. The safety zones shown below are in descending order of exposure to potential aircraft accidents, with the Runway Protection Zone (RPZ) having the highest exposure followed by the Inner Safety Zone (ISZ), Turning Safety Zone (TSZ), Outer Safety Zone (OSZ) and Sideline Safety Zone (SSZ), with the Traffic Pattern Zone (TPZ) having the lowest level of exposure.

The safety zones defined for the Airport are a composite based on the 2011 Handbook guidelines. The safety zones for the two runways are based on the diagram for a General Aviation airport. Safety zones are exclusive in their coverage, and do not overlay each other. Thus land in the RPZ is only in the RPZ, and is not also in the ISZ or TSZ. The order of precedence is, from highest to lowest: RPZ, ISZ, TSZ, OSZ, SSZ and TPZ. If a development project spans more than one safety zone, each part of the project must meet the requirements for the safety zone in which the land for that portion of the project is located. Thus a single building that extends over two safety zones may have differing height and density-of-use requirements for the two parts of the same physical structure. The following safety zones apply to Frazier Lake Airport based on information presented in the 2011 Handbook:

3.5.1 Runway Protection Zone

The function of the Runway Protection Zone (RPZ) is to enhance the protection of people and property on the ground and aircraft occupants. RPZs should be clear of all structures and activities. The RPZ begins at the end of the Primary Surface. It is a trapezoidal area centered on the extended runway centerline. The size is related to the expected aircraft use and the visibility minimums for that particular runway.

- Runway 5-23: The RPZ for Runway 5-23 is 1,000 feet long, with an inner width of 500 feet and an outer width of 800 feet and begins 200 feet out from the runway threshold.
- Runway 5W-23W: The RPZ for Runway 5W-23W is 1,000 feet long, with an inner width of 250 feet and an outer width of 450 feet and begins at the runway threshold.

3.5.2 Turning Sector Defined

Some of the safety zones are bounded by a geometric feature defined as a “Turning Sector”. There are four Turning Sectors for this airport, one for each end of each runway. These features are constructed as follows:

3.5.2.1 Runways 5-23 and 5W-23W Turning Safety Zone Construction

Each runway end has a sector, which is bounded on the inside by the extended runway centerline. The radius of these sectors is 3000 ft with the center point located 1000 ft along each runway centerline from the runway departure-end threshold towards the opposite end of the runway. The arc for the sector is swung centered on the extended runway centerline. The interior angle of the sector is 30 degrees on each side of the extended runway centerline, or 60 degrees wide.

- The Turning Sector is defined as the outside bounds of the feature described above.

3.5.3 Inner Safety Zone

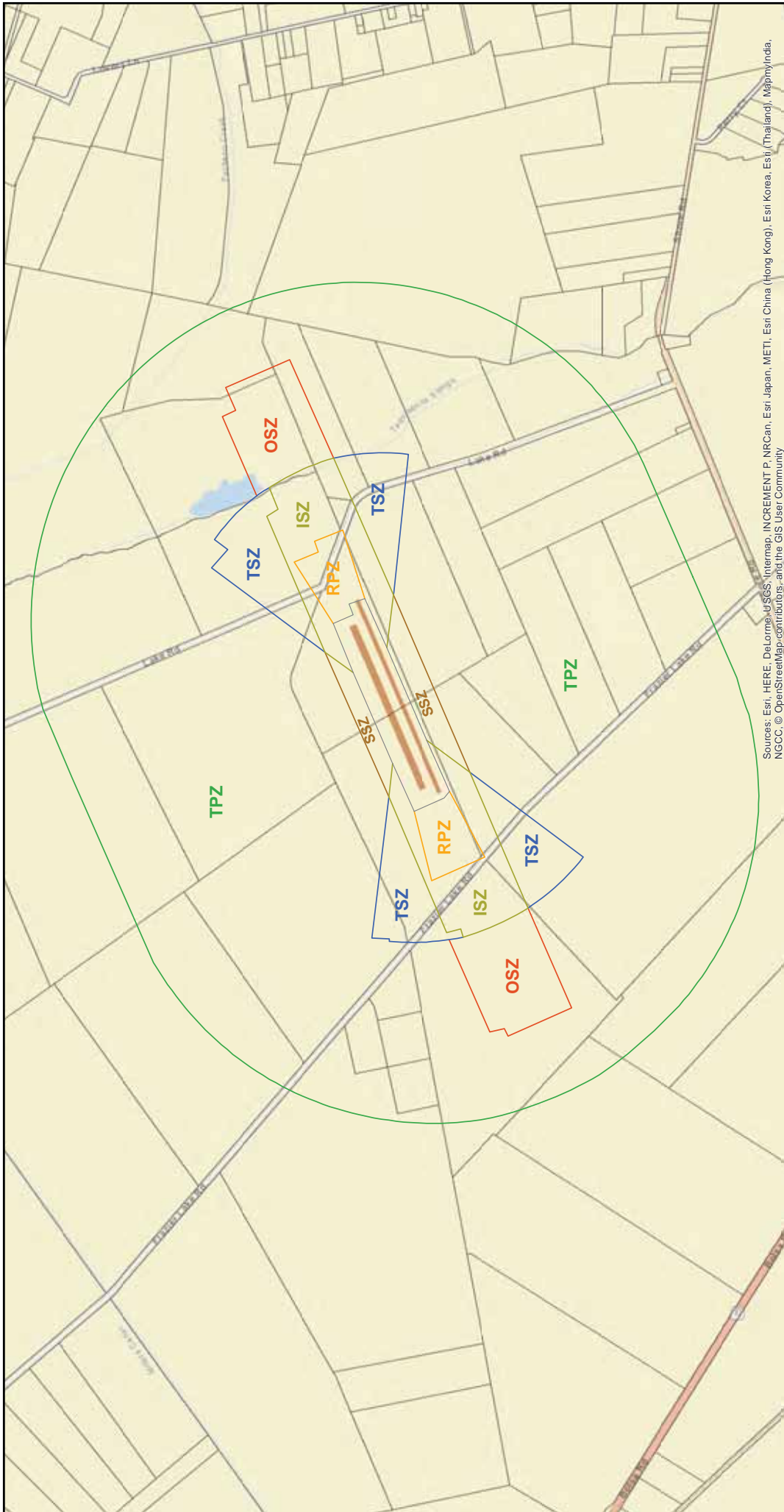
The Inner Safety Zone (ISZ) is located within the Turning Sector boundary described above but excludes the RPZ. The ISZ represents the approach and departure corridors that have the second highest level of exposure to potential aircraft accidents. The ISZ is centered on the runway centerline and extends to the outer edge of the Turning Sector boundary. The length of the runway determines the dimensions.

- The ISZ for both ends of Runway 5-23 and 5W-23W is an area 1000 feet wide, centered on the runway and contained within the Turning Safety Zone.
- The ISZ does not include the area of the RPZ.

3.5.4 Turning Safety Zone

The Turning Safety Zone (TSZ) represents the approach and departure areas that have the third highest level of exposure to potential aircraft accidents. The Turning Safety Zones are defined below.

- The TSZ for both ends of runways 5-23 and 5W-23W are the areas inside the Turning Sector that exclude the Primary Surface, the RPZ and the ISZ.



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NCCO, © OpenStreetMap contributors, and the GIS User Community

Safety Zones

Airport Land Use Compatibility Plan Frazier Lake Airport, San Benito County

Figure 6

- Legend**
- Runway Protection Zone
 - Inner Safety Zone
 - Turning Zone
 - Outer Safety Zone
 - Sideline Zone
 - Traffic Pattern Zone
 - Runways
 - Parcel

Map prepared January 2015
NOTE: THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES



3.5.5 Outer Safety Zone

The Outer Safety Zone (OSZ) extends out from the TSZ. The OSZ is a rectangular area centered along the extended runway centerline starting at the outer end of the TSZ. The length of the runway determines the dimensions.

- The OSZ for both ends of runway 5-23 and 5W-23W is a rectangular area 1000 feet wide and 1500 feet long at the center, centered on the extended runway centerline, starting at the outer edge of the TSZ and ISZ and extending outward from the runway threshold.

3.5.6 Sideline Safety Zone

The Sideline Safety Zone (SSZ) is an area along the length of the outside the Primary Surface intersecting the Turning Safety Zone. Aircraft do not normally over fly this area, except by aircraft losing directional control on takeoff (especially multi-engine aircraft).

- The SSZ for both runways 5-23 and 5W-23W is 1000 feet wide centered on each runway centerline and extends in length to intercept the Turning Zone boundary.
- The SSZ area excludes the Primary Surface.

3.5.7 Traffic Pattern Zone

The Traffic Pattern Zone (TPZ) is within other portions of the airport area that are normally overflown by aircraft. The potential for aircraft accidents is relatively low and the need for land use restrictions are minimal. The TPZ is the area underlying a portion of the Horizontal Surface.

- The perimeter of the TPZ is constructed by swinging arcs of 4,500 feet out for Runways 5-23 and 5W-23W from the center of each end of the primary surface of each runway and connecting the adjacent arcs where they intersect.
- The TPZ excludes all other safety zones.

3.6 OVERFLIGHT RESTRICTION AREA

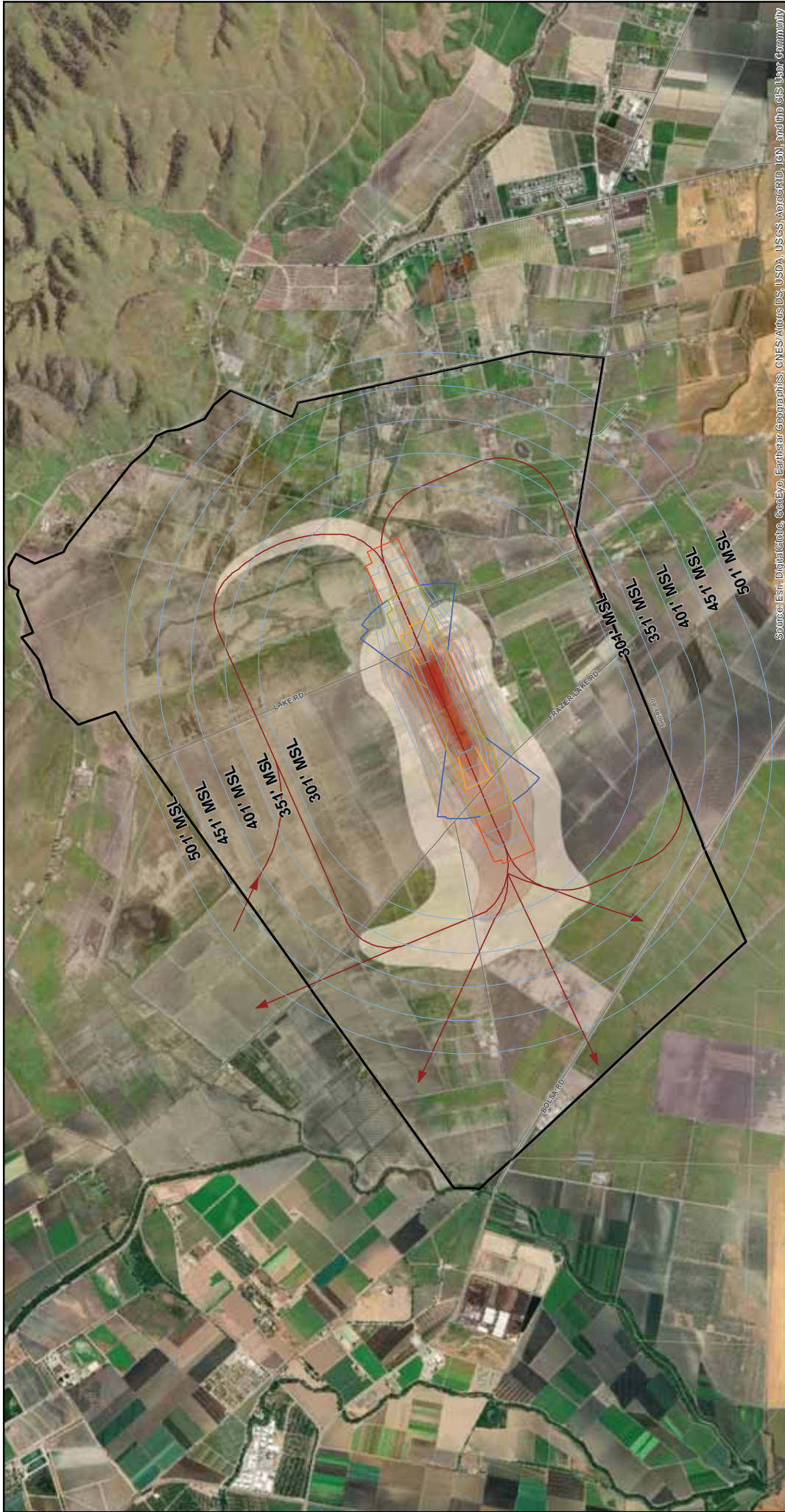
The Airport Influence Area (AIA), presented in Section 3.7, is a composite of the areas surrounding the Airport that are affected by noise, height, and safety considerations. All areas within the AIA should be regarded as potentially subject to aircraft overflights. Although sensitivity to aircraft overflights will vary from one person to another, overflight sensitivity is particularly important within residential land uses and certain agricultural uses (open-air turkey farming, etc.).

3.7 AIRPORT INFLUENCE AREA

The Airport Influence Area (AIA) is a composite of the areas surrounding the Airport that are affected by noise, height, and safety considerations. The AIA is defined as a feature-based boundary around the Airport within which all actions, regulations and permits must be evaluated by local agencies to determine how the Airport Land Use Compatibility Plan policies may impact the proposed development. This evaluation is to determine that the development meets the conditions specified for height restrictions, and noise and safety protection to the public. [A.B. 332 (Stats. 2003) codified in Public Utilities Code 21674.7(b)].

The Airport Influence Area (Figure 7) is defined as the area bounded by Lovers Lane to Shore Road, west along Shore Road and extended to the railroad tracks, then northwest along the railroad tracks to the Pajaro River, then north along the Pajaro River to Miller's Canal, then northeast along Miller's Canal to the San Benito County line, then east along the county line to Lovers Lane then south to Shore Road.

The compatibility of land uses within the AIA should be preserved to the maximum extent feasible with particular emphasis on the preservation of existing agricultural and open space uses. The conversion of land from existing or planned agricultural, industrial, or commercial use to residential uses should be the subject of careful consideration of the potential impacts of aircraft overflights.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Airport Influence Area

Airport Land Use Compatibility Plan

Frazier Lake Airpark, San Benito County

Figure 7

Map prepared May 2016
 NOTE: THIS MAP IS FOR PLANNING PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR NAVIGATIONAL PURPOSES

Legend	Noise Contours
Runway Protection Zone	CNEL < 55-60 dB
Inner Safety Zone	60-65 dB
Turning Zone	65-70 dB
Outer Safety Zone	70-75 dB
Sideline Zone	75-80 + dB
FAR Part 77 Surfaces	
Airport Influence Area	
Runways	
Parcel	
Flight Track	



4 LAND USE COMPATIBILITY POLICIES

4.1 LAND USE PLANNING ISSUES

The land use planning criteria for the individual land use planning issues applicable to the Airport are discussed in Section 3.0. Figure 7 presents a composite of the land use planning categories and the criteria that establishes the Airport Influence Area (AIA). The San Benito County Airport Land Use Commission (ALUC) and the Airport Land Use Compatibility Plan (ALUCP) for the Airport address policies based on the following criteria:

- **Noise Restriction Area.** The Noise Restriction Area is defined as the 55 dB CNEL contour (see figure 4), inside which an acoustical analysis is required by the local agency with land use jurisdiction demonstrating how low-density, single-family, multi-family and mobile home dwelling units and schools have been designed to meet an interior noise level of 45 dB CNEL.
- **Height Restriction Area.** The Height Restriction Area is to protect the airspace around the Airport. The Horizontal Surface is 150 feet above the Airport elevation of 153 feet above mean sea level, the perimeter of which is constructed by swinging arcs 5000 feet out from the ends of the Primary Surfaces for Runway 5-23 and for Runway 5W-23W. The Conical Surface extends outward and upward from the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. The Height Restriction Area is defined as the lowest of the Approach Surfaces plus the Transitional Surfaces plus the Horizontal Surface plus the Conical Surface at any point and is defined in Section 3.4 and presented on Figures 5a and 5b.
- **Safety Restriction Area.** The Safety Restriction Area is to provide land use safety with respect to people and property on the ground and the occupants of aircraft. The safety zones applicable to the Airport are defined in Section 3.5 and presented on Figure 6.
- **Overflight Restriction Area.** The Overflight Restriction Area is a composite of the areas surrounding the Airport that are areas affected by noise, height, and safety considerations. All areas within the AIA (Figure 7) should be regarded as potentially subject to aircraft overflights as discussed in Section 3.6.

4.2 JURISDICTIONAL RESPONSIBILITIES

The policies set forth in this section contain criteria intended to prevent future conflicts between airport operations and surrounding land uses. Implementation of these criteria requires action by the local jurisdictions that have control over the land uses in the Airport Influence Area (AIA) presented on Figure 7.

The jurisdictional responsibilities for implementation of the ALUCP are described below. In addition, actions that are available to the local jurisdictions are also presented.

Implementation of the ALUCP will be the responsibility of the County of San Benito for those areas within the AIA under their jurisdiction. Note that Policies T-1 and T-2 extend countywide. The San Benito County Airport Land Use Commission (ALUC) will provide policy direction, advice, and technical assistance to the County as needed to facilitate implementation of the ALUCP.

4.2.1 San Benito County Airport Land Use Commission Procedures

The San Benito County Airport Land Use Commission shall:

- Adopt the airport land use policies and the AIA boundary maps. The ALUCP and its planning boundary maps shall, upon adoption, be subject to annual review by the ALUC and be updated as required.

Amendments to the ALUCP document are limited to no more than once per calendar year.

- Review the General Plan and applicable Area Plans, Specific Plans, zoning and building regulations for the County of San Benito to determine if such plans and regulations are consistent with the policies of this ALUCP.
- Review all actions, regulations and permits within the AIA for consistency with the adopted Frazier Lake Airpark Airport Land Use Compatibility Plan.
- Review all proposed amendments to the General Plans, Specific Plans, and zoning and building regulations that may affect land use in the AIA.

The ALUC shall determine if the proposed amendments are consistent or inconsistent with this ALUCP.

- Review proposed changes to the Frazier Lake Airpark Master Plan or Airport Layout Plan or modifications to the aircraft flight tracks, new aircraft noise contours, or any other development that would alter the land use compatibility issues addressed in Section 3.0.

The ALUC shall determine if the proposed changes are consistent with this ALUCP or if the ALUCP requires an amendment.

- Review the plans, regulations and other actions where there is a conflict with ALUC plans and policies. A review of land use issues within the AIA relating to ALUC policies may be requested by any member of the ALUC, or by the Board of Directors of Frazier Lake Airpark as the owner and operator of the Airport.
- Coordinate off-airport land use planning efforts of the County of San Benito and Federal and State agencies concerned with airport land use.
- Gather and disseminate information relating to airport land use and aircraft noise, height and safety factors that may affect land use.

4.2.1.1 Review of Development Projects

Once the ALUC has determined that a local jurisdiction's General Plan and applicable Specific Plans are consistent with the ALUCP (or the local jurisdiction has overruled the ALUC and made the required findings of consistency with the purposes stated in Public Utilities Code section 21676(a)), to the extent that these are not mandated referrals, the ALUC requires the local jurisdictions to submit referrals to the ALUC for the following proposed developments:

- Any project that requires use of the Infill policies or Reconstruction policy R-3 in order to be deemed consistent with this ALUCP.
- Proposed residential development, including land divisions, within the AIA.
- Major infrastructure development or improvements (e.g., water, sewer, roads) that would promote urban development within the AIA.
- Proposed land acquisition by any entity for the purpose of developing a school, hospital, nursing home, library, outdoor theater, or other high-density or low-mobility uses within the AIA.
- Any proposal anywhere in the County for construction or alteration of a structure (including antennas) higher than 200 feet above ground level, to verify compliance with FAR 77.13 and ALUC policies.
- Any proposed land use action by a city or County planning agencies involving a question of compatibility with the Airport's activities. For example, creation of a landfill within the AIA would generally meet all height and density requirements, however the tendency of landfills to attract bird activity may create a safety hazard for airport operations.

- Any proposed project within the AIA that is referred to the ALUC for review by the local agency.

4.2.1.2 Project Submittals

When review of a land use development proposal is required under this ALUCP, the referring agency shall provide the following information to the ALUC in addition to the information required by the city or County:

- A map or maps, drawn to an appropriate scale, showing the location of the project with respect to the Airport Influence Area boundaries, the airport safety zones, the airport noise contours and the FAA Part 77 Surfaces for the airport.
- A detailed site plan showing ground elevations, location of structures, open spaces and the heights of structures and landscaping.
- A description of permitted or proposed land uses and restrictions on the uses.
- An indication of the potential or proposed number of dwelling units per acre for residential uses.
- The maximum number of people potentially occupying the total site or portions of the site at any one time.
- Any project submitted for airport land use compatibility review for reasons of height-limit issues shall include a copy of the Federal Aviation Administration's evaluation and reply to proponent's notification to the FAA using FAA Form 7460-1, *Notice of Proposed Construction or Alteration*.

4.2.1.3 Review Process

The proposed actions referred to in Section 4.2.1.1 shall be referred to the ALUC at the earliest possible time but no later than the time allowed in the applicable statutes and regulations, in order that the ALUC's findings may be considered by the local agency prior to finalizing the proposed action.

The ALUC must find a proposal either 1) consistent with the ALUCP or 2) inconsistent with the ALUCP. Additionally, the ALUC can provide recommendations for changes that would enhance the project's compatibility with the ALUCP or the ALUC can state under which conditions the proposal would be consistent.

The ALUC must take action on a request for a consistency determination within 60 days of receipt of the complete (as determined by ALUC staff) Project Submittal package (Section 4.2.1.2). If the proponent desires to request a delay in determination, the proponent must withdraw the project from consideration and reapply at a later date. If the determination is not made within 60 days (or as extended by proponent's request), the proposal shall be considered consistent with the ALUCP.

The ALUC may, at the request of the local jurisdiction or interested party, provide an interpretation of any of the policies found in this ALUCP.

4.2.2 County of San Benito

The County of San Benito shall:

- Adopt the ALUC policies and the AIA boundary maps and any adopted amendments.
- 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).
- 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.

- Obtain avigation easements for any development within the AIA under County jurisdiction.
- Incorporate the AIA boundary and associated policy maps into the local agency's geographic information system (GIS).

4.2.2.1 Override Notification Process

The affected local agencies, after January 1, 2004, in accordance with PUC 21676 (a), shall:

- Notify the ALUC at least 45 days in advance, of their intent to overrule any ALUC non-consistency determination including a copy of their proposed decision and specific findings..
- Notify the ALUC if and when the local agency overrules any ALUC non-consistency determinations.

4.2.3 Airport Owner/Operator Responsibilities

To ensure that the ALUC is able to fulfill its statutory responsibilities, Frazier Lake Airpark should:

- Notify the ALUC of operational or physical changes at the Airport, such as aircraft flight tracks, airfield configuration, structural development, relocation of facilities, and proposed new and/or updates to planning documents.
- Notify the ALUC of any changes that may affect Federal Aviation Regulations (FAR) Part 77 height restriction surfaces or CNEL aircraft noise contours.
- Provide CNEL noise contour data including the most recent actual data as well as forecasts covering at least twenty years in to the future.

4.3 COMPATIBILITY POLICIES

The compatibility of land uses (temporary or permanent) in the vicinity of the Airport will be evaluated for each of the potential land use impact categories (noise, height and safety) in terms of the compatibility policies established for each category of concern. The graphic illustrations of each area of concern presented in this ALUCP are to be included in the evaluation. The following compatibility policies will be used for ALUC consistency review.

4.3.1 General Compatibility

4.3.1.1 Policies

G-1 In the case of conflicts in any policy between this plan, or any County code, ordinance or regulation, the most restrictive provision shall be applied to the project.

G-2 If a project falls into an area within two or more Airport Influence Areas (AIA), the most restrictive conditions from each separate airport shall apply to the project.

G-3 The Airport is exempt from the policies of this ALUCP for the development of projects on airport property.

G-4 Local jurisdictions should encourage the conversion of land uses that are currently incompatible with this ALUCP to uses that are compatible, where feasible.

G-5 Where legally allowed, dedication of an avigation easement to the County of San Benito shall be required to be offered as a condition of approval on all projects located within an Airport Influence Area, other than reconstruction projects as defined in paragraph 4.3.7. All such easements shall be similar to that shown as Exhibit 1 in Appendix A and recorded on the property deed.

G-6 Any proposed use or activity that may cause a hazard to aircraft in flight are not permitted within the AIA. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills), hunting clubs, rifle ranges, and activities that may produce smoke, dust, or glare. This policy requires the height at maturity of newly planted trees to be considered to avoid future penetration of the FAA FAR Part 77 Surfaces.

G-7 All new exterior lighting or large video displays within the AIA shall be designed so as to create no interference with aircraft operations. Such lighting shall be constructed and located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting shall be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots.

4.3.2 Noise Compatibility

The objective of noise compatibility criteria is to minimize the number of people exposed to frequent and/or high levels of aircraft noise.

The Noise Compatibility Guidelines presented in Table 4-1 shall be used to determine if a specific land use is consistent with the CLUP. Noise impacts shall be evaluated according to the 2038 Aircraft Noise Contours presented on Figure 4.

4.3.2.1 Policies

N-1 The Community Noise Equivalent Level (CNEL) method of representing noise levels shall be used to determine if a specific land use is consistent with the ALUCP.

N-2 In addition to the other policies herein, the Noise Compatibility Guidelines presented in Table 4-1 shall be used to determine if a specific land use is consistent with this ALUCP.

N-3 Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 4.

N-4 No residential or transient lodging construction shall be permitted within the 60 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed use residential project of a multi unit residential project. (Sound wall noise mitigation measures are not effective in reducing noise generated by aircraft flying overhead.)

N-5 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).

N-6 Residential construction will not be permitted in the area between the 60 dB CNEL contour boundary and the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL.

N-7 Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Table 4-1 presents acceptable noise levels for other land uses in the vicinity of the Airport.

N-8 Single-event noise levels (SENL) from single aircraft overflights are to be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, outdoor theaters, and mobile homes. Single-event noise levels are especially important in the areas regularly overflown by aircraft, but which may not produce significant CNEL contours, such as the down-wind segment of the traffic pattern, and airport entry and departure flight corridors.

Table 4 - 1

NOISE COMPATIBILITY POLICIES

Frazier Lake Airpark

LAND USE CATEGORY	CNEL			
	55-60	60-65	65-70	70-75
Residential – low density Single-family, duplex, mobile homes	*	**	***	***
Residential – multi-family, condominiums, townhouses	*	**	***	***
Transient lodging - motels, hotels	*	*	**	***
Schools, libraries, indoor religious assemblies, hospitals, nursing homes	*	**	***	***
Auditoriums, concert halls, amphitheaters	**	***	***	****
Sports arena, outdoor spectator sports, parking	*	**	***	***
Playgrounds, neighborhood parks	**	**	***	***
Golf courses, riding stables, water recreation, cemeteries	*	**	**	***
Office buildings, business commercial and professional, retail	*	*	**	**
Industrial, manufacturing, utilities, agriculture	*	*	*	**
* Clearly Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Mobile homes may not be acceptable in these areas. Some outdoor activities might be adversely affected.			
** Normally Acceptable	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Outdoor activities may be adversely affected. <u>Residential:</u> Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.			
*** Normally Unacceptable	New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor activities are likely to be adversely affected.			
**** Clearly Unacceptable	New construction or development should not be undertaken.			

Source: Based on General Plan Guidelines, Appendix C (2003), Figure 2 and San Benito County 2035 General Plan, Table 9-2

4.3.3 Height Compatibility

The objective of height compatibility criteria is to avoid development of land uses, which, by posing hazards to flight, can increase the risk of an accident occurring.

4.3.3.1 Policies

H-1 Any structure or object that penetrates the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, (FAR Part 77) surfaces, as presented in Table 3-3 and illustrated on Figures 5a and 5b will be considered an incompatible land use.

H-2 Any project that may exceed a FAR Part 77 surface must notify the Federal Aviation Administration (FAA) as required by FAR Part 77, Subpart B on FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. (Notification to the FAA under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the FARs).

4.3.4 Tall Structure Compatibility

Structures of a height greater than 200 feet above ground level can be a special hazard to aircraft in flight.

4.3.4.1 Policies

T-1 The applicant for any proposed project anywhere in the County for construction or alteration of a structure (including antennas) higher than 200 feet above ground level shall submit to the FAA a completed copy of FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. A copy of the submitted form shall be submitted to the San Benito County ALUC as well as a copy of the FAA's response to this form.

T-2 Any proposed project anywhere in the County for construction or alteration of a structure (including antennas) higher than 200 feet above ground level shall comply with FAR 77.13(a)(1) and shall be determined inconsistent if deemed to be a hazard by the FAA or if the ALUC determines that the project has any impact on normal aircraft operations or would increase the risk to aircraft operations.

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. Land uses of particular concern are those in which the occupants have reduced effective mobility or are unable to respond to emergency situations.

4.3.5.1 Policies

S-1 These policies and the Safety Zone Compatibility Policies presented in Table 4-2 shall be used to determine if a specific land use is consistent with the ALUCP. Safety impacts shall be evaluated according to the Airport Safety Zones presented on Figure 6.

S-2 Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled shall be prohibited within the Runway Protection Zones (RPZs), Inner Safety Zones (ISZs), Turning Safety Zones (TSZs), Sideline Safety Zones (SSZs), and Outer Safety Zones (OSZs) presented in Table 4-2. These uses should also be discouraged in the Traffic Pattern Zones (TPZs).

S-3 Amphitheaters, sports stadiums and other very high concentrations of people shall be prohibited within the Runway Protection Zones (RPZs), Inner Safety Zones (ISZs), Turning Safety Zones (TSZs), Sideline Safety Zones (SSZs), Outer Safety Zones (OSZs) and Traffic Pattern Zones (TPZs) presented in Figure 6.

Table 4 - 2

SAFETY ZONE COMPATIBILITY POLICIES

Frazier Lake Airpark

Safety Zone	Maximum Population Density	Open Space Requirements	Land Use
Runway Protection Zone – RPZ Also known as Zone 1	-0- (No people allowed)	100 percent (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 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. <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 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 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). <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 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). <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 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). <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 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. <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.

S-4 Storage of fuel or other hazardous materials shall be prohibited in the Runway Protection Zone. Above ground storage of fuel or other hazardous materials shall be prohibited in the Inner Safety Zone and Turning Safety Zone. Beyond these zones, storage of fuel or other hazardous materials not associated with aircraft use should be discouraged.

S-5 In addition to the requirements of Table 4-2, open space requirements, for sites which can accommodate an open space component, shall be established at the general plan level for each safety zone where feasible as determined by the local jurisdiction, as individual parcels may be too small to accommodate the minimum-size open space requirement. To qualify as open space, an area must be free of buildings, and have minimum dimensions of at least 75 feet wide by 300 feet long along the normal direction of flight. The clustering of development and provision of contiguous landscaping and parking areas will be encouraged to increase the size of open space areas.

S-6 The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents. A method for determining the concentration of people for various land uses is presented in Section 5.0, Implementation.

S-7 The following uses shall be prohibited in all Airport Safety Zones:

- Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator. Lighting if any, shall be in accordance with FAA Advisory Circular 70/7460-1, Obstruction Marking and Lighting.
- Any use that would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- Any use which would generate smoke or water vapor, or which would attract large concentrations of birds (See AC 150/5200-33B), or which may otherwise negatively affect safe air navigation within the area.
- Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation, communication or navigation equipment.

S-8 Buildings that would interfere with an aircraft gliding to an emergency landing in a safety zone open area are not permitted.

S-9 In unique cases an exception can be granted, at the discretion of the ALUC, on the basis of mitigation measures proposed by the applicant which would result in the final project improving the overall safety in the safety zones in comparison to the situation existing prior to the project. An example of such a possible mitigation is the removal of existing incompatible structures in exchange for constructing less incompatible structures. The following conditions must be met for this variance to be granted:

- a. There must be a clear, demonstrable net improvement in safety.
- b. The mitigation must provide a permanent improvement in safety. For instance, in the example above, the removed structures could not be replaced by other structures at a later date.

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.

4.3.6.1 Policies

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. The avigation easement shall be similar to that shown as Exhibit 1 in Appendix A.

(In September of 2002 Assembly Bill AB2776 was signed into law and became effective on January 1, 2004. This statute requires that as part of the real estate transfer process, the purchaser be informed if the property is in an Airport Influence Area and if so, the purchaser is to be informed of the potential impacts (noise, in particular) resulting from the associated airport. This information is generally included in the Disclosure Documentation packet provided by the real estate agent to the property buyer.)

4.3.7 Reconstruction

Reconstruction as used in this ALUCP is the rebuilding of a legally established structure in any of the safety zones, in its original location and to its original condition (typically due to a fire, or earthquake damage or destruction). "Original conditions" means the same or lesser footprint, height and intensity of use. Reconstruction projects may be approved under the following policies:

4.3.7.1 Policies

R-1 Reconstruction projects that are not subject to a previous avigation easement shall not be required to provide an avigation easement as a condition for approval.

R-2 Residential reconstruction projects must include noise insulation to assure interior noise levels of less than 45 dB CNEL.

R-3 An application for reconstruction increasing the structure's internal square footage, footprint square footage, height, and/or intensity of use may be approved if the local agency determines that such increase will have no adverse impact beyond that which existed with the original structure. However, a project approved under this policy shall require the property owner to offer and the local agency shall accept an avigation easement to the County of San Benito, similar to Exhibit 1 in Appendix A.

4.3.8 Infill

Infill as used in this ALUCP is defined as the development of vacant or underutilized residential properties located in a safety zone, of less than 0.25 acres in size, in areas that are already substantially developed with uses not ordinarily permitted by the ALUCP compatibility criteria.

Redevelopment is defined as land that previously contained a building that was removed or demolished with the intent of replacing the building with a new building for a different use. Redevelopment is not considered Infill.

In some circumstances, infill projects may be acceptable if the following criteria are met.

4.3.8.1 Policies

I-1 Infill projects must comply with paragraph 4.3.5 and Table 4-2 of this ALUCP with the exception of the land use density requirements.

I-2 Infill projects may be approved if all of the following conditions are met:

- a) The total contiguous undeveloped land area at this location is less than 0.25 acres in size. Note that this means the total contiguous undeveloped land area, not just the land area being proposed for development. Lots larger than 0.25 acres shall not be considered for infill.
- b) The site is already surrounded on three sides and a street, or two sides and two streets, by the same land use as that being proposed.

- c) The ALUC determines that the project will create no adverse safety impacts beyond those that already exist due to the existing incompatible land uses.
- d) The property owner shall offer and the local agency shall accept an avigation easement to the County of San Benito, similar to Exhibit 1 in Appendix A and recorded on the property deed.

Section 5

5 IMPLEMENTATION

5.1 CONSISTENCY WITH LOCAL PLANS AND ZONING

The California State Aeronautics Act {Public Utilities Code: Division 9, Part 1, Chapter 4, Article 3.5, Section 21670 et seq} places the responsibility for implementing and enforcing this Airport Land Use Compatibility Plan (ALUCP) on the local governmental agencies responsible for land use planning within each airport's Airport Influence Area (AIA).

Once the ALUC has adopted a revised (or new) ALUCP, and transmitted that ALUCP to an affected local agency that local agency is mandated to incorporate the ALUCP's provisions into its General and/or Specific Plan(s) within 180 days {Government Code 65302.3(b)}. Implicitly, the local agency is then encouraged to adopt zoning ordinance(s) that implement the policies of their General/Specific Plan(s).

If a local agency decides not to incorporate the ALUCP policies verbatim in its General and/or Specific plans, it may overrule portions (or all of) the ALUCP if it finds that its General and/or Specific Plans are consistent with the State Aeronautics Act, PUC 21670 et seq. The overrule process requires a two-thirds vote of the local agency's governing body, supported by specific findings which demonstrate that the plan(s) satisfy the purposes of the State Aeronautics Act {PUC 21676(a) et seq} and guidance of the state's Airport Land Use Planning Handbook.

During the amendment process and subsequent to adoption of revised General and/or Specific Plan(s) by a local agency, the ALUC is required to promptly review both the draft and final Plan(s) for a ALUCP consistency determination {PUC 21676}.

5.2 LAND USE DESIGNATIONS

The most fundamental means of assuring compatibility between an airport and surrounding land uses is by the designation of appropriate land uses in local general plans, specific plans, and zoning ordinances. Even with the designation of appropriate land uses, the long-term maintenance of airport and land use compatibility is often difficult to achieve.

Land use designations can be limited in the degree of restrictiveness that can be applied. Overly restrictive land use regulations may raise constitutional questions to the taking of private property without just compensation. This is particularly applicable in areas near the ends of the runways where such extreme restrictions may be appropriate. For this reason airport owners/operators are encouraged to purchase an interest in or obtain an easement in the land containing the most restrictive safety zones in order to affect the purposes of this Plan.

Land use designations for an area for different uses than already exist may encourage change in the long term, but it may not eliminate existing incompatible uses. Other actions such as fee simple acquisition may be necessary to bring about the changes.

5.2.1 Airport Overlay Zones

One way of achieving aviation-oriented land use designations is adoption of an overlay or combining zone. An overlay zone supplements local land use designations by adding specific noise and, often more importantly, safety criteria (e.g., maximum number of people on the site, site design, and open space criteria, height restrictions, etc.) applicable to future development in the AIA.

An airport overlay zone has several important benefits. Most importantly, it permits the continued utilization of the majority of the design and use policies contained in the existing zones. At the same time, it provides a mechanism for implementation of restrictions and conditions that may apply to only a few types of land uses within a given land use category or zoning district. This avoids the need for a large number of discrete zoning districts. It also enables local jurisdictions to use the policies provided in the ALUCP, rather than through redefinition of existing zoning district descriptions.

The County should consider the following for inclusion in the Airport Overlay District Zone (Airport Safety Overlay Zone):

- **Noise Insulation Standards** - In areas that will potentially be impacted by noise, the Airport Overlay District Zone could be used to assure compliance with the State statutes regarding interior noise levels. The Overlay District Zone could specify the construction techniques necessary to meet the requirements.
- **Height Limitations** - Restrictions on the height of buildings, antennas, trees, and other objects near the Airport, as defined by Federal Aviation Regulations (FAR) Part 77, Subpart C, and regulated by the California Aeronautics Law, can be implemented as part of the Airport Overlay District Zone.
- **FAA Notification Requirements** - The Airport Overlay District Zone also can be used to assure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations requires that the proponent of any project that exceeds a specified set of height criteria submit a FAA Form 7460-1 *Notice of Proposed Construction or Alteration* to the FAA prior to commencement of construction. The height criteria associated with this notification requirement are lower than those in FAR Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety. The FAA No Hazard Determination shall be obtained by the project proponent prior to submitting a referral to the ALUC.
- **Maximum Densities** - The principal noise and safety compatibility standards in the ALUCP are expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be included as is in the Airport Overlay District Zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the implications of the density limitations are not as clear. One step that can be taken by local governments is to establish a matrix indicating whether specific types of land uses are or are not compatible with each of the four compatibility zones. To be useful, the land use categories will need to be more detailed than typically provided by general plan or zoning ordinance land use designations. When calculating density, the project site shall be the area used in the calculation.
- **Open Space Requirements** - ALUCP criteria regarding AIA open space suitable for emergency aircraft landings can be implemented by the Airport Overlay District Zone. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be addressed in terms of development restrictions on large parcels.

5.2.2 Avigation Easements

Avigation easements are another type of land use control measure available to local jurisdictions. Historically, avigation easements have been used to establish height limitations, prevent other flight hazards, and prevent noise impacts. More recently, they have been used as a form of buyer awareness - the recording of an easement against a property ensures that prospective buyers of the property are informed about the Airport impacts. (See the Appendix for a typical Avigation Easement).

An avigation easement applies only to the specific property to which it is attached and it is binding on all subsequent owners of the property. Avigation easements can be obtained either by purchase or by required dedication.

- **Purchase** - Acquisition of avigation easements for a monetary amount is usually done by the Airport owner, which may or may not be the same as the local land use jurisdiction. In most instances, the purchase of avigation easements is limited to property within Runway Protection Zones or elsewhere very close to the Airport's boundaries where some significant degree of restriction or impact is involved.

- **Dedication** - Required dedication of aviation easements is sometimes set as a condition for local jurisdiction approval of a proposed land use development, especially a residential development, in the vicinity of an Airport. Generally, when aviation easements are obtained in this manner, they are primarily intended to serve as a comprehensive and stringent form of a buyer awareness measure.

A standard aviation easement conveys the following property rights from the owner of the property to the holder of the easement:

- **Overflight** - A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (in accordance with Federal Aviation Regulations Part 77 and/or criteria for terminal instrument procedures).
- **Impacts** - A right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with airport and aircraft activity.
- **Height Limits** - A right to prohibit the construction or growth of any structure, tree, or other object that would penetrate the acquired airspace.
- **Access and Abatement** - A right-of-entry onto the property, with appropriate advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- **Other Restrictions** - A right to prohibit electrical interference, glare, misleading light sources, visual impairments, and other hazards to aircraft from being created on the property.

Easements that convey only one or more of these rights are common. An easement containing only the first two rights is usually referred to as an overflight or noise easement. The latter three rights are often collectively called a height-limit or airspace easement. Overflight easements are useful in locations sufficiently distant from an airport where height limits and other restrictions are not a concern. Height-limit easements have most frequently been obtained by purchase of properties close to an airport where restrictions on the height of objects are necessary. Because height-limit easements do not include the overflight easement rights, there is little apparent advantage to obtaining them rather than a complete aviation easement.

5.2.3 Buyer Awareness Measures

Buyer awareness is an umbrella category for types of airport/land use compatibility measures whose objective is to ensure that prospective buyers of property in the vicinity of an airport are made aware of the airport's existence and the impacts that the airport activity has on surrounding land uses. Aviation easements are the most definitive form of a buyer awareness measure. Buyer awareness can also be successfully implemented through other types of programs. Two primary methods are deed notices and real-estate disclosure statements.

- **Deed Notices.** Deed notices are statements, attached to the deed to a property, disclosing that the property is subject to routine overflights and associated noise and other impacts by aircraft operating at a nearby airport. An ideal application of deed notices is as a condition of approval for development of residential land use in airport-vicinity locations where neither noise nor safety are significant factors, but frequent aircraft overflights may be annoying to some people. In addition to being recorded with the deed to a property, the notices should be included on parcel maps and any tentative or final subdivision maps. (See the Appendix A for a typical Deed Notice).

Deed notices are similar to aviation or other aviation-related easements in that they become part of the title to a property and thus are a permanent form of buyer awareness. The distinguishing difference between deed notices and aviation easements is that deed notices only serve as a disclosure of potential overflights, whereas aviation easements convey an identified set of property rights. In locations where height limitations or other land use restrictions are unnecessary, deed notices have the

advantage of being less cumbersome to define. Also, they have less appearance of having a negative effect on the value of the property.

- **Real Estate Disclosure Statements.** A more comprehensive form of buyer awareness program is to require that information about an Airport Influence Area be disclosed to prospective buyers of all airport-vicinity properties prior to the transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development.

This type of program can be implemented through adoption of a local ordinance requiring real estate disclosure upon the transfer of title or it can be established in conjunction with the adoption of an airport overlay zone. Notification describing the zone and discussing its significance could be formally sent to all local real-estate brokers and title companies. The brokers would be obligated by State law to pass it along to prospective buyers after receiving this information.

At a minimum, the area covered by a real estate disclosure program should include the Airport Influence Area as established in the ALUCP. The boundary also could be defined to coincide with the boundaries of an airport overlay zone.

5.2.4 Methods of Calculating Density and Building Occupancy

The Safety Compatibility Policies for non-residential uses limit the persons per acre in certain safety zones. Determining the maximum number of persons likely to occupy a structure is not an exact science, however, the following methods are available to provide a reasonable estimate of how many persons will use a proposed facility.

Parking Ordinance. Most jurisdictions have parking regulations, which specify how many parking spaces are required for particular types of uses. Once an assumption is made regarding the number of persons per vehicle, an estimate can be made of the maximum number of persons that could occupy the structure. The assumption of persons per vehicle must be based on the type of use.

Number of Seats. If the proposed use provides seating for its patrons, such as a restaurant, it is relatively easy to determine the maximum number of people that could occupy the structure.

Uniform Building Code. The Uniform Building Code (UBC) specifies a certain number of square feet per occupant that are required for certain uses. This number can be determined through contact with the city or County Building Department.

LEED Green Building Council. The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), Building Design and Construction, Core and Shell Appendix presents a method for calculating approximate building Default Occupancy Count.

Similar Uses. Certain uses may require an estimate based on a survey of similar uses. This method is more difficult but is appropriate for uses, which because of the nature of the use, cannot be reasonably estimated based on parking or square footage.

Section 6

6 BIBLIOGRAPHY

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7 APPENDIX A

Sample Implementation Documents

Some ALUC approvals may require the dedication of Avigation Easements or use of Deed Notices in selected areas around the Airport. Examples might be the dedication of Avigation Easements for any development within the Traffic Pattern Zone, especially within the Safety Zones and Runway Protection Zones. Deed Notices might be more appropriate for development outside the Traffic Pattern Zone but within the Airport Influence Area.

Examples of these documents are presented on the following pages.

Exhibit 1 – Avigation Easement

Exhibit 2 – Deed Notice

Exhibit 1
Sample Avigation Easement

This indenture made this ____ day of _____ 20 __, between _____ herein after referred to as Grantor, and the County of San Benito a political subdivision in the State of California hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is described as _____ on “Exhibit A” attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations and consists of a plane [describe approach, transition, or horizontal surface]: the elevation of said plane being based upon the official Frazier Lake Airpark Airport runway end elevation of 153 feet Above Mean Sea Level (AMSL), as determined by a San Benito Engineering survey dated February 11, 2000, the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused or created within all space above the existing surface of the hereinabove described real property and any and all Air-space laterally adjacent to said real property, such noise, vibration, currents and other effects of air, illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

Exhibit 2
Sample Deed Notice

The following statement should be included on the deed and recorded by the County for any property located within the Airport Influence Area. This statement should also be included on any parcel map, tentative map or final map for subdivision approval for any property within the Airport Influence Area.

The Frazier Lake Airpark Airport Land Use Compatibility Plan identifies Airport Influence Areas. Properties within these areas are routinely subject to overflights by aircraft using the associated airport and, as a result residents may experience inconvenience, annoyance or discomfort arising from the noise or sight of such operations. State law (Public Utilities code sections 21670 et. Seq.) establishes the importance of public use airports to protection of the public interest of the people of the State of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to increased aircraft ownership, increase in San Benito County population and/or economic growth. Any subsequent deed conveying this parcel or subdivisions there of shall contain a statement in substantially this form.

8 APPENDIX B

Selected Excerpts California Airport Land Use Planning Handbook (January 2002)

Establishing Noise Compatibility Policies

[Page Summary-8] **Basis For Compatibility Zone Delineation**

"Compatibility plans should be based upon the noise contours for the time frame that results in the greatest noise impacts. Usually, this time frame is the long-range future (at least 20 years), but sometimes can be the present or a combination of the two. Also, for busy airports, the capacity of the runway system may be the best representation of potential long-range future activity levels."

[Pages 7-18,19] **Noise Analysis Time Frame**

"State statutes specify that airport land use compatibility plans must be based upon an airport development plan "that reflects the anticipated growth of the airport during at least the next 20 years." Forecasts having the required 20-year time horizon are normally included in airport master plans. The FAA, the Division of Aeronautics, and some regional planning agencies also prepare individual airport forecasts, some extending to 20 years.

"For the purposes of compatibility planning, however, 20 years may be shortsighted. For most airports, a lifespan of more than 20 years can reasonably be presumed. Moreover, the need to avoid incompatible land use development will exist for as long as an airport exists. Once development occurs near an airport, it is virtually impossible or at least very costly and time consuming to change the land uses to ones which would be more compatible with airport activities

"In conducting noise analyses for compatibility plans, the long-range time frame is almost always of greatest significance. Barring vast improvements in aircraft noise reduction technology, the growth in aircraft operations expected at most airports will result in larger noise contours. A possible exception to this trend is that, at some airports, planned changes in runway configuration or approach procedures could result in reduction of noise impacts in some portions of the airport environs. In these instances, a combination of current and future noise contours may be the appropriate basis for compatibility planning.

"Past improvements in aircraft noise reduction technology or, more to the point, the elimination of older, noisier aircraft from the fleet have caused noise contours at some airports to shrink. One result of shrinking contour sizes during the late 1990s was pressure to allow residential and other noise-sensitive development closer to airports. Allowing such development might be reasonable in situations where no potential exists for the contours to expand back to their former size (for example, where policies to limit contour sizes have been adopted). However, whether future technology will again enable significant reduction in noise impacts is uncertain. Thus, looking to the long-range future, the scenario which has the greatest land use planning implications for most airports is that anticipated future growth in airport activity will result in expansion of noise contours."

GUIDANCE

The "at least" phrase in the statutory guidelines deserves emphasis. The 20-year time frame should be considered a minimum for compatibility plans. Noise impacts (as well as other compatibility concerns) should be viewed from the longest practical time perspective."

9 APPENDIX C

Revision History

Amendments Adopted xx-xx-2018

1. Updated document to reflect the 2011 edition of the Caltrans Airport Land Use Planning Handbook.
2. Revised Figure 6, Safety Zones to reflect those recommended in the 2011 Caltrans Airport Land Use Planning Handbook.
3. Updated document to reflect the San Benito County 2035 General Plan.
4. Changed base year data from 1998 to 2017.
5. Updated the airport environs and airport activity data.
6. Updated the text in the document to reflect changes since the prior document's adoption
7. Revised cover page; updated text and replaced airport picture.



DRAFT NEGATIVE DECLARATION

1. **PROJECT TITLE:** Frazier Lake Airpark Airport Land Use Compatibility Plan

2. **PROJECT PROPONENT:** San Benito County Airport Land Use Commission

3. BRIEF PROJECT DESCRIPTION

The San Benito County Airport Land Use Commission (ALUC) has prepared an *Airport Land Use Compatibility Plan (Compatibility Plan)* for the Frazier Lake Airpark (the Airport) to replace an earlier plan—*Frazier Lake Airpark Comprehensive Land Use Plan*—adopted by the Commission on November 15, 2001. The proposed *Compatibility Plan* has been prepared in accordance with the requirements of the California State Aeronautics Act (Public Utilities Code Sections 21670 *et seq.*). Preparation of the plan was guided by the *California Airport Land Use Planning Handbook* (Handbook) published by the California Division of Aeronautics, as required by state law (Public Utilities Code Section 21674.7).

The project is regulatory in nature. No physical construction or land use changes would directly result from the adoption of the *Compatibility Plan* or from subsequent implementation of the land use policies it contains. The proposed *Compatibility Plan* provides a set of policies for use by the County Planning Department and the ALUC in evaluating the compatibility between future proposals for land use development in the vicinity of the Frazier Lake Airpark and the potential long-range aircraft activity at the Airport. The plan does not apply to existing land use development. The compatibility criteria defined by the policies are also intended to be reflected in other plans and policy instruments adopted by the County of San Benito, which is the government entity having primary jurisdiction over land uses near the Airport. As described in the *Compatibility Plan*, this agency will need to incorporate certain criteria and procedural policies from the *Compatibility Plan* into their respective General Plans, Specific Plans, and zoning ordinances to assure that future land use development will be compatible with aircraft operations. No major changes to planned land use designations were identified.

The *Compatibility Plan* was circulated for public review and comment from September 20, 2019 through November 4, 2019.

4. LOCATION OF PROJECT

The Frazier Lake Airpark is a public use airport located in north-central San Benito County approximately 8 miles northwest of the City of Hollister. Unincorporated lands of San Benito County surround the airport property. The limits of the area affected by the *Compatibility Plan* policies—the “Airport Influence Area”—include unincorporated areas of San Benito County land. Existing land uses within the airport environs include agriculture and open space. Low-density residential uses are located approximately 1 mile northeast through south of the Airport along

Lovers Land and Shore Road. The project location, which is defined by the proposed Airport Influence Area, is shown in the attached Initial Study, **Figure 1**.

5. MITIGATION MEASURES INCLUDED IN THE PROJECT

No mitigation measures are required for the proposed project. The project is regulatory in nature. No physical construction or significant land use changes would directly or indirectly result from the adoption of the *Compatibility Plan* or from subsequent implementation of the land use criteria and policies.

6. PROPOSED FINDING

The Airport Land Use Commission (ALUC) for San Benito County has reviewed the project described above under the California Environmental Quality Act (CEQA). Based on the results of an Initial Study, the ALUC has determined that the proposed project—the adoption and subsequent implementation of the *Frazier Lake Airpark Airport Land Use Compatibility Plan*—will not result in a significant effect on the environment as defined by CEQA and, therefore, the ALUC hereby intends to adopt this negative declaration for the proposed project. Pursuant to Title 14, Division 6, Chapter 3, Article 6, Sections 15070 and 15071 of the California Code of Regulations, this Negative Declaration has been prepared for public review and for filing with the County Clerk of San Benito County and California Governor's Office of Planning and Research.

Signature

Date

Printed Name:

For

DRAFT INITIAL STUDY

1. **Project Title:** Frazier Lake Airpark
Airport Land Use Compatibility Plan
2. **Lead Agency Name and Address:** San Benito County Airport Land Use Commission
330 Tres Pinos Road, Suite C-7
Hollister, California 95023
3. **Contact Person and Telephone:** Veronica Lezama, Project Manage
831.637.7665 Ext 204
4. **Project Location:** Frazier Lake Airpark and portions of the surrounding jurisdiction of San Benito County within the proposed Frazier Lake Airpark Airport Influence Area boundary (See **Figure 1**)
5. **Project Sponsor's Name and Address:** (see Lead Agency)
6. **General Plan Designation(s):** Agriculture
7. **Zoning Designation(s):** Agricultural Productive

8. Description of Proposed Project

The Airport Land Use Commission (ALUC) for San Benito County is proposing to adopt an *Airport Land Use Compatibility Plan (Compatibility Plan)* for the Frazier Lake Airpark (Airport), which will replace an earlier plan—*Frazier Lake Airpark Comprehensive Land Use Plan*—adopted by the ALUC on November 15, 2001. This Compatibility Plan does not make any changes to the Noise or Height sections of the 2001 Plan. Changes are primarily associated with the shapes of the safety zones, the safety zone policies to reflect the recommendations contained in the 2011 Caltrans Airport Land Use Planning Handbook (Handbook), and the Airport Influence Area boundary definition.

The creation of airport land use commissions and airport land use compatibility plans are requirements of the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq.*). In accordance with PUC Section 21674.7, preparation of the *Compatibility Plan* was guided by the *California Airport Land Use Planning Handbook* published by the California Department of Transportation (Caltrans), Division of Aeronautics, in October 2011. The proposed *Compatibility Plan* reflects the anticipated growth of the Airport during at least the next 20 years as required by PUC Section 21675(a). Development of the *Compatibility Plan* was done in coordination with the planning staffs of the ALUC, San Benito County Resource Management Agency, and Frazier Lake Airpark.

Geographically, the proposed *Compatibility Plan* defines the area, referred to as the Airport Influence Area (AIA), wherein current or future airport-related noise, overflight, safety, or airspace protection factors may affect land uses or necessitate restrictions on those uses. The function of the *Compatibility Plan* is to promote compatibility between the Airport and the land uses

surrounding it to the extent that these areas have not already been devoted to incompatible uses. The proposed *Compatibility Plan* accomplishes this function through establishment of a set of compatibility criteria to be used by the ALUC and the San Benito County Resource Management Agency in evaluating the compatibility of future land use proposals within the vicinity of the Airport, as well as long-range development plans for the Airport. Agencies having land use jurisdiction over portions of the AIA are expected to incorporate certain criteria and procedural policies from the *Compatibility Plan* into their respective general plans and zoning ordinances to assure that future land use development will be compatible with aircraft operations. The County Board of Supervisors also has the option of taking steps defined in state law to overrule the ALUC action (PUC Section 21676). The proposed boundary of the Airport Influence Area extends approximately 1.7 miles beyond the Airport's runway ends and encompasses lands within the County of San Benito (see **Figure 1**).

Neither the proposed *Compatibility Plan* nor the ALUC have authority over existing land uses, operation of the Airport, or over state, federal, or tribal lands.

A copy of the *Compatibility Plan* accompanies this Initial Study.

9. Surrounding Land Uses and Setting

Frazier Lake Airpark lies entirely within the limits of San Benito County. Unincorporated lands of San Benito County adjoin the Airport property in all directions. Existing land uses within the portions of the AIA closest to the Airport consist of agriculture and open space.

The County's 2035 General Plan designates the lands in the AIA as Agriculture. Zoning of land within the AIA is Agricultural Productive. Low-density residential uses are located approximately 1.5 miles east through 1 mile south of the Airport, along Lover's Lane and Shore Road.

10. Other public agencies whose approval is required

Although input from various entities is necessary, the ALUC can adopt the *Compatibility Plan* without formal approval from any other agency, either state or local. However, a copy of the plan must be submitted to the California Division of Aeronautics (PUC Section 21675(d)). The Division is required by state law (PUC Section 21675(e)) to assess whether the plan includes the matters that must be included pursuant to the statutes and to notify the ALUC of any deficiencies. Also a statutory requirement is that the ALUC establish (or revise) the Airport Influence Area boundary only after "hearing and consultation with involved agencies" (PUC Section 21675(c)).

Beyond these requirements, an important consideration is that implementation of the *Compatibility Plan* policies can only be accomplished by the local jurisdiction that has authority over land use within the AIA: specifically, the County of San Benito. State statutes require the county to make its General Plan consistent with the *Compatibility Plan* within 180 days (Government Code Section 65302.3) or to overrule the ALUC. Among other things, the overrule procedure requires formal findings of fact that the jurisdiction's action is consistent with the intent of the state airport land use compatibility planning statutes and action by a two-thirds vote of the jurisdiction's governing body (PUC Section 21676).

11. Summary of Potential Environmental Effects

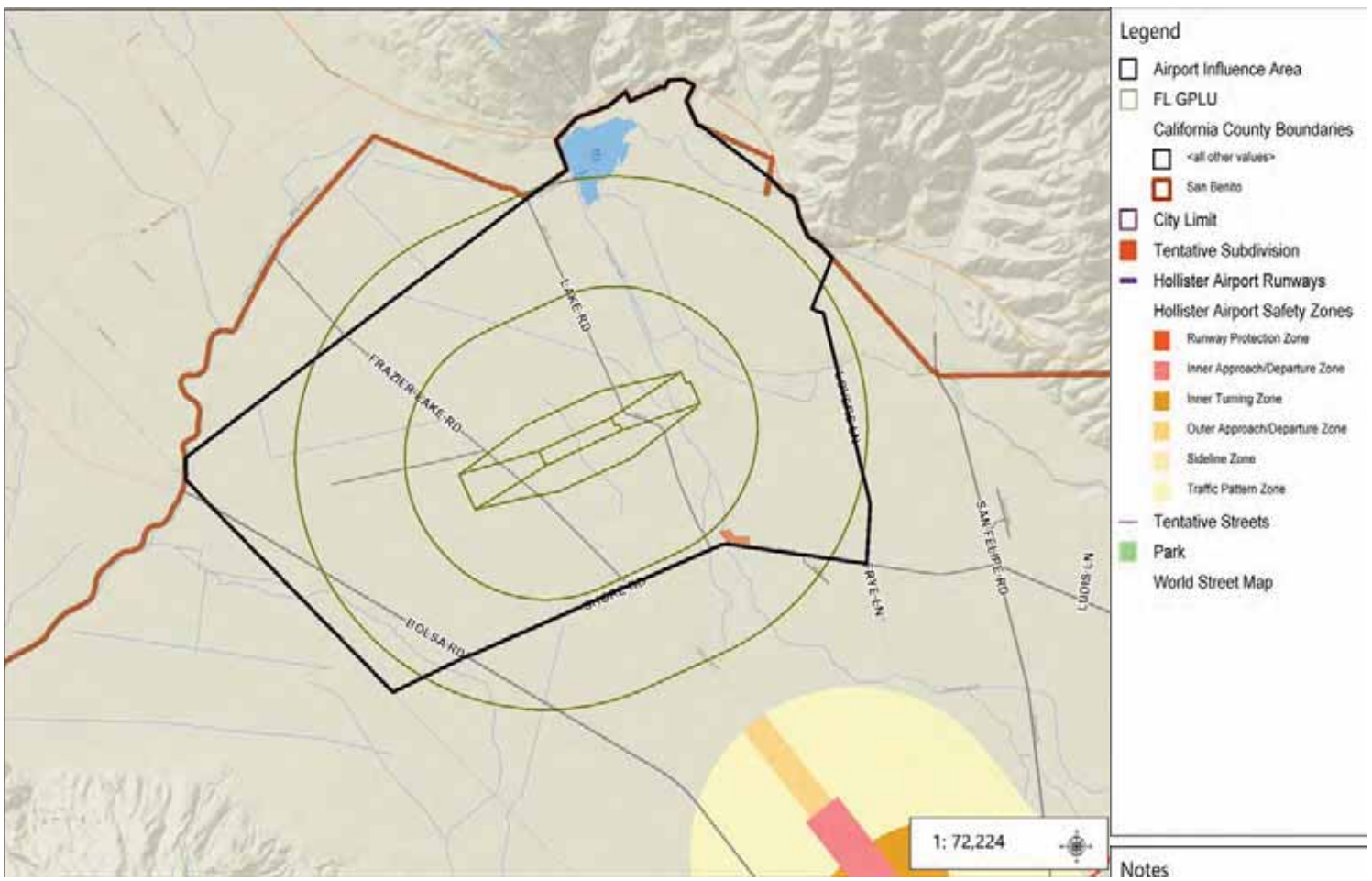
The proposed *Compatibility Plan* is regulatory in nature, and as such, neither the project—the adoption of the plan—or its subsequent implementation by local agencies would lead to the development or physical change of the environment around the Airport. The plan does not discourage new development in the vicinity of the Airport, but rather, would affect where development could occur and, in effect could “displace” future development from one location to another.

The *Compatibility Plan* seeks to guide the compatibility of new land uses by limiting the density, intensity, height, and type of new uses so as to avoid potential conflicts with aircraft operations and to preserve the safety of those living and working around the Airport as well as to those in flight. Although policies in the *Compatibility Plan* would influence future land use development in the vicinity of the Airport, it is speculative to anticipate the specific kinds of development that might occur within the AIA or the types of environmental impacts that would be associated with it.

Additionally, the *Compatibility Plan* would not encourage levels of development in any area located within the Airport Influence Area above those projected within the affected agency’s general plan, of which the environmental effects were previously analyzed in their respective certified general plan environmental documentation.

No environmental categories would be affected by this project to the extent of having a “Potentially Significant Impact.”. All categories have a “No Impact” determination. Those that warrant some explanation are discussed following the checklist section beginning on page 10.

Figure 1: LOCATION MAP & AIRPORT INFLUENCE AREA



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

CATEGORY	ANALYSIS SUMMARY (See individual pages for details)					
	Pg	<i>Potentially Significant Impact</i>				
		<i>Less than Significant Impact with Project Mitigation</i>				
		<i>Less than Significant Impact</i>				
		<i>No Impact</i>				
<i>Comments</i> (Also see discussion above starting on page 5, Topic 11)						
1. AESTHETICS	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. AGRICULTURE/FORESTRY RESOURCES	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. AIR QUALITY	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. BIOLOGICAL RESOURCES	13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. CULTURAL RESOURCES	14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. GEOLOGY/SOILS/SEISMICITY	15	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. GREENHOUSE GAS EMISSIONS	16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. HAZARDS/HAZARDOUS MATERIALS	17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e) Aircraft accident risks addressed
9. HYDROLOGY/WATER QUALITY	19	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. LAND USE/LAND USE PLANNING	20	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Limited additional land use restrictions beyond those in adopted general plans and policies
11. MINERAL RESOURCES	23	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. NOISE	24	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e) Plan limits exposure of people to noise, but does not regulate aircraft
13. POPULATION/HOUSING	26	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	a) Negligible potential for displacement of future development b, c) No existing housing would be displaced
14. PUBLIC SERVICES	29	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	a) No effect on schools; negligible effect on government staff workloads
15. RECREATION	30	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. TRANSPORTATION/TRAFFIC	31	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	c) Plan does not regulate air or ground traffic
17. UTILITIES/SERVICE SYSTEMS	32	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
18. MANDATORY FINDINGS OF SIGNIFICANCE	33	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	b) No cumulative impacts

SOURCE LIST

The following references are cited in the text that follows for the Initial Study.

1. California, State of. Department of Transportation. Division of Aeronautics. *California Airport Land Use Planning Handbook*. October 2011.
2. San Benito, County of. *San Benito County General Plan*. Adopted by Board of Supervisors on July 21, 2015.
3. San Benito, County of. *Code of Ordinances*. Adopted by the Board of Supervisors on January 6, 2009.
4. San Benito County Airport Land Use Commission. *Comprehensive Land Use Plan, Frazier Lake Airpark*. Adopted November 15, 2001.

DETERMINATION
(To Be Completed By Lead Agency)

On the basis of this initial study:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Signature

Date

Printed Name:

For

ENVIRONMENTAL CHECKLIST

1. AESTHETICS

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – d) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

2. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – e) See Summary of Potential Environmental Effects (No. 11 on page 5). Furthermore, the compatibility policies of the *Compatibility Plan* favor continuation of agricultural uses in the vicinity of the Airport. The County of San Benito's 2035 General Plan identifies land within the Airport Influence Area as prime agriculture.

Mitigation

None Required.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – e) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

4. BIOLOGICAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – f) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

5. CULTURAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – d) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

6. GEOLOGY, SOILS, AND SEISMICITY

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – e) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

7. GREENHOUSE GAS EMISSIONS

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a, b) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – d, f – h) See Summary of Potential Environmental Effects (No. 11 on page 5).

e) The proposed *Compatibility Plan* is regulatory in nature, and as such, does not propose any physical development within an airport land use plan. Therefore, adoption and implementation of the *Compatibility Plan* would not result in a safety hazard for people residing and working in the vicinity of the Airport.

Pursuant to the State Aeronautics Act, the proposed *Compatibility Plan* utilizes aircraft accident risk data and safety compatibility concepts provided in the *California Airport Land Use Planning Handbook* (2011) to establish compatibility safety zones (i.e., areas exposed to significant safety hazards). The *Compatibility Plan* establishes safety criteria and policies that limit residential densities (dwelling units per acre) and concentrations of people within the safety zones. The policies are intended to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events when they occur. Risks to both people and property in the vicinity of the airport and to people on board the aircraft are considered.

The risks of an aircraft accident occurrence is further reduced by airspace protection policies limiting the height of structures, trees, and other objects that might penetrate the airport's airspace as defined by Federal Aviation Regulations (FAR), Part 77, *Objects Affecting Navigable Airspace*. The airspace protection policies also restrict land use features that may generate other hazards to flight such as visual hazards (i.e., smoke, dust, steam, etc.), electronic hazards that may disrupt aircraft communications or navigation, and wildlife hazards (i.e., uses which would attract hazardous wildlife). Therefore, no impact is anticipated as a result of the adoption and implementation of the proposed *Compatibility Plan*.

Mitigation

None Required.

9. HYDROLOGY AND WATER QUALITY

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of a site or area including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of a site or area including through the alteration of the course of a stream or river or, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – j) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

10. LAND USE AND LAND USE PLANNING

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a, c) See Summary of Potential Environmental Effects (No. 11 on page 5).

b) State law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within an ALUC's planning area, also referred to as the Airport Influence Area, to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that the local agency must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action available to local agency is to overrule the ALUC by, among other things, a two-thirds vote of Board of Supervisors after making findings of fact that the agency's plans are consistent with the intent of state airport land use planning statutes.

A general plan does not need to be identical with the ALUC's plan in order to be consistent with the *Compatibility Plan*. To meet the consistency test, a general plan must do two things:

1. It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
2. It must avoid direct conflicts with compatibility planning criteria.

With regard to the proposed *Compatibility Plan*, the County of San Benito is the only general purpose government entity having land use jurisdiction in the proposed Airport Influence Area. As such, once the *Compatibility Plan* is adopted by the ALUC, San Benito County will be required to amend its General Plan and/or other implementing ordinance to be consistent with the *Compatibility Plan* or to take action to overrule the ALUC.

The County of San Benito adopted its General Plan on July 21, 2015. The County has an Airport Safety District ordinance (Chapter 25.21.001-.017) which provides land use regulations for protecting people and property on the ground in the vicinity of the Frazier Lake Airpark, minimizing injury to aircraft occupants and preventing creation of hazards to aircraft using the airport. The County also has an Airport Zoning Ordinance (Chapter 19.03) which applies specifically to Hollister Municipal Airport.

A review of the adopted general plan policies addressing airport land use compatibility matters (see table below) indicates that the current general plan policies do not directly conflict with the *Compatibility Plan*. Nevertheless, the general plan and/or other implementing ordinance will need to be amended or supplemented to:

1. Reference the new *Compatibility Plan* by name and adoption date;
2. Establish the process the local agency will follow when forwarding certain land use actions to the ALUC for review;
3. Define the process the local agency will follow when reviewing proposed land use development within the AIA to ensure that the development will be consistent with the policies set forth in the *Compatibility Plan*; and
4. Incorporate the compatibility criteria, policies, and zones addressing noise, safety, airspace protection, and overflight hazards.

Summary of Current General Plan Policies

The County's General Plan establishes the following airport land use compatibility goals:

- 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. (Health and Safety Element , goal HS-7.1)
- 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. (Health and Safety Element , goal HS-7.2)
- 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). (Health and Safety Element , goal HS-7.3)
- 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. (Health and Safety Element , goal HS-7.5)
- 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 45dB CNEL. (Health and Safety Element , goal HS-8.5)
- 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 (sic) Airports areas of influence are consistent with the adopted San Benito County Airport Land Use Compatibility Plan. (Land Use Element , goal LU-1.9)

Additionally, in order to attain general plan consistency with the *Compatibility Plan*, no direct conflicts should exist between planned land uses shown on the jurisdiction's general plan land use maps and the *Compatibility Plan* criteria. **Figure 2** (see Section 13 of this Initial Study) depicts the land use designations shown in the County of San Benito's 2035 General Plan. Overlaid onto the map are the compatibility zones which could potentially prohibit or restrict the residential development locations or nonresidential types and usage intensity (people per acre) of planned land uses.

An analysis of the adopted land use designations indicates that there are minimal conflicts between planned land uses and the *Compatibility Plan* criteria. In general there are no locations where future development of the types indicated by the general plans would be outright prohibited by the *Compatibility Plan*. The one exception is the Inner Safety Zones, where residential development is not allowed. The *Compatibility Plan* would restrict future development to a nonresidential usage and intensity that is less than the adopted General Plans would allow. These land use conflicts are summarized below.

Conflicts with General Plan Land Use Designations

The *Compatibility Plan* limits new residential development within some of the Airport Safety Zones. Within these zones, the County's land use designations permitting residential

development include Agricultural Productive (1 du/5 acres). The *Compatibility Plan* is consistent with the residential densities allowed in the general plan land use designations with the exception of Runway Protection Zones and Inner Safety Zones, where residential development is prohibited.

The *Compatibility Plan* identifies agriculture (except residences and livestock) as a compatible use in all zones. The only caveat would be agricultural crops or activities that would create airspace protection hazards (e.g., attract birds). Although discouraged, the *Compatibility Plan* includes a provision which would allow construction of a single-family home or secondary unit, as defined by state law, on a legal lot of record if such use is permitted by local land use regulations. Therefore, the agriculture designations do not directly conflict with the *Compatibility Plan* provided that future residential development (e.g., farm-worker housing) is established outside of the noise/risk zones noted above.

Conflicts with Zoning Regulations

In the definition of Agricultural Productive, in the last category, "Section 164, Additional Uses", there are numerous uses listed whose location or presence are restricted or prohibited in certain Safety Zones, for example hospitals, schools and large assemblies of people.

The *Compatibility Plan* addresses these conflicts in paragraph 4.3.1.1. Policy G-1, which says: "In the case of conflicting policies, the most restrictive policy shall be applied."

11. MINERAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – b) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

12. NOISE

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – d, f) See Summary of Potential Environmental Effects (No. 11 on page 5).

e) The proposed *Compatibility Plan* is regulatory in nature, and as such, does not propose any physical development within an airport land use plan. Therefore, adoption and implementation of the *Compatibility Plan* would not expose people residing and working in the vicinity of an airport to excessive noise or generate new sources of aviation-related noise.

Airport-related noise and its impacts on land uses are factors in the proposed compatibility criteria. In accordance with PUC Section 21675(a), the *Compatibility Plan's* noise contours reflect the long-term (at least 20 years) potential noise impacts of the Airport. The noise contours represent 190,000 annual aircraft operations the maximum capacity of the Airport. The noise contours are a composite reflecting the existing and ultimate runway configuration as presented in the Airport Layout Plan accepted by the Caltrans Division of Aeronautics in 2001 as the basis of this *Compatibility Plan*. The noise contours are described in terms of the Community Noise Equivalent Level (CNEL), the metric adopted by the State of California for land use planning purposes.

The *Compatibility Plan* establishes criteria that reduce the potential exposure of people to excessive aircraft-related noise by requiring noise insulating building standards in new residential construction and limiting noise-sensitive land uses in locations exposed to noise levels of 55 dB CNEL or higher. The *Compatibility Plan* also establishes overflight compatibility policies. The purpose of overflight compatibility policies is to help notify people about the presence of overflight near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses. Policy N-5 of the *Compatibility Plan* describes the requirement to give notice of potential noise impacts to property renters and lessees located inside the 60 dB CNEL noise contour. Policy O-1 of the *Compatibility Plan* describes the policy required for real estate transaction disclosure for properties located in the Airport Influence Area.

As shown in **Figure 3** in Section 13, *Population and Housing*, of this Initial Study, the 55 dB CNEL contour extends beyond the airport property and encompasses mainly planned land uses that are not considered to be noise-sensitive (i.e., agriculture) and in some cases, overlies a recognized flood plain. Therefore, no impact is anticipated as a result of the adoption and implementation of the proposed *Compatibility Plan*.

Note that the *Compatibility Plan* does not regulate the operation of aircraft or the noise produced by that activity. State law explicitly denies the ALUC authority over such matters.

Mitigation

None Required.

13. POPULATION AND HOUSING

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Adoption and implementation of the proposed *Compatibility Plan* would not be growth inducing as the plan is regulatory in nature and does not propose any project that would cause physical development to occur. Additionally, policies set forth in the *Compatibility Plan* do not directly or indirectly induce population growth either locally or regionally beyond what is considered in the general plans and/or other land use policy instruments adopted by the County of San Benito. In fact, the provisions of the proposed *Compatibility Plan* limit the location, distribution, and density (dwelling units per acre) of future residential uses and the intensity (number of people per acre) of future nonresidential uses only within the Runway Protection Zone and Inner Safety Zone to minimize potential noise and safety concerns. However, these limitations can have the potential of displacing future development to locations outside the AIA. This topic is covered below.

b,c) As described above, the *Compatibility Plan* is a guidance document that sets forth policies that influence the location, distribution, and density/intensity of both residential and nonresidential land uses in a way that is intended to reduce potential noise impacts and safety concerns. The noise, safety, airspace protection, and overflight policies contained in the proposed *Compatibility Plan* only affect planned land uses. In accordance with PUC Section 21674(a), the policies of the *Compatibility Plan* do not apply to existing land uses, whether or not they are consistent with the criteria of the *Compatibility Plan*. Moreover, the plan explicitly allows construction of single-family houses on legal lots of record where such uses are permitted by local land use regulations. Therefore, adoption and implementation of the *Compatibility Plan* would not result in the displacement of *existing* housing or persons. As such, no new construction of replacement housing would be required.

Potential Displacement of Future Housing

The proposed *Compatibility Plan*, however, could indirectly influence future land use development in the vicinity of the airport by constraining the density (dwelling units per acre) of future residential uses and the intensity (number of people per acre) of future nonresidential uses within the Runway Protection Zone and Inner Safety Zone. Therefore, the *Compatibility Plan* has the potential to shift future development patterns and impact the location of population growth and future housing. Any potential indirect effect that may arise is uncertain from a timing and location standpoint, and it is speculative to anticipate the specific characteristics of future development or the types of impacts to population and housing that would be associated with it.

As jurisdictions are mandated by state law to accommodate their share of the regional housing needs, the potential impact that the proposed *Compatibility Plan* would have on local jurisdictions' housing stock was analyzed. To address potential impacts to future housing resources, an analysis was conducted to determine the amount of developable residential acreage and the number of dwelling units that would be precluded from development if the local jurisdictions were to amend their respective general plans to establish designations consistent with the *Compatibility Plan*.

The analysis compares the residential densities permitted under the local general plan with the density limits established in the draft *Compatibility Plan*. Where the general plan densities exceed the *Compatibility Plan* density criteria (i.e., allow more residential units than would be permitted under the *Compatibility Plan*), the number of housing units that could not be accommodated within the Airport Influence Area (i.e., displaced) is quantified. This is the potential worst-case scenario displacement of future housing, as the analysis does not consider non-aviation factors that would constrain development (e.g., terrain, transportation access, utilities, etc.). As a result, the amount of displacement is considered to be overstated. The areas of potential displacement are the Inner Safety Zones and Runway Protection Zones which are located off the ends of the runways outside of the airport boundary.

The analysis was limited to the airport Inner Safety Zones and Runway Protection Zones off airport property, as the *Compatibility Plan* residential development density in the area outside of the Inner Safety Zones is the same as that in the Agricultural Productive District, i.e., 1 du per 5 ac. Therefore the total area of the Inner Safety Zones and Runway Protection Zones outside of the airport boundary was determined to be 52.8 ac or 10 dwelling units at 1 du per 5 acres.

The results of the analysis indicate that the adoption and implementation of the proposed *Compatibility Plan* would have minimal effect on the County of San Benito. The above calculation indicates that up to 10 housing units could be displaced to areas outside of the safety zones. This displacement, however, is considered to be less than significant for the following reasons:

1. The land use impacted is agricultural use which allows low-density residential development: Agricultural Productive (1 du/5 ac). The County's Transfer of Development Credit (TDC) Ordinance (Chapter 21.09) allows property owners to transfer their development rights from one property to another, thereby preserving prime agricultural and open space land while being compensated by the property owners who obtain the right to use those credits. These development credits are available within the airport safety zones, especially where prime agricultural soils are present.
2. The potential displacement of 10 units is overstated as non-aviation factors that would constrain development are not considered (e.g., terrain, transportation access, utilities, etc.) and one parcel already has a residence.
3. The potential displacement of 10 units represents only a small fraction of the anticipated development within the affected jurisdiction.
- ~~4.~~ The proposed *Compatibility Plan* is being adopted pursuant to Public Utilities Code Section 21670, *et seq.*, to protect public health, safety, and welfare, through the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards; and is guided by the *California Airport Land Use Planning Handbook*. Therefore, by its nature and pursuant to state law, adoption of the *Compatibility Plan* may necessitate restrictions on land uses within the AIA. These factors do not decrease the potential impact that the *Compatibility Plan* may have on future housing units and other development, but they are nonetheless important considerations.

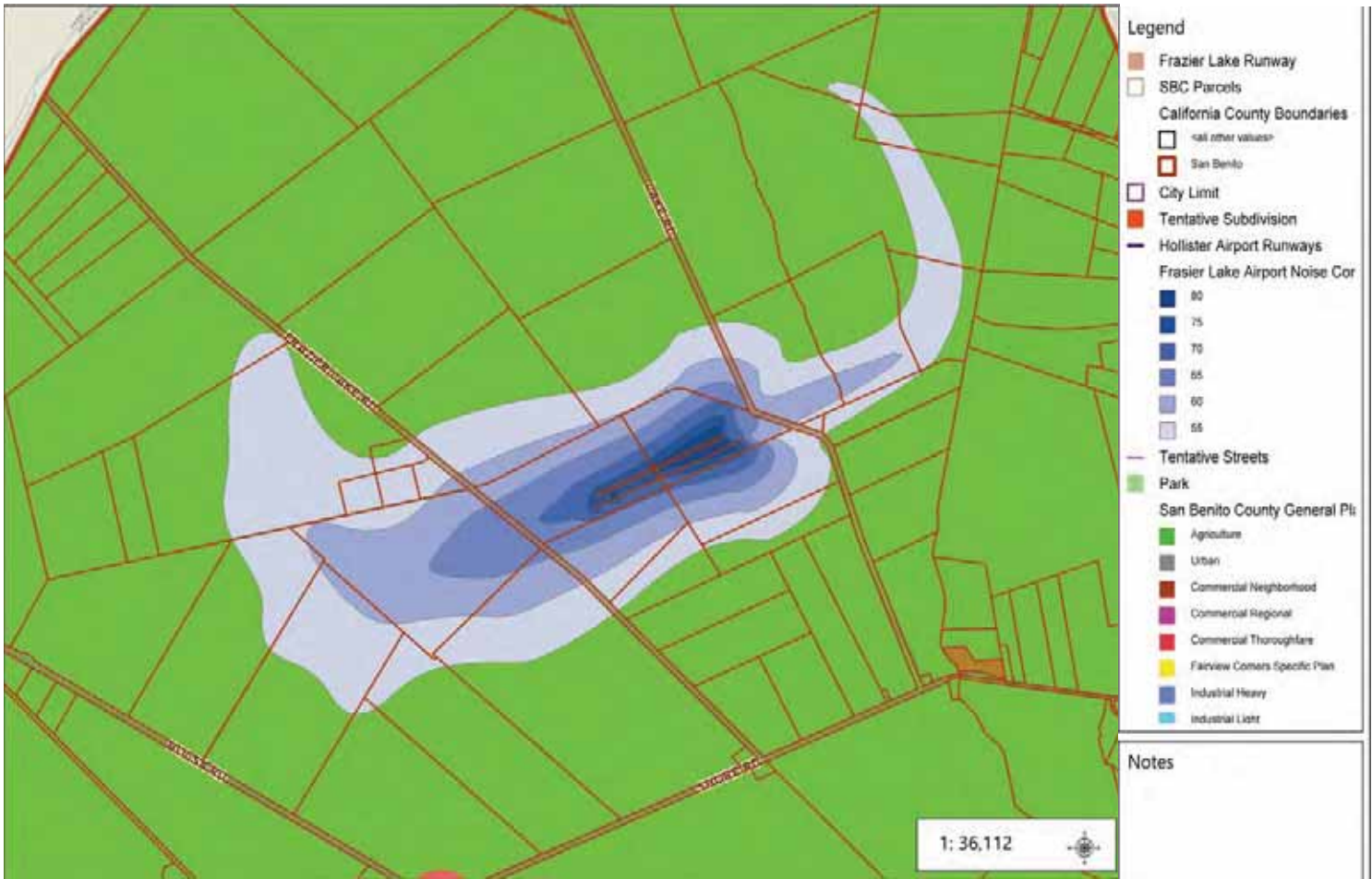
Mitigation

None Required.

Figure 2: SAFETY COMPATIBILITY ZONES AND LAND USE



Figure 3: NOISE CONTOURS AND LAND USE



14. PUBLIC SERVICES

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a.i – a.iv) See Summary of Potential Environmental Effects (No. 11 on page 5).

a.v) Adoption and implementation of the *Compatibility Plan* often creates a temporary increase in the staff workloads of affected land use jurisdictions as a result of the state requirement to modify local general plans for consistency with the compatibility plan. Minimal changes would be required to the County's General Plan, and Airport Safety District ordinance (Chapter 25.21). Over the long term, procedural policies included in the *Compatibility Plan* are intended to simplify and clarify the ALUC project review process and thus reduce workload for ALUC staff and planning staffs for the County.

Mitigation

None Required.

15. RECREATION

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a, b) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

16. TRANSPORTATION AND TRAFFIC

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – b, d – g) See Summary of Potential Environmental Effects (No. 11 on page 5).

c) Neither the ALUC nor the policies set forth in the *Compatibility Plan* have authority over the operation of the Airport. However, in accordance with state law, certain airport development proposals that could have off-airport compatibility implications are subject to ALUC review. Nonetheless, adoption and implementation of the *Compatibility Plan* will not result in any change to air traffic patterns at Frazier Lake Airpark.

Mitigation

None Required.

17. UTILITIES AND SERVICE SYSTEMS

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a – g) See Summary of Potential Environmental Effects (No. 11 on page 5).

Mitigation

None Required.

18. MANDATORY FINDINGS OF SIGNIFICANCE

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that would be individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a, c) See Summary of Potential Environmental Effects (No. 11 on page 5).

b) The *Compatibility Plan* is regulatory and restrictive in nature and does not cause any physical development to occur. Any potential displacement that would occur as a result of the adoption of this *Compatibility Plan* would be cumulatively insignificant as it represents only a small fraction of the anticipated development within the affected jurisdictions.

Furthermore, the *Compatibility Plan* addresses potential noise and safety impacts and other airport land use compatibility issues associated with potential future development that other public entities or private parties may propose within the Airport Influence Area. Without adoption of the *Compatibility Plan*, the adverse impacts—both to airport functionality and to community livability—of allowing incompatible development to occur may be individually limited, but cumulatively considerable. Therefore, adoption and implementation of the *Compatibility Plan* would prevent exposing persons associated with future land uses to any negative noise or hazardous effects associated with living and working in the vicinity of the Airport. The *Compatibility Plan* thus, in effect, serves as a mitigation plan designed to avoid impacts that might otherwise be individually or cumulatively significant. Therefore, adoption and implementation of the *Compatibility Plan* has no potential to create cumulatively significant environmental impacts.



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Eduardo Navarro
District No. 1

Valerie Eglund
District No. 2

Robert Eggers
District No. 3

Robert Gibson
District No. 4

Robert Rodriguez
District No. 5

Item Number: 7.

MEETING DATE: 10/16/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Harry Mavrogenes

AGENDA ITEM PREPARER: Darryl Boyd

SBC DEPT FILE NUMBER:

SUBJECT:

Discussion of Commissioner requests for presentations and conference attendance.

AGENDA SECTION:

DISCUSSION - REGULAR MEETING

BACKGROUND/SUMMARY:

Commissioner Gibson has requested the Planning Commission discuss his requests for a presentation to the Commission and Commission representation at upcoming conferences. The entire Commission should have an opportunity for input on these requests and decide on the appropriateness, desired outcomes, importance, cost vs. benefit, who should attend, etc. It would be useful for the Commission to discuss why you think each of these is important or relevant to the Commission's work. Staff has provided additional information about available budget and the process for request and reimbursement, etc. The requested items include:

1. Presentation to the Commission from the Central Coast Broadband Consortium
2. Commission attendance at the Monterey Bay Economic Partnership "State of the Region" to be held in Monterey on Friday, 10/25 from 8:00-5:30. Ticket cost is \$149.00 plus \$3.97 fee.
3. Commission attendance at the CA Economic Summit to be held in Fresno on Thursday and Friday, 11/7 & 8. Online registration is currently closed, however there is a waitlist

available. Ticket cost is \$250 per day (\$500 for both days) plus any overnight or per diem expenses.

4. Those Commissioners who attended the recent APA conference may want to share their experiences and newly acquired knowledge.

RMA administrative staff have provided the following information regarding conference attendance.

- Attendance at conferences needs to be approved by RMA Director (Harry). The only time Board approval is necessary is if the travel is out-of-state.
- Commissioners attending conferences need to work with administrative staff on the payments and reimbursements.
- Commissioners will need to provide an agenda of the conference that includes scheduled sessions, dates and times.
- Whenever possible, the County would prefer to be invoiced for conference fees.
- Knowing this isn't always possible, the second best option is to have enough lead-time that staff can request a check from the Auditor's office.
- As for travel expenses, it is best if Commissioners work with administrative staff.
- The County uses a pseudo per diem process for meal expenses. Of note, one day travel is paid on actual meal expenses and receipts are required. For overnight travel per diem amounts are used.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

The Commission should select two Commissioners to attend each of the two conferences and submit those names to the RMA Director. Approval will be subject to RMA determining funding source and availability.

ADDITIONAL PERSONNEL: