

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 12, 2012
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on January 12, 2012 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Arthur Butler
Glen Holmes
John Lyon
Greg Pettis
Richard Stewart

COMMISSIONERS ABSENT: Rod Ballance, Vice Chairman

STAFF PRESENT: Ed Cooper, Director
John Guerin, Principal Planner
Russell Brady, Contract Planner
Barbara Santos, ALUC Secretary
David Huff, ALUC Counsel

OTHERS PRESENT: Dianna Elliano, City of Hemet
Robert Eppers, Cal Pilots
Tim Fahl, Other Interested Person
Linda Krupa, Hemet City Council
Robin Lowe, Other Interested Person
Rupal Patel, Applicant

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- I. **AGENDA ITEM 2.1: ZAP1007BL11 – Gila Farm Land, LLC (Representative: Rupal Patel)** – County Case No.: Conditional Use Permit 3670, City Case No.: To Be Determined - A proposal to construct a 485 megawatt solar photovoltaic electric generating facility and associated facilities on 3,645 acres, including three electrical substations, two operations and maintenance buildings, inverters, transformers, 34.5 kV distribution lines, and associated switchgear located on either side of Interstate-10, generally located westerly of Neighbors Boulevard, northerly of 20th Avenue, and southerly of 10th Avenue within the land use jurisdictions of the County of Riverside and City of Blythe (Compatibility Zones B1, C, D, and E of the Blythe Municipal Airport Influence Area). Continued from December 8, 2011.
- II. **MAJOR ISSUES**
1. Proposed distribution and transmission lines extend through Compatibility Zones C and D;
 2. Reflectivity/glare; and
 3. Cumulative impacts of multiple energy projects.
- III. **STAFF RECOMMENDATION**
- Staff recommends that the Commission consider the staff and applicant presentations and any public testimony at its January 12, 2012 public hearing, and subsequently CONTINUE this matter to its February 9, 2012 hearing calendar, pending submittal of Form 7460-1 to (and acceptance for processing by) the FAA for all required structures. In the event that the applicant is able to document such acceptance prior to the hearing, staff would recommend a finding of CONDITIONAL CONSISTENCY for the project, subject to receiving a Determination of No Hazard to Air Navigation from the FAA and the conditions specified herein, plus such additional conditions as may be required pursuant to FAA requirements.
- IV. **PROJECT DESCRIPTION**
- The project proposes to construct a 485 megawatt solar photovoltaic electric generating facility and associated facilities on 3,645 acres, including three electrical substations, two operations and maintenance buildings, inverters, transformers, 34.5 kV distribution lines, 230 kV transmission lines, and associated switchgear.
- V. **MEETING SUMMARY**
- The following staff presented the subject proposal:
ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.
- The following spoke in favor of the project:
Rupal Patel, applicant, 5700 Wilshire Blvd., Suite 330, Los Angeles, CA
- The following spoke in opposition to the project:
Robert Eppers, Cal Pilots, 36865 Hidden Trail CT, Winchester, CA 92596
- No one spoke in neutral of the project.
- VI. **ALUC COMMISSION ACTION**
- The ALUC Commission by a unanimous vote of 6-0 CONTINUED the project to February 9, 2012.
Absent: Vice Chairman Rod Ballance

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VII. **CD**

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 2.1: TIME IS 9:03 A.M.

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- I. **AGENDA ITEM 3.1:** ZAP1076MA11 – Ramuni, Inc. (Representative: PA Design Associates, Inc.) – County Case Nos.: GPA 00936 (General Plan Amendment), CZ07734 (Change of Zone), and CUP03642 (Conditional Use Permit). The applicant proposes to amend the Mead Valley Area Plan land use designation on 2.24 acres (net) located northerly of Markham Street, westerly of Carroll Street, and southerly of Bonham Street from RC:LDR (Low Density Residential within the Rural Community Foundation Component) to CD:CR (Commercial Retail within the Community Development Foundation Component), to change the zoning of the site from R-R-1/2 to C-1/C-P, and to use the two existing buildings on the property (with a total area of 7,095 square feet) for retail commercial activity. (Area II of March Air Reserve Base Airport Influence Area).

II. **MAJOR ISSUES**

Since the project is an existing use with legally constructed buildings, no further permits are necessary after approval of the entitlement for full operation of the facility under the proposed permit. Due to this, the provision of aviation easements to March Air Reserve Base has been required prior to a decision by the Commission on this project.

Additionally, as the elevation of the site exceeds the elevation of the runway at March Air Reserve Base by more than 200 feet and the height of at least one building will be increased, FAA review through the Form 7460-1 process is required. The project has submitted the necessary information, and it has been accepted for review by the FAA pursuant to Aeronautical Study Number (ASN) 2011-AWP-8451-OE. At the time of the writing of this staff report, a determination is still pending.

III. **STAFF RECOMMENDATION**

At the time of writing of the staff report, staff had not received confirmation that the requested aviation easements were finalized. Therefore, at this time, staff recommends CONTINUANCE to the meeting of February 9, 2012; however, in the event that such evidence is received prior to the hearing, staff would recommend that the Commission find the proposed general plan amendment and change of zone consistent and find the conditional use permit conditionally consistent, subject to the conditions specified herein and such additional conditions as may be required pursuant to the FAA determination.

STAFF RECOMMENDED AT HEARING

CONSISTENT for the General Plan Amendment and Change of Zone; CONDITIONALLY CONSISTENT for the Conditional Use Permit subject to the conditions in the staff report and such additional conditions as may be required pursuant to the FAA determination.

IV. **PROJECT DESCRIPTION**

GPA 936 is a proposal to amend the Mead Valley Area Plan's land use designation on 2.24 acres (net) from RC:LDR (Low Density Residential within the Rural Community Foundation Component) to CD:CR (Commercial Retail within the Community Development Foundation Component). CZ 7734 proposes to change the zoning of the site from R-R-1/2 to C-1/C-P. CUP 3642 proposes to legalize the retail commercial uses currently operating in the two existing buildings on the property (with a total building area of 7,095 square feet).

CONDITIONS: (revised as of 1/12/12 ALUC Commission meeting)

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:

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- (a) 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.
 - (b) Any use which 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.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Highly noise-sensitive outdoor nonresidential uses.
3. The attached notice shall be provided to all potential purchasers and tenants.
4. Any ground-level or aboveground water retention or detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours (may be less, but not more) and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Landscaping shall utilize plant species that do not produce seeds, fruits, or berries. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
5. Prior to issuance of any building permits, the landowner shall convey and have recorded an aviation easement to the MARB/MIP Airport. Contact March Joint Powers Authority at (951) 656-7000 for additional information.

The following conditions have been added subsequent to the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on January 19, 2012 for Aeronautical Study No. 2011-AWP-8451-OE:

6. **The Federal Aviation Administration has conducted an aeronautical study of the Midway Jr. Market building (Aeronautical Study No. 2011-AWP-8451-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.**

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7. The maximum height of the structure, including all roof-mounted appurtenances (if any), shall not exceed 27 feet above ground level, and the maximum elevation at the top of the structure shall not exceed 1,727 feet above mean sea level.
8. The specific coordinates, height, and top point elevation of the Midway Jr. Market structure shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.
9. Temporary construction equipment used during actual construction of the structural improvements shall not exceed the height of the building (27 feet above ground level), unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

No one spoke in favor, neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The The ALUC Commission by a unanimous vote of 6-0 found the project **CONSISTENT** for the General Plan Amendment and Change of Zone; **CONDITIONALLY CONSISTENT** for the Conditional Use Permit subject to the conditions in the staff report and such additional conditions as may be required pursuant to the FAA determination. Absent: Vice Chairman Rod Ballance

VII. **CD**

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ITEM 3.1: TIME IS 9:18 A.M.

**AIRPORT LAND USE COMMISSION
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I. **AGENDA ITEM 3.2:** ZAP1042BD11 – Dennis French (Representative: George Kramer) - City Case No.: CUP 11-1-961 (Conditional Use Permit). The Conditional Use Permit proposes to convert an existing mini storage facility to include 16,327 square feet of retail use in addition to the remaining 17,673 square feet of mini storage, RV/trailer storage, and caretaker's residence on 8.03 acres. The project also includes a City initiated Zoning Code Text amendment to remove swap meets as a prohibited use and add multi vendor retail facilities as an allowed use with approval of a Conditional Use Permit within the Industrial Park (IP) zone. The site is located westerly of Madison Street, southerly of Indio Boulevard, and northerly of Foxglove Lane, within the land use jurisdiction of the City of Indio. (Zones B1 and C within the Bermuda Dunes Airport Influence Area).

II. **MAJOR ISSUES**

Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates an average intensity of 39 persons per acre and a single-acre intensity of 278 persons in the most intensely used acre area of the property. The average intensity is consistent, but the single-acre intensity exceeds the Compatibility Zone C criteria of 150 people. However, utilizing alternative assumptions of population intensity for retail uses (i.e. one person per 115 square feet), the single-acre intensity would be consistent with the criteria. Sufficient clarity has yet to be provided on the operation of the proposed project to clearly indicate whether the one person per 115 square feet standard is appropriate to apply to this project.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission consider the staff and applicant presentations, any public testimony, and find the proposed project INCONSISTENT, based on the project exceeding single acre criteria utilizing the standard building code and parking space methods. However, if the Commission deems the alternative assumptions of population intensity may be appropriate to apply to the project, the Commission may find the proposed project CONSISTENT, subject to the attached conditions.

STAFF RECOMMENDED AT HEARING

CONTINUE to February 9, 2012

IV. **PROJECT DESCRIPTION**

CUP 11-1-961 is a proposal to convert an existing mini storage facility to include 16,327 square feet of retail use in addition to the remaining 17,673 square feet of mini storage, parking area, and caretaker's residence on 8.03 acres. The project also includes a City initiated Zoning Code Text amendment to remove swap meets as a prohibited use and add multi vendor facilities as an allowed use with approval of a Conditional Use Permit within the Industrial Park (IP) zone. The overall site area is 8.03 acres in size.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

The following spoke in favor of the project:

Tim Fahl, Other Interested Person, 218 S. Pine Drive, Fullerton, CA

No one spoke in neutral or opposition to the project.

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VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a vote of 5-0 **CONTINUED** the project to February 9, 2012. Absent: Commissioner Greg Pettis and Vice Chairman Rod Ballance

VII. **CD**

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ITEM 3.2: TIME IS 9:22 A.M.

**AIRPORT LAND USE COMMISSION
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- I. **AGENDA ITEM 3.3:** ZAP1023HR11 – City of Hemet – A proposal by the City to adopt City of Hemet General Plan 2030 (GPA 11-002), a comprehensive update to the City's General Plan to guide the long-term development of the City of Hemet, along with its Sphere of Influence and Planning Area. The General Plan includes the following elements: Land Use, Community Design, Circulation, Community Services and Infrastructure, Public Safety (includes Noise), Open Space and Conservation, Recreation and Trails, Housing, Historic Resources, and Art and Culture, along with an Introduction chapter and an Implementation chapter. The City includes land within Airport Areas I, II, and III, and the Transition Area, of the Hemet-Ryan Airport Influence Area.

II. **MAJOR ISSUES**

The proposed General Plan Land Use Map designates lands within Area I, Area II, and the Transition Area for land uses that are not consistent with the 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan. In some cases, the designations reflect either existing land uses or projects that have already been approved by the City of Hemet. In other cases, the designations do not relate to an existing or approved land use. City staff has indicated a willingness to establish an Airport Overlay, but, at this point, is only proposing to apply the Overlay to residentially designated lands outside current city limits.

Review is ongoing as of the date of this staff report (December 21, 2011). While we hope to be able to ultimately reach a finding of consistency with the 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan, subject to certain changes being made to the maps and/or text of the proposed General Plan, at this time, we must recommend a continuance.

III. **STAFF RECOMMENDATION**

At this time, staff recommends that the Commission open the public hearing, consider testimony, and CONTINUE consideration of this matter to its February 9, 2012 public hearing agenda. This recommendation is subject to change if ALUC staff is able to use the additional time between the date of this staff report and the hearing date to work out additional details with City staff in the quest to find a path to consistency.

**STAFF RECOMMENDED AT HEARING
CONSISTENT**

IV. **PROJECT DESCRIPTION**

The City of Hemet proposes to adopt General Plan 2030, a comprehensive update to the City's General Plan to guide the long-term development of the City, along with its Sphere of Influence and Planning Area. The General Plan includes the following elements: Land Use, Community Design, Circulation, Community Services and Infrastructure, Public Safety (includes Noise), Open Space and Conservation, Housing, Recreation and Trails, Historic Resources, and Art and Culture, along with an Introduction chapter and an Implementation chapter. The City includes land within Airport Areas I, II, and III, and the Transition Area, of the Hemet-Ryan Airport Influence Area.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:
ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org.

The following spoke in favor of the project:
Deanna Elliano, City of Hemet, 445 E. Florida, Hemet, CA
Linda Krupa, Hemet City Council, 445 E. Florida, Hemet, CA
Robin Lowe, Other Interested Person, 5825 Nectar Ave, Hemet, CA 92544

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No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission by a vote of 5-0 found the project **CONSISTENT** with text amendments.
Absent: Commissioner Glen Holmes and Vice Chairman Rod Ballance

VII. CD

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ITEM 3.3: TIME IS 9:50 A.M.

**AIRPORT LAND USE COMMISSION
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- I. **4.1 ZAPEA02FV10 - RESOLUTION FOR ADOPTION OF FRENCH VALLEY ALUCP.** ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org.

STAFF RECOMMENDATION

Provided that Counsel reviews and approves the attached resolution prior to the hearing, staff recommends ADOPTION of Resolution No. 2012-01 Certifying and Adopting the Negative Declaration for the 2011 Amendment to the 2007 French Valley Airport Land Use Compatibility Plan and Adopting the 2011 Amendment to the 2007 French Valley Airport Land Use Compatibility Plan.

ALUC COMMISSION ACTION

The ALUC Commission by a vote of 5-0 ADOPTED as modified, Resolution No. 2012-01 (French Valley ALUCP). Absent: Commissioner Glen Holmes and Vice Chairman Rod Ballance.

- II. **5.0 ADMINISTRATIVE ITEMS**

5.1 Director's Approvals – Information Only

- III. **6.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 4-0 approved the December 8, 2011 minutes. Absent: Commissioner Glen Holmes and Vice Chairman Rod Ballance. Abstain: Commissioner Greg Pettis

- IV. **7.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

None

- V. **8.0 COMMISSIONER'S COMMENTS**

None

- VI. **9.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 11:56 A.M.

- VII. **CD**

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ITEM 4.1: TIME IS 11:53 A.M.