



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

SPECIAL SESSION

Eastern Municipal Water District
2270 Trumble Road, Board Room
Perris, California

Thursday, 9:00 a.m., October 26, 2006

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

Arthur Butler
Riverside

Robin Lowe
Hemet

John Lyon
Riverside

Mark Lightsey
Hemet

STAFF

Executive Director
Robert C. Johnson

Ed Cooper
John Guerin
Cecilia Lara
Sophia Nolasco
Barbara Santos

County Administrative Center
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www.rcaluc.org

NOTE: If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the Plan. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s).

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Barbara Santos at (951) 955-5132 or E-mail at basantos@rctlma.org. Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

1.0 INTRODUCTIONS

1.1 CALL TO ORDER

1.2 SALUTE TO FLAG

1.3 ROLL CALL

2.0 EXECUTIVE SESSION: Conference with legal counsel with respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9: Silverhawk Land & Acquisitions, LLC v. Riverside County Airport Land Use Commission et al. (Riverside Superior Court case no. RIC 431176).

3.0 PUBLIC HEARING: 9:00 A.M.

FRENCH VALLEY AIRPORT

3.1 ZAPEA01FV06 - Environmental Assessment (E.A.) – Airport Land Use Commission Initiative – PROPOSAL: Adopt a Land Use Compatibility Plan for French Valley Airport. The project proposal is the adoption of the French Valley Airport Land Use Compatibility Plan as adopted by the Commission in December 2004 and amended in December 2005; however, the Commission will also consider Additional Compatibility Policies (amendments) proposed by ALUC staff, the County of Riverside, and the City of Murrieta. The ALUC will determine whether to adopt a De Minimis Finding and a Negative Declaration. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: ADOPT a De Minimis Finding, ADOPT the Negative Declaration for Environmental Assessment No. ZAPEA01FV06 and TENTATIVELY APPROVE (REINSTATE) the French Valley Airport Land Use Compatibility Plan, with the Additional Compatibility Policies identified as "Alternative Four", as amended by the deletion

specified on pages 2 and 3 of the staff report, and DIRECT preparation of a resolution of adoption.

4.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

5.0 COMMISSIONER'S COMMENTS

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 3.1

HEARING DATE: October 26, 2006

CASE SUMMARY:

CASE NUMBER: ZAPEA01FV06 – Airport Land Use Commission

LEAD AGENCY: Riverside County Airport Land Use Commission (ALUC)

JURISDICTION CASE NO: Not Applicable

MAJOR ISSUES: Whether to approve the 2004 French Valley Airport Land Use Compatibility Plan as originally adopted in 2004 and amended in 2005 or with additional amendments, including all or portions of the amendments proposed jointly by the County of Riverside and City of Murrieta earlier this year.

RECOMMENDATION:

Staff recommends that the ALUC ADOPT a De Minimis Finding and ADOPT the Negative Declaration for Environmental Assessment No. ZAPEA01FV06 (a finding that the adoption of the French Valley Airport Land Use Compatibility Plan, with or without Additional Compatibility Policies, will not have a significant effect on the environment).

Staff further recommends that the ALUC then proceed to APPROVE (REINSTATE) the French Valley Airport Land Use Compatibility Plan (FVALUCP), as modified to incorporate the Additional Compatibility Policies identified as “Alternative Four”, as amended by the deletion specified on page 11 of this report. This will be a tentative action; the ALUC should then DIRECT staff to return with a resolution of adoption at the next meeting.

PROJECT DESCRIPTION:

Adoption of a Land Use Compatibility Plan for French Valley Airport establishing criteria for the determination of consistency of development projects with the objectives of the State Aeronautics Act regarding the protection of public health, safety, and welfare in Airport Influence Areas.

PROJECT LOCATION:

The French Valley Airport Influence Area, last modified in 2004, generally in the vicinity of Winchester Road, southwesterly of its intersection with Keller Road and northeasterly of Promenade Mall, easterly of Interstate 215 and westerly of Washington Street. Major east-west roads in the area include Los Alamos, Clinton Keith, Thompson, Benton, Auld, Murrieta Hot Springs, and Nicholas Roads.

ADDITIONAL COMPATIBILITY POLICY ALTERNATIVES:

Staff has prepared several options for additional compatibility policies that the Airport Land Use Commission could potentially apply in conjunction with the adoption of the French Valley Airport Land Use Compatibility Plan. The Airport Land Use Commission may choose to adopt any one of these “additional compatibility policies” texts or none of them. Staff recommends that the Commission adopt Alternative Four.

Alternative One would provide for additional compatibility policies that would allow a higher intensity range of 1-3 dwelling units per acre in the portion of Zone C located westerly of Winchester Road and would eliminate restrictions on residential densities in Zone D areas outside the 55 CNEL contour. It would also allow nonresidential intensities of 40 persons per acre average and 80 persons per single acre with clustering in Zone B1 (rather than 25 and 50, respectively) and nonresidential intensities of 80 persons per acre average and 160 persons per single acre with clustering in Zone C (rather than 75 and 150, respectively). Both zones would allow additional intensities provided that the amount of qualifying open land is increased. Alternative One is the proposal submitted by the County of Riverside last year. The City of Murrieta is on record in support of this proposal as of March, 2006. The other alternatives are either less sweeping versions of Alternative One or represent minor modifications to the proposed project.

Alternative Two includes the same nonresidential intensity provisions as Alternative One, as well as the elimination of residential density restrictions in Zone D, but does not include the changes to residential density in Zone C.

Alternative Three includes the same nonresidential intensity provisions as Alternative One, but does not include the changes to residential density in Zone C and does not eliminate residential density restrictions in Zone D. It does include the Countywide provision allowing residential densities in Zone D to be calculated on a net basis.

Alternative 3A includes only the Countywide provision allowing residential densities in Zone D to be calculated on a net basis – the amendment adopted for this airport in December 2005. It does not include any changes in nonresidential intensity.

Alternative Four is similar to Alternative One, but, in order to address issues of consistency with the Airport Land Use Planning Handbook standard safety zone diagrams, restricts the allowance for higher residential densities in Zone C to those portions of Zone C located not less than 6,000 feet from the northerly end of the runway and not less than 500 feet from the extended runway centerline, i.e., areas that would be considered to be in the Traffic

Pattern Zone pursuant to these State guidelines.

BACKGROUND:

In order to comply with the requirements of the Airport Land Use Commission section of the California Aeronautics Act (California Public Utilities Code Section 21670 et seq.), the Riverside County Airport Land Use Commission prepared and (in 2004) adopted new Countywide Policies and new Airport Land Use Compatibility Plans for several airports within the County, including French Valley Airport. These Plans are available online at www.rcaluc.org. The new Airport Land Use Compatibility Plans were prepared pursuant to the latest edition of the California Airport Land Use Planning Handbook, published in January 2002 by the State of California Department of Transportation Division of Aeronautics. This document is the guidebook for land use planning in Airport Influence Areas throughout the State of California, which must be used by all agencies (not just the Airport Land Use Commission) in such planning.

The French Valley Airport Land Use Compatibility Plan (FVALUCP) was adopted on December 9, 2004, but its use by the Airport Land Use Commission was suspended in conformance with the Riverside Superior Court's judgment issued in *Silverhawk Land and Acquisitions, LLC v. Riverside County Airport Land Use Commission, et al.* (Case No. RIC 431176) pending completion and adoption or certification of an adequate environmental analysis pursuant to the California Environmental Quality Act. As the Commission declined to reinstate the previously adopted French Valley Airport Comprehensive Land Use Plan during the suspension period, there is presently no Plan in effect that can be utilized in the project review process. Staff has prepared an initial study and draft Negative Declaration to allow for the adoption of the proposed project, with or without additional compatibility policies as outlined above.

The FVALUCP increased restrictions on development in some areas relative to the previously adopted French Valley Airport Comprehensive Land Use Plan (prepared in the 1990s prior to the most recent version of the Airport Land Use Planning Handbook), and in many areas provides for a reduced allowable residential density or a restriction in density range to either higher or lower densities than permitted by the adopted plans of local jurisdictions. Additionally, in compliance with an opinion issued by the Office of the Attorney General of the State of California, the exemption of land within adopted specific plans from the density and intensity restrictions of the previous Plan was not included in the FVALUCP. This exemption was not common to most of the pre-existing Plans, but had been included in the old French Valley Comprehensive Land Use Plan.

Both the ALUC consultant (Mead & Hunt) and County Planning Department staff (including this writer) identified a number of conflicts between FVALUCP compatibility criteria and land use designations on the Southwest Area Plan, which had just been adopted in October 2003. While the adoption of an Airport Land Use Compatibility Plan does not establish land use designations, as do City and County General Plans, the provisions of State law requiring consistency between the General Plan of the local jurisdiction and the Airport Land Use Compatibility Plan (in the absence of an overrule by the local jurisdiction) convey the State's interest in furthering the goals specified in the legislation authorizing this special

planning for land in Airport Influence Areas. The ALUC must recognize that its actions have a primary effect on land use within the areas subject to its jurisdiction.

Until such time as the Airport Land Use Commission finds that the local jurisdiction's General Plan or Specific Plan is consistent with the ALUCP or such time as the local jurisdiction has overruled the ALUC's determination of inconsistency, State law provides that the ALUC may require all actions, regulations, and permits involving land within an airport influence area be referred to the ALUC for review. (Pursuant to the ALUCP, these would be the "major land use actions" cited in Section 1.5.3 of the Countywide Policies.)

The General Plan of the City of Temecula was reviewed by the ALUC in early 2005 and determined to be consistent with the 2004 FVALUCP. Therefore, the re-adoption or reinstatement of the FVALUCP would not substantially affect land use designations or housing in the City of Temecula. However, there are inconsistencies between the FVALUCP and land use designations in the unincorporated areas of Riverside County and, to a lesser extent, in the City of Murrieta.

AIRPORT LAND USE COMPATIBILITY ZONES:

As with all of the other Airport Land Use Compatibility Plans adopted in 2004 and 2005, the FVALUCP delineates six airport land use compatibility zones: A, B1, B2, C, D, and E. Safety hazards and noise are greatest in Zone A, and decline as one moves farther from the runway and its extended centerline. Each zone has criteria limiting densities and intensities; however, Airport Land Use Compatibility Zone ("Airport Zone") E, located farthest from the runway and primary flight paths, has no residential density or land use intensity restrictions (other than restrictions on large assemblages of people and prohibition of uses that are hazards to flight).

Airport Zone A is the Runway Protection Zone, prohibiting all structures except those with locations set by their aeronautical function, assemblages of people, objects exceeding FAR Part 77 height limits, storage of hazardous materials, and hazards to flight. These restrictions are easily linked to safety concerns and Federal Aviation Regulations.

Airport Zone A in the vicinity of French Valley Airport is confined to properties in unincorporated Riverside County. Given the requirement for prohibition of structures, it is fortunate that the number of properties wholly in Airport Zone A is very limited. In most cases, Airport Zone A is confined to properties on airport grounds. Where this is not the case, the County Facilities Management Department or Economic Development Agency may wish to consider purchasing this land (or a conservation easement over such land) to assure that safety is not compromised by the development of structures in such areas.

Airport Zone B1 is the Inner Approach/Departure Zone. New residential development in Airport Zone B1 is limited to 0.05 dwelling units per acre – an average density of one dwelling unit per twenty (20) acres. Nonresidential development may maintain a maximum intensity of twenty-five (25) persons per acre (averaged over a site), with a maximum of fifty

(50) persons within any given acre. (An intensity bonus of 30% over the maximum number of persons within any given acre may be allowed if the building design includes features intended to reduce risks to occupants in the event of an aircraft collision with the building.) Prohibited uses in Airport Zone B1 include “children’s schools, day care centers, libraries, nursing homes, hospitals, places of worship, buildings with more than two aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, aboveground bulk storage of hazardous materials, critical community infrastructure facilities, and hazards to flight.” Additionally, structures must be located a maximum distance from the extended runway centerline, and a minimum noise level reduction of 25dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 35 feet in height. Overall, 30% of the entire acreage within Zone B1 must be set aside as open land.

Airport Zone B2 is the Adjacent to Runway Zone. This is land parallel to the runway, rather than the areas regularly overflowed by arriving or departing aircraft. New residential development in Airport Zone B2 is limited to 0.1 dwelling units per acre – an average density of one dwelling unit per ten (10) acres. Nonresidential development may maintain a maximum intensity of one hundred (100) persons per acre (averaged over the site), with a maximum of two hundred (200) persons within any given acre and eligibility for the 30% intensity bonus. Prohibited uses in Airport Zone B2 are the same as those in Airport Zone B1, and the requirements for airspace review and noise level reduction are also the same. Structures in Airport Zone B2 must be located a maximum distance from the runway. However, Airport Zone B2 does not have an open land requirement.

Dedication of aviation easements is required for all development in Airport Zones A, B1, and B2.

Airport Land Use Compatibility Zone C is the Extended Approach/Departure Zone. This area extends out from Airport Zones A and B1 as one moves farther out from the runway ends. New residential development in Airport Zone C is limited to 0.2 dwelling units per acre – an average density of one dwelling unit per five (5) acres. Nonresidential development may maintain a maximum intensity of seventy-five (75) persons per acre (averaged over a site), with a maximum of one hundred fifty (150) persons within any given acre and eligibility for the 30% intensity bonus. Prohibited uses in Zone C include “children’s schools, day care centers, libraries, nursing homes, hospitals, buildings with more than three aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, and hazards to flight.” A minimum noise level reduction of 20 dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 70 feet in height. Overall, 20% of the entire acreage within Airport Zone C must be set aside as open land.

Airport Land Use Compatibility Zone D is the Primary Traffic Patterns and Runway Buffer Area. New residential development in Airport Zone D is limited to either a maximum density of 0.2 dwelling units per acre (average density of one dwelling unit per five (5) acres) or a minimum density of not less than five (5) dwelling units per acre. Intermediate

density levels greater than 0.2, but less than 5.0, dwelling units per acre are prohibited. Nonresidential development may maintain a maximum intensity of one hundred (100) persons per acre (averaged over a site), with a maximum of three hundred (300) persons within any given acre and eligibility for the 30% intensity bonus. Children's schools, hospitals, and nursing homes are "discouraged" in Airport Zone D, while highly noise-sensitive outdoor nonresidential uses and hazards to flight are prohibited. Airspace review is required for objects greater than 70 feet in height, and 10% of the entire acreage within Zone D must be set aside as open land.

FUNDAMENTALS:

The fundamental purpose of an Airport Land Use Commission is to promote land use compatibility around airports. The introduction to Riverside County's Airport Land Use Compatibility Plan states that its purpose 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."

The Airport Land Use Commission's concerns relate to potential impacts associated with exposure to aircraft noise, protection of public safety with respect both to people on the ground and the occupants of aircraft, protection of airport airspace, and general concerns with aircraft overflight. The Airport Land Use Compatibility Plan is based on the principles in the State of California Airport Land Use Planning Handbook.

It should be noted, however, that the density and intensity ranges incorporated in the Countywide land use compatibility criteria are not specifically mandated by State law and, therefore, may be amended or modified by the Riverside County Airport Land Use Commission through the ALUCP amendment process. The need for the consideration of the effect of the adoption of the French Valley ALUCP on the environment (including analysis of its effects on the implementation of County and City General Plans and on housing) provides the Commission with an opportunity to consider whether to adopt amendments proposed earlier this year by the County of Riverside and the City of Murrieta, or amended versions of such proposals as appropriate.

The task of the Riverside County Airport Land Use Commission is to adopt a Plan that provides for the continued operation and orderly growth of aviation-related activities at the French Valley Airport, while at the same time protecting the public health, safety, and welfare from aircraft noise and hazards from potential aircraft accidents. This task is to be met in a cooperative effort with the local jurisdictions and with an understanding of the needs of the surrounding community. It is in the interests of all parties that an appropriate balance be achieved in this effort.

The FVALUCP, as adopted in 2004, was prepared in accordance with the 2002 Airport Land Use Planning Handbook, but in some cases utilizes stricter criteria than the Handbook would recommend. For example, the Handbook does not require limitations of residential

density in the Traffic Pattern Zone, which translates as Airport Zones D and E, and would even include some areas within Airport Zone C. Additionally, the Handbook would allow higher nonresidential intensities than permitted by the FVALUCP in the Inner and Outer Approach/Departure Zones.

EFFECTS ON LAND USE DESIGNATIONS:

The adoption of the FVALUCP in 2004 rendered the pre-existing County and City land use plans inconsistent with the Airport Land Use Compatibility Plan. The provisions of State law give a kind of precedence to the ALUCP in that, if there is a conflict, the responsibility is placed on the local jurisdiction to amend its General Plan to conform to the ALUCP or to overrule the adoption of the ALUCP as applied to that jurisdiction.

In considering this matter, it is important to note that the overrule of an entire ALUCP for an airport by a jurisdiction would have the effect of eliminating ALUC review of any development within the airport influence area within that jurisdiction. It is staff's position that such an overrule would not be in the best interests of the health, safety, and welfare of the people who live or work in Riverside County and the cities therein. As noted on page 2-12 of the Airport Land Use Planning Handbook, while "ALUCs and local jurisdictions have different objectives with respect to planning for land uses around airports...achieving a mutually acceptable compatibility plan is a desirable goal. Often this means seeking a compromise set of compatibility policies which will adequately protect the airports from incompatible land uses, yet reasonably respond to communities' development needs. *When ALUC adoption of compatibility policies and criteria results in local agency overruling actions, little is accomplished to promote airport land use compatibility objectives.*" [emphasis added]

Unincorporated Riverside County

ALUC staff has analyzed the effect of the adoption of the proposed French Valley Airport Land Use Compatibility Plan on land use designations in the unincorporated area, and the actions that the County would need to take to bring land use designations into consistency with the FVALUCP as originally adopted in 2004. Clearly an amendment to the Area Plan would be required to recognize the new boundaries of the Airport Influence Area. The Board of Supervisors does not have jurisdiction to overrule the boundaries of the Airport Influence Areas established by the FVALUCP, pursuant to State law.

Unless the Board of Supervisors overrules the Airport Land Use Commission or the FVALUCP is amended pursuant to Alternative One, land use designation changes will be required in the vicinity of French Valley Airport, in that the designations of properties on the Southwest Area Plan map are in conflict with the land use density and intensity restrictions in the FVALUCP. Simple replacement of the existing references to the previous FVALUCP with reference to the new FVALUCP would create an internally inconsistent Land Use Element and General Plan.

Land Use Element Policy LU 14.3 of the County's General Plan requires that the County "review subsequent amendments to any airport land use compatibility plan and either adopt the plan as amended or overrule the Airport Land Use Commission as provided by law." State law requires that city and county jurisdictions either bring their General Plans into conformity with Airport Land Use Compatibility Plans or overrule the Airport Land Use Commission. At a minimum, "direct conflicts" must be eliminated. "Direct conflict" exists when the General Plan provides for development at a range of residential densities that exceeds the maximum permissible density in the applicable Airport Zone, or includes densities that are not permitted in the Airport Zone, or when the General Plan provides for nonresidential land uses that characteristically would result in land use intensities in persons per acre exceeding the maximum permissible intensity in that Airport Zone.

It should be noted that land use designations for properties with existing or approved uses (tentative maps for residential development, approved use permits and plot plans) need not be changed for the General Plan and the ALUCP to be consistent with each other; however, adoption of a specific plan is not considered to be a sufficient "entitlement" for this provision to apply, pursuant to an Opinion of the Attorney General of the State of California issued in response to an inquiry from the Office of Riverside County Counsel.

The Airport Land Use Compatibility Zones for French Valley Airport are elongated along the north-northeast to south-southwest runway axis. The vision of the County in establishing this airport was that it would serve as the hub of an area devoted to industrial, commercial, and institutional uses. Unlike the situation with some other airports, most of the properties in Land Use Compatibility Zones A, B1, and B2 are already designated for commercial, industrial, or public uses. Except within Zone A, the changes for most of these parcels would involve the application of the height, intensity, and usage limitations of Zones B1 and B2, rather than changes in land use designations.

Much of Airport Zone A is located within the French Valley Airport grounds and is designated Public Facilities. However, Zone A also extends off the airport site into areas designated Light Industrial, Business Park, and Open Space – Conservation. Thirty (30) parcels are located partially or wholly within Airport Zone A, including eight (8) parcels entirely within Airport Zone A.

Airport Zone B1 extends northerly and southerly from French Valley Airport, encompassing properties designated Light Industrial, Business Park, Commercial Retail, Mixed Use Planning Area, and Open Space – Conservation. Fortunately, none of these parcels are designated for residential use. Thirty-three (33) parcels are located entirely in Airport Zone B1, and an additional twenty-one (21) parcels are located partially in Airport Zone B1 and partially in less restrictive zones.

Airport Zone B2 is located along the sideline of the runways, encompassing properties designated Commercial Retail, Commercial Office, Light Industrial, and Open Space – Conservation. One parcel is located entirely in Airport Zone B2, while seven (7) parcels are split between Airport Zones B2 and D.

Airport Zone C is the Extended Approach/Departure Zone, encompassing properties designated Business Park, Mixed Use Planning Area, Commercial Retail, Light Industrial, Public Facilities, Open Space – Conservation, Open Space – Recreation, Medium Density Residential, and Medium High Density Residential. Fifty-one (51) parcels are located entirely within Airport Zone C, and an additional twenty-seven (27) parcels are located partially in Airport Zone C and partially in Airport Zone D, including one parcel that is split among Zones B2, C, and D. Six (6) parcels located entirely in Airport Zone C and nine parcels located partially within Airport Zone C are designated wholly or partially for residential development. All but two of these parcels are within Specific Plan No. 312 (French Valley/Spencer's Crossings).

Airport Zone D is the area outside the above safety zones that experiences overflight on a regular basis, being under regular flight paths but either removed from the extended runway centerline or at a greater distance from the runway along the extended runway centerline. Excluding lots smaller than 0.4 acre in size within recorded residential subdivisions, there are 218 parcels located wholly or partially within Airport Zone D. 34 of these parcels are designated for consistent residential densities, 51 are designated for non-residential uses, and 133 of these parcels are designated for residential development at intermediate densities (greater than one dwelling unit per five acres, less than five dwelling units per acre). However, of these 133, 27 are included in approved tentative tract maps and 35 would not be eligible for division pursuant to their 2003 General Plan designations. This leaves 71 parcels for which an amendment to the General Plan designation would be required in order to achieve consistency. 45 of these parcels are designated Medium Density Residential in their entirety, while an additional 21 are split between Medium Density Residential and other designations.

Land use designation changes would not be required in Airport Zone E.

City of Murrieta

Portions of Airport Zones B1 and C, and a large area of Airport Zone D, are located within the corporate boundaries of the City of Murrieta. Almost all of the area in the City in Airport Zone B1 is designated Business Park. The area in Airport Zone C includes lands designated Business Park and Rural Residential. However, it should be noted that the City designation/zone of Rural Residential provides for a density of 0.4 dwelling units per acre, twice the density allowed in Zone C. Fortunately, it appears that portions of only five parcels are in this category.

The larger concern for the City of Murrieta relating to residential development intensity is that the Plan, as adopted in 2004, prohibits intermediate residential densities in Zone D. Most of the undeveloped residentially designated land in the City of Murrieta portion of Zone D is either designated Rural Residential 0.4 dwelling units per acre or Single Family - 1 Residential, which provides for a density of 2.1 – 5.0 dwelling units per acre. Much of the vacant land designated Single Family -1 Residential is located within Murrieta Hills, an

adopted Specific Plan (originally Specific Plan No. 309 as processed by the County of Riverside; the site was annexed to the City following the County's tentative approval of the project but prior to any final action on the general plan amendment by the County.)

COMMENTS ON THE ENVIRONMENTAL DOCUMENT:

The State of California Native American Heritage Commission (NAHC) has issued a letter stating that the "lead agency is required to assess whether the project will have an adverse effect on [historic and archaeological] resources within the area of potential effect, and, if so, to mitigate that effect." In this regard, the NAHC recommends a series of actions, including a records search through the California Historic Resources Information Center, a Sacred Lands File search, the preparation of a professional archaeological report, and provisions in the event of accidental discovery of archaeological resources or artifacts, unmarked Native American cemeteries or human remains, and avoidance of areas with significant cultural resources.

As the adoption of the French Valley Airport Land Use Compatibility Plan, with or without additional compatibility policies, does not involve or authorize the disturbance of any land or have any other direct physical environmental impact, there is no direct effect on archaeological resources. However, this area is known to be archaeologically sensitive. The measures indicated in the letter should be incorporated into the development review process by the County of Riverside and the Cities of Murrieta and Temecula. The implementation of these measures is beyond the legal authority or scope of the activities of the Airport Land Use Commission.

EVALUATION OF ADDITIONAL COMPATIBILITY POLICIES:

As a naming convention, these additional compatibility policies are listed as "alternatives", but all of these are actually options for additional compatibility policies. All assume the adoption of an Airport Land Use Compatibility Plan, the current boundaries of the Airport Influence Area, and the current boundaries of Airport Zones.

The Countywide land use compatibility criteria adopted by the ALUC in 2004 generated considerable concern in the development community over the course of the following months, most of which was directed in comments to County officials and Planning Department staff. The decision not to include the exemption for adopted Specific Plans in the French Valley Plan was of particular concern to the Building Industry Association (which lobbied for the Board of Supervisors to overrule the ALUC) and also to legal counsel representing the County's Executive Office in its role as financial caretaker for the County's Community Facilities ("Mello-Roos") Districts. Concerns were raised that the nonresidential intensity limitations in Zones B1 and C were so restrictive that the properties would be competitively disadvantaged, and that, as a result, landowners might choose to abandon their properties rather than pay the CFD fees. (These concerns may not have arisen until after the adoption of the FVALUCP, and may not have been presented to the ALUC.) The County opted not to overrule, but decided to pursue an amendment to the FVALUCP prior

to initiating any amendments to its General Plan or Specific Plans. The first version of the amendment as submitted in the spring of 2005 was reviewed by the previous Executive Director and found to be too close to a Specific Plan exemption in nature. The County then submitted a revamped version, but consideration of the amendment proposal was placed on hold due to the ongoing litigation and the need for resources to enable the preparation of an environmental document.

Alternative One

Alternative One is the County/City proposal submitted for the Commission's consideration earlier this year. Proposed Section 2.2 addresses residential densities in Zone C and proposes to allow residential densities in the range of one to three (1.0-3.0) dwelling units per acre in the portion of Zone C located westerly of Winchester Road (in addition to the allowance for rural densities not exceeding one dwelling unit per five acres). Projects with densities in the 1.0-3.0 dwelling unit per acre range would be subject to a condition requiring an interior noise level reflecting a noise level reduction of not less than 20dB from exterior noise levels. The proposal noted that the residential density limit for the Extended Runway Centerline zone on the previous CLUP was 3 dwelling units per acre. This change would eliminate the need for the County to initiate Foundation Component General Plan Amendments changing the designations of properties from Community Development densities such as Medium Density Residential (2 to 5 dwelling units per acre) to Rural densities such as one dwelling unit per five acres and a corresponding amendment to adopted Specific Plan No. 312 (French Valley/Spencer's Crossing).

Section 2.3 addresses residential densities in Zone D and proposes to allow residential densities between 0.2 and 5.0 dwelling units per acre within those portions of Zone D located outside the boundaries of the ultimate 55 CNEL contour. These are areas that would not be considered to be noise-impacted pursuant to CEQA (the California Environmental Quality Act). The effect of Section 2.3 would be to eliminate residential density restrictions in the portion of Zone D located outside the 55 CNEL contour – almost all of Zone D in this area. This proposal is similar to the provision applied to a small area of Zone D westerly of Tyler Street in the City of Riverside, where the Airport Land Use Commission has an adopted policy that “no restriction on residential densities shall apply”; however, the County proposal would apply to a much larger geographic area.

Section 2.4 addresses nonresidential intensities in Airport Zones B1 and C. Basically, it proposes to increase allowable average nonresidential intensities from 25 persons per acre to 40 persons per acre in Zone B1 and from 75 persons per acre to 80 persons per acre in Zone C. Single-acre maximum intensities would continue to be twice the average intensities, raising these levels from 50 to 80 persons in Zone B1 and from 150 to 160 persons in Zone C. Additionally, bonuses for extra open land would be available that could increase intensities by up to 20%, similar to those approved by the Commission for properties in the vicinity of Palm Springs International Airport.

Staff would note that the nonresidential provisions in Alternatives One, Two, Three, and

Four relate the higher intensities to areas specified with a (1) and a (2) on a map, but there was no map with the environmental document identifying these areas. In fact, the reference to a (1) and a (2) is a leftover from the initial County proposal, in which (1) was confined to areas within Community Facilities District No. 88-4 and (2) was confined to areas within adopted Specific Plans designated for commercial and industrial development. It is staff's current proposal that the increased allowable intensity for nonresidential development, if recommended by the Commission, apply across-the-board to nonresidential development (whether or not in a Community Facilities District or a Specific Plan, and whether in the City of Murrieta, the City of Temecula, or unincorporated Riverside County); therefore, the words "by a (1) and a (2)" in the introduction of the nonresidential amendment proposal should be deleted.

Section 2.5 proposes to apply the expanded buyer awareness measures applicable in the vicinities of the Palm Springs International Airport and Riverside Municipal Airport to the French Valley Airport Influence Area, excluding Compatibility Zone E. However, these measures are only proposed if the Commission were to approve either Section 2.2, Section 2.3, or both.

The major issue that has been raised regarding the County/City proposal concerns the portions of the proposal that would allow higher residential densities in Airport Zone C. To the extent that the areas within Zone C coincide with areas in the Outer Approach/Departure Zone as delineated in the standard safety zone diagrams of the Airport Land Use Planning Handbook, this portion of the proposal is inconsistent with the guidelines in the Handbook. Table 9C on page 9-47 of the Handbook ("Safety Compatibility Criteria Guidelines") indicates that for rural/suburban settings, residential densities within the Outer Approach/Departure Zone should be one dwelling unit per two to five acres. Therefore, staff would recommend selection of a different alternative.

Alternative Two

Alternative Two is basically Alternative One with the amendment to residential density in Zone C deleted. Section 2.3 above is renumbered Section 2.2, Section 2.4 is renumbered Section 2.3, and Section 2.5 is renumbered Section 2.4.

The primary focus here is on residential densities in Zone D, with Alternative Two proposing that the prohibition on intermediate densities in Zone D areas outside the 55 CNEL contour be eliminated. Table 2B on page 2-23 of the Riverside County Airport Land Use Compatibility Plan (Supporting Compatibility Criteria: Noise) indicates that single-family residences, condominiums, apartments, and mobile homes would all be considered "clearly acceptable" within the 50-55 CNEL range. Furthermore, developments with densities less than five dwelling units per acre clearly present a lesser safety hazard than developments with densities greater than five dwelling units per acre.

The provisions of Airport Zone D are based on two concepts: (1) that persons living in higher density developments are subject to a greater level of ambient noise and would be

less likely to be annoyed by aircraft noise as a result and (2) that persons living in intermediate density housing (0.2 to 5.0 dwelling units per acre) and enjoying a quiet living environment are the most likely to register complaints regarding aircraft and aircraft operations. However, this “high or low but not in between” approach is also counterintuitive in that higher density housing would accommodate more persons per acre than intermediate density housing and thereby expose more persons to such hazards as noise and accident potential relative to intermediate density housing. This approach is not mandated by the Handbook. The compatibility of development relative to safety concerns is determined based on occupancy or intensity levels.

The Airport Land Use Commission has previously reviewed and rejected a similar proposal to relax residential density restrictions in Zone D in the vicinity of Jacqueline Cochran Regional Airport. However, in that area, the Commission was addressing a situation where most of the surrounding area was vacant or in agricultural use. In contrast, much of Zone D in the French Valley Airport Influence Area is already developed with intermediate density residential uses.

A secondary reason for allowing the higher density housing, but not the intermediate density housing, in Zone D was as an incentive to induce clustering that would enable the reservation of unused area as open space suitable for emergency landing. However, the provisions of Zone D already require that 10% of the land area in projects 10 acres or larger be set aside as open area. From the perspective of open area preservation, as long as the open area requirement is met, it really should not matter whether the densities in the development area in Zone D are two units per acre, six units per acre, or one unit per two acres, as long as there are no safety or noise issues of concern.

Alternative Three

Alternative Three includes the same nonresidential intensity amendments as Alternatives One and Two, as Section 2.3, and additionally reinstates the year 2005 amendment regarding net density as Section 2.2. Alternative Three has been prepared to allow the Commission an opportunity to forward its vision of the French Valley Airport as the hub of an employment/job center for Southwestern Riverside County. A number of property owners and their representatives have indicated that the allowable occupancy levels, especially in Zones B1 and C, are too restrictive to enable the properties to be developed in an economic manner, especially for commercial uses. The Countywide compatibility criteria of 25 and 75 persons per acre, respectively, were generally based on the lowest end of the persons per acre range found in the Statewide safety compatibility criteria guidelines (Table 9C on page 9-47 of the State Handbook). The proposed occupancy levels of 40 and 80 persons per acre, respectively, do not exceed the maximum nonresidential intensities for the Inner and Outer Approach/Departure zones derived from that table. Alternative Three does not change any residential density provisions of the FVALUCP in effect as of the date that the FVALUCP was suspended.

Alternative 3A

Alternative 3A would simply reinstate the 2005 amendment regarding calculation of residential densities in Zone D on a net acreage basis, excluding open areas.

Alternative Four

Alternative Four reflects staff's attempt to bring Alternative One into compliance with the Airport Land Use Planning Handbook. Sections 2.3 through 2.5 of Alternative Four are identical to those sections of Alternative One, including the same changes to residential densities in Zone D and nonresidential intensities in Zones B1 and C. The difference is in the amendment to residential densities in Zone C. Pursuant to Alternative Four, the "higher intensity range" of 1.0 to 3.0 dwelling units per acre would only be permitted in the portion of Zone C westerly of Winchester Road at distances more than 6,000 feet from the northerly end of the runway and more than 500 feet from the extended runway centerline. These are areas that would be considered to be in the Traffic Pattern Zone, rather than the Outer Approach/Departure Zone, pursuant to the State Handbook. Additionally, this additional compatibility policy would not be applicable to any areas designated for commercial, industrial, or other non-residential uses, or for a residential density of no more than 0.2 dwelling units per acre as of October 7, 2003 and would not be applicable to any areas within the boundaries of the ultimate 60 CNEL contour as depicted on Map FV-3, Noise Compatibility Contours.