



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

Riverside County Administration Center  
4080 Lemon St., Hearing Room (1st Floor)  
Riverside, California

Thursday 9:00 a.m., May 13, 2010

CHAIR  
Simon Housman  
Rancho Mirage

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Riverside

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County Administrative Center  
4080 Lemon St., 9<sup>th</sup> Floor.  
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(951) 955-5132

[www.rcaluc.org](http://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 item under consideration. 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). Also please be aware that the indicated staff recommendation shown below may differ from that presented to the Commission during the public hearing.

Non-exempt materials related to an item on this agenda submitted to the Airport Land Use Commission or its staff after distribution of the agenda packet are available for public inspection in the Airport Land Use Commission's office located at 4080 Lemon Street, 9<sup>th</sup> Floor, Riverside, CA 92501 during normal business hours.

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](mailto: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 PUBLIC HEARING: NEW BUSINESS

### RIVERSIDE MUNICIPAL AIRPORT

- 2.1 ZAP1048R110 – Parkview Community Hospital Medical Center (Representative: Nathan Morgan, Aspen Street Architects, Inc) – City Case No. P10-0106 (Rezoning). The applicant/landowner proposes to change the zoning of 9.68-9.80 acres located easterly of Jackson Street, westerly of Wheeler Street, and northerly of Miller Street in the City of Riverside from R-1-7,000 (Single-family Residential, 7,000 square foot minimum lot size) to O (Office Zone). [Note: ALUC may recommend O-AP-E (Office Zone/Airport Protection Overlay Zone E) zoning.] The area includes Parkview Community Hospital, the Founders' Center building, and parking areas. (Airport Compatibility Zone E within the Riverside Municipal Airport Influence Area.) ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at [rbrady@rctlma.org](mailto:rbrady@rctlma.org). or John Guerin at (951) 955-0982, or e-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONSISTENT (O-AP-E recommended)

**3.0 PUBLIC HEARING: OLD BUSINESS****BLYTHE AIRPORT**

- 3.1 ZAP1006BL10 – Palo Verde Solar I, LLC – California Energy Commission Docket No. 09-AFC-6. The project proposes to construct a nominal 1,000 megawatt solar thermal electric generating facility on 9,400 acres of BLM managed land, including four units of north-south oriented tracking parabolic trough mirrors, four 120-foot tall air-cooled condensers, a 230 kV transmission line with maximum 145-foot tall monopoles, and a four-inch diameter 9.8-mile long natural gas pipeline. (Blythe Airport: Zones B1, C, D, and E). ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org) or Russell Brady at (951) 955-0549, or e-mail at [rbrady@rctlma.org](mailto:rbrady@rctlma.org). (Continued from April 8, 2010)

Staff Recommendation: CONTINUANCE TO JUNE 10, 2010

**FRENCH VALLEY AIRPORT**

- 3.2 ZAP1037FV09 – Agriscape, Inc. (Ricardo Almejo) (Representative: Ralph Megna/The Jamieson Group, Inc.) – County Case No. PP24389 (Plot Plan) – A proposal to allow use of approximately 2.34 acres of a 42.03-acre property located easterly of Sky Canyon Drive and southerly of Borel Road and the southerly terminus of Runway 18-36 for the sale of mulch and landscaping supplies. A 400 square foot office trailer or commercial coach would be the only structure on-site. Seven parking spaces would be provided, with additional graveled area that could potentially accommodate additional vehicles. The site is located within Airport Compatibility Zones B1 and C of the French Valley Airport Influence Area, in unincorporated Riverside County. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org). (Continued from March 11, 2010)

Staff Recommendation: CONSISTENT

**PERRIS VALLEY AIRPORT**

- 3.3 ZAP1003PV10 – City of Perris (Representative: Brad Eckhardt, Planning Manager) – City Case No. SPA 08-08-0004 (Specific Plan Amendment). The City proposes to adopt a comprehensive revision to the Downtown Specific Plan. The plan designates allowable land uses and densities and prescribes development standards within the 735-acre Downtown Perris area, which is located southerly/southwesterly of Interstate 215, northerly of Ellis Avenue, westerly of Redlands Avenue, and easterly of “A” Street. The existing Specific Plan was adopted in 1993 and allows for a mix of residential, commercial, industrial, and public land uses at various densities. The comprehensive revision is designed around a Regulating Code that focuses on the form and placement of buildings, with the intent of developing a Transit-Oriented Community (focusing on the future Metrolink Station) with a mix of land uses at densities that support transit and meet Housing Element requirements. (Perris Valley Airport: Zones I, II, III on current map; A through E on proposed plan). ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org) or Russell Brady at (951) 955-0549, or e-mail at [rbrady@rctlma.org](mailto:rbrady@rctlma.org). (Continued from April 8, 2010)

Staff Recommendation: CONTINUANCE TO JUNE 10, 2010

**4.0 ADMINISTRATIVE ITEMS**

4.1 Discussion by TLMA Information Resources – ALUC Commissioners’ Laptops

4.2 Special Project Cost Report

**5.0 APPROVAL OF MINUTES**

April 8, 2010

**6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

**7.0 COMMISSIONER’S COMMENTS**

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 2.1

**HEARING DATE:** May 13, 2010

**CASE NUMBER:** ZAP1048RI10 – Parkview Community Hospital  
(Representative: Nathan Morgan)

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P10-0106

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY. While the project is consistent as proposed, staff would further suggest that the Commission recommend that the City additionally apply the Airport Protection Overlay Zone suffix (-AP-E) in accordance with the City's Zoning Ordinance, which refers to the Compatibility Zones for Riverside Municipal Airport. Thus, the Commission would be recommending O-AP-E zoning for the project site.

**PROJECT DESCRIPTION:** P10-0106 is a proposal to change the zoning of a 9.68-9.80 acre area that includes Parkview Community Hospital, the Founders' Center building, and parking areas from Single Family Residential 7,000 sq. ft. minimum (R-1-7000) to Office (O).

**PROJECT LOCATION:** The project site is located easterly of Jackson Street, westerly of Wheeler Street, and northerly of Miller Street within the City of Riverside, approximately 7,650 feet southerly of the southerly terminus of Runway 16-34 at Riverside Municipal Airport. The hospital building has an address of 3865 Jackson Street.

**LAND USE PLAN:** 2005 Riverside Municipal Airport Land Use Compatibility Plan

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Compatibility Zone E
- c. Noise Levels: Outside the 55 CNEL noise contour

### BACKGROUND:

Land Use/Intensity: The site is located in Airport Compatibility Zone E of the Riverside Municipal Airport Influence Area. The Countywide Land Use Compatibility criteria for Airport Zone E do not restrict residential or non-residential densities. The existing zoning classification of R-1- 7000 allows for a maximum building height of 35 feet, and the proposed zoning classification of Office

would allow for a maximum building height of 40 feet. The zone change would not result directly in any construction of new structures or modifications to existing ones. Some single story additions are being anticipated apart from this application for rezoning.

Noise: The site is located outside the area subject to average aircraft noise levels exceeding 55 CNEL; therefore, no special measures to mitigate aircraft-generated noise are required.

PART 77: The runway elevation at its nearest point to the project boundaries is approximately 747.9 feet above mean sea level (AMSL). At an approximate distance of 7,650 feet and relevant slope of 100:1, any structure above 824.4 feet AMSL would require FAA review. Since the applicant's proposal for a zone change does not constitute authorization for any new structures or alterations to existing ones, FAA review is not required.

Airport Overlay: In conjunction with adoption of its new General Plan, the City of Riverside amended its zoning ordinance to provide for Airport Protection Overlay Zones within the Airport Influence Areas of airports for which Compatibility Zones based on the "A through E" system utilized in the Riverside County Airport Land Use Compatibility Plan have been established. While the land uses permitted by the Office (O) zone are consistent with a location in Compatibility Zone E, application of the Airport Protection Overlay Zone suffix would be consistent with the objectives of promoting the continued operations of Riverside Municipal Airport and maintaining public awareness of its proximity. The City Zoning Ordinance provisions refer readers to the Compatibility Plan.

Attachment: State law requires notification in the course of real estate transactions if the property is located in an Airport Influence Area.

As a rezoning action, this project is not subject to conditions.

COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION  
STAFF REPORT

**AGENDA ITEM:** 3.1 ~~2.3~~

**HEARING DATE:** May 13, 2010 (continued from April 8, ~~18~~, 2010)

**CASE NUMBER:** ZAP1006BL10 – Palo Verde Solar I, LLC  
(Representative: Howard Balentine)

**APPROVING JURISDICTION:** California Energy Commission

**JURISDICTION CASE NO.:** 09-AFC-06

**MAJOR ISSUES:**

~~Materials submitted with the application include analysis of the proposed project's impacts from structure heights, radio frequency interference, reflectivity/glare, and thermal plumes. While the analysis addresses each impact at length, substantial information is not provided to determine the actual anticipated impacts on the Blythe Airport. In addition, information on provision of a minimum 10% open space area within Compatibility Zone D and analysis on cumulative impacts of hazards to flight were not included. ALUC staff prepared a letter (attached to this staff report) to the applicant on March 22nd requesting the specific additional information needed by staff to make a recommendation of consistency to the Commission.~~

1. *Proposed aboveground line extends through Compatibility Zones B1 and C;*
2. *Possible visible plume from Power Block 4 partially within AIA boundary;*
3. *Effect on radio communications used by pilots;*
4. *Reflectivity/glare from Heat Conducting Element tube;*
5. *Thermal plumes from air-cooled condenser and auxiliary cooling tower;*
6. *Compliance with Zone D Open Area requirements; and:*
7. *Cumulative impacts of multiple energy projects.*

**RECOMMENDATION:**

~~At the time of the writing of this staff report, staff has not received the requested information from the applicant or their representative. The applicant's representative has indicated that the requested information would not be able to be provided by the April 8th hearing and has requested a continuance. Staff recommends that the Commission CONTINUE this matter without discussion to the meeting of May 13, 2010, pending submittal, review, and adequacy of the requested information.~~

*At this time, ALUC staff believes that available data is not adequate to enable a finding of consistency for this project. The California Energy Commission staff has requested an independent review of the effects of this project on the operation of Blythe Airport. If the Airport Land Use Commission is not satisfied that the information that the applicant has provided is sufficient to enable a finding of consistency, it would seem logical to open the public hearing and consider testimony, but CONTINUE this matter with discussion to the Commission's June 10 hearing. (It should be noted that there is a possibility that the results of the independent studies will not be available in sufficient time to allow ALUC staff analysis prior to the June meeting.)*

**PROJECT DESCRIPTION:**

The project proposes to construct a nominal 1,000 megawatt solar thermal electric generating facility on 9,400 acres of BLM managed land, including four units of north-south oriented tracking parabolic trough mirrors, four 120-foot tall air-cooled condensers, a 230 kV transmission line with maximum 145-foot tall monopoles, and a four-inch diameter 9.8-mile long natural gas pipeline.

**PROJECT LOCATION:**

The project site is located northwesterly of the Blythe Airport, with the closest parcel located approximately 4,650 feet northwesterly of the north end of Runway 17-35, in Sections or portions of Sections 1-5, 8-15, 23-24 of Township 6 South, Range 21 East and in Sections or portions of Sections 6, 7, and 18 of Township 6 South, Range 22 East. Blythe Airport is located northerly of Interstate 10 and Hobsonway and easterly of Mesa Drive, in unincorporated Riverside County.

**LAND USE PLAN:** 2004 Blythe Airport Land Use Compatibility Plan

- a. Airport Influence Area: Blythe Airport
- b. Land Use Policy: Airport Compatibility Zones B1, C, D, and E
- c. Noise Levels: Outside the 55 CNEL contour

## **BACKGROUND:**

California Energy Commission: Due to the project being a thermal solar project exceeding 50 Megawatts, the project's review falls under the jurisdiction of the California Energy Commission (CEC). At this time, the CEC has released a Staff Assessment and Draft Environmental Impact Statement (EIS), which includes analysis of the project's impact on the Blythe Airport. In order for the CEC to better determine the project's consistency with applicable laws, ordinances, regulations and standards (LORS), the EIS recommended that the proposed project file an application with the RCALUC to determine consistency with the Blythe Airport Compatibility Plan. The determination of consistency by the ALUC is advisory to the CEC.

### **The issue of airport land use compatibility was addressed at a public workshop held by California Energy Commission staff in Palm Springs on April 28.**

Flight Hazard Issues: Structure height, electrical interference, reflectivity/glare, and thermal plumes are among the issues that renewable energy facilities in the airport influence area must address. The majority of structures proposed by the project are located outside of the Blythe Airport Area. The southeasterly most portion of the project, Solar Unit #4, is located within Zones D and E. The majority of structures of substantial height are located at the center of the solar unit, known as the power block. Within this power block is located the 120 foot air cooled condenser (ACC). According to the materials provided, the ACC is located just outside of the Airport Influence Area and, therefore, would not be subject to its height restrictions. ~~Staff has requested a more detailed map showing the boundaries of the AIA in relation to the precise location of the ACC.~~ **The applicant team has provided a diagram depicting the location of Power Block 4 in relation to the Airport Influence Area (AIA) boundary. The applicant team estimates that the actual air cooled condenser location is approximately 135 feet outside the boundary of the Airport Influence Area, and is willing to accept a condition that a registered land surveyor confirm that the facility is located outside the AIA boundary.**

The 230 kV transmission line generally crosses southerly from the main project site across Compatibility Zones E, D, C, and B1 perpendicular to runway 8/26 before turning westerly to its connection with the SCE substation. The maximum height of the transmission poles ~~to be 145 feet~~ spaced 1,000 feet apart **would be 145 feet**, with a portion of the transmission line's poles being limited to 90 feet in height **and** spaced 800 feet apart. ~~No map-based information was provided with the application showing the height of the transmission poles in relation to the Airport Compatibility Zones. This information has been requested to determine consistency with height restrictions for each applicable Compatibility Zone as well as flight path clearance of the transmission poles.~~ All other structures associated with the project meet the height restrictions of the applicable Compatibility Zones. **The applicant has provided an exhibit and table identifying the height and Compatibility Zone location of each proposed pole.**



**At the April 8 public hearing, Commission Chairman Simon Housman advised that the transmission lines passing through Airport Compatibility Zones B1 and C should be sited underground. He expressed concerns that the airport maintain at least one unobstructed approach, noting that there are already obstructions easterly of the runway.**

**The applicant maintains that undergrounding a 230kV line would be prohibitively expensive and that “dissipation of heat from the power line into the surrounding dry sands would seriously reduce the amount of power able to be transmitted along the underground segment of the transmission line during the hottest days of the summer, precisely the time of the peak summer load on the California power grid.”**

**ALUC staff raised the option of re-routing the line westerly of its proposed location to avoid areas within Compatibility Zones B1 and C. The applicant team responded that this would be “potentially counter-productive,” as a more westerly route would place the line at a much higher base elevation closer to the McCoy Mountains located westerly of the airport. These mountains basically delineate the westerly edge of the Palo Verde Valley. The applicant team maintains that poles at such locations would “pose a greater hazard to aviation than that posed by the proposed pole locations in Zones B1 and C” due to the greater elevation above sea level.**

The electromagnetic signal/noise emanating from the operation of electrical equipment of the project will be at base frequency 60 hertz with less intense higher frequencies from harmonics. ~~Navigation and communication signals typically utilized are substantially higher in frequency and therefore would not be impacted by electrical equipment proposed by the project. Information has been requested to confirm the signals in use at the Blythe Airport.~~

**The applicant team has provided information indicating that gap noise and corona noise associated with the transmission line and the conductors will not result in interference with the use of the Blythe VORTAC signal. ALUC staff has requested that the applicant team also address potential for interference at frequencies used by pilots to communicate with the airport and with other aircraft in the area.**

The project proposes to collect thermal solar energy via reflective parabolic troughs that redirect the sun’s light to a Heat Conduction Element (HCE) that absorbs the heat generated and distributes it for conversion to steam energy for electricity generation by turbine. Although the majority of the reflected light is focused directly onto the HCE, some scattering of light may occur from the HCE, but not directly from the mirrored trough.

The materials submitted with the application include diagrams of how the parabolic trough functions and sample photographs from the solar array at ~~Kramer Junction~~ **Harper Lake** of light reflection and scattering from the HCE. These indicate that at a specific geometry of the HCE and the observer, there is a concentrated scattering of light

from the HCE. The proposed project will construct a 25 foot tall windscreen which will block the scattering from observers from ground level.

In addition, the materials submitted include a sample analysis done for the Victorville 2 Hybrid Power Project (VV2), which is proposed to be located adjacent to the Southern California Logistics Airport (SCLA). As part of the review of this project, **staff members from the California Energy Commission and CALTRANS Aeronautics Division conducted a test over-flight of utilizing the solar array at Kramer Junction, including simulation of and ~~simulating~~ an approach to land, based on the proposed layout of the VV2 project and its relation to the SCLA.** Comments were also included from staff from the CEC and City of Victorville that participated in the test. Their comments indicated that there was no glare created by the solar array based on the flight simulation conducted. Although this test and the comments received from it indicate there is little concern for substantial glare to occur that would create a significant hazard to flight, there was no information provided to compare the layout of the VV2 project to the proposed Blythe project to determine if its conclusions are applicable.

The project proposes to cool waste heat from the steam cycle in each power block utilizing an air-cooled condenser (ACC). The ACC is basically a large open air radiator that dissipates heat to the atmosphere through air convection. Due to it being a dry cooling system rather than utilizing water, no visible plumes will be formed. However, the project will still result in the creation of thermal plumes which could result in a hazard to flight. Project materials note that a temperature rise less than 10°C (18°F) is anticipated for the ACCs. Based on the proposed fans utilized for the ACCs and the dimensions of the structure, a vertical velocity of 4.5 meters per second (m/s) is anticipated. The CEC utilizes a threshold of 4.3 m/s as a threshold of significance for the production of turbulence that could interfere with aircraft operation. The velocity of the plume typically decreases as it rises. In addition, as illustrated by project materials, none of the aircraft traffic pattern envelopes for the Blythe Airport take aircraft over the ACCs to be affected by the thermal plumes. **In this regard, the critical question may be at what heights above the top of the stacks does the vertical velocity remain at or above 4.3 meters per second. The plume velocity analysis prepared by William Walters and included in the Draft (CEC) Staff Assessment indicates that, under calm wind conditions, the average velocity would exceed 4.3 meters per second at heights up to 1,670 feet above ground level. Peak velocity could be twice the average velocity.**

**At the April 28 workshop, James Adams of CEC staff noted that Runway 17-35, the north-south runway, could experience a greater proportion of operations once Blythe 2 (the second conventional energy facility easterly of east-west Runway 8-26) becomes operational. In order to mitigate impacts of potential turbulence from thermal plumes from the Blythe 2 project, the CEC had required that the following conditions be satisfied prior to construction:**

- that a “remark [be] placed on the Airport’s Automated Surface Observation System (ASOS), or equivalent broadcast, advising pilots to avoid low-altitude direct overflight of the power plant”;**

- that “the VFR traffic pattern to runway 26 [be] changed from left-hand turns to right-hand turns; and”
- that a “runway, other than runway 26 [be] designated as the primary calm wind runway.”

**Greater use of Runway 17-35 would increase the likelihood of flyover of the Unit #4 power block.** The project also proposes to have one auxiliary two-cell wet cooling tower for each of the four power blocks. This cooling tower would be utilized to cool waste heat from the auxiliary boiler during startup and other non-routine startup operations. ~~No information was provided on how often, for how long, and what time of day these are to be used as well as the amount of temperature rise and velocity of the plumes to determine how these would affect aircraft operations.~~ The materials noted that these were not of concern as hazards to flight during the CEC’s analysis. **While the rates of air flow and water circulation would be miniscule in comparison to the steam cycle cooling towers proposed at the Palmdale and Victorville energy plants, the “temperature of the exhaust air from the auxiliary cooling tower would be comparable to that for the steam cycle cooling tower since both plumes would essentially be saturated with water upon release and the temperature would be determined by the ambient temperature and relative humidity,” according to the applicant team’s statement.**

Open Area: Countywide land use compatibility criteria require that a minimum of 10% of land area in Airport Compatibility Zone D consist of open land as defined in Policy 4.2.4 of the ALUCP. Based on the materials submitted, it appears that the 10% requirement can be ~~met.~~ ~~meet.~~ ~~However, information has yet to be provided on the project’s proposed developed area within Zone D and the area to qualify as open space.~~ **The applicant team has been asked to submit a diagram demonstrating that at least 10 percent of the area within the proposed Blythe Solar Power Project right-of-way would be maintained as open land, in order to verify compliance with the open area requirements.**

Part 77: Federal Aviation Administration obstruction evaluation review has commenced on the project. At the time of the submission of the application to ALUC, the FAA has issued Determination of No Hazard to Air Navigation letters for the two easterly ACCs (ACC-1 and ACC-4) and for 39 transmission poles. Additional information was requested by the FAA on 15 transmission poles which are pending FAA’s clearance. FAA’s Letters of Determination and Requests for Additional Information are attached to this staff report.

Noise: The site is located outside the area projected to be subject to average noise levels from aircraft operations in excess of 55 CNEL.

#### **CONDITIONS:**

1. The following uses shall be prohibited:
  - (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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky.
  3. ~~If the panels are mounted on a framework, said framework shall have a flat or matte finish so as to minimize reflection of sunlight.~~
  3. **Prior to construction of Power Block #4, the permittee shall submit a statement from a licensed land surveyor verifying that the air cooled condenser within that Power Block is located outside the boundaries of the Blythe Airport Influence Area, as adopted in 2004.**
  4. In the event that any incidence of glare or electrical interference affecting the safety of air navigation occurs as a result of project operation, the permittee shall be required to take all measures necessary to eliminate such glare or interference.
  5. **The attached notice shall be provided to all potential purchasers, and shall be recorded as a deed notice for those parcels within the project located wholly or partially within an Airport Influence Area.**

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 3.2 4-1

HEARING DATE: *May 13, ~~March 11~~, 2010 (continued from February 11 and March 11, 2010)*

### CASE SUMMARY

CASE NUMBER: ZAP1037FV09 – Agriscape, Inc. (Ricardo Almejo)  
(Representative: Ralph Megna and Allan Williams/The  
Jamieson Group)

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Plot Plan No. 24389

**MAJOR ISSUES:** The mulch and compost materials being sold will be stored outside buildings. The project is located very close to Zone A ~~the Runway Protection Zone~~ southerly of the runway terminus. It is vital that the property be utilized in a manner that will not attract birds. According to Federal Aviation Administration Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*, putrescible-waste disposal operations should not be sited near airports. However, the report also states that “composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife.” Riverside County EDA officials have advised that the facility has been in operation for some time, and there have been no wildlife-related complaints to date. (Concern was expressed regarding the applicant’s use of a “light tower” during nighttime operations.)

~~Although not an ALUC issue, the County Planning Department has deferred evaluation of this project pending a HANS (Habitat Assessment and Negotiation Strategy) review. Such reviews could potentially affect the ultimate location of structures and site improvements.~~

*A neighboring property owner had expressed concerns regarding dust control, flies, and projectile debris from the operation, but has since met with the applicant.*

**RECOMMENDATION:** ~~Staff recommends CONTINUANCE to the meeting of May 13, 2010 March 11, 2010. The applicant’s representative has agreed to a continuance due to the potential effect of HANS review on site design and structure placement.~~

Staff has included a condition prohibiting use of any food or municipal solid waste in the mulch or compost materials, and requests that the Commission provide direction as to whether additional information is needed pertaining to the potential wildlife hazard (such as development of a Wildlife Hazard Assessment prepared by a qualified wildlife damage management biologist) or whether to obtain an opinion from a U.S. Department of Agriculture Wildlife Services representative.

***UPDATE: The project representative advised on February 23 that the HANS application has not yet been submitted and has agreed to an additional two-month continuance to the May hearing.***

***UPDATE II: The applicant is now ready to proceed.***

***RECOMMENDATION: Provided that the Commission and the airport operator are satisfied that the project will not result in a wildlife hazard affecting aircraft safety, staff recommends a finding of CONSISTENCY, subject to the conditions specified herein.***

### **PROJECT DESCRIPTION:**

Plot Plan No. 24389 proposes the use of approximately 2.34 acres of a 42.03-acre property for the sale of mulch and landscaping supplies. The only associated structure would be a 400 square foot office trailer or commercial coach. The mulch, consisting of decomposing vegetation, would be stored outdoors. Seven parking spaces would be provided, with additional graveled area that could potentially accommodate additional vehicles.

### **PROJECT LOCATION:**

The site is located easterly of Sky Canyon Drive and southerly of Borel Road, in the unincorporated Riverside County community of French Valley, approximately 1,188 feet southerly of the southerly terminus of Runway 18-36 at French Valley Airport.

**LAND USE PLAN :** 2007 French Valley Airport Land Use Compatibility Plan (2007 FVALUCP)

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Compatibility Zones B1 and C
- c. Noise Levels: Greater than 55 dB(A) CNEL to 65 dB(A) CNEL

### **BACKGROUND:**

Land Use/Intensity: The site is split by the boundary between Airport Compatibility Zone B1 and Airport Compatibility Zone C. Airport Compatibility Zone B1 is the more restrictive of these zones, allowing an average of up to 40 persons per acre and a maximum single-acre intensity of 80 persons, pursuant to the Additional Compatibility Policies of the 2007 FVALUCP. Given the square footage of the office trailer and the proposed number of parking spaces, it is doubtful that the total number of persons on the site would ever exceed forty (40).

Hazards to flight are prohibited in Airport Compatibility Zone B1 and throughout the Airport Influence Area.

Noise: The site is subject to noise from aircraft operations due to its proximity to the runway. Noise levels are projected to exceed 60 CNEL in most portions of the property. However, the proposed use is not noise-sensitive.

PART 77: The site plan depicts a “finish grade” elevation of 1,324 feet above sea level at the

southeasterly corner of the “office trailer.” Assuming that the height of the “office trailer” does not exceed 17 feet, the elevation at the top of this structure would not exceed 1,341 feet above mean sea level. The runway elevation is 1,340 feet above mean sea level at its southerly terminus. At a distance of 1,188 feet from the runway, any structure exceeding an elevation of 1,351 feet above sea level at top point would require FAA review. The proposed structure would not require FAA obstruction evaluation review, based on the above assumptions.

Prohibited Uses: Uses that would attract large concentrations of birds or otherwise affect safe air navigation within the area are prohibited in Airport Influence Areas. These uses include composting operations, recycling centers containing putrescible wastes, and construction and demolition debris facilities. The proponent had previously proposed use of the property for compost manufacturing and recycling of green waste, construction waste, and concrete through Conditional Use Permit No. 03395, which was denied by the Board of Supervisors in 2006. This project would involve the outdoor storage and sale of mulch and compost, but not a compost processing operation.

However, if the mulch contains “putrescible waste” attractive to birds, the effect would be the same as that of a processing operation. According to FAA Advisory Circular 150/5200-33B (a copy of which is attached), composting operations that only accept yard waste (leaves, lawn clippings, branches, etc.) generally do not attract hazardous wildlife. However, if the stored materials include food or municipal solid waste, this facility could present a major problem for the safety of aircraft operations in the area.

An additional concern is that lighting during nighttime operations be directed downward so as to not shine into the eyes of pilots preparing to land at the airport, and so as not to be confused with airport lighting.

**PUBLIC COMMENT:** Staff has received one phone call in opposition from a nearby property owner, who has concerns regarding flies and dust from the outdoor operations.

*Following the March meeting, Mr. Danny Cunningham of Goodman Properties, LLC, Property Manager for Silverhawk Industrial, submitted a letter noting that Agriscape has been in operation at this location for over four years, and that operations have resulted in dust and debris, flies, and objects flying into their building. The letter also stated that the mulching was still occurring. Ricardo Almejo, Agriscape President, responded that they are no longer composting. They receive tree trimmings, load them into roll off containers, and haul them to the firm’s yard in Lakeview. He noted that the problem of projectile debris (which occurred in 2006) resulted from operation of a tube grinder that has since been replaced.*

**CONDITIONS:**

1. The following uses shall be prohibited:
  - 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, including trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, composting operations utilizing waste other than yard waste, fly ash disposal, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, landscaping utilizing water features, and wastewater management facilities.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - e. Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
2. Prior to issuance of building permits, the landowner shall convey an aviation easement to French Valley Airport, which shall be recorded, or shall provide evidence that such an easement covering the property has already been recorded. Copies of the aviation easement, upon recordation, shall be forwarded to the Riverside County Planning Department and to the Riverside County Airport Land Use Commission.
  3. The attached notice shall be provided to all potential purchasers and tenants.
  4. The maximum elevation of the proposed building, including all roof-mounted appurtenances and obstruction lighting (if any), and any temporary structures shall not exceed 1,350 feet above mean sea level. The building shall maintain a minimum distance of 1,188 feet from the southerly terminus of Runway 18-36.
  5. Any outdoor lighting (including any temporary lighting for nighttime operations) that is installed shall be hooded or shielded and directed downward so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans, if any, shall be transmitted to **the Riverside County Economic Development Agency – Aviation Division personnel at and** French Valley Airport for review and comment. (Failure to comment within thirty days shall be considered to constitute acceptability on the part of the airport manager.)



6. Any detention or retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
7. The mulch or compost material shall consist solely of “yard waste” **such as tree trimmings** and shall not include food or other municipal solid waste.

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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.3 ~~2.2~~

**HEARING DATE:** May 13, 2010 (continued from April 8, 2010)

**CASE NUMBER:** ZAP1003PV10 – City of Perris (Representative: Brad Eckhardt, Planning Manager)

**APPROVING JURISDICTION:** City of Perris

**JURISDICTION CASE NO:** SPA 08-08-0004

**MAJOR ISSUES:** At this time the draft Perris Valley Airport Compatibility Plan has not been sent out for public review of its environmental determination nor received formal review and approval by the Commission. Therefore, this project will be reviewed based on the existing 1979 Perris Valley Airport Land Use Plan. The 1979 Perris Valley Airport Land Use Plan does not define any Airport Influence or Compatibility Zones, simply an Airport Influence Area Boundary. *Furthermore, the 1979 Map was based on a cross-runway system, but only one runway exists and there are no plans to build a crosswind runway.*

***UPDATE:** Staff met with Brad Eckhardt, Nick Johnson (the City's aviation consultant), Keith Downs of Mead & Hunt, and three representatives of Perris Valley Airport ownership and management on April 14 to discuss the impacts of the Draft Perris Valley Airport Land Use Compatibility Plan (PVALUCP) on the future development of the Downtown Perris area. (Commissioner Rod Ballance was also present at the meeting.) After considerable discussion, it was agreed that Mr. Johnson would prepare an alternative Compatibility Zone map based on Airport Land Use Planning Handbook safety zone guidelines and utilizing declared distances so as to allow Zone A to be limited to areas southerly of Ellis Avenue, which borders the airport on the north. This would serve as the City's alternative as CEQA documentation moves forward. The City would like the Commission to endorse its proposed Compatibility Map in concept so as to allow the Commission to then proceed with an approval of the Downtown Specific Plan as consistent with its forthcoming Plan that would be substantially based on the City's alternative. Mr. Johnson submitted the City's proposal on April 28, a copy of which is included with this staff report. As of the writing of this staff report, airport representatives have not indicated whether the revisions are acceptable to them.*

*The City alternative does not propose any changes to the boundaries and criteria of Draft Perris Valley Airport Land Use Compatibility Plan zones in areas southerly of the airport, such as the site of the Green Valley Specific Plan. That Specific Plan has not yet been developed and may be able to be amended in such a manner as to comply with the criteria of the Draft PVALUCP, without necessarily reducing the number of dwelling units that the Plan would accommodate.*

*The major issues associated with the City alternative include:*

*The use of declared distances: the northerly 1100 feet would not be available for landings from the north or takeoffs toward the north;*

*Treatment of Perris Valley Airport as an urban airport relative to the portion of its Airport Influence Area northerly of Mountain Avenue, with no limits on densities or intensities within the Traffic Pattern Zone: areas northerly of Mountain Avenue that would normally be in Zone D would be depicted as being in Zone E;*

*Delineation of areas that would be in the Inner Approach/Departure Zone pursuant to State Handbook guidelines as Zone C, rather than Zone B1.*

**RECOMMENDATION:** ~~At this time staff has not completed their review of the specific plan.~~ *Staff is hopeful that progress is being made toward a win-win solution that will benefit both the airport and the City of Perris. However, additional time is needed to study the proposal. Staff recommends that the Commission CONTINUE this item to June 10, ~~May 13, 2010~~ **WITH** ~~without~~ discussion. Staff also recommends that the Commission ask its Perris Valley Subcommittee (Messrs. Housman, Ballance, and Butler) to meet with the affected parties in the immediate future so as to enable a Commission decision on June 10 regarding the acceptability of the City alternative as the basis of a future Compatibility Plan for Perris Valley Airport and, if found acceptable, a decision on a recommendation for the Downtown Specific Plan, as amended.*

**PROJECT DESCRIPTION:**

The City of Perris proposes to adopt a comprehensive revision to the Downtown Specific Plan. The plan designates allowable land uses and densities and prescribes development standards within the 735-acre Downtown Perris area, which is located southerly/southwesterly of Interstate 215, northerly of Ellis Avenue, westerly of Redlands Avenue, and easterly of "A" Street. The existing Specific Plan was adopted in 1993 and allows for a mix of residential, commercial, industrial, and public land uses at various densities. The comprehensive revision is designed around a Regulating Code that focuses on the form and placement of buildings, with the intent of developing a Transit-Oriented Community (focusing on the future Metrolink Station) with a mix of land uses at densities that support transit and meet Housing Element requirements. (Perris Valley Airport: A through E on draft proposed plan).

**PROJECT LOCATION:**

The area included within the proposed Specific Plan is located southwesterly of Interstate 215, northerly of Ellis Avenue, westerly of Redlands Avenue and easterly of "A" Street in the City of Perris, and, at its closest point, approximately 200 feet northerly of the northerly end of Runway 15/33 of the Perris Valley Airport.

**LAND USE PLAN:** 1979 Perris Valley Airport Land Use Plan

- a. Airport Influence Area: Perris Valley Airport
- b. Land Use Policy: Riverside County Airport Land Use Compatibility Plan  
Countywide Policies

## **BACKGROUND:**

Land Use: The specific plan regulation utilizes what is referred to as a “form-based code” utilizing “transects” which regulates more the style and look of the development rather than the specific uses allowed within a designation. The specific plan does give some basic guidance on preferred land uses and basic development standards, including maximum number of building stories, but not specific building height or development intensity. This makes it difficult to determine whether what the specific plan allows is consistent with the regulations of the Airport Land Use Compatibility Plan.

A portion of the specific plan is located within the 1979 Perris Valley Airport Influence Area. Since the existing plan for the Perris Valley Airport does not delineate individual zones, the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan are solely applicable to staff’s and the Commission’s review of the specific plan. These policies do not provide any specific restrictions or requirements for land use intensity, including residential density, population density, non-residential floor area ratio, or structure height since these are dependent on specific compatibility zone designations. FAA Part 77 regulations would still be applicable to any implementing project proposing specific buildings.

The entire specific plan is located within the airport influence area of the draft Perris Valley Land Use Compatibility Plan. All Zones would be affected by the specific plan excluding the B2 Zone of the draft plan.

Part 77: The Specific Plan does not itself authorize the development of structures, however when specific projects are proposed, they may be required to be reviewed by the FAA pursuant to Part 77.

**Declared Distances: The existing surface of the runway at Perris Valley Airport extends northerly almost to the right-of-way line of Ellis Avenue. While Perris Valley Airport is not a “federally obligated” facility, as a safety matter, it is recommended that all public-use airports strive to comply with Federal Aviation Administration airport design requirements relating to safety. One such requirement is the establishment of a Runway Safety Area extending beyond each end of a runway that is to be maintained object-free. The Runway Safety Area allows for the potential of runway overruns to occur, without resulting in disaster. Implementation of declared distances in the manner proposed by Johnson Aviation would require the airport to limit northbound takeoffs and southbound landings to the southerly 4,000 feet of the runway, but would allow use of the full runway length for southbound takeoffs and northbound landings.**

The use of these declared distances results in the Runway Protection Zone (the basis for delineation of future Airport Compatibility Zone A) being confined to areas southerly of Ellis Avenue, which, in turn, allows non-airport properties to be developed for low person intensity nonresidential uses, rather than having to be set aside as open space. The airport owners have advised that they would not be interested in purchasing properties northerly of Ellis Avenue.

**Urban Airport:** The Downtown Specific Plan, as amended, envisions Downtown Perris as an urban center characterized by multi-story structures and downtown character, rather than the standard suburbanization characteristic of Riverside County. Residential areas could have densities exceeding thirty (30) dwelling units per acre – densities that are encouraged and, to some extent, mandated by the State of California Department of Housing and Community Development in its review of the adequacy of Housing Elements. In light of this, the City of Perris is requesting that the Airport Land Use Commission depart from its usual practice and designate areas northerly of Mountain Avenue that would be considered to be in the “Traffic Pattern Zone” pursuant to State Handbook safety zone guidelines as Airport Compatibility Zone E, rather than Airport Compatibility Zone D. These areas, then, would not be subject to residential density or nonresidential intensity limitations. The basis for this would be Table 9C in the Handbook (“Safety Compatibility Criteria Guidelines”), which indicates “No limit” on average number of people or dwelling units per acre in the “Traffic Pattern Zone” of airports in heavily developed, urban settings.

With regard to noise, other than the 127-unit residential subdivision approved by the City of Perris in 2007, only seven residentially designated parcels with a total area of 2.57 acres would be located either partially or wholly within the 60 dB CNEL noise contour. These are properties that would be located in Airport Compatibility Zone C (or B1) pursuant to the City’s proposal. Areas in proposed Zone E would be located outside the 60 dB CNEL contour. Pursuant to Table 7C of the Handbook, use of the 60 dB CNEL noise contour is suitable for new development around most airports, other than airports in quiet, rural locations.

#### **CONDITIONS:**

1. In accordance with this Specific Plan, prior to the issuance of building permits for any new development within this area, the landowner shall convey an aviation easement to the Perris Valley Airport.
2. 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.
3. The following uses shall be prohibited:
  - (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.
4. The attached notice shall be provided to all potential purchasers and tenants.
  5. Any retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
  6. Noise attenuation measures shall be incorporated into the design of office areas of structures, as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL.

# **RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

## **STAFF REPORT**

### **ADMINISTRATIVE ITEMS**

- 4.1** Discussion by TLMA Information Resources – ALUC Commissioners’ Laptops: TLMA Information Resources staff will advise the members of the Airport Land Use Commission regarding use of their laptop computers and the need to apply regular security updates.
- 4.2** Special Project Cost Report: This item is reserved for a presentation by ALUC Director Ed Cooper regarding the cost for review of special projects such as heliports and energy facilities.

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