

**AIRPORT LAND USE COMMISSION
MINUTE ORDER NOVEMBER 8, 2018
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on November 8, 2018 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Steve Manos, Chair
Russell Betts, Vice Chair
Arthur Butler
John Lyon
Richard Stewart
Gary Youmans
Michael Lewis, alternate for Steven Stewart

COMMISSIONERS ABSENT: Steven Stewart

STAFF PRESENT: Simon Housman, ALUC Director
John Guerin, Principal Planner
Paul Rull, Principal Planner
Barbara Santos, ALUC Commission Secretary
Raymond Mistica, ALUC Counsel

OTHERS PRESENT: Michael Brunett, Coyne Development
Alexander Borel, Other Interested Person
Beau Cooper, Other Interested Person
Keith Gardner, Riverside County Planning Dept.
Adam Rush, KTM North America

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- I. **AGENDA ITEM 2.1:** ZAP1075BD18 – City of Indio (Leila Namvar, Development Services Department). A proposal by the City of Indio to adopt a new General Plan 2040 to guide the future development of the City that focuses on revitalizing and connecting neighborhoods, establishing a human-scale network of complete streets and community open spaces, and enhancing community health and wellness. The General Plan includes the following elements/chapters: Vision and General Plan Strategies, Land Use and Urban Design, Mobility, Economic Development, Health and Equity, Parks, Recreation, and Open Space, Conservation, Infrastructure and Public Facilities, Safety, Noise, and Implementation. (The Housing Element is also part of the General Plan, but is not proposed for change as part of this effort.) The City includes land within all Compatibility Zones of the Bermuda Dunes Airport Influence Area. Continued from September 13 and October 11, 2018.

II. **MAJOR ISSUES**

The Bermuda Dunes Airport Influence Area (AIA) extends into the City of Indio. The City includes land within all of the Compatibility Zones (A, B1, B2, C, D, and E), as well as areas outside the AIA. (Areas outside the AIA are not within ALUC’s jurisdiction.) To the extent that the designations reflect existing land uses (including projects that have already received their final discretionary approval from the City of Indio), there is no conflict, as ALUC has no jurisdiction over existing land use. The proposed General Plan Land Use Map designates lands within Airport Compatibility Zones B1, B2, C, and D for land use densities and intensities that are not consistent with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan. The proposed General Plan text will require additions and revisions in order to enable a consistency determination. On October 2, 2018, the City of Indio submitted a letter agreeing to a continuance to November 8 to provide the City “with sufficient time to revise the document to comply with the Bermuda Dunes Airport Land Use Compatibility Plan.” As of October 15, staff is awaiting the necessary additions and revisions.

III. **STAFF RECOMMENDATION**

As initially submitted, the proposed General Plan Update is inconsistent with the Bermuda Dunes Airport Land Use Compatibility Plan. However, staff would prefer to find a path to consistency.

The City of Indio did agree to a continuance to the October 11 agenda and subsequently agreed to an additional continuance to November 8. However, as of October 15, 2018, ALUC staff has not received any revisions to the maps or text of the proposed General Plan that would bring the Plan into consistency. Therefore, at this time, staff would support an additional continuance if requested by the City, else staff would have to recommend a finding of INCONSISTENCY for the proposed General Plan.

This recommendation is subject to change once the City of Indio, at minimum, revises the General Plan in accordance with the recommendations offered in the e-mail sent to the City on September 14, 2018. ALUC staff is amenable to using the additional time between the date of this staff report and the hearing date to work out additional details with City staff in order to facilitate such revisions.

STAFF RECOMMENDATION

CONTINUE to December 13, 2018

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IV. PROJECT DESCRIPTION

The City of Indio proposes to adopt General Plan 2040, a comprehensive update to the City's General Plan to guide the long-term development of the City and its sphere of influence. The General Plan Update includes the following elements: Land Use and Urban Design, Mobility, Economic Development, Public Health and Equity, Parks and Recreation, Conservation, Community Facilities and Infrastructure, Safety, Noise, and Implementation. (The Housing Element is also a part of the General Plan, but no changes are proposed through this effort.) The City includes land within all Compatibility Zones (A, B1, B2, C, D, and E) of the Bermuda Dunes Airport Influence Area.

V. MEETING SUMMARY

The following staff presented the subject proposal:

Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rivco.org .

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

VI. ALUC COMMISSION ACTION

The ALUC by a vote of 5-0 CONTINUED the project to December 13, 2018. Recuse: Commissioner Youmans; Absent: Commissioner Manos

VII. CD

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

ITEM 2.1: TIME: 9:37 A.M.

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- I. **AGENDA ITEM 3.1:** ZAP1027CH18 – Gossett Development (Representative: Garrett Gossett) – City of Eastvale Case No. PLN18-20034 (General Plan Amendment, Change of Zone, Major Development Review, Conditional Use Permit). The applicant proposes to amend the General Plan land use designation of 4.16 acres located on the northeast corner of Hellman Avenue and Walters Street from Low Density Residential (LDR) to Commercial (CR), and change its zoning from Heavy Agriculture (A-2) to General Commercial (C-1/C-P), and to develop a 146,946 square foot self-storage facility, including a 1,200 square foot office, and a 1,600 square foot manager’s residence with a 400 square foot garage, on 3.22 acres of the 4.16 acre site. (Airport Compatibility Zone D of the Chino Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed General Plan Amendment and Change of Zone CONSISTENT with the 2008 Chino Airport Land Use Compatibility Plan, and find the proposed Major Development Review and Conditional Use Permit CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The applicant proposes to amend the General Plan land use designation on 4.16 acres from Low Density Residential (LDR) to Commercial Retail (CR), and change its zoning from Heavy Agriculture (A-2) to General Commercial (C-1/C-P), and to develop a 146,946 square foot self-storage facility, including a 1,200 square foot office and a 1,600 square foot manager’s residence with a 400 square foot garage, on 3.22 acres.

CONDITIONS:

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses are not proposed and 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 landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators.

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- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Highly noise-sensitive outdoor nonresidential uses and hazards to flight.
3. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings, and shall be recorded as a deed notice.
 4. The proposed on-site detention basin shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
 5. This project has been evaluated as a self-storage project with 1,122 square feet of office area and a 2,076 square foot manager's caretaker residence. Any change in use of the proposed building(s) will require the City to conduct a subsequent evaluation to ensure continued consistency with the ALUCP compatibility criteria.

V. MEETING SUMMARY

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

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

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

VII. CD

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

ITEM 3.1: TIME: 9:39 A.M.

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I. **AGENDA ITEM 3.2:** ZAP1070PS18 – Coachella Flats, LLC (Representative: Robert Skaggs) – City of Palm Springs Case No. 5.1429 CUP (Conditional Use Permit). The applicant proposes to decommission and remove approximately 363 existing commercial wind turbines and install 20 new commercial wind turbines with a maximum height of 499 feet with a per turbine energy generating capacity between 2.0 megawatts (MW) and 4.2 MW on approximately 860 acres located southerly of Interstate 10, westerly of Indian Canyon Drive, and northerly of Highway 111. Also proposed are associated equipment such as a laydown yard, construction of new temporary and permanent internal roads, and new underground/overhead electrical collection lines. (Not located within an Airport Compatibility Zone).

II. **MAJOR ISSUES**

The project is currently being reviewed by the Federal Aviation Administration Obstruction Evaluation Service for impacts to air navigation. There are significant concerns regarding the extreme height of the proposed wind turbines, as well as electromagnetic interference and/or interference to the airport approach/departure radar surveillance system. The project is being recommended to the Commission as conditionally consistent, subject to the review and conditions by the FAAOES. In the event that the FAA review determines that the project is a hazard to air navigation, the project will be brought back to the Commission for a revised determination that will incorporate the completed FAA review.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Conditional Use Permit CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

IV. **PROJECT DESCRIPTION**

The applicant proposes to decommission and remove approximately 363 existing commercial wind turbines and install 20 new commercial wind turbines with a maximum height of 499 feet with a per turbine energy generating capacity between 2.0 megawatts (MW) and 4.2 MW on 860 acres. Wind turbine heights are measured from the base of turbine pole (bolted down to the foundation) at top of blade in the “twelve o’clock position”. The applicant has represented that the combined height of the turbine and foundation will be less than 499 feet above ground level (AGL). Also proposed are associated equipment such as laydown yard, construction of new temporary and permanent internal roads, and new underground/overhead electrical collection lines.

CONDITIONS: Final Conditions Await FAA Approval

1. The proposed WECS shall not generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Rotor blades shall utilize a flat or matte (non-glossy) finish so as to minimize the reflection of sunlight towards an aircraft engaged in an initial straight climb during takeoff or towards an aircraft engaged in a straight final approach toward a landing at an airport.
3. The WECS and any accessory uses shall not generate smoke or water vapor and shall be designed so as not to attract large concentrations of birds.
4. The combined height of each WECS and its foundation will be less than 499 feet above ground level (AGL).

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5. This project has been evaluated by Airport Land Use Commission (ALUC) and the Federal Aviation Administration (FAA) for the 20 wind turbines only. Any increase in number, height, or change in location of the turbines, or any proposal for new structures taller than 200 feet from ground level, will require review by the ALUC and FAA.

V. MEETING SUMMARY

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

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

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 7-0 found the project CONDITIONALLY CONSISTENT subject to the conditions included herein, and new condition added by Commission regarding light impacts on the ground, and such additional conditions as may be required by the FAA OES.

VII. CD

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

ITEM 3.2: TIME: 9:42 A.M.

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- I. **AGENDA ITEM 3.3:** ZAP1033RG18 – County of Riverside (Keith Gardner, Planning Department). A proposal by the County of Riverside to adopt a **comprehensive amendment to the County’s existing Ordinance No. 348 (formerly identified on the published hearing notice as the adoption of Ordinance No. 944, a new County-Wide Land Development Ordinance.)** The Planning Department, in consultation with County Counsel, has determined that it will not be necessary to have both a new land use ordinance, Ordinance No. 944, and the County’s current land use ordinance, Ordinance No. 348. As a result, the current Ordinance No. 348 will now be amended in its entirety to include the proposed language set forth in Ordinance No. 944; Ordinance No. 944 will no longer be processed as part of this Project. Although organizational changes may have occurred, no substantive changes have been made to the Project’s proposed language. The proposed language will now appear exclusively in Ordinance No. 348, and not Ordinance No. 944. This change only represents an administrative change to the Project Description.

The proposal does not involve changing the zoning of any properties, eliminating, combining, or renaming any zones. The list of allowable land uses will appear different, due to the consolidation of individual land uses into broader categories. The **revised** ordinance will include an Administrative Section, descriptions of allowable uses and development standards for each zoning classification grouped within six categories (Residential, Commercial, Industrial, Agricultural, Open Space, and Resources), a Special Provisions Section, and Glossary/Definitions. The most notable change is in permit types. “Plot Plans” will now be known as “Use Permits” or “Minor Use Permits,” while Public Use Permits and Commercial WECS Permits will be folded into the more generic category of Conditional Use Permits. Amortization periods are being deleted. References to application materials and review fees are being removed. (Countywide Unincorporated Areas).

II. **MAJOR ISSUES**

None, as this is basically a restructuring of existing Ordinance No. 348 provisions. A finding of consistency for the text of this ordinance does not constitute a finding of consistency for the zoning of specific parcels or for the County’s General Plan.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission open the public hearing, consider testimony, and find the proposed County-Wide Land Development Ordinance No. 944 CONSISTENT with the 2004 Riverside County Airport Land Use Compatibility Plan and with all applicable individual Airport Land Use Compatibility Plans applicable to unincorporated areas.

IV. **PROJECT DESCRIPTION**

The County of Riverside proposes to adopt a new County-Wide Land Development Ordinance (Ordinance No. 944) that will apply to new development, superseding existing Ordinance No. 348. (Ordinance No. 348 will continue to apply to existing development.) The proposal does not involve changing the zoning of any properties, or eliminating, combining, or renaming of any zoning classifications. The list of allowable land uses will appear to be different, due to the consolidation of individual land uses into broader categories. Ordinance No. 944 includes an Administrative Section, descriptions of allowable uses and development standards for each zoning classification grouped within six categories (Residential, Commercial, Industrial, Agricultural, Open Space, and Resources), a Special Provisions Section, and Glossary/Definitions. The most notable change is in permit types. “Plot Plans” will now be known as “Use Permits” or “Minor Use Permits,” while Public Use Permits and Commercial WECS Permits will be folded into the more generic category of Conditional Use Permits. Additional changes include deletion of amortization periods and references to application materials and review fees.

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ALUC staff's review of the proposed Ordinance No. 944 is ongoing. As of the date of this staff report, there is no evidence to suggest that the proposed ordinance would affect the process utilized by the County to require projects in Airport Influence Areas to be submitted to ALUC for review.

The County has provided the following summary of the proposed project:

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rivco.org

The following spoke in favor of the project:

Keith Gardner, Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

VII. **CD**

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

ITEM 3.3: TIME: 9:53 A.M.

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- I. **AGENDA ITEM 3.4:** ZAP1032BA18 – RMG Residential 2010, LLLP (Representative: United Engineering Group) – City of Banning Planning Case No. 15-70004 (Tentative Tract Map No. 36710). The applicant proposes to divide 10.67 acres located northerly of Wilson Street, westerly of Florida Street, southerly of Hoffer Street, and easterly of Alessandro Road into 38 single family residential lots and three drainage basin lots. (A previous proposal to divide the site into 46 single family residential lots had been found consistent by the ALUC, but was not favored by the City Council.) (Airport Compatibility Zone D of the Banning Municipal Airport Influence Area).

II. **MAJOR ISSUES**

The proposed project results in a density of 3.6 dwelling units per acre, which is inconsistent with the Compatibility Zone D minimum density criteria of less than 0.2 dwelling units per acre or greater than 5.0 dwelling units per acre. Compatibility Zone D also requires 1.06 acres of the total project site area for emergency landing open area purposes, with the project not providing any ALUC open area.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the Tentative Tract Map INCONSISTENT, based on the density being within the prohibited intermediate density range and not providing the required 10% acreage for ALUC open area.

Alternatively, if the Commission is willing to consider application of Countywide Policy 3.3.6, it may find the Tentative Map consistent, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The applicant proposes to divide 10.67 acres into 38 single-family residential lots with a minimum lot size of 7,000 square feet, and 3 drainage basin lots.

The original ALUC case ZAP1020BA15 proposed to divide the site into 46 single-family residential lots with a minimum lot size of 5,000 square feet. This proposal was found consistent by the Commission, with special findings pursuant to Policy 3.3.6 addressing density and open area concerns. According to the applicant, the City Council was not in favor of the project's 5,000 square foot minimum lot size and enforcement issues regarding assurance of the long-term maintenance of the ALUC open space areas. Therefore, the applicant is submitting this revised proposal.

FINDINGS FOR A DETERMINATION OF CONSISTENCY PURSUANT TO POLICY 3.3.6 OF THE COUNTYWIDE POLICIES OF THE 2004 RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN:

1. The project site lies outside the area that would be subject to average exterior noise levels above 55 CNEL under ultimate airport development conditions. Therefore, residents of the proposed homes would not be significantly affected by aircraft noise.
2. There are significant amounts of open area in the immediate vicinity, to wit, existing baseball and soccer fields on School District properties located along the south side of Wilson Street opposite from and to the southwest of the project site, which can provide for the required open area to serve as potential emergency landing areas.

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CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
 - (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, 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, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Highly noise-sensitive outdoor nonresidential uses.
3. The attached notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice.
4. Any ground-level or aboveground water retention or detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
5. The Federal Aviation Administration has conducted aeronautical studies of the proposed structures (Aeronautical Study Nos. 2018-AWP-11563-OE, 2018-AWP-11564-OE, 2018-AWP-11565-OE, and 2018-AWP-11566-OE), and has determined that neither marking nor lighting of the structures is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any)

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shall be installed in accordance with FAA Advisory Circular 70/7460-1 L and shall be maintained in accordance therewith for the life of the project.

6. The maximum height of the proposed structures to top point shall not exceed 35 feet above ground level, and the maximum elevation at the top of the structures shall not exceed 2,486 feet above mean sea level.
7. The specific coordinates, height and top point elevations of the proposed structures shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
8. Temporary construction equipment used during actual construction of the structures shall not exceed the height of the structures, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
9. Within five (5) days after construction of the structures reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the structures.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

The following spoke in favor of the project:

Beau Cooper, Other Interested Person, 8885 Haven Ave., Suite 195, Rancho Cucamonga, CA

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT pursuant to the following Policy 3.3.6 findings.

VII. **CD**

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

ITEM 3.4 TIME: 9:57 A.M.

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I. **AGENDA ITEM 3.5:** ZAP1083FV18 – Pierer Immoreal North America, LLC (Representative: CASC Engineering and Consulting) – Riverside County Planning Case No. PPT180022 (Plot Plan). The applicant proposes to construct a two-story 72,144 square foot KTM Headquarters office building with a separate 31,421 square foot storage warehouse area, and a 67,088 square foot motorsport research and development building with a separate 24,111 square foot covered truck parking area, and 8,438 square feet of covered truck wash area on 21.16 acres of 56.95 acre site located northerly of Borel Road, easterly of Winchester Road Highway 79, westerly of Sky Canyon Road, and southerly of Sparkman Way (Airport Compatibility Zones B2 and D of the French Valley Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the Plot Plan CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

STAFF RECOMMENDED AT HEARING

CONSISTENT subject to updated conditions submitted at the meeting which includes FAA OES conditions.

IV. **PROJECT DESCRIPTION**

The applicant proposes to construct a two-story, 72,144 square foot KTM Headquarters office building with a separate 31,421 square foot storage warehouse area, and a 67,088 square foot motorsport research and development building with a separate 24,111 square foot covered truck parking area and 8,438 square foot covered truck wash area on 21.16 acres of a 56.95- acre site.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky and shall comply with the requirements of Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans, if any, shall be transmitted to Riverside County Economic Development Agency – Aviation Division personnel and to the 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.)
2. The review of this Plot Plan is based on the proposed uses and activities noted in the project description. The following uses/activities are not included in the proposed project and shall be prohibited at this site, in accordance with Note A on Table 4 of the Southwest Area Plan.
 - (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

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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.
3. Prior to issuance of building permits, the landowner shall convey an avigation easement to the County of Riverside as owner of French Valley Airport, or provide evidence that such easement (applicable to all of the properties in the project) has been previously conveyed. Contact the Riverside County Economic Development Agency – Aviation Division at (951) 955-9722 for additional information.
 4. The attached notice shall be provided to all prospective purchasers of the property and future tenants of the buildings thereon.
 5. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; children’s schools; day care centers; libraries; hospitals; nursing homes and other skilled nursing and care facilities; places of worship or assemblies of people; noise-sensitive outdoor nonresidential uses; and hazards to flight.
 6. Any proposed detention basins or facilities shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
 7. Any subsequent Conditional Use Permit, Plot Plan, or other permitting that would alter the use and occupancy of the currently proposed project shall require ALUC review.
 8. Noise attenuation measures shall be incorporated into the design of the buildings, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
 9. The ALUC open areas as shown on the site plan shall be devoid of obstacles/obstructions greater than 4 feet in height that are at least 4 inches in diameter, which includes parking light poles, walls, trash enclosures, and tall landscaping.
 10. Prior to issuance of building permits for any building on this site, the permittee shall provide copies of a “Determination of No Hazard to Air Navigation” letter from the Federal Aviation Administration Obstruction Evaluation Service relating to that specific building or group of

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buildings to the Department of Building and Safety and to the Riverside County Airport Land Use Commission. The permittee shall comply with all requirements of such letter.

11. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and Riverside County Economic Development Agency as owner and operator of French Valley Airport. In the event of any reasonable complaint about glare related to aircraft operations, the applicant shall agree to such specific mitigation measures as determined or requested by Riverside County Economic Development Agency.

The following conditions were added at the November 8, 2018 ALUC hearing.

12. **The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study Nos. 2018-AWP-15606-OE and 2018-AWP-15608-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 2 and shall be maintained in accordance therewith for the life of the project.**
13. **The proposed buildings shall not exceed a height of 29 feet above ground level and a maximum elevation at top point of 1,349 feet above mean sea level.**
14. **The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.**
15. **Temporary construction equipment used during actual construction of the structure(s) shall not exceed 29 feet in height and a maximum elevation of 1,349 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.**
16. **Within five (5) days after construction of any individual building reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the applicable structures(s).**

**AIRPORT LAND USE COMMISSION
MINUTE ORDER NOVEMBER 8, 2018
RIVERSIDE MEETING**

V. MEETING SUMMARY

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

The following spoke in favor of the project:

Adam Rush, KTM North America, 1470 East Cooley Drive, Colton, CA 92324

The following spoke neither for or against the project, but added information to the decision making process:

Alexander Borel, Other Interested Person, 37615 Leon Rd, Murrieta, CA 92563

No one spoke in opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT subject to updated conditions submitted at the meeting which includes FAA OES conditions.

VII. CD

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

ITEM 3.5: TIME: 10:24 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER NOVEMBER 8, 2018
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.6:** ZAP1334MA18 – Newcastle Partners, Inc., Jackson Smith (Representative: T&B Planning, George Atalla) – City of Moreno Valley Case Nos. PEN18-0023 (Plot Plan). The applicant proposes to construct a 203,712 square foot concrete tilt-up warehouse/logistics facility on 8.8 acres located at the northeast corner of Frederick Street and Brodiaea Avenue. The applicant is proposing to increase the wall heights from 41 feet to 45 feet, requiring additional review by the Airport Land Use Commission and the Federal Aviation Administration. (Airport Compatibility Zone D of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Plot Plan CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

STAFF RECOMMENDED AT HEARING

CONSISTENT subject to updated conditions submitted at the meeting which includes FAA OES conditions.

IV. **PROJECT DESCRIPTION**

The applicant is proposing to amend previously approved ALUC case ZAP1308MA18 to increase the wall heights of the proposed concrete tilt-up warehouse/logistics facility from 41 feet to 45 feet.

The Commission found the original proposal to construct a 203,712 square foot warehouse facility (193,712 square feet warehouse area, 10,000 square feet office area) on an 8.8-acre site, along with a general plan amendment to amend the site's land use designation from Office to Business Park/Light Industrial and a zone change from Office to Light Industrial, consistent on May 10, 2018. The original building height of 41 feet required review by the Federal Aviation Administration Obstruction Evaluation Service, which resulted in a "Determination of No Hazard to Air Navigation."

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (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.

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- (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, production of cereal grains, sunflower, and row crops, 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, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 3. The attached notice shall be provided to all potential purchasers of the property and shall be recorded as a deed notice.
 - 4. No detention basins are shown on the plot plan. Any new ground-level or aboveground water detention basins or facilities on the site (including water quality management basins) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
 - 5. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

The following conditions were added at the November 8, 2018 ALUC hearing.

- 6. The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2018-AWP-15456-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 1 and shall be maintained in accordance therewith for the life of the project.**
- 7. The proposed buildings shall not exceed a height of 45 feet above ground level and a maximum elevation at top point of 1,608 feet above mean sea level.**
- 8. The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.**

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9. Temporary construction equipment used during actual construction of the structure(s) shall not exceed 45 feet in height and a maximum elevation of 1,608 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
10. Within five (5) days after construction of any individual building reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the applicable structures(s).

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

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

VI. **ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT subject to updated conditions submitted at the meeting which includes FAA OES conditions.

VII. **CD**

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

ITEM 3.6: TIME: 10:56 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER NOVEMBER 8, 2018
RIVERSIDE MEETING**

- I. **AGENDA ITEM 3.7** ZAP1333MA18 – Coyne Development Corporation (Representative: RED Architectural Group) – City of Moreno Valley Case Nos. PEN18-0184 and PEN18-0185 (Plot Plans). PEN18-0184 proposes to construct 12 industrial warehouse buildings totaling 122,979 square feet on 9.37 acres on three separate parcels, and PEN18-0185 proposes to construct a 15,280 square foot Penske Truck building facility on 9.86 acres, located southerly of Alessandro Boulevard, westerly of Day Street, and easterly of Old Highway 215 Frontage Road. (Airport Compatibility Zones B1-APZ-I and B1-APZ-II of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

The applicant is proposing to construct predominately industrial warehouse buildings on a site located within the Airport Compatibility Zone B1 that lies within Accident Potential Zone I and II (APZ-I and APZ-II) (majority in APZ-I), as delineated by the United States Air Force in the 2018 Air Installation Compatible Use Zone (AICUZ) study. Although these buildings are consistent with the ALUC's Compatibility Zone B1-APZ-I and APZ-II average and single acre intensity criteria (APZ-I 25 average, 100 single, APZ-II 50 average, 100 single), all of the buildings exceed the Air Force's interpretation of Air Force Instruction 32-7063 dated December 18, 2015, which addresses Air Force policies on Land Use Compatibility in accordance with Department of Defense Instruction (DoDI) No. 4165.57. The Air Force understands the DoDI as limiting intensity in APZ I to a maximum of 25 people in any given acre of building area, rather than an average intensity of 25 persons per acre of land area. At a pro-rated amount, all of the proposed buildings would exceed the Air Force APZ I intensity interpretation.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Plot Plans CONSISTENT, based on the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan; however, the Commission should also consider the fact that the project would exceed the Air Force's intensity interpretation for APZ-I.

STAFF RECOMMENDED AT HEARING

CONSISTENT subject to the updated conditions submitted at the meeting which incorporates the solar panel review condition; however, the Commission should also consider the fact that the project would exceed the Air Force's intensity interpretation for APZ-I

IV. **PROJECT DESCRIPTION**

PEN18-0184 proposes to construct 12 industrial warehouse buildings totaling 122,979 square feet on 9.37 acres on three separate parcels, and PEN18-0185 proposes to construct a 15,280 square foot Penske Truck building facility on 9.86 acres.

In 2007, the Commission found ZAP1038MA07 (PA05-107), a proposal for a 16-building business park with a gross floor area of 253,740 square feet on 19.56 acres consistent with the 1984 Riverside County Airport Land Use Plan. (The project also involved a General Plan Amendment to amend the City of Moreno Valley General Plan land use designation on 6.22 acres from Commercial to Business Park/Industrial, and to establish the Business Park/Industrial designation on 3.27 acres of former right-of-way, a change of zoning from Commercial (6.22 acres) and Industrial (8.7 acres) to Business Park, and to establish Business Park zoning on 2.47 acres of former right-of-way, and parcel map to divide 24.11 acres into six parcels.)

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

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2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (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, production of cereal grains, sunflower, and row crops, 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, and incinerators.)
 - (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, skilled nursing and care facilities, congregate care facilities, hotels/motels, restaurants, places of assembly (including churches and theaters), buildings with more than 3 aboveground habitable floors, noise sensitive outdoor nonresidential uses, critical community infrastructure facilities and hazards to flight.
 - (f) Any other uses not permitted in Accident Potential Zone I pursuant to DoDI 4165.57.
3. Prior to issuance of any building permits, the landowner shall convey and have recorded an avigation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
4. The attached notice shall be given to all prospective purchasers of the property and tenants of the buildings.
5. Any proposed detention basins on the site (including water quality management basins) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees

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that produce seeds, fruits, or berries.

6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
7. Noise attenuation measures shall be incorporated into the design of the office areas of the structure, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
8. This project has been evaluated for 114,861 square feet of warehouse area, 12,774 square feet of accompanying office area, 9,008 square feet of service area and 2,190 square feet of truck wash area. Any increase in building area or change in use will require review by the Airport Land Use Commission. In addition, this project shall not store, process or manufacture hazardous materials without review and approval by the Airport Land Use Commission.

The following conditions were added at the November 8, 2018 ALUC hearing.

9. **The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and March Air Reserve Base.**
10. **The applicant has agreed to accept a Covenant which will be recorded on the title of the property restricting the actual occupancy of the buildings to the limits of the Air Force Instruction. The Covenant shall read as follows:**

“Covenanter has agreed to comply with the Density Restrictions and a Density Cap by limiting occupancy of the Project to (i) XXX occupants ("Density Cap") [THE DENSITY CAP WILL DECREASE IF THE SQUARE FOOTAGE OF THE BUILDING DECREASES.]; (ii) twenty-five (25) occupants in any square area measuring 208 feet by 208 feet ("Square Area") for all Square Areas within portions of the building of the Project within APZ I; and (iii) fifty (50) occupants in any Square Area within portions of the building of the Project within APZ II. Accordingly, any building expansion is prohibited, including an increase in the XXX area, without further review by the City and MARB representatives, and consent and approval provided through an amendment to this Covenant.”

V. MEETING SUMMARY

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

The following spoke in favor of the project:

Michael Brunett, Coyne Development, 1500 Westcliff Avenue #300, Newport Beach, CA 92660

No one spoke in neutral or opposition to the project.

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VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT subject to the updated conditions submitted at the meeting which includes the Solar Panel Glare Review condition, and a new condition added by the Commission requiring a covenant be placed on the project limiting building intensities to the Air Force Instruction Criteria.

VII. CD

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

ITEM 3.7: TIME: 11:00 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER NOVEMBER 8, 2018
RIVERSIDE MEETING**

I. **4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals – Information Only

4.2 ALUC Director's Report: The Path Forward Following the Release of the 2018 Air Installation Compatible Use Zones Report (2018 AICUZ) for March Air Reserve Base/Inland Port Airport.

No Change

II. **5.0 APPROVAL OF MINUTES**

The ALUC by a vote of 5-0 approved the October 11, 2018 minutes. Abstain: Lyon and Richard Stewart

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

None

IV. **7.0 COMMISSIONER'S COMMENTS**

Commissioner Lyon announced that Saturday, November 10 is the Veteran's Day Observation at Flabob Airport to honor all Veterans, admission is free. Commissioner Richard Stewart advised that he attended the Chamber of Commerce business meeting at the Fixed Base Operations, Million Air discussing the Amazon flights and any public opposition to additional flights.

John Guerin, ALUC staff planner, commented in response to Commissioner Richard Stewart's comments regarding the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. The single acre intensity limit of 100, according to Mr. Guerin's recollection, was included in the recommendations from the Joint Land Use Study, which was prepared over approximately a 4 year period. During the course of ALUC's public hearings, Airport Land Use staff was never advised by Air Force representatives that their understanding of the intensity limits was intended to be maximum, rather than average, so staff interpreted the 25 and 50 person per acre limits for APZs I and II as average intensities. The 100 single acre was included in the plan that went through the public hearing process. Staff was never advised during that time period that the Air Force had any objections to those provisions. The other item is the use of building area rather than land area as the basis for intensity. Staff was never advised of that until after the textile project hearing in 2016, so neither of those concerns were raised until after the Compatibility Plan had been adopted.

V. **8.0 ADJOURNMENT**

Steve Manos, Chairman adjourned the meeting at 11:27 a.m.

VI. **CD**

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

ITEM 4.0: TIME IS: 11:20 A.M.