

RESOLUTION NUMBER 4409

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) INCONSISTENCY DETERMINATION FOR HARVEST LANDING SPECIFIC PLAN 05-0423, GENERAL PLAN AMENDMENT 08-03-0007, AND ZONE CHANGE 08-03-0008, SUBJECT TO CONDITIONS OF APPROVAL AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Perris has received an application for Specific Plan No. 05-0423 which proposes development of a 341-acre master planned community ("Harvest Landing") including 1,860 new residential dwelling units on approximately 170 acres, 1.3 million square feet of multiple business use on approximately 88 acres, and parks and recreational on approximately 44 acres. The project site is generally located south of Placentia and Orange Avenues, north of Nuevo Road, west of Perris Blvd. and east of East Frontage Road and I-215; and

WHEREAS, the City of Perris has received an application for General Plan Amendment 08-03-0007 proposing to change the City of Perris General Plan Land Use Map designation of the portion of the property southerly of Orange Avenue from Business Park and Community Commercial to Specific Plan; and

WHEREAS, the City of Perris has received an application for Zone Change 08-03-0008 proposing to change the zoning of the property from Light Agriculture and Community Commercial to Specific Plan; and

WHEREAS, the project site is outside of the March Air Reserve Base Accident Potential Zones as defined by the U.S. Air Force (Exhibit A), Additionally, since standard safety zone diagrams for the U.S. Air Force airports in the California Airport Land Use Planning Handbook coincide with the Clear Zone and Accident Potential Zones depicted in the Air Installation Compatibility Use Zone (AICUZ), the property is also outside Handbook recommended safety zones; and

WHEREAS, the project site is located within March Air Reserve Base (MARB) Airport Influence Areas II and III (Exhibit B), and per the California Public Utilities Code Section 21676 the proposed Specific Plan 05-0423, General Plan Amendment 08-03-0007, and Zone Change 08-03-0008 are subject to Riverside County Airport Land Use Commission's (ALUC) consideration for compliance with the 1984 Riverside County Airport Land Use Plan; and

WHEREAS, at a regularly scheduled hearing on April 10, 2008, the Riverside County ALUC found the proposed Specific Plan 05-0423, General Plan Amendment 08-03-

0007, and Zone Change 08-03-0008 inconsistent with the 1984 Riverside County Airport Land Use Plan; and

WHEREAS, per Government Code Section 21670 ALUC determinations may be overruled by a two-thirds vote of the City Council; and

WHEREAS, pursuant to Government Code Section 21670 the California Department of Transportation, Division of Aeronautics, was notified in a letter dated May 5, 2008 of the Council's intent to overrule the Riverside County ALUC inconsistency determination for Specific Plan 05-0423, General Plan Amendment 08-03-0007, Zone Change 08-03-0008 which included the required findings to do so; and

WHEREAS, an Environmental Impact Report (State Clearinghouse No. 2006011029) was certified by City Council on April 28, 2009 for the proposed Harvest Landing project including overrule of the Riverside County Airport Land Use Commission's (ALUC) inconsistency determination; and

WHEREAS, on March 16, 2011, the Planning Commission conducted a duly noticed public hearing on the proposed Harvest Landing project including overrule of the Riverside County Airport Land Use Commission's (ALUC) inconsistency determination, considered testimony and materials in the staff report and accompanying documents, and recommended that the City Council overrule of the Riverside County Airport Land Use Commission's (ALUC) inconsistency determination for Specific Plan 05-0423, General Plan Amendment 08-03-0007, Zone Change 08-03-0008 to the City Council; and

WHEREAS, a public hearing conducted by the City Council on May 10, 2011 to consider facts as presented in the staff report prepared for this request, and to accept public testimony regarding overrule of the Riverside County Airport Land Use Commission's (ALUC) inconsistency determination for Specific Plan 05-0423, General Plan Amendment 08-03-0007, Zone Change 08-03-0008; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS based upon the facts and analysis presented below, the staff report and accompanying attachments, public testimony received and subject to Conditions of Approval, does resolve as follows:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby finds that the provisions of California Public Utilities Code 21676(b) (review of Local General Plans) have been satisfied and based on the information contained within the staff report and the accompanying attachments and exhibits, the City Council hereby finds in regard to the Airport Land Use Commission's inconsistency determination that the proposed project provides for the orderly development of the area surrounding public use airports so as to 1) Promote the overall goals and objectives of the California airport noise standards; 2) Prevent the creation of new noise and safety problems; 3) Protect the public health, safety and welfare by ensuring the orderly expansion of airports; and 4) Protect the

public health, safety and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses:

- A.** The proposed project site is located approximately 2.3 miles north of the Perris Valley Airport and outside the safety zones and main approach areas.
- B.** The proposed project site is located approximately 3.0 miles south of the March Air Reserve Base (MARB) and outside the accident potential zones of MARB, therefore the project is not expected to pose a significant safety threat to persons occupying the project.
- C.** The proposed project is partially inconsistent with the General Plan Land Use Map; therefore, the proposed project would not alter the anticipated population growth in the area. The General Plan has designated the project area Business Park, Community Commercial and Specific Plan. Upon approval of General Plan Amendment 08-03-0007, associated with adoption the Harvest Landing Specific Plan, the General Plan designation for the entire Property will be Specific Plan which will make the proposed Specific Plan consistent with the General Plan Land Use Map. With approval of the proposed General Plan Amendment 08-03-0007 and Zone Change 08-03-0008, the proposed project would be consistent with the intent of the General Plan through designation of the site as Specific Plan. Consistency with General Plan policies pertaining to the proposed project area are assessed in Table 2 of the Harvest Landing Specific Plan Findings of Fact and Statement of Overriding Considerations.
- D.** The density proposed for the project is generally consistent with the General Plan Land Use Plan; therefore preventing the unexpected creation of new noise and/or safety hazards.
- E.** The Land Use Plan and corresponding Goals, Policies and Implementation Measures in the City of Perris General Plan 2030 do not reflect the land use restrictions set forth in the Airport Land Use Plan (ALUP) for Influence Areas 2 and 3. Development consistent with General Plan 2030 will not be consistent with the ALUP.
 - i.** ALUP Influence Areas 2 and 3 extend far beyond the Crash Potential Zones established for March Field and do not accurately reflect areas subject to hazards and/or nuisances associated with flights into and out of this facility.
 - ii.** The boundaries of Influence Areas 2 and 3 within the City of Perris were adopted as part of the Riverside County ALUP in 1986. The 1986 influence areas were based largely on a heavily used military installation located in a rural area. Up until that time, much of the airport influence area within the City of Perris was agricultural and

large-lot, rural residential development and the need for more precisely defined Influence Area boundaries was not recognized. With the explosive growth in Riverside County, including the City of Perris, since that time, however, the demand for housing necessitated development at much higher densities than previously existed. Conformity with the 1986 ALUP would have precluded much of the development in the City that began during the late 1980's and continues to the present.

- F.** City of Perris General Plan 2030 includes the following policies to ensure that the ALUP and AICUZ are considered as part of new development review:

 - i.** Safety Element - Goal I - Reduce risk of damage to property or loss of life due to natural or man-made disasters.
 - ii.** Safety Element - Policy I.D: Aircraft - Consult the Air Installation Compatible Use Zone (AICUZ) Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.
 - iii.** Safety Element - Implementation Measures – I.D.1 Participate in March Operations Assurance Task Force to resolve inconsistencies between local land use regulations and AICUZ and ALUP policies.
 - iv.** Safety Element - Implementation Measures – I.D.2 Continue to notify March Air Reserve Base of new development applications and consider their input prior to making land use decisions.
- G.** According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (1998), a majority of the project site is within the March Air Reserve Base's 60 to 65 DNL Noise Zone. According to this same table, the proposed residential uses and parks would be generally compatible with the project aircraft-related noise levels.
- H.** The following conditions are required for any subdivision on land within the airport land use plan, as per PUC 21675.1:

 - i. Aviation Easement.** Prior to project development, recordation of the map, or sale of any entity exempt from the subdivision Map Act, the applicant shall grant to the March Inland Port Authority an aviation easement in the form and manner approved by the City attorney and shall cause such easement to be duly recorded at the office of County Recorder.
 - ii. Notice of Airport in the Vicinity.** A Notice of Airport in the Vicinity and aerial photograph identifying the location of March ARB and the project site shall be displayed and distributed in model

homes at the project site. The following statement is required for distribution:

The property is located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- iii. **Disclosure.** The applicant shall provide full disclosure of the Avigation Easement and Notice of Airport in the Vicinity prior to the sale of individual properties within the project.
 - iv. **Noise Attenuation.** The applicant shall incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45 CNEL-decibel levels.
- I. To reduce hazards or aircraft flying near the project site, the following City standard Conditions of Approval are required.
- i. **Lighting Plans.** Prior to issuance of building permit, lighting plans shall be reviewed and approved by an airport lighting consultant or March Air Reserve Base/March Inland Port (MARB/MIP).
 - ii. **Residential Uses and Development Restrictions.** 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 towards a landing at an airport, other than FAA-approved navigational signal light or visual approach 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 excessive smoke or water vapor, attract concentrations of birds, or otherwise affect air navigation in the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft

- instrumentation.
 - e. Any unlawful storage of explosives or excessively flammable materials.
 - f. Obstructions of Federal Aviation Regulations, Part 77 Conical Surface.
- J.** For the aforementioned reasons, the proposed project is consistent with the public safety purpose stated in the Public Utilities Code Section 21670.
- K.** For the aforementioned reasons, the proposed project promotes the overall goals and objectives of the California Airport noise standards and prevents the creation of new noise and safety problems.
- L.** For the aforementioned reasons, the proposed project protects the public, health, safety and welfare by minimizing the public's exposure to excessive noise and safety hazards in the area around public airports.

Section 3. The City Council hereby overrules the Airport Land Use Commission's determination of inconsistency for Specific Plan 05-0423, General Plan Amendment 08-03-0007, Zone Change 08-03-0008, based on the findings listed above.

Section 4. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 5. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 10th day of May 2011.

Daryl R. Busch, Mayor

ATTEST:

Judy L. Haughney, C.M.C., City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4409 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 10th day of May 2011, by the following vote:

AYES: ROGERS, YARBROUGH, LANDERS, EVANS, BUSCH

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Judy L. Haughney, C.M.C., City Clerk

Resolution Exhibits:

Exhibit A: March Air Reserve Base Accident Potential Zones

Exhibit B: March Air Reserve Base Influence Areas

Exhibit C: ALUC Letter dated June 19, 2008