

RESOLUTION NO. 4101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING STAFF TO COMMENCE THE PROCESS TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S FINDING OF INCONSISTENCY FOR SPECIFIC PLAN 05-0423, GENERAL PLAN AMENDMENT 08-03-007 AND ZONE CHANGE 08-03-0008.

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 (refer to Exhibits A & B) 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 (refer to Exhibit C – Local Vicinity Map).

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.

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.

WHEREAS, the project site is outside of the March Air Reserve Base Accident Potential Zones as defined by the U.S. Air Force (refer to Exhibit D). 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 AICUZ, the property is also outside Handbook recommended safety zones.

WHEREAS, the project site is located within March Air Reserve Base (MARB) Airport Influence Area II and III (refer to Exhibit E), and the proposed specific plan, general plan amendment, zone change are subject to the Riverside County Airport Land Use Commission's (ALUC) recommendation based on the project's inconsistency with the 1984 Riverside County Airport Land Use Plan; and

WHEREAS, at the hearing on April 10, 2008, 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

THE CITY COUNCIL OF THE CITY OF PERRIS does further resolve as follows:

Section 1. The City Council has reviewed and considered the environmental documentation and information included in the staff report prior to recommending the City Council's action on the application for the Non-renewal of a Land Conservation Contract, the proposed Tentative Parcel Map, Conditional Use Permit and Development Plan Review for the alternative use of the Subject Property, and finds and determines that the proposed use of the Site, based on the Findings of Fact, the Statement of Overriding Considerations, and the requirements of the Mitigation Monitoring Program fully address the potential environmental impacts, and that the Declarations reflect the independent judgement of the City Council.

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.

Section 3. 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:

1. 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.
2. 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.
3. The proposed project is generally consistent with the General Plan Land Use Plan; therefore, the proposed project would not alter the anticipated population growth in the area.
4. 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.
5. 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 planning 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.
6. 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.

I.D.2 Continue to notify March Air Reserve Base of new development applications and consider their input prior to making land use decisions.
7. 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 Table 3-1 of the March Air Reserve's

AICUZ Study, the proposed residential uses and parks would be generally compatible with the project aircraft-related noise levels.

8. The following conditions are required for any subdivision on land within the airport land use plan, as per PUC 21675.1:
 - Avigation 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 City of Perris and to the Inland Port Authority an avigation 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.
 - 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.
 - 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.
 - 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.
9. To reduce hazards or aircraft flying near the project site, the following City standard conditions of approval are required.
 - 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)

- Residential Uses and Development Restrictions. The following uses shall be prohibited:
 - 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.
 - 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.
 - Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
10. The proposed project is consistent with the public safety purpose stated in the Public Utilities Code.
 11. 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.
 12. 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 4. The City Council hereby overrules the Airport Land Use Commission's findings of inconsistency based on the findings listed above.

Section 5. 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 6. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and ***APPROVED*** this 29th day of April 2008.

MAYOR, DARYL R. BUSCH

ATTEST:

City Clerk, Judy L. Haughney

Attachments: **Exhibit A** - Harvest Landing Specific Plan – Land Use Plan
Exhibit B - Harvest Landing Specific Plan - Statistical Data
Exhibit C - Local Vicinity Map
Exhibit D - Mach Air Reserve Base Accident Potential Zones
Exhibit E - March Air Reserve Base Influence Areas

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

I, JUDY HAUGHNEY, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4101 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 29th day of April 2008, by the following vote:

AYES:	COUNCILMEMBERS:	Yarbrough, Landers, Motte, Rogers, Busch
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

City Clerk, Judy L. Haughney