

DATE SUBMITTED 04/12/17
 SUBMITTED BY PLANNING DIRECTOR
 DATE ACTION REQUIRED 04/19/17

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED (X)
 RESOLUTION (X)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS (3)

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: Public Hearing Considering ALUC Overrule on Russell Court Development
 1. **Approve Resolution #2017-~~08~~₀₉** Adopting Findings for ALUC Overrule

DEPARTMENT INVOLVED: PLANNING

BACKGROUND/SUMMARY:

Ray D. Roben Sr; Roben LLC; Stephen J & Vicki L. Urih, property owners of the site for the proposed Russell Court development submitted an application for an Annexation, General Plan Amendment, and Pre-Zone for the proposed Russell Court Subdivision that if approved would increase the currently allowed residential densities from 60 units to the proposed 192 units. The increased densities are consistent with sustainable development initiatives but are inconsistent with the Imperial County Airport Land Use Compatibility Plan which allows a maximum of 6 units per acre, or 180 units.

CEQA compliance was established via a Mitigated Negative Declaration which was certified by the Planning Commission and incorporated several Mitigation Measures to address concerns associated with the Imperial County Airport. City Council has the authority to issue findings to overrule the IC ALUC decision. Please refer to the attached Staff Report on consideration of ALUC Findings for additional discussion.

FISCAL IMPACT: F.O. INITIALS: _____

STAFF RECOMMENDATION:

Staff recommends Council consider findings to overrule the Imperial County ALUC, approving **Resolution #2017-~~08~~₀₉**, with or without modifications to findings.

MANAGER'S RECOMMENDATION: MANAGER'S INITIALS (8)

MOTION:

SECONDED: APPROVED () REJECTED ()
 AYES: DISAPPROVED () DEFERRED ()
 NAYES:
 ABSENT: REFERRED TO:



cc staff report

Report #2

To: Stefan T. Chatwin, City Manager
Imperial City Council

From: Jorge Galvan, Planning Director

Date: April 19, 2017

Project: **Russell Court Development**

- Consider Findings to Overrule IC Airport Land Use Commission Determination

Project Summary:

Applicants:	Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih
Project Location:	APN 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, 064-013-003 and 064-013-004 (See Exhibit A- Project Location Map)
Pending Action:	Consideration of Findings to Overrule the Imperial County Airport Land Use Commission Determination via Resolution 2017-09
General Plan:	Existing (County): Urban Area Existing (City): Low Density Residential Proposed (City): Low Medium Density Residential and Multiple Family (Rental) Residential
Zoning:	Existing (County): A1-L1U Limited/light Agricultural Lot 1 Acre Urban Areas Proposed (City): R-1 Single Family Residential and RA-Residential Apartment
Environmental:	Proposed Mitigated Negative Declaration

INTRODUCTION AND BACKGROUND

On April 18, 2016 the applicants submitted an application for the Russell Court Development followed by several studies for Environmental Review and CEQA compliance. During the preparation of the environmental document, it was determined that the project, as proposed, was inconsistent with the 1996 Imperial County Airport Land Use Compatibility Plan. The environmental document noted these findings and was circulated, affording an opportunity for comment to numerous oversight agencies including the Imperial County Airport Land Use Commission (ICALUC), Caltrans Aeronautics and the Federal Aviation Administration. Although no comments were received by these agencies by the posted deadline of January 16, 2017, a letter was received by the ICALUC with their intent to consider and take action on the project at a February 15, 2017 public hearing before

the ICALUC Board. The project was determined by the ALUC to be inconsistent with the IC Airport Land Use Compatibility Plan (**Exhibit B- Letters from ICALUC**). The purpose of this staff report is to present an overview of the ALUC determination and State Regulations guiding such findings and to provide an opportunity for the City Council to hold a public hearing and act on the matter.

ISSUES FOR DISCUSSION

Consistency with Adopted Plan- The subject property is under the review authority of two adopted plans: 1) the City of Imperial General Plan adopted in 1992 by the Imperial City Council, and 2) the Imperial County Airport Land Use Compatibility Plan adopted in 1996 by the Imperial County Airport Land Use Commission. The proposed development was reviewed for plan consistency with the adopted plan by staff and it was determined to be generally consistent with the 1992 Imperial General Plan except for the modest increase in densities and it was found to be inconsistent with the 1996 Airport Land Use Compatibility Plan because of the increase in densities (**Please See Exhibit C-ICALUC Densities Map**).

Agency Review- The project is located approximately 2,000-feet from the Imperial County Airport. Given its proximity to the airport, consultation with the Federal Aviation Administration, Caltrans Aeronautics, and Imperial County Airport Land Use Commission was conducted during the Initial Consultation Period beginning on August 30, 2016 and ending September 13, 2016, and again during the Environmental Document Review Period that occurred between December 16, 2017 to January 16, 2017 and extended until February 1, 2017 through the Office of Planning and Research. The information that follows summarizes the responses provided by the agencies during the review process.

- **Federal Aviation Administration-** The Federal Aviation Administration online Notice Criteria Tool was used to determine if filing of the project was required. The coordinate location of any proposed two story structures identified under the Site Plan, were entered into the system. Staff received a Notice of Presumed Hazard on October 4, 2016, stating that the preliminary findings indicated that the structure exceeded obstruction standards and that the structure was "presumed" as a hazard to air navigation and that further study and public review would be necessary to be initiated by the FAA in order to clear the project for development (**Exhibit D-FAA Coordinate Map and Results**). These recommendations have been incorporated as mitigation measures. (**Please See Exhibit E-Mitigation and Monitoring Plan Page 104-105**).
- **Imperial County Airport Land Use Commission-** Consultation was also extended to the Imperial County Airport Land Use Commission. As previously noted no comments were received. The IC ALUC, however, provided a public hearing notice and reviewed the proposed development on February 15, 2017 at a public hearing. The Imperial County Airport Land Use Commission found the project inconsistent with the 1996 Imperial County Airport Land Use Compatibility Plan because of the exceeding densities. Additionally, the ALUC noted the project as not complying with the minimum 15% clearance areas which is in error as there is a minimum of 30% clearance in open space areas. Please refer to (**See Exhibit B**).

City Council may overrule this determination, subject to required findings. Consistent with Public Utilities Code 21676, Staff was required to send a notification of proposed findings 45-days prior to the scheduling of any City Council consideration to overrule the Imperial County ALUC.

- **Caltrans Aeronautics-** The environmental document was circulated through the Office of Planning and Research and a response was not received from Caltrans Aeronautics. A subsequent courtesy review letter was forwarded to Caltrans Aeronautics on February 9, 2017 with a follow up call. Subsequent to the ALUC Finding of inconsistency, and at the request of Caltrans Aeronautics, a formal notice was prepared on February 17, 2017 to the City's State Representative, Mr. Ron Boylard, requesting comment regarding the City's intent to consider an overrule of the IC ALUC Findings.

Comments were received on March 10, 2017 from Caltrans Aeronautics (**See Exhibit F-Caltrans Aeronautics Communication**). They have noted that findings #1 and #2 may not be sustainable. The City moved forward with proper noticing to consider proposed findings to overrule as follows:

1. Notice to the Imperial County Airport Land Use Commission of intended overrule was sent on February 16, 2017 allowing for a 45-day period prior to action by the City Council.
2. Public Hearing Notice was advertised on consideration of findings to Overrule the ICALUC published on February 17, 2017.
3. Overrule consideration presented via this staff report at the April 19, 2017 Public Hearing before City Council.

Environmental- Planning Staff prepared and presented an Initial Study to the Imperial Planning Director on September 8, 2017. It was determined that a Mitigated Negative Declaration was adequate in conformance with the California Environmental Quality Act. The following studies were prepared in order to complete the environmental document: Air Quality Report, Biological Report, Cultural Report, Geotechnical Report, two (2) Hydrology Reports, a Noise Study, and two (2) Traffic Studies. The project was circulated through the State Clearing House under SCH# 2017011001 in the month of January. Subsequently, the Planning Commission held a public hearing on February 8, 2016. Certification of the Mitigated Negative Declaration is schedule before City Council for April 19, 2017 action, prior to consideration of ALUC overrule findings.

Public Review Process- The subject project required an extensive public review process in which the public and stakeholder agencies were asked to comment regarding the project. As noted, initial project consultation letters were sent out not just to the oversight agencies but to utility purveyors, the Imperial Unified School District and other interested agencies. Property owners within 300-feet of the proposed project were mailed a Notice of Public Hearing for the project which was conducted before the Planning Commission on February 15, 2017 at which time comments from the public were heard. A second Notice of Public Hearing was published on February 17, 2017 and also mailed to property owners within 300-feet of the project for the April 5th public hearing before the City Council (**postponed to April 19**). These notices are in addition to the public hearing held by the IC ALUC and subsequent public hearing that will be held by the Imperial County Local Agency Formation Commission in May 2017 should City Council approve the project. At the April 19th meeting the City Council may consider denying the project or may consider findings to overrule the ICALUC per the preceding findings.

Overruling Land Use Decisions- The local governing body has the authority to overrule the determinations made by an airport land use commission. Per the California Public Utilities Code section 21675.1 (d): *"If the commission (ALUC) disapproves an action regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purpose of this article, as stated in Section 21670."* Thus, the City of Imperial, as the city's governing body may override an ALUC decision. This authority is included in different sections of the ALUC statutes. Aeronautics Law provides that the findings must show that the local agency action is consistent with the purposes of article stated in Section 21670 of Aeronautics Law which consists of the following:

1. The project will not adversely impact the ability to provide for the orderly development of the public use airport.
2. The project will not adversely impact the ability to provide for the orderly development of the area surrounding the Imperial County Airport so as to promote the overall goals and objectives of the Imperial Noise Standards and will not cause the creation of new noise and safety problems for individuals.
3. The project will not adversely impact the ability to protect the public health, safety, and welfare by continuing to ensure the orderly expansion of the airport.
4. The project will not adversely impact the ability to protect the public health, safety and welfare and incorporates land use measures that minimize the public's exposure to excessive noise and safety hazards within the areas around the public airports to the extent that these areas are not already devoted to incompatible uses.

An argument can be made on behalf of the proposed project that all four of the aforementioned findings can be met for the proposed Russell Court Development as identified below and in the accompanying City Council **Resolution #2017-09 as Exhibit-G** as Caltrans Aeronautics noted findings one and two may be insufficient:

1. Finding #1- The project will not adversely impact the ability to provide for the orderly development of the public use airport.

The proposed Russell Court Development is located 2,000 feet northwest of the Imperial County Airport, within a sparsely developed area, and would not affect the orderly development of the Imperial County Airport as it is not immediately adjacent to or located on any airport property, nor within any property that could logically be acquired for the purpose of expanding the airport.

2. Finding #2- The project will not adversely impact the ability to provide for the orderly development of the area surrounding the Imperial County Airport so as to promote the overall goals and objectives of the City of Imperial and Imperial County Noise Standards and will not cause the creation of new noise and safety problems for individuals.

The proposed Russell Court Development does not interfere with the orderly development of the areas surrounding the Imperial County Airport and is compatible with the residential uses surrounding the airport and allowed land uses of the City's adopted General Plan which encompasses residential land uses. The Russell Court Development project performed a Noise Study which determined the project would not expose individuals to excessive airport noise levels. Nonetheless, mitigation measures have been imposed to ensure that the existing exposure of noise levels as established mitigation measures for residential uses by the Office of Planning and Research.

The proposed Russell Court Development does not hinder in any way the use of the airport and mitigation is in place to ensure there are no impact to aeronautical function, or interference with airport activities. Similarly, the continuing operation of the airport will not adversely affect the proposed residential development per the Noise Study conducted by TRC Environmental Corporation on March 2016. The Noise Study determined that the existing noise exposure in the project vicinity was 55 dB L_{dn}. Which is within compliance of the City of Imperial 55 dB L_{dn} criterion applicable to residential land uses proposed under the Russell Court Development. The study documents that the project will not expose people to noise beyond acceptable levels and the project itself will not pose noise issues to the community, thus furthering the goals and objectives of the established Noise Standards.

3. Finding #3- The project will not adversely impact the ability to protect the public health, safety, and welfare by continuing to ensure the orderly expansion of the airport.

The ability for the orderly expansion of the Imperial County Airport will not be affected by the proposed project. The proposed project is not immediately adjacent to any airport owned land. Planned expansions historically considered relocation of the airport. The project will not adversely affect the public health, safety, and welfare of the community or the use of the airport. Mitigation Measures have been incorporated that require future improvement plans to be submitted to the Federal Aviation Administration to ensure that the proposed heights are not a hazard to air navigation, thus, the project will not pose any safety concerns. Given that the project will not be a hazard to air navigation, it can also be inferred that hazards for those on the ground would be less than significant.

4. Finding #4- The project will not adversely impact the ability to protect the public health, safety and welfare and incorporates land use measures that minimize the public's exposure to excessive noise and safety hazards within the areas around the public airports to the extent that these areas are not already devoted to incompatible uses.

The proposed Russell Court Development project is not proposing any land use changes but rather a modest increase in land use densities. The proposed development is found compatible with the surrounding residential land uses and will not adversely impact public health, safety, or the general welfare. The project also incorporates conditions of approval to ensure that the public will not be

exposed to excessive noise or safety hazards. FAA height restrictions are also imposed to ensure that the project will not be a hazard to air navigation. These mitigation measures ensure the protection of health, safety and general welfare given the extent of incompatible uses that already exist in the general vicinity of the airport including but not limited to one 2 million gallon above ground water storage tank and several housing developments containing two-story residential units. The Noise Study completed in March 2016 as part of the environmental review determined that the proposed project will not require any special noise attenuation. The existing noise exposure in the project vicinity is at or below the allowed 55 dB L_{dn}.

FINDINGS AND RECOMMENDATION

This project is subject to a **Public Hearing**. Upon review of all information presented as well as applicable reports and plans, the City Council should open the forum for public comments. Upon hearing and considering any testimony for and against, the City Council may:

- 1. Overrule** the Imperial County Airport Land Use Commission determination of inconsistency and approve the land uses and densities proposed, consistent with the aforementioned findings via Resolution No. 2017-09 with or without modifications; or

Alternatives:

- 2. Not Overrule** the Imperial County Airport Land Use Commission and request modifications to the project for consistency with the Airport Land Use Compatibility Plan; or
- 3.** Provide alternative directive to staff.

Should you have any questions and/or concerns regarding the information in this report, or would like additional information, please feel free to contact Jorge Galvan at (760) 355-1152.

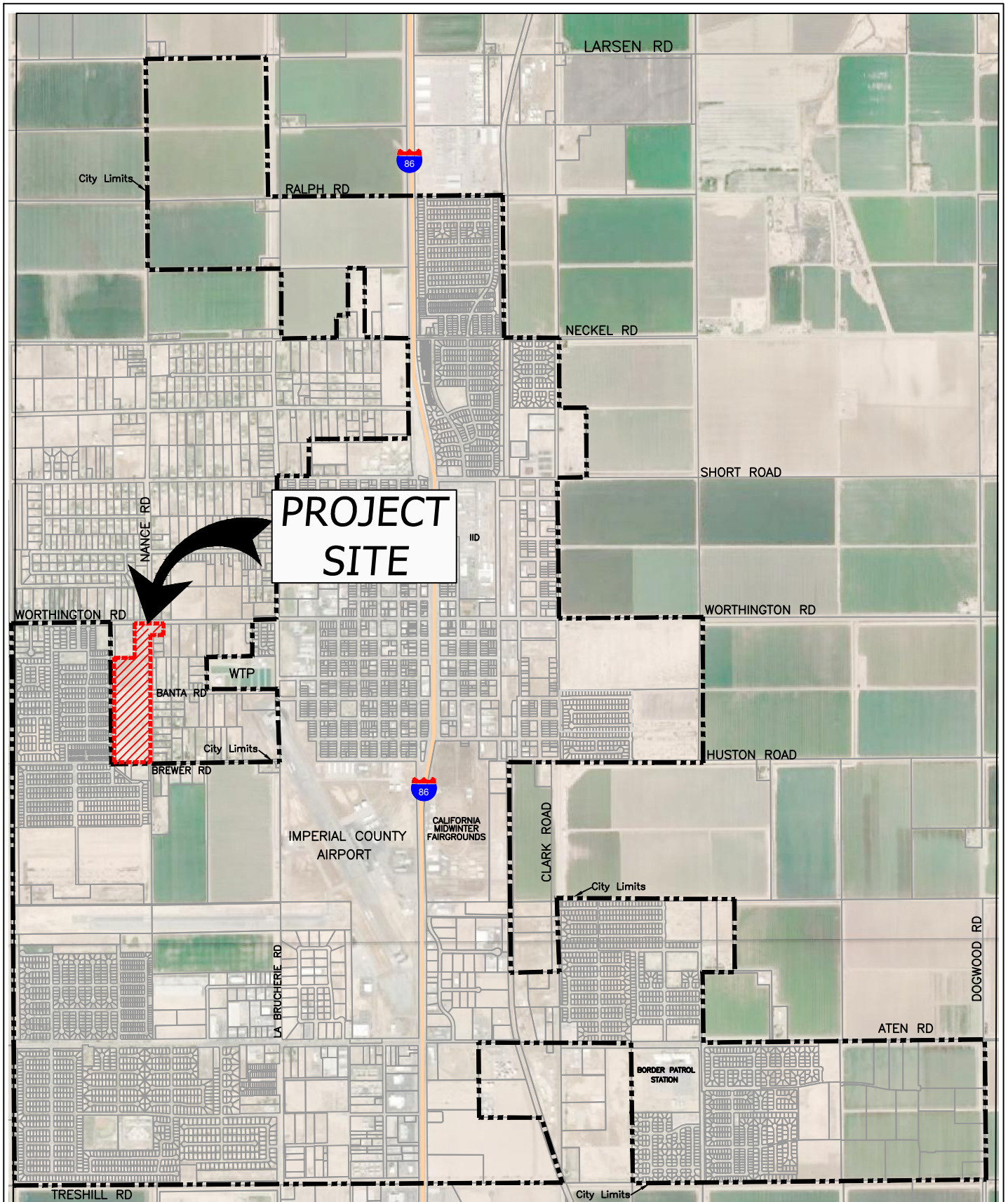
EXHIBITS

Exhibit A- Project Location Map
Exhibit B- Letter from ICALUC
Exhibit C- ICALUC Densities Map
Exhibit D- FAA Coordinates Map & Results

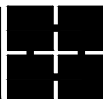
Exhibit E- Mitigation and Monitoring Plan
Exhibit F- Caltrans Aeronautics Communication
Exhibit G- Resolution #2017-09

Exhibit A

Project Location Map



The Holt Group, Inc.
ENGINEERING • PLANNING • SURVEYING



1601 N. Imperial Ave. El Centro, California 92243

(760)337-3883

NOT TO SCALE

PROJECT LOCATION MAP
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135

Date: January 2017

Exhibit B

Letters from ICALUC



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

January 16, 2017

Jorge Galvan, AICP
City Planner
City of Imperial
420 South Imperial Avenue
Imperial CA 92251

Subject: Airport Land Use Commission Determination on the Proposed Russell Court Subdivision, Annexation, GPA, Pre-Zone, Text Amendment and Variance (ALUC 02-17)

Dear Mr. Galvan:

The Airport Land Use Commission (ALUC) on January 15, 2017, reviewed the Annexation, GPA, Pre-Zone, and Text Amendment to City's Zoning Ordinance, Text, seeking to subdivide 30-acres of unincorporated land into three residential areas. The proposal is to construct 130 single-family units, 66 apartments, one-single family home resulting in an estimated population growth of 660 persons.

A representative from The Holt Group, Inc., was present to answer the ALUC questions on the proposed project. After reviewing the project, the Commission found that the proposal was inconsistent with the 1996 Airport Land Use Compatibility Plan due to the total number of units exceeding the ALUCP, "C Zone" dwelling units per acre, and the lack of the 15% required open land.

If you have any questions, please contact me at (442) 265-1734, extension 1750, or via e-mail at richardcabanilla@co.imperial.ca.us.

Sincerely,

Jim Minnick
ALUC Secretary

By: *Richard Cabanilla*
Richard Cabanilla
Planner IV

cc: Jim Minnick, Director, Planning & Development Services
Michael Abraham, AICP, Asst. Director, Planning & Dev. Services
Jurg Heuberger, AICP, Executive Director of LAFCO
File: ALUC 02-17 (City of Imperial)
Files: 10.101, 10.102, 10.103, 10.109

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Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

January 13, 2017

Jorge Galvan
City Planner
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251

Subject: Response to "Notice of Intent to Adopt a Mitigated Negative Declaration" for City of Imperial-Russell Court Subdivision/Annexation/General Plan Amendment/Pre-Zone/Text Amendment/Variance

Dear Mr. Galvan:

The Imperial County Planning & Development Services Department is in receipt of your "Notice of Intent to Adopt a Mitigated Negative Declaration" for the proposed Russell Court Subdivision project, dated December 14, 2016.

The City's submittal states that "...It has been concluded that although the project may have a significant effect on the environment, mitigation measures have been incorporated to reduce any potential impacts to less than significant..."

As the City's Mitigated Negative Declaration indicates, the project site is located within the Imperial County Airport Land Use Compatibility Plan (ALUCP 1996), Figure 3E, Compatibility Plan, "C Zone" designated as the "Common Traffic Pattern".

The Project proposes to subdivide 30 acres of unincorporated land into three residential areas; 130 single-family units, 66 apartments, one single-family home resulting in an estimated population growth of 660 persons (3.35 persons per household) as described in the City's 898-page submittal.

The existing Imperial County zone is "A1-L1U (Light Industrial/1-acre Minimum Lot Size/Urban)" that is intended for limited agriculture production within the City's Urban boundaries. The applicable portions of the MND and the City's Initial Study addresses 26 acres of low density residential that is to be increased up to 130 lots, 3.3 acres of low density residential to be converted to a Residential Apartment Zone accommodating 66 units, and a .68-acre lot to remain as residential low density.

The "Notice of Intent" by the City states "...Written comments are desired at the earliest possible date, but no later than thirty (30) days after the receipt of this notice. Public comments for the proposed mitigated negative declaration will be accepted until 5:00 PM **Monday, January 16, 2016**...Please provide written comments including, if applicable, specific statutory responsibilities of your agency..."

This "Notice of Intent" has been sent to various County Departments on January 10, 2017 for their comments on the proposed project. The City may also receive comments from these Departments prior to the January 16th deadline.

This is to advise you that the Airport Land Use Commission has set a hearing to determine the advisability of finding your project consistent or inconsistent with the Airport Land Use Compatibility Plan, in the Board of Supervisors Chambers, 940 Main Street, El Centro, California, at their meeting on **February 15, 2017 starting at 6:00 p.m.**

It is recommended that you (or a representative of the project) be present at the ALUC meeting to answer the Commissioner's questions and to make any presentations you may desire in order for the Airport Land Use Commission to take any action.

Sincerely,

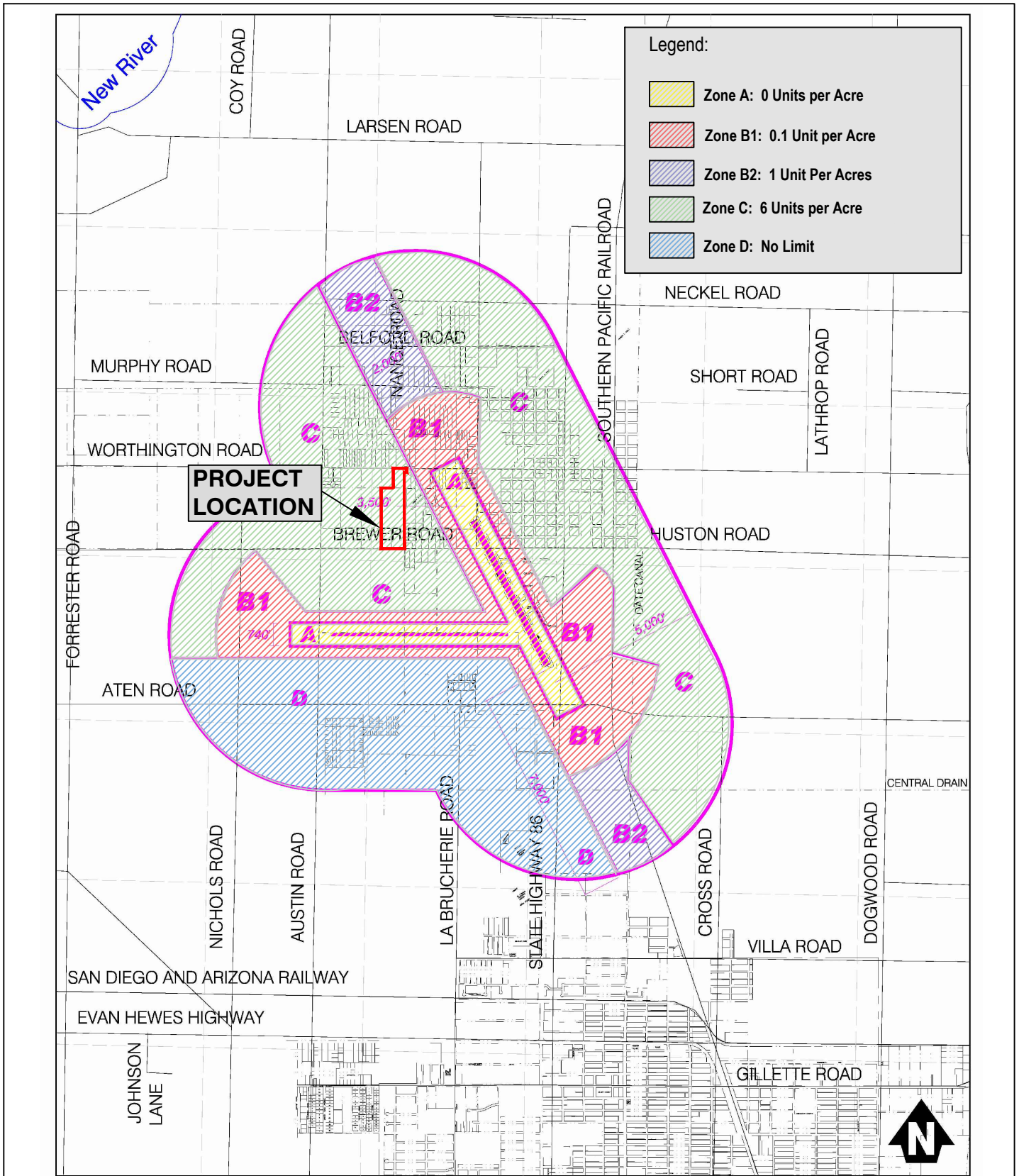


JIM MINNICK, Director
Planning & Development Services
Secretary of Airport Land Use Commission

cc: Michael Abraham, AICP, ICPDS Asst. Planning Director
Jurg Heuberger, AICP, Executive Director of LAFCO
Justina G. Arce, The Holt Group, Inc.
Patricia Valenzuela, Planner IV
File: ALUC Correspondence
Files: 10.101, 10.102, 10.103

Exhibit C

ICALUC Densities Map



Source: Imperial County Airport Land Use Compatibility Plan

The Holt Group, Inc.
ENGINEERING • PLANNING • SURVEYING



1601 N. Imperial Ave. El Centro, California 92243 (760)337-3883

NOT TO SCALE

Imperial County
ALUC with Densities
City of Imperial

EXHIBIT C

THG Project No. 173.135

Date: April 2017

Exhibit D

FAA Coordinates Map & Results



Federal Aviation Administration

<< OE/AAA

Notice Criteria Tool

[Notice Criteria Tool - Desk Reference Guide V_2014.2.0](#)

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="32"/> Deg	<input type="text" value="50"/> M	<input type="text" value="24.90"/> S	<input type="button" value="N"/> <input type="button" value="S"/>
Longitude:	<input type="text" value="115"/> Deg	<input type="text" value="35"/> M	<input type="text" value="11.44"/> S	<input type="button" value="W"/> <input type="button" value="E"/>
Horizontal Datum:	<input type="button" value="NAD83"/>			
Site Elevation (SE):	<input type="text" value="-60"/> (nearest foot)			
Structure Height :	<input type="text" value="35"/> (nearest foot)			
Traverseway:	<input type="button" value="No Traverseway"/>			
	<small>(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway</small>			
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes			

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 7 ft. The nearest airport is IPL, and the nearest runway is 14/32.

The FAA requests that you file



Federal Aviation Administration

<< OE/AAA

Notice Criteria Tool

[Notice Criteria Tool - Desk Reference Guide V_2014.2.0](#)

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

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- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
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The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="32"/> Deg	<input type="text" value="50"/> M	<input type="text" value="44.04"/> S	<input type="button" value="N"/> <input type="button" value="↓"/>
Longitude:	<input type="text" value="115"/> Deg	<input type="text" value="35"/> M	<input type="text" value="11.18"/> S	<input type="button" value="W"/> <input type="button" value="↓"/>
Horizontal Datum:	<input type="button" value="NAD83"/> <input type="button" value="↓"/>			
Site Elevation (SE):	<input type="text" value="-60"/> (nearest foot)			
Structure Height :	<input type="text" value="35"/> (nearest foot)			
Traverseway:	<input type="button" value="No Traverseway"/> <input type="button" value="↓"/>			
	<small>(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway</small>			
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes			

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 6 ft. The nearest airport is IPL, and the nearest runway is 14/32.

The FAA requests that you file

FAA Notice Criteria Tool Coordinates Applied



Exhibit E

Mitigation and Monitoring Plan

Impact GS-2 Groundwater depths in the proposed project area are anticipated to be fairly shallow. Additionally, the site may be composed of silty and sandy soils. These conditions could result in a risk of liquefaction during seismic events.

Mitigation Measure GS-2 The design of the Russell Court Subdivision shall consider the foundation of the structures as either of the following:

- 1) Foundations that use grade-beam footings to tie floor slabs and isolated columns to continuous footings (conventional or post-tensioned)
- 2) Structural flat-plate mats, either conventionally reinforced or tied with post tensioned tendons

Impact GS-3 The native soil has severe to very severe levels of chloride ion concentration (1,030 to >18,000 ppm). Chloride ions can cause corrosion of reinforcing steel, anchor bolts and other buried metallic conduits. Resistivity determinations on the soil indicated very severe potential for metal loss because of electrochemical corrosion processes.

Mitigation GS-3 Mitigation of the corrosion of steel can be achieved by using steel pipes coated with epoxy corrosion inhibitors, asphaltic and epoxy coatings, cathodic protection or by encapsulating the portion of the pipe lying above groundwater with a minimum of 5 inches of densely consolidated concrete. No metallic water pipes or conduits should be placed below foundations.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Building Permit

HAZARD AND HAZARDOUS MATERIALS

The review of potential hazards to or resulting from the proposed project determined that residents of the Russell Court Subdivision could be exposed to limited risk associated with operations at the Imperial County Airport. The following Mitigation Measures are recommended for the potential impacts:

Impact HZ-1 – The project is located within the Imperial County Airport Land Use Compatibility Plans' Zone C which is a common traffic pattern with limited risk to residential land uses.

Mitigation HZ-1– An overflight easement for residential uses shall be recorded with all property deeds and fully disclosed at the time of sale regarding this limited risk from aircraft.

Impact HZ-2 – The two-story structures at the maximum height of thirty five feet are within proximity to a navigation facility in a manner that may impact the assurance of navigation

signal reception as concluded through the Federal Aviation Administration Obstruction Evaluation/Airport Airspace Analysis Online Criteria Tool.

Mitigation HZ-2– The developer shall file with the Federal Aviation Administration any proposed two story residential and/or apartment unit improvements at least 45 days prior to construction for a No Hazard to Air Navigation Finding. The results of the formal consultation shall be submitted to the City of Imperial Building Official along with a building permit application.

Impact HZ-3– There are no known gas, oil, or geothermal wells in the area, but wells may be discovered during the development process.

Mitigation HZ-3 The Department of Conservation Division of Oil, Gas, and Geothermal Resources– District 1 office will be contacted immediately if and wells, including plugged, abandoned, or unrecorded are damaged or uncovered during excavation.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Building Permit

HYDROLOGY AND WATER QUALITY

The following mitigation measures are needed to reduce the potential impacts to Hydrology and Water Quality to a level below significance:

Impact HQ-1– Construction activities may result in loss of topsoil and/or erosion.

Mitigation Measure HQ-1– The project will need to prepare a Storm Water Pollution Prevention Plan (SWPPP) complying with the State Water Resources Control Board General Permit and the City of Imperial MS4 Permit requirements in order to obtain NPDES permits. Erosion Control Plans including best management practices (BMPs) shall be prepared as part of the SWPPP.

Impact HQ-2– Surface runoff will increase significantly as a result of the project necessitating a comprehensive stormwater collection and discharge system. Any proposed retention basin and storm water conveyance system will impact the North Central Drain 2 which is owned and operated by the Imperial Irrigation District.

Mitigation Measure HQ-2–The project shall incorporate independent retention basins for the single family subdivision and the apartment complex development for stormwater infrastructure to address the stormwater demand of both prior to transmitting to a comprehensive discharge system. The retention facilities’ design and improvement plans shall be reviewed and approved by the IID. The developer shall follow the requirements set forth in the Imperial Irrigation District’s Developer Project Guide. A comprehensive hydraulic

Exhibit F

Caltrans Aeronautics Communication

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

www.dot.ca.gov

*Serious drought!
Help Save Water!*

March 3, 2017

RECEIVED MAR 07 2017

Mr. Jorge Galvan, City Planner
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251-1637

Dear Mr. Galvan:

One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of their communities in which aeronautical activities take place. We encourage collaboration with our partners in the planning process and thank you for including us in the review of the proposed overrule of the Imperial County ALUC for the Imperial County Airport.

On February 22, 2017, the Division received a notification letter from the city of Imperial (City) regarding a proposed overrule for Russell Court Subdivision, Assessor's Parcel Numbers: 064-013-003-000, 064-020-043-000, 064-013-004-000, 064-254-084-000, 064-254-085-000, 064-254-087-000, and 064-254-088 (Project). The location of the proposed Project is at the northwest corner of Nance Road at Brewer Road and north to Worthington Road, Imperial, California.

On February 15, 2017, the proposed Project was found by the ALUC to be inconsistent with the current Imperial County Airport Land Use Compatibility Plan (ALUCP), revised June 1996. The project was deemed inconsistent due to the total number of units exceeding the ALUCP "C Zone" dwelling units per acre and the lack of the 15 percent required open land.

The Division has reviewed the proposed findings provided by the City and has **determined the findings are insufficient to warrant this proposed overrule**. Specifically, the findings are not consistent with the purposes of the statutes set forth in California Public Utilities Code (PUC), section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC, section 21670(a) (1) and (2).

The Division agrees with the ALUC that the Project is inconsistent with the current adopted ALUCP for the Imperial County Airport. The total number of dwelling units exceed the ALUCP limits, and additionally, the project lacks the required 15 percent of open land. Both of these ALUCP requirements have been determined by the ALUC to be important and required, in order to provide for orderly development and to protect the public health, safety, and welfare in this area, due to its proximity to the Imperial County Airport.

Mr. Jorge Galvan
March 3, 2017
Page 2

ALUCPs are the fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility. As mandated (PUC sections 21674(c), 21675, and 21676 (b)), the ALUC used the criteria of the ALUCP in making its determination of inconsistency.

Please note: The Division comments are to be included in the public record of any decision to overrule the ALUC.

If you have questions or we may be of further assistance, please contact me at (916) 654-5203 or via email at tony.sordello@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Tony Sordello". The signature is written in a cursive, flowing style.

TONY SORDELLO
Aviation Planner

c: Mr. Jim Minnick, Director of Developments and Planning, Imperial County Airport Land Use Commission, 801 Main Street, El Centro, CA 92243-2811



CITY COUNCIL
Mark Gran - Mayor
Doug Cox - Mayor Pro-Tem
Geoff Dale - Council Member
Betty Sampson - Council Member
James Tucker - Council Member

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

February 17, 2017

Ron Bolyard
Office of Aviation Planning Chief
Department of Transportation
Division of Aeronautics – MS.40
P.O. Box 942874
Sacramento, CA 94274

VIA Email & USPS

**RE: Consultation - Russell Court Subdivision Proposed to be Located At
North West corner of Nance and Brewer Roads, Imperial , CA (see attached Vicinity Map)**

Dear Mr. Bolyard:

Please accept the attached letter for your records that was mailed to the Imperial County Airport Land Use Commission (ALUC) regarding their determination of inconsistency of the proposed Russell Court Development. The City intends to hold a public hearing to consider overriding the ICALUC.

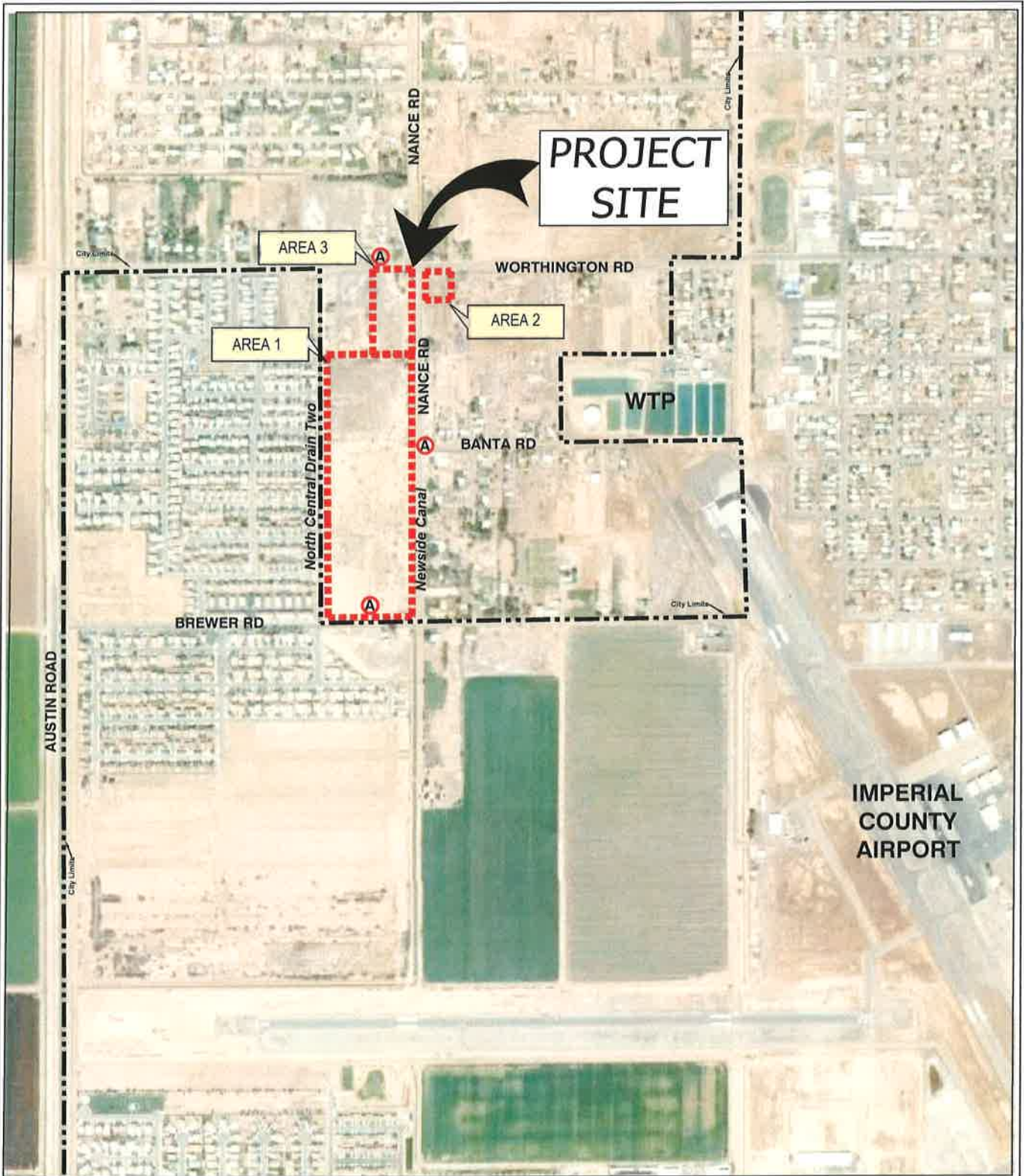
Please accept this letter as our formal request for courtesy review and comment. Should you have any questions or need additional information, please feel free to contact our consultant planner Ms. Justina G. Arce at jarce@theholtgroup.net or at (760) 337-3883.

Respectfully Submitted,

Jorge Galvan, AICP
City Planner

Enclosures: Project Vicinity Map
ICALUC Correspondence dated February 16, 2017

cc: Justina G. Arce, Consultant Planner
File: 173.135



A Access Points
 - - - - - Project Areas
 - - - - - City Limits

The Holt Group, Inc.
 ENGINEERING · PLANNING · SURVEYING

1601 N. Imperial Ave. El Centro, California 92243



(760)337-3883



NOT TO SCALE

VICINITY MAP
 RUSSELL COURT SUBDIVISION
 CITY OF IMPERIAL

Enclosure A

Project No. 173.135

Date: September 2016



CITY COUNCIL
Mark Gran - Mayor
Doug Cox - Mayor Pro-Tem
Geoff Dale - Council Member
Betty Sampson - Council Member
James Tucker - Council Member

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

February 9, 2017

Philip Crimmins
Aviation Environmental Specialist
Department of Transportation
Division of Aeronautics – MS.40
P.O. Box 942874
Sacramento, CA 94274

**RE: Consultation - Russell Court Subdivision Proposed to be Located At
North West corner of Nance and Brewer Roads, Imperial , CA**

Dear Mr. Crimmins:

The City of Imperial received an Annexation and Subdivision Application on April 15, 2016 for a proposed residential development to be located at the aforementioned location and per attached Site Plan. The purpose of this letter is to request a courtesy review from your agency. The project is within the Imperial County Airport Overlay District. The project site is more specifically described as the following Assessor's Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, and 064-254-084(085) (086) (087) (088) all of which are within Zone C- Common Traffic Pattern as noted in the 1996 Airport Land Use Compatibility Plan.

This project proposes the construction of a 131 single family units, and 66 condo/apartment units on 30 acres of undeveloped land which exceed the densities allowed under the ALUCP Compatibility Criteria Table. The Imperial County Airport is approximately 2,000 feet east. We have notified the Imperial County ALUC per the enclosed letter for their review and comment.

Please accept this letter as our formal request for courtesy review. Your response would be greatly appreciated by February 28, 2017. Should you need additional information, please feel free to contact our consultant planner Ms. Justina G. Arce at jarce@theholtgroup.net or at (760) 337-3883.

Respectfully Submitted,

Jorge Galvan, AICP
City Planner

Enclosures: Site Plan & Vicinity Map
Initial Consultation Letter, Imperial County ALUC

cc: Justina G. Arce, Consultant City Planner
File: 173.133



AREA 3
 (66 Apartments Unit Zone)
 APN: 064-013-003
 3.30 AC

AREA 1
 (130 Single Family Lots)
 APNs: 064-013-004, 064-254-084/085/086/087/088
 26 AC

AREA 2
 (1 Single Family Lot)
 APN: 064-020-043
 0.68 AC

Legend:

Access Points

City Limits

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(760)337-3883

NOT TO SCALE

SITE PLAN
RUSSELL COURT SUBDIVISION
 CITY OF IMPERIAL

Enclosure 1

Project No. 173.135
 Date: November 2016

Legend



4000 ft

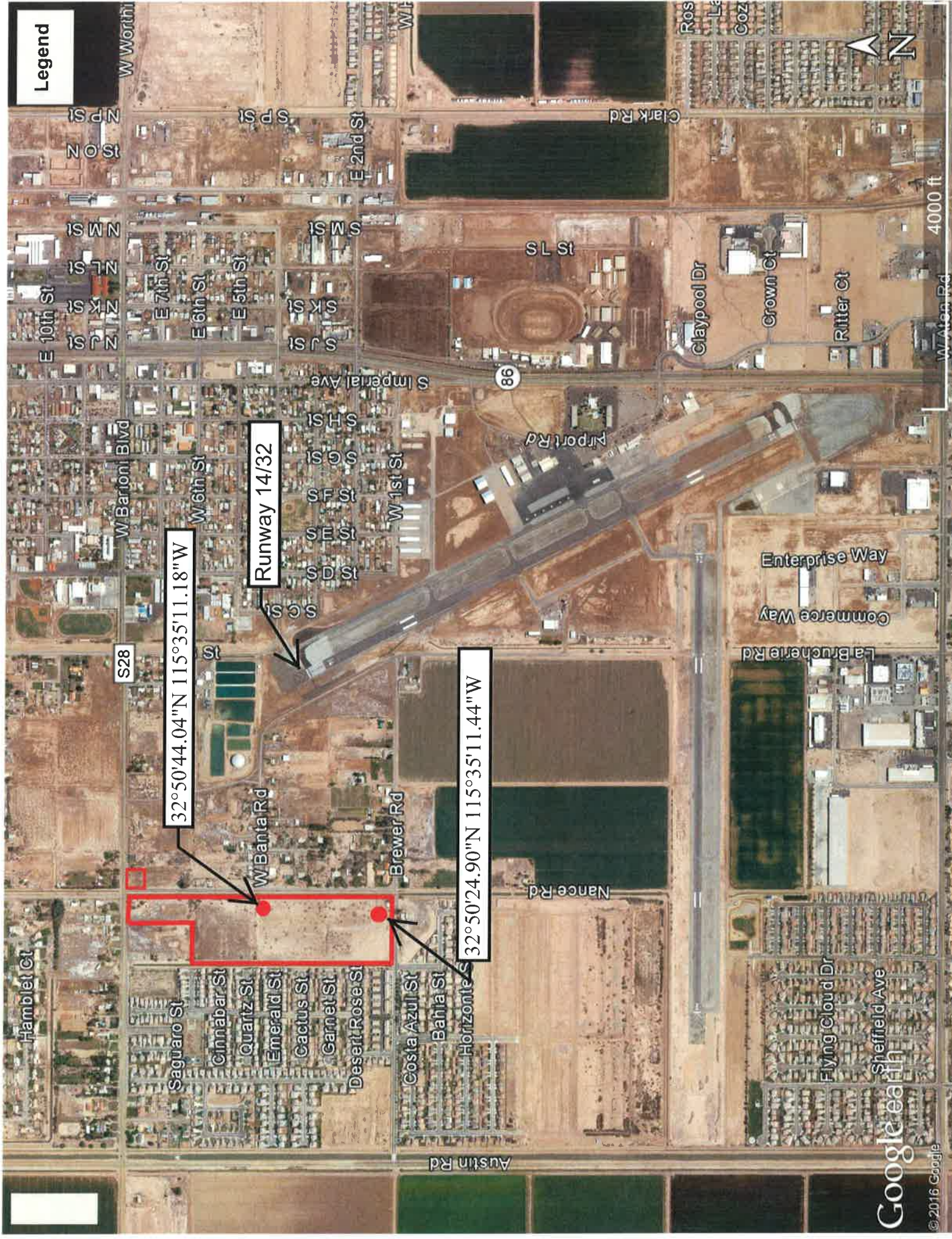
32°50'44.04"N 115°35'11.18"W

Runway 14/32

32°50'24.90"N 115°35'11.44"W

S28

86





CITY COUNCIL
Mark Gran - Mayor
Doug Cox - Mayor Pro-Tem
Geoff Dale - Council Member
Betty Sampson - Council Member
James Tucker - Council Member

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

August 30, 2016

Imperial County Airport Land Use Commission
c/o Jim Minnick, Director of Development and Planning Services
801 Main Street,
El Centro, CA 92243

RE: Initial Consultation for the Proposed Russell Court Subdivision and Annexation

Mr. Minnick:

The City of Imperial will be preparing an environmental assessment for the above referenced project. We would like to extend this opportunity for preliminary comment via this communication. Your comments will ensure any issues and concerns are adequately addressed during the preparation of the draft environmental assessment.

The Russell Court Subdivision and annexation consists of 30 acres of undeveloped land intended for the construction of 130 single family residential units and 66 condo/apartment units. The proposed project site is located at the North West corner of Nance and Brewer Roads in an unincorporated area of Imperial County abutting the City of Imperial. The project site is more specifically described as the following Assessor's Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, and 064-254-084(085) (086)) (087) (088). Please refer to **Exhibit A**.

Your comments are encouraged and will be greatly appreciated by September 13, 2016. Communication may be sent directly to my attention at 420 South Imperial Avenue, Imperial, California 92251 or you may email our planning consultant Justina G. Arce with The Holt Group at justina@theholtgroup.net.

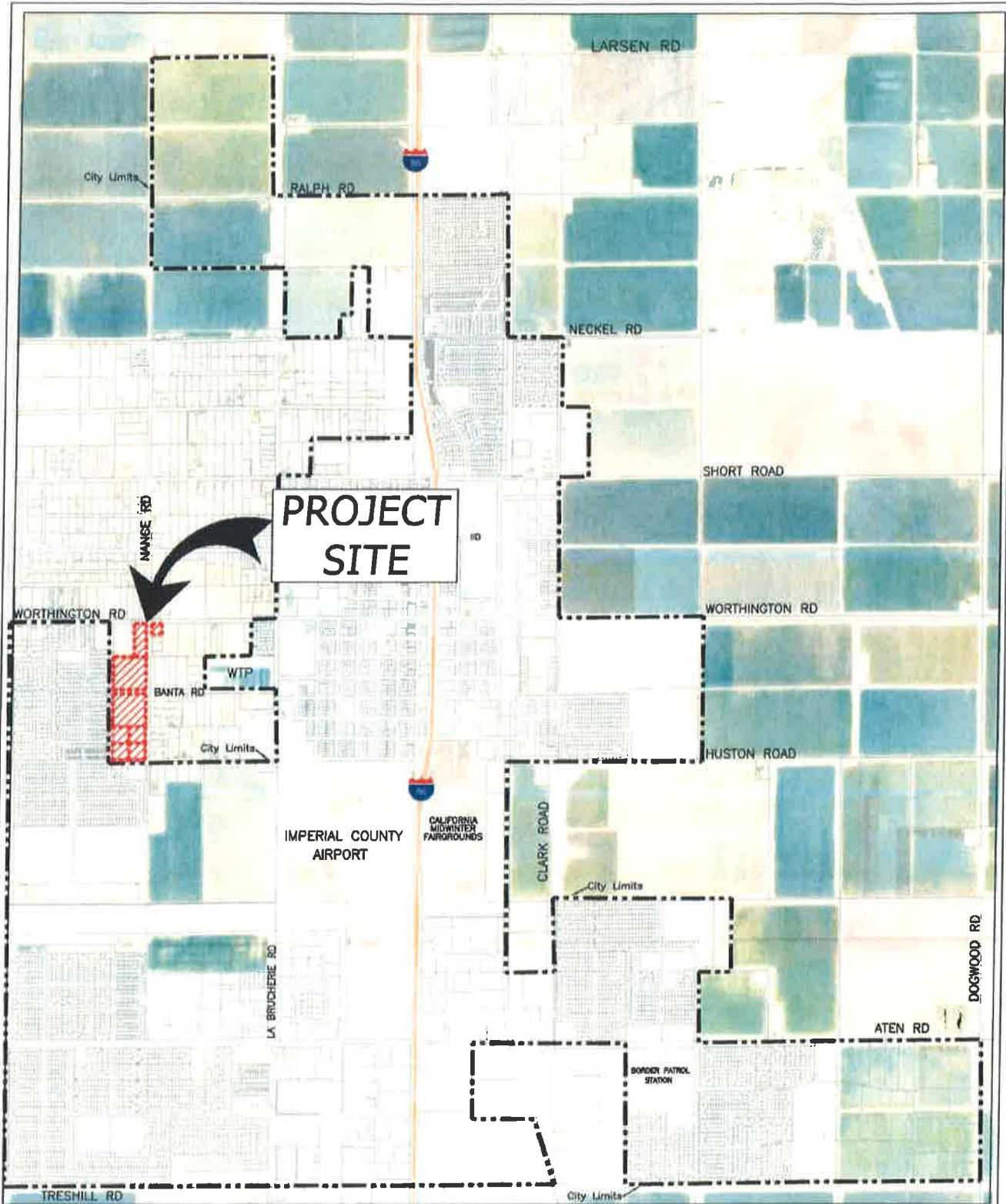
Respectfully Submitted,



Jorge Galvan, AICP
City Planner

Attachments: Exhibit A - Project Location Map

cc: Justina G. Arce, THG



The Holt Group, Inc.
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1601 N. Imperial Ave. El Centro, California 92243 (760)337-3883



NOT TO SCALE

PROJECT LOCATION
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135
Date: August 2016

Exhibit G

Resolution No. 2017-09

RESOLUTION NO. 2017-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL ISSUING FINDINGS TO OVERRULE THE IMPERIAL COUNTY AIRPORT LAND USE COMMISSION DECISION ASSOCIATED WITH THE RUSSELL COURT DEVELOPMENT PROJECT PROPOSED TO BE LOCATED AT APN's 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, 064-013-003, AND 064-013-004

WHEREAS, The applicants and property owners, Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih, submitted a Land Use Application and TTM #1601 to develop a 29.98 acre single family and multi-family residential subdivision at APN's 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, 064-013-003, and 064-013-004, hereafter, referred to as "the project"; and

WHEREAS, the proposed Russell Court Subdivision would be located within the boundaries of the 1996 Imperial County Airport Land Use Compatibility Plan overlay zones; and

WHEREAS, the project was reviewed by numerous agencies including the Federal Aviation Administration, Caltrans Aeronautics, and the Imperial County Airport Land Use Commission (ALUC); and

WHEREAS, the Imperial County ALUC conducted a public hearing on February 15, 2017 and found the project, as proposed, to be inconsistent with the 1996 Imperial County Airport Land Use Compatibility Plan as it is within Zone C which prohibits densities of more than 6 dwelling units per acre when project averages 4.7 dwelling units per acre in the single family units and 20 dwelling units per acre in the multi-family units, and Caltrans Aeronautics further supported this finding; and

WHEREAS, the project incorporates land use measures to mitigate potential adverse impacts to the airport and project residents and/or the surrounding properties and not be exposed to excessive noise levels above the established standards; and

WHEREAS, section 21675.1 (d) of the California Public Utilities Code states that the City may overrule the Airport Land Use Commission, by a two-thirds vote of the City's governing body subject to specific findings that the proposed action is consistent with section 21670 of the California Public Utilities Code; and

WHEREAS, the subject project was reviewed in conformance with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was adopted by the City Council on April 19, 2017; and

WHEREAS, noticing consistent with California Public Utilities Code 21670 and public hearing noticing consistent with 21676 for the project was also conducted by the City for consideration of findings to overrule the IC ALUC before a Public Hearing held on April 19, 2017 by the Imperial City Council; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information presented and considering comments received, the City Council considered all facts related to the proposed project and is prepared to make a recommendation on the matter of land use plan incompatibilities; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act and a Mitigated Negative Declaration has been certified; and
- C) That based on the evidence presented, the City Council hereby **OVERRULES** the decision taken by the Imperial County Airport Land Use Commission on February 15, 2017 under the authority provided by section 21675.1 (d) of the California Public Utilities Code and based on the following findings, consistent with section 21670 of the California Public Utilities Code:

1. **Finding #1- The project will not adversely impact the ability to provide for the orderly development of the public use airport.**

The proposed Russell Court Development is located 2,000 feet northwest of the Imperial County Airport, within a sparsely developed area, and would not affect the orderly development of the Imperial County Airport as it is not immediately adjacent to or located on any airport property, nor within any property that could logically be acquired for the purpose of expanding the airport.

2. **Finding #2- The project will not adversely impact the ability to provide for the orderly development of the area surrounding the Imperial County Airport so as to promote the overall goals and objectives of the City of Imperial and Imperial County Noise Standards and will not cause the creation of new noise and safety problems for individuals.**

The proposed Russell Court Development does not interfere with the orderly development of the areas surrounding the Imperial County Airport and is compatible with the residential uses surrounding the airport and allowed land uses of the City's adopted General Plan which encompasses residential land uses. The Russell Court Development project performed a Noise Study which determined the project would not expose individuals to excessive airport noise levels. Nonetheless, mitigation measures have been imposed to ensure that the existing exposure of noise levels as established mitigation measures for residential uses by the Office of Planning and Research.

The proposed Russell Court Development does not hinder in any way the use of the airport and mitigation is in place to ensure there are no impact to aeronautical function, or interference with airport activities. Similarly, the continuing operation of the airport will not adversely affect the proposed residential development per the Noise Study conducted by TRC Environmental Corporation on March 2016. The Noise Study determined that the existing noise exposure in the project vicinity was 55 dB L_{dn}. Which is within compliance of the City of Imperial 55 dB L_{dn} criterion applicable to residential land uses proposed under the Russell Court Development. The study documents that the project will not expose people to noise beyond acceptable levels and the project itself will not pose noise issues to the community, thus furthering the goals and objectives of the established Noise Standards.

3. **Finding #3- The project will not adversely impact the ability to protect the public health, safety, and welfare by continuing to ensure the orderly expansion of the airport.**

The ability for the orderly expansion of the Imperial County Airport will not be affected by the proposed project. The proposed project is not immediately adjacent to any airport owned land. Planned expansions historically considered relocation of the airport. The project will not adversely affect the public health, safety, and welfare of the community or the use of the airport. Mitigation Measures have been incorporated that require future improvement plans to be submitted to the Federal Aviation Administration to ensure that the proposed heights are not a hazard to air navigation, thus, the project will not pose any safety concerns. Given that the project will not be a hazard to air navigation, it can also be inferred that hazards for those on the ground would be less than significant.

4. **Finding #4- The project will not adversely impact the ability to protect the public health, safety and welfare and incorporates land use measures that minimize the public's exposure to excessive noise and safety hazards within the areas around the public airports to the extent that these areas are not already devoted to incompatible uses.**

The proposed Russell Court Development project is not proposing any land use changes but rather a modest increase in land use densities. The proposed development is found compatible with the surrounding residential land uses and will not adversely impact public health, safety, or the general welfare. The project also incorporates conditions of approval to ensure that the public will not be exposed to excessive noise or safety hazards. FAA height restrictions are also imposed to ensure that the project will not be a hazard to air navigation. These mitigation measures ensure the protection of health, safety and general welfare given the extent of incompatible uses that already exist in the general vicinity of the airport including but not limited to one 2 million gallon above ground water storage tank and several housing developments containing two-story residential units. The Noise Study completed in March 2016 as part of the environmental review determined that the proposed project will not require any special noise attenuation. The existing noise exposure in the project vicinity is at or below the allowed 55 dB L_{dn}.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 19th day of April 2017.

James Tucker, Mayor
City of Imperial

I, Debra Jackson, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the City Council of said City of Imperial at a meeting thereof held on the 19th day of April 2017 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Debra Jackson, City Clerk
City of Imperial

RESOLUTION NO. 2017-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL ISSUING FINDINGS TO OVERRULE THE IMPERIAL COUNTY AIRPORT LAND USE COMMISSION DECISION ASSOCIATED WITH THE RUSSELL COURT DEVELOPMENT PROJECT PROPOSED TO BE LOCATED AT APN's 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, 064-013-003, AND 064-013-004

WHEREAS, The applicants and property owners, Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih, submitted a Land Use Application and TTM #1601 to develop a 29.98 acre single family and multi-family residential subdivision at APN's 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, 064-013-003, and 064-013-004, hereafter, referred to as "the project"; and

WHEREAS, the proposed Russell Court Subdivision would be located within the boundaries of the 1996 Imperial County Airport Land Use Compatibility Plan overlay zones; and

WHEREAS, the project was reviewed by numerous agencies including the Federal Aviation Administration, Caltrans Aeronautics, and the Imperial County Airport Land Use Commission (ALUC); and

WHEREAS, the Imperial County ALUC conducted a public hearing on February 15, 2017 and found the project, as proposed, to be inconsistent with the 1996 Imperial County Airport Land Use Compatibility Plan as it is within Zone C which prohibits densities of more than 6 dwelling units per acre when project averages 4.7 dwelling units per acre in the single family units and 20 dwelling units per acre in the multi-family units, and Caltrans Aeronautics further supported this finding; and

WHEREAS, the project incorporates land use measures to mitigate potential adverse impacts to the airport and project residents and/or the surrounding properties and not be exposed to excessive noise levels above the established standards; and

WHEREAS, section 21675.1 (d) of the California Public Utilities Code states that the City may overrule the Airport Land Use Commission, by a two-thirds vote of the City's governing body subject to specific findings that the proposed action is consistent with section 21670 of the California Public Utilities Code; and

WHEREAS, the subject project was reviewed in conformance with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was adopted by the City Council on April 19, 2017; and

WHEREAS, noticing consistent with California Public Utilities Code 21670 and public hearing noticing consistent with 21676 for the project was also conducted by the City for consideration of findings to overrule the IC ALUC before a Public Hearing held on April 19, 2017 by the Imperial City Council; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information presented and considering comments received, the City Council considered all facts related to the proposed project and is prepared to make a recommendation on the matter of land use plan incompatibilities; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) That project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act and a Mitigated Negative Declaration has been certified; and
- C) That based on the evidence presented, the City Council hereby **OVERRULES** the decision taken by the Imperial County Airport Land Use Commission on February 15, 2017 under the authority provided by section 21675.1 (d) of the California Public Utilities Code and based on the following findings, consistent with section 21670 of the California Public Utilities Code:

1. **Finding #1- The project will not adversely impact the ability to provide for the orderly development of the public use airport.**

The proposed Russell Court Development is located 2,000 feet northwest of the Imperial County Airport, within a sparsely developed area, and would not affect the orderly development of the Imperial County Airport as it is not immediately adjacent to or located on any airport property, nor within any property that could logically be acquired for the purpose of expanding the airport.

2. **Finding #2- The project will not adversely impact the ability to provide for the orderly development of the area surrounding the Imperial County Airport so as to promote the overall goals and objectives of the City of Imperial and Imperial County Noise Standards and will not cause the creation of new noise and safety problems for individuals.**

The proposed Russell Court Development does not interfere with the orderly development of the areas surrounding the Imperial County Airport and is compatible with the residential uses surrounding the airport and allowed land uses of the City's adopted General Plan which encompasses residential land uses. The Russell Court Development project performed a Noise Study which determined the project would not expose individuals to excessive airport noise levels. Nonetheless, mitigation measures have been imposed to ensure that the existing exposure of noise levels as established mitigation measures for residential uses by the Office of Planning and Research.

The proposed Russell Court Development does not hinder in any way the use of the airport and mitigation is in place to ensure there are no impact to aeronautical function, or interference with airport activities. Similarly, the continuing operation of the airport will not adversely affect the proposed residential development per the Noise Study conducted by TRC Environmental Corporation on March 2016. The Noise Study determined that the existing noise exposure in the project vicinity was 55 dB L_{dn}. Which is within compliance of the City of Imperial 55 dB L_{dn} criterion applicable to residential land uses proposed under the Russell Court Development. The study documents that the project will not expose people to noise beyond acceptable levels and the project itself will not pose noise issues to the community, thus furthering the goals and objectives of the established Noise Standards.

3. **Finding #3- The project will not adversely impact the ability to protect the public health, safety, and welfare by continuing to ensure the orderly expansion of the airport.**

The ability for the orderly expansion of the Imperial County Airport will not be affected by the proposed project. The proposed project is not immediately adjacent to any airport owned land. Planned expansions historically considered relocation of the airport. The project will not adversely affect the public health, safety, and welfare of the community or the use of the airport. Mitigation Measures have been incorporated that require future improvement plans to be submitted to the Federal Aviation Administration to ensure that the proposed heights are not a hazard to air navigation, thus, the project will not pose any safety concerns. Given that the project will not be a hazard to air navigation, it can also be inferred that hazards for those on the ground would be less than significant.

4. **Finding #4- The project will not adversely impact the ability to protect the public health, safety and welfare and incorporates land use measures that minimize the public's exposure to excessive noise and safety hazards within the areas around the public airports to the extent that these areas are not already devoted to incompatible uses.**

The proposed Russell Court Development project is not proposing any land use changes but rather a modest increase in land use densities. The proposed development is found compatible with the surrounding residential land uses and will not adversely impact public health, safety, or the general welfare. The project also incorporates conditions of approval to ensure that the public will not be exposed to excessive noise or safety hazards. FAA height restrictions are also imposed to ensure that the project will not be a hazard to air navigation. These mitigation measures ensure the protection of health, safety and general welfare given the extent of incompatible uses that already exist in the general vicinity of the airport including but not limited to one 2 million gallon above ground water storage tank and several housing developments containing two-story residential units. The Noise Study completed in March 2016 as part of the environmental review determined that the proposed project will not require any special noise attenuation. The existing noise exposure in the project vicinity is at or below the allowed 55 dB L_{dn}.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 19th day of April 2017.

James Tucker, Mayor
City of Imperial

I, Debra Jackson, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the City Council of said City of Imperial at a meeting thereof held on the 19th day of April 2017 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Debra Jackson, City Clerk
City of Imperial