

CITY OF BLYTHE  
OVERRIDE OF RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION  
FINDINGS  
BLYTHE ENERGY PROJECT, PHASE II

<b>DOCKET</b> <b>99-AFC-80</b>
DATE _____
RECD. SEP 14 2005

On July 18, 2002 the Riverside Airport Land Use Commission (ALUC) determined that the Blythe Energy Project, Phase II (BEP II) was an inconsistent with the land use recommended in the Comprehensive Land Use Plan (CLUP) for the Blythe Airport. The City of Blythe hereby overrides the ALUC determination and finds that, with the following conditions, BEP II is consistent with the CLUP and upon implementation of the following conditions, will not negatively impact airport safety.

<b>DOCKET</b> <b>02-AFC-1</b>
DATE _____
RECD. SEP 30 2005

**BACKGROUND**

ALUC

The CLUP was adopted by the ALUC in August of 1992. The purpose of the CLUP is to protect and promote safety and welfare of residents of the airport vicinity and users of the airport while ensuring the continued operation of the airport. Where local general plans or specific plans are not consistent with the CLUP, State law enables the ALUC to require local agencies to submit development actions, regulations and permits to the ALUC for review.

The ALUC is established under the authority of California Public Utilities Code Sections 21670 et seq. and is charged with formulating a comprehensive land use plan for the area surrounding each public use airport in its jurisdiction. The ALUC makes determinations of consistency of the proposed development action of permit with the CLUP on an advisory basis for the permitting jurisdiction. In accordance with Public Utilities Code Section 21676.5, the local permitting authority can overrule a determination by the ALUC by a two-thirds vote of its governing body. The local agency must also make specific findings that the proposed action is consistent with the orderly development of the airport, promotes the California airport noise standards and prevents the creation of new noise and safety problems.

On October 19, 2000, the ALUC reviewed the Blythe Energy Project (BEP I) and determined that, subject to conditions, it was consistent with the CLUP. However, on July 18, 2002 the ALUC found that BEP II was inconsistent with the same CLUP. The ALUC rejected the same conditions imposed upon BEP I, and did not consider the fact that BEP II is aligned further out of the flight path than BEP I and that BEP II is not located within the Extended Runway Zone, which was the sole issue of concern for BEP I. In fact, BEP II structures are entirely within the zone designated as Traffic Pattern Zone (TPZ). The TPZ designation contains an area around the airport that extends approximately 10,000 feet off the ends and sides of the runways. The CLUP provides that structures within the TPZ should not occupy more than 50 percent of the gross development area or 65 percent of the net lot area, whichever is greater. BEP II structures will occupy less than 50 percent of the gross development area and will occupy

less than 65 percent of the net lot area. The TPZ further restricts uses involving as the primary activity, the manufacture, storage or distributions of explosives or flammable materials. BEP II does not manufacture, or distribute explosives or flammable materials, and storage of these materials is absolutely minimal as may be required for the operation of BEP II.

The CLUP does state that any use that poses risks to aircraft in flight associated with light and reflective interference, water vapor, gathering of birds, and electrical interference is prohibited. In order to ensure that BEP I would not pose any of these risks, the ALUC recommended conditions to be incorporated in the BEP I California Energy Commission License (CEC). Those conditions are included herein.

### CalTrans Aeronautics

Since the time of the issuance of the CEC License to BEP I, there have been complaints from pilots that water vapor and/or thermal plumes have interfered with flights utilizing Runway 26. The CEC has been investigating the merits of those complaints and sought recommendations from the California Department of Transportation Division of Aeronautics (CalTrans Aeronautics). In a March 24, 2004 letter to the CEC, CalTrans Aeronautics outlined its recommendations for both BEP I and BEP II. In general, those recommendations will give adequate notice to pilots of the existence of the power plants and a relocation of the non-certified "practice" Instrument Landing System (ILS) approach for Runway 26 to another runway. Additionally, CalTrans Aeronautics recommended modification of the Visual Flight Rules (VFR) traffic pattern to Runway 26 from left hand turns to right hand turns, which will completely avoid overflight of BEP II. This recommendation has the additional advantage of minimizing the overflights above the City of Blythe and the community of Mesa Verde as well.

City of Blythe seems to support!

### **RECOMMENDATION**

The imposition of the same conditions imposed upon BEP I would ensure that BEP II would be consistent with the CLUP. To address the recent pilot complaints, CalTrans Aeronautics has recommended additional conditions to be implemented for BEP I. Further, CalTrans Aeronautics recommended modification the VFR traffic pattern to eliminate overflight of BEP II for approaches to Runway 26. With the implementation of all of these conditions, the City of Blythe can make the findings required under the Public Utilities Code to support overruling of the ALUC determination that BEP II is inconsistent with the CLUP.

We, the City Council of the City of Blythe, do hereby overrule the ALUC decision that BEP II is inconsistent with CLUP conditioned upon the satisfaction of the following conditions of approval. With these conditions, we hereby find that the Blythe Energy Project, Phase II is consistent with the intent of the State law as identified in Public Utilities Code Section 21670.

1. Prior to the development of the BEP II Project, recordation of the map, or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an avigation easement to the Blythe Airport for all portions of the project including offsite power lines owned by the project proponent within the Airport Influence Area.
2. All outdoor lighting shall be hooded or shielded to prevent either spillage of lumens or reflections into the sky (downward facing).
3. Incorporate noise attenuation measure into any office portion of the building construction to ensure interior noise levels are at or below 45-decibels.
4. Signs for this project should be approved by the City of Blythe prior to any development of the site.
5. Lighting plans for any additional development shall be reviewed and approved by an airport lighting consultant and the Airport Operator prior to placement.
6. No obstruction of the "FAR Part 77 Conical Surface" shall be permitted.
7. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with the 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 shall be prohibited.
8. 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 shall be prohibited. All plans for surfaces shall be reviewed by the airport operator and their appointed consultant for this concern prior to construction and any recommended changes or condition adhered to and monitored over the life of the permit.
9. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise effect safe air navigation within the area shall be prohibited.
10. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
11. The Project Proponent shall facilitate the following changes to the Blythe Airport Operations:
  - a. Request the Federal Aviation Administration (FAA) to modify the existing Remark in the Airport Facility Directory (AFD) to advise pilots not to fly over the existing power plant. Have "Power plant 1 mile east of airport producing thermal plumes." changed to "Power plant 1 mile east of airport producing thermal plumes; avoid low-altitude direct overflight."
  - b. Request the FAA to depict the location of the facility on the Airport Diagram and each of the instrument approach plates in the Terminal Charts published for the Blythe Airport. Add a Remark similar to the one proposed for the AFD.
  - c. Add a Remark to the airport's Automated Surface Observation System (ASOS). The remark should advise pilots to avoid low-altitude direct overflight of the power plant.

- (d.) Ensure a Remark, similar to the one proposed for the AFD, is published in comparable non-government issued flight publications (i.e., *Flight Guide* by Airguide Publications, Inc., etc. and *Pilots Guide to California Airports* by Optima Publications).
  - (e.) Ensure the facility is obstruction marked and lighted to visually alert pilots of the location of the plume producing towers. Marking and lighting should be accomplished in accordance with FAA Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting*.
  - ~~(f.)~~ (f.) Relocate, or replace the non-certified "practice" Instrument Landing System (ILS) approach for Runway 26 to another runway.
  - g. With concurrence from the FAA, modify the Visual Flight Rules (VFR) traffic pattern to Runway 26 from left-hand turns to right-hand turns. This repositions aircraft in the traffic pattern for Runway 26 from flying on the south side of the runway, to flying on the north side of the runway, which avoids overflight of the proposed facility.
  - h. Explore the feasibility of displacing the threshold to Runway 26 to provide an obstruction-free 50:1 approach slope.
12. BEP II shall incorporate those flight safety-related modifications to its operations that are determined appropriate by further over-flight study of BEP I. These modifications shall be required to ensure airport safety. Any failure to comply in a timely manner with those operational modifications deemed necessary for flight safety shall be considered as non-compliant with the conditions of certification, and grounds for seeking a revocation of BEP II operating license.

What is this? - Explain.