

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.28
(ID # 21612)

MEETING DATE:
Tuesday, May 02, 2023

FROM : TLMA - AVIATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/AVIATION: Adoption of Resolution No. 2023-110, A Resolution Declaring the County-Owned Property Known as the Jacqueline Cochran Regional Airport as Exempt Surplus Land Pursuant to the Surplus Land Act Per Government Code Section 54221(f)(1)(G), and Authorize the Lease of Said Fee Interests to the Public, in the unincorporated area of Thermal, Assessor's Parcel Number's 759-040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and 759-100-013 ("Resolution No. 2023-110"), CEQA Exempt Pursuant to State CEQA Guidelines Section 15061(b)(3); District 4. [\$1,550 Total Cost – TLMA Aviation Fund 100%] (Clerk to File Notice of Exemption) (4/5th Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. **Find** that the project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) – Common Sense exemption;

Continued on page 2

ACTION:Policy, 4/5 Vote Required

Charissa Leach, TLMA Director

4/25/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Gutierrez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: May 2, 2023
xc: Aviation, Recorder

Kimberly A. Rector
Clerk of the Board

By:
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

RECOMMENDED MOTION: That the Board of Supervisors:

2. **Adopt** Resolution No. 2023-110, A Resolution Declaring the County-Owned Property Known as the Jacqueline Cochran Regional Airport as Exempt Surplus Land Pursuant to the Surplus Land Act Per Government Code Section 54221(f)(1)(G), and Authorize the Lease of Said Fee Interests to the Public, in the unincorporated area of Thermal, Assessor's Parcel Number's 759-040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and 759-100-013; and
3. **Direct** the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) days of approval by the Board of Supervisors.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 1,550	\$ 0	\$ 1,550	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: TLMA Aviation Revenue Fund 100%			Budget Adjustment: No	
			For Fiscal Year: 2022/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County of Riverside, a political subdivision of the State of California ("County"), is the owner of certain real property located in the unincorporated area of Thermal, County of Riverside, State of California, consisting of approximately 1,574 acres of land, identified by Assessor's Parcel Number's 759-040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and 759-100-013 (collectively, the "Property") and commonly known as the Jacqueline Cochran Regional Airport ("JCRA Airport"). The JCRA Airport is operated by the County Transportation and Land Management – Aviation Division ("TLMA-Aviation"). Per Title 49 of the United States Code, Section 47101(a), airports are required to be as self-sustainable as possible under the circumstances at the airport. One way that TLMA-Aviation achieves self-sustainability is through leases of airport land.

In addition to self-sustainability, the JCRA Airport is currently experiencing a high demand for aircraft hangar and parking space. TLMA-Aviation intends on meeting this need through Public Private Partnerships, and the issuance of several request for proposals for the lease (under reversionary leasehold interests), and development of the Property at JCRA Airport. In order to enable TLMA-Aviation to market the Property, the County Board of Supervisors must take a formal action in a regular public meeting declaring the land as surplus and not necessary for the County's use Government Code Sections 54220-54234 ("Act"). Pursuant to Government Code Section

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54221(b)(1), a local agency, on an annual basis, may declare multiple parcels as “surplus land” or “exempt surplus land.”

In accordance with the Surplus Land Act, the County Board of Supervisors must declare the Property to be exempt surplus land as supported by written findings. Pertinent Section 54221(f)(1)(G) of the California Government Code describes exempt surplus land as property subject to valid legal restrictions, not imposed by the local agency, that makes housing prohibited.

The Airport is a Federally Obligated Airport used by the public and is subject to the oversight of the Federal Aviation Administration (FAA). FAA Compliance Manual 5190.6b provides guidance regarding airport land use. Chapter 20 of the FAA Compliance Manual 5190.6b indicates that due to noise and safety concerns, residential development is incompatible with airport operations. TLMA-Aviation staff recommends approval of the attached Resolution No. 2023-110, declaring the Property located at JCRA Airport as exempt surplus land. Concurrently, staff recommends that the County Board of Supervisors, pursuant to Government Code Section 25536 and by a four-fifths vote, approve the Resolution to enable TLMA- Aviation to market and lease the Property devoted to or held for the ultimate use of an airport.

Pursuant to the California Environmental Quality Act (CEQA), the project was reviewed and determined to be exempt from CEQA under State CEQA Guidelines 15061(b)(3) Common Sense exemption, because approval of this resolution will not result in the direct impacts to the physical environment or reasonably foreseeable indirect effects.

Impact on Citizens and Businesses

Declaring the Property to be exempt surplus land will continue to support the County’s effort to increase airport operations at the JCRA. Pilots and airport enthusiasts at the JCRA will benefit by the County’s ability to potentially increase services and amenities that are offered at JCRA Airport.

SUPPLEMENTAL:

Additional Fiscal Information

No Net County Cost will be incurred, and no budget adjustment is necessary, however, TLMA-Aviation has incurred costs associated with this transaction. County Counsel and Facilities Management costs to date in the approximate amount of \$1,550 will be reimbursed from the TLMA- Aviation Revenue Fund.

County Counsel Review	\$ 1,500
CEQA NOE	\$ 50
Total	\$ 1,550

Attachments:

- Resolution No. 2023-110
- Notice of Exemption

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA


Jason Farin, Principal Management Analyst 4/26/2023


Aaron Gettis, Deputy County Counsel 4/19/2023



County of Riverside
TLMA Aviation
4080 Lemon Street, 14th Floor, Riverside, CA 92501


FOR COUNTY CLERK USE ONLY

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202300484
05/04/2023 01:33 PM Fee: \$ 50.00
Page 1 of 3

Removed: _____ By: _____ Deputy



NOTICE OF EXEMPTION

April 10, 2023

Project Name: Adoption of Resolution No. 2023-110, A Resolution Declaring the County-Owned Property Known as the Jacqueline Cochran Regional Airport as Exempt Surplus Land Pursuant to the Surplus Land Act Per Government Code Section 54221(f)(1)(G), and Authorize the Lease of Said Fee Interests to the Public, in the unincorporated area of Thermal, Assessor's Parcel Number's 759-040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and 759-100-013, Thermal, CA

Project Location: 56850 Higgins Avenue, Thermal, CA 92274 Assessor Parcel Number's 759-040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and 759-100-013 (portions)

Description of Project: The County of Riverside, a political subdivision of the State of California ("County"), is the owner of certain real property located in the unincorporated area of Thermal, County of Riverside, State of California, consisting of approximately 1,574 acres of land, identified by Assessor's Parcel Number's 759-040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and 759-100-013 (collectively, the "Property") and commonly known as the Jacqueline Cochran Regional Airport ("JCRA Airport"). The JCRA Airport is operated by the County Transportation and Land Management - Aviation Division ("TLMA-Aviation"). Per Title 49 of the United States Code, Section 47101(a), airports are required to be as self-sustainable as possible under the circumstances at the airport. One way that TLMA-Aviation achieves self-sustainability is through leases of airport land.

In addition to self-sustainability, the JCRA Airport is currently experiencing a high demand for aircraft hangar and parking space. TLMA-Aviation intends on meeting this need through Public Private Partnerships, and the issuance of several request for proposals for the lease (under reversionary leasehold interests), and development of the Property at JCRA Airport. In order to enable TLMA-Aviation to market the Property, the County Board of Supervisors must take a formal action in a regular public meeting declaring the land as surplus and not necessary for the County's use Government Code Sections 54220-54234 ("Act"). Pursuant to Government Code Section 54221(b)(1), a local agency, on an annual basis, may declare multiple parcels as "surplus land" or "exempt surplus land".

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P. O. Box 1605 • Riverside, California 92502-1605

MAY 2 2023 3.28

In accordance with the Surplus Land Act, the County Board of Supervisors must declare the Property to be exempt surplus land as supported by written findings. Pertinent Section 54221(f)(1)(G) of the California Government Code describes exempt surplus land as property subject to valid legal restrictions, not imposed by the local agency, that makes housing prohibited.

Resolution No. 2023-110 relates to the leasing of land at the Jacqueline Cochran Regional Airport, which will not result in any significant environmental impacts or include any mitigation measures.

Name of Public Agency Approving Project: County of Riverside

Name of Person or Agency Carrying Out Project: Riverside County Transportation and Land Management Agency – Aviation Division

Exempt Status: State CEQA Guidelines Section 15061(b)(3), General Rule or “Common Sense” Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reason Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project is limited to the request of an exemption to the Surplus Land Act. Furthermore, this project would not result in any physical direct or reasonably foreseeable indirect impacts to the environment.

- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or ‘it can be seen with certainty that the activity in question will not have a significant effect on the environment’, no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The adoption of Resolution No. 2023-110 will not result in any significant direct or indirect environmental impacts to the environment. Therefore, in no way, would the project as proposed have the potential

to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Signed: Jose Ruiz Date: 4/10/2023
Jose Ruiz, Senior Real Property
Agent, County of Riverside
TLMA-Aviation Division

1 Board of Supervisors

County of Riverside

2 RESOLUTION NO. 2023-110

3 A RESOLUTION DECLARING PORTIONS OF THE COUNTY-OWNED PROPERTY
4 KNOWN AS THE JACQUELINE COCHRAN REGIONAL AIRPORT, AS EXEMPT
5 SURPLUS LAND PURSUANT TO THE SURPLUS LAND ACT, GOVERNMENT
6 CODE SECTION 54221(f)(1)(G), AND AUTHORIZE THE LEASE OF SAID FEE
7 INTERESTS TO THE PUBLIC

8 IN THERMAL, COUNTY OF RIVERSIDE, CALIFORNIA

9 ASSESSOR'S PARCEL NUMBERS 759-040-013, 759-050-004, 759-060-017, 759-060-
10 018, 759-060-019, 759-070-005, AND 759-100-013

11
12 WHEREAS, County of Riverside is the owner of certain real property located in
13 the unincorporated area of Thermal, County of Riverside, State of California, consisting
14 of approximately 1,574 acres of land, identified with Assessor's Parcel Number's 759-
15 040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and
16 759-100-013 ("Property") and commonly known as the Jacqueline Cochran Regional
17 Airport as depicted in Exhibit A, attached hereto; and

18 WHEREAS, the Property is situated in a Federally Obligated Airport ("Federally
19 Obligated Airport") used by the public and is subject to oversight by the Federal Aviation
20 Administration ("FAA"); and

21 WHEREAS, under the Surplus Land Act, Government Code sections 54220-
22 54234 ("Act"), surplus land is land owned in fee simple by the County for which the Board
23 of Supervisors takes formal action in a regular public meeting declaring the land is
24 surplus and not necessary for the County's use, and the land must be declared either
25 surplus land or exempt surplus land as supported by written findings; and

26 WHEREAS, County now desires to have portions of the Property ("Parcels") be
27 developed for revenue under leasehold interest(s) with reversionary interest(s); and
28

FORM APPROVED COUNTY COUNSEL
BY [Signature] DATE 4/11/23
RYAND YABKO

1 WHEREAS, the County determined that making the Parcels available for
2 leasehold interests with reversionary interest for revenue would be in the public interest;
3 and

4 WHEREAS, the County intends to lease the Parcels for revenue pursuant to and
5 in accordance with Federal Aviation Administration 5190.6(B), County Ordinance 861.2,
6 Government Code Section 25536 and Title 49 United States Code (U.S.C.) 47107 (a)
7 (10); and

8 WHEREAS, pursuant to California Government Code section 54221(f)(1)(G), the
9 County finds that the Parcels are exempt surplus land because the Parcels are subject
10 to valid legal restrictions, not imposed by the local agency that makes housing prohibited;
11 and

12 WHEREAS, Chapter 20 of FAA order 5190.6b ("FAA Order") provides direction to
13 Federally Obligated Airports regarding land use; and

14 WHEREAS, due to noise and safety concerns, the FAA Order indicates that
15 residential development is incompatible with airport operations (Section 20.3(a)),
16 incompatible with public-use airports (Section 20.3(b)), conflicts with federal grant
17 assurances and surplus property requirements (Section 20.4(b)), and that the FAA will
18 not release an airport from its federal obligations and allow residential development
19 (Section 20.4(d)); and

20 WHEREAS, pursuant to Government Code section 25536, the board of
21 supervisors of a county from, and the board of supervisors of any county is empowered
22 to make contracts, acquiring, leasing, or subleasing property pursuant to Section 1261
23 of the Military and Veterans Code, or, by a four-fifths vote of the board, entering into
24 leases, or concession or managerial contracts involving leasing or subleasing all or any
25 part of county-owned, leased, or managed property devoted to or held for ultimate use
26 for airport, vehicle parking, fairground, beach, park, amusement, recreation, or employee
27 cafeteria purposes, or industrial or commercial development incidental thereto or not
28 inconsistent therewith without compliance with this article; and

1 WHEREAS, the County has reviewed and determined that the lease of the
2 Parcels as being categorically exempt from the California Environmental Quality Act
3 ("CEQA") pursuant to State CEQA Guidelines Section 15378(C) and 15601(b)(3) as it
4 will not result in direct impacts to the physical environment or reasonably foreseeable
5 indirect effects; now, therefore,

6 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors
7 of the County of Riverside, in regular session assembled on May 2, 2023, in the meeting
8 room of the Board of Supervisors located on the 1st floor of the County Administrative
9 Center, 4080 Lemon Street, Riverside, California, that this Board, based upon a review
10 of the evidence and information presented on the matter, as it relates to the proposed
11 lease of the Parcels is hereby declared exempt surplus land pursuant to California
12 Government Code section 54221(f)(1)(G), as the Surplus land is subject to FAA Order
13 5190.6B that would make housing prohibited and there are no feasible methods to
14 satisfactorily mitigate or avoid this prohibition.

15 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that this Board
16 by four-fifths vote, authorizes the lease of the Parcels located in the City of Thermal,
17 County of Riverside, State of California, identified by Assessor's Parcel Number's 759-
18 040-013, 759-050-004, 759-060-017, 759-060-018, 759-060-019, 759-070-005, and
19 759-100-013, consisting of approximately 1,574 acres of land at the Jacqueline Cochran
20 Regional Airport, pursuant to Government Code section 25536.

21 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Assistant
22 County Executive Officer/TLMA or designee is authorized to execute any documents to
23 complete this transaction.

24 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of
25 the Board of Supervisors is directed to give notice hereof as provided in Section 6063 of
26 the Government Code.

27
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2
3 RESOLUTION NO. 2023-110

4 A RESOLUTION DECLARING PORTIONS OF THE COUNTY-OWNED PROPERTY KNOWN

5 AS THE JACQUELINE COCHRAN REGIONAL AIRPORT, AS EXEMPT SURPLUS LAND

6 PURSUANT TO THE SURPLUS LAND ACT, GOVERNMENT CODE SECTION 54221(f)(1)(G),

7 AND AUTHORIZE THE LEASE OF SAID FEE INTEREST TO THE PUBLIC IN THERMAL,

8 COUNTY OF RIVERSIDE, CALIFORNIA ASSESSOR'S PARCEL NUMBERS 759-040-013, 759-

9 050-004, 459-060-017, 759-606-018, 759-060-019, 759-070-005, AND 759-100-013

10
11 ROLL CALL:

12
13 Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez

14 Nays: None

15 Absent: None

16
17
18 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
19 Supervisors on the date therein set forth.

20
21 KIMBERLY A. RECTOR, Clerk of said Board

22
23 By:  _____

24 Deputy

Exhibit A
Property Depiction

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