

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JANUARY 10, 2023

Item 6 - Zoning Ordinance Amendment (ZOA-22;12-1) to amend County Code Chapter 19.77 to establish an overlay zone to limit development densities, building heights, and prevent incompatible land uses within three miles of Eagle's Next Airport

Applicant: County of Amador

Supervisorial District: 2 & 5

Location: 3 mile radius surrounding the Eagle's Nest Airport Runway

BACKGROUND: To protect Eagle's Nest Airport from encroachment and minimize the public's exposure to excessive noise and safety hazards around the airport, the Planning Department, under direction by the Amador County Board of Supervisors, has prepared amendments to establish an overlay zone to limit development densities, building heights, and prevent incompatible land uses within three miles of the airport.

PRIOR COMMITTEE REVIEW: The project was initially brought forward during the Amador County Land Use Commission August 25, 2022 meeting, where it recommended to adopt a Resolution of Intent to amend County Code Title 19, Zoning. The Resolution of Intent was brought in front of the Board of Supervisors date September 13, 2022, where it was unanimously adopted to direct staff and the Planning Commission to begin proceedings necessary to amend County Code Chapter 19, Zoning. The ordinance revisions were reviewed by the Amador County Technical Advisory Committee during its December 15, 2022 meeting. TAC has no technical objections to the Planning Commission approving the Zoning Ordinance Amendment subject to the findings included in the staff report.

PLANNING COMMISSION ACTION: Following the public hearing, the Planning Commission may make any recommendations regarding the proposed amendment. Any recommendations will be forwarded to the Board of Supervisors for their consideration at a future public hearing. The Planning Commission may then make a recommendation to the Board of Supervisors to approve or deny the amendments as proposed or amended to the County Code Chapter 19.77 and a recommendation on the following findings.

RECOMMENDED FINDINGS: If the Planning Commission moves to recommend approval of the amendments to County Code Chapter 19.77, the following findings are recommended for adoption:

1. The adoption of amended Chapters 19.72.050(B) is Categorically Exempt from the California Environmental Quality Act per Sections 15061(b)(3), 15305, 15307, and 15308 of the CEQA Guidelines.
2. Projects under Section 15061(b)(3) are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 15305 includes minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Section 15307 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

Section 15307 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

3. Following the Board of Supervisors adoption of the proposed ordinance amendment, a Notice of Exemption will be filed with the County Recorder.
4. Pursuant to Government Code 21670(b), the California Legislature found and declared that the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around airports to be of statewide concern.
5. The private ownership and limited flight operations preclude Eagle's Nest Airport from being included in the County's Airport Land Use Compatibility Plans.
6. This ordinance is intended to prevent the development of land uses which are not compatible with the operation of Eagle's Nest Airport.

ORDINANCE AMENDING CHAPTER 19.77, OBJECTS AFFECTING NAVIGABLE AIRSPACE, TO ESTABLISH AN OVERLAY ZONE TO LIMIT DEVELOPMENT DENSITIES, BUILDING HEIGHTS, AND PREVENT INCOMPATIBLE LAND USES WITHIN THREE MILES OF EAGLE’S NEST AIRPORT.

The Board of Supervisors of the County of Amador ordains as follows:

SECTION I. Legislative findings.

1. Pursuant to Government Code 21670(b), the California Legislature found and declared that the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around airports to be of statewide concern.
2. The private ownership and limited flight operations preclude Eagle’s Nest Airport from being included the County’s Airport Land Use Compatibility Plans.
3. This ordinance is intended to prevent the development of land uses which are not compatible with the operation of Eagle’s Nest Airport.

SECTION II. County Code Chapter 19.77, Objects Affecting Navigable Airspace, is hereby amended by adding the following Sections:

Section 300: The following overlay zones are hereby established within the specified distances from the edge of the Eagle’s Nest Airport runway:

3-mile perimeter. Within three miles of the outermost edge of the Eagle’s Nest Airport runway, all future projects for commercial or residential development, use permits, or parcel splits shall include an Avigation Easement for the right to flight, exhaust noise, fumes, lights, vibration, and particulate matter. See attached map Yellow Ring for plan view.

2-mile perimeter. Within two miles of the outermost edge of the Eagle’s Nest Airport runway schools, churches, and other places of assembly as defined by Section 13143(a) of the California Health and Safety Code, are prohibited. Any projects involving accessory dwellings units shall include an Avigation Easement for the right to flight, exhaust noise, fumes, lights, vibration, and particulate matter. See attached map Orange Ring for plan view.

1-mile perimeter. Within one mile of the outermost edge of the Eagle’s Nest Airport runway, parcel maps and subdivision maps will restrict new parcels to no less than 40 acres. Projects that involve parcel splits, use permits, or new commercial or residential structures shall include an Avigation Easement for the right to flight, exhaust noise, fumes, lights, vibration, and particulate matter. See attached map Red Ring for plan view.

SECTION III. A summary of this ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the _____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County, California

Deputy

Board of Supervisors Agenda Item Report

Submitting Department: Planning
Meeting Date: September 13, 2022

SUBJECT

Consideration of the Land Use Committee's recommendation to adopt a Resolution on Intention to amend County Code Title 19, Zoning, to establish a zoning overlay limiting development densities, structure heights, and incompatible land uses within three miles of Eagle's Nest Airport.

Recommendation:

Adopt Resolution on Intent

4/5 vote required:

No

*Approved
Unanimous*

Distribution Instructions:

Planning

ATTACHMENTS

- Ordinance implementation request 1, 2022-5-21 (2).pdf
- Map, Eagles Nest with range rings 11 X 17, 2022 (1).pdf
- Resolution of Intention - Eagle's Nest overlay zones.docx
- LUC DRAFT Minutes 08-25-22.pdf

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION OF INTENTION TO AMEND COUNTY CODE)
TITLE 19 (ZONING) TO CREATE AN OVERLAY ZONE TO)
LIMIT LAND USES AND STRUCTURE HEIGHTS AROUND) RESOLUTION NO. 22-124
EAGLE'S NEST AIRPORT.)

WHEREAS, pursuant to Government Code 21670(b), the California Legislature found and declared that the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around airports to be of statewide concern; and

WHEREAS, Eagle's Nest Airport is a private airport permitted for up to 2,500 flights per year; and

WHEREAS, the private ownership and limited flight operations preclude Eagle's Nest Airport from being included the County's Airport Land Use Compatibility Plans; and

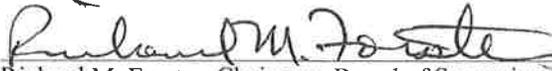
WHEREAS, it is the intent of the Board of Supervisors to prevent the development of land uses which are not compatible with the operation of Eagle's Nest Airport; and

WHEREAS, County Code Section 19.68.020 requires amendments to Title 19 (Zoning) to be initiated by citizen petition or a Resolution of Intention adopted by the Planning Commission or Board of Supervisors.

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Supervisors of the County of Amador, State of California, does hereby adopt a Resolution of Intention to direct staff and the Planning Commission to begin proceedings necessary to amend County Code Chapter 19 (Zoning) to establish an overlay zone to limit development density, building heights, and prevent incompatible land uses within three miles of Eagle's Nest Airport.

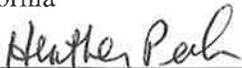
The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador in a regular meeting thereof, held on the 13th day of September 2022, by the following vote:

AYES: Richard M. Forster, Jeff Brown, Brian Oneto, Patrick Crew, Frank Axe
NOES: None
ABSENT: None


Richard M. Forster, Chairman, Board of Supervisors

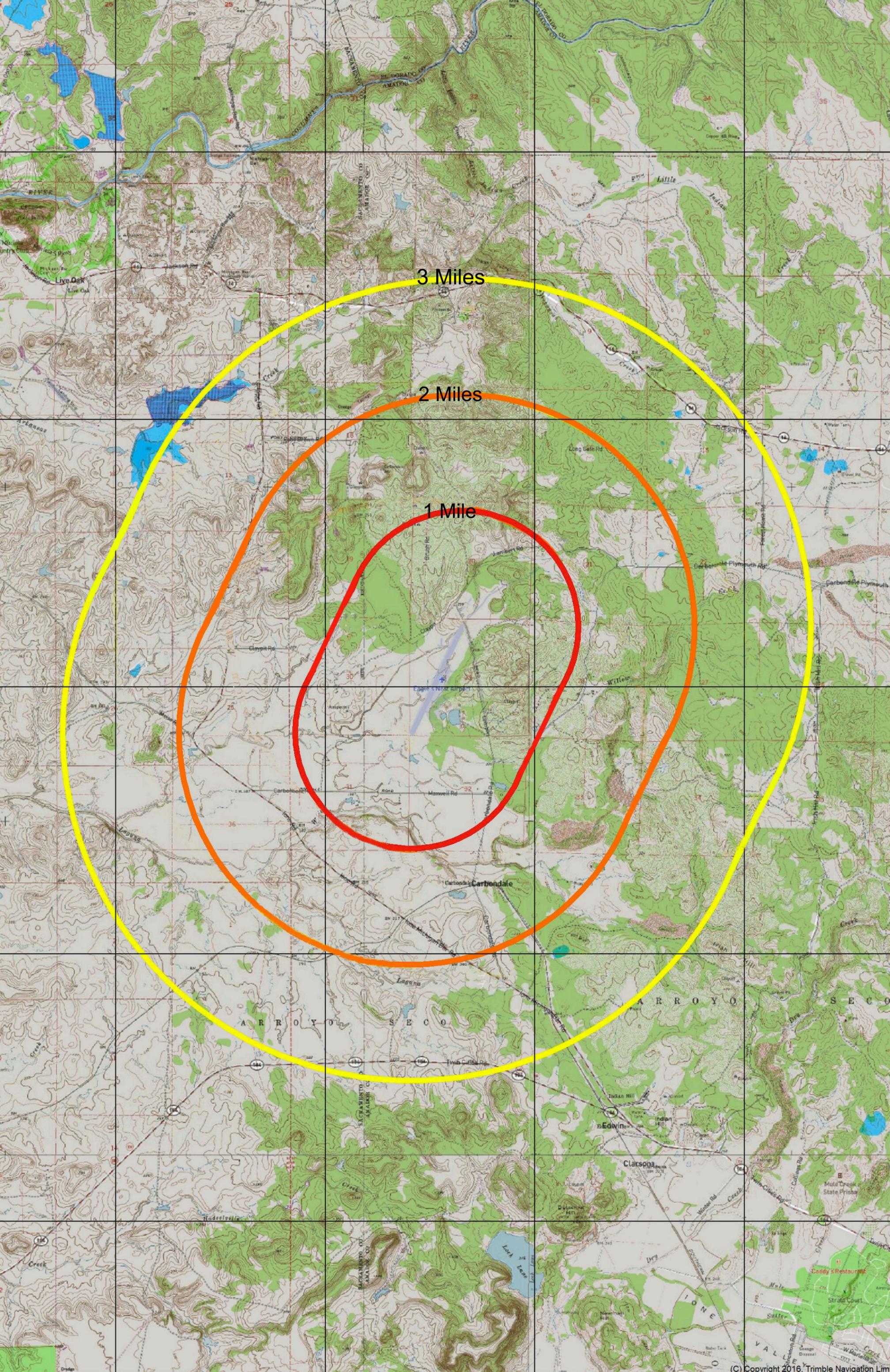
ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California


Deputy

(Resolution No. 22-124)

(09/13/2022)



3 Miles

2 Miles

1 Mile



J.V. Photography

559-999-7082

**Eagle's Nest Owners Association
17069 Lambert Road
Ione, CA 95640**

May 21, 2022

Amador County Planning Department
Attn: Mr. Chuck Beatty
810 Court Street
Jackson CA 95642

RE: Amended County Ordinance

Dear Mr. Beatty:

During the last 20 years, airport member property owners have submitted suggestions for implementing Airport Land Use Plans and/or zoning and land use restrictions/limitations to preserve the Eagle's Nest Airport. Recently you indicated that a simple County Ordinance amendment or addition may be the most efficient and shorter time period to facilitate limitations on land use changes around the Eagle's Nest Airport.

Our goal is to maintain the current open AG lands and MZ mining resource Zoning and related land uses in the Carbondale area. In the future, we may see development pressure to sub-divide ranch lands into smaller parcels and/or change the existing zoning.

Accordingly, we have prepared a requested land use retention plan. The attached illustration has three zone areas:

Red Zone, 1-mile perimeter from the runway
Orange Zone, 2-mile perimeter from the runway
Yellow Zone, 3-mile perimeter from the runway

Each zone has recommended restrictions on land use changes, zoning changes, use permit changes, etc. More specifically, we are requesting that the following zoning and land use considerations be included in an amended or new ordinance:

1. Zoning and Land Use Within Three Miles- All future development, zoning changes, Use Permits or parcel splits within three miles of the airport should include an "Avigation Easement" for the right to flight, exhaust noise, fumes, lights, vibration and particulate matter. An Avigation Easement protects the County, the developer and notifies purchasers of the airport location. See attached map Yellow Ring for plan view.
2. Zoning and Land Use Within Two Miles- Please restrict school sites, churches and facilities that have an assemblage of people, and any additional residences on a parcel with one existing house shall include an "Avigation Easement" for the right to flight, exhaust noise, fumes, lights, vibration and particulate matter within two miles of the outermost edge of the runway. See attached map Orange Ring for plan view.
3. Zoning and Land Use Within One Mile- Please restrict any parcel map splits to no less than 40 acres per parcel, restrict any Use Permits and any additional residences on a

parcel with one existing house shall include an “Avigation Easement” for the right to flight, exhaust noise, fumes, lights, vibration and particulate matter within two miles of the outermost edge of the runway within one mile of the outermost edge of the runway. See attached map Red Ring for plan view.

The Eagle’s Nest Airport has provided public assistance in the past as a day and nighttime emergency landing facility for air ambulance medical evacuation. There have been several major traffic accidents in the past where our lighted runway was an asset to assist the air ambulance helicopters. Our runway was also considered for national defense after 9/11.

This is a starting point to enable a County Ordinance to prevent encroachment upon this regional asset. Sacramento County has already added the provisions of this letter to their General Plan, Circa 2007.

Thank you for your consideration!

W. David Wardall, President
Eagle’s Nest Owners Association



Chuck Beatty <cbeatty@amadorgov.org>

Request to commence study/project to implement land use controls around our airport.

3 messages

Dave Wardall <davidwardall@gmail.com>

Tue, Jul 26, 2022 at 12:18 PM

To: Chuck Beatty <CBeatty@amadorgov.org>

Cc: Brian Oneto <boneto@amadorgov.org>, Richard Forster <RForster@amadorgov.org>, Jeff Brown <jeffbrown@amadorgov.org>, Pat Crew <pcrew@amadorgov.org>

Good day Chuck-

We made a detailed and well documented proposal in 2007 to include in the General Plan update limiting uses of land near the airport to include no schools, no assemblage of persons

including churches, etc. the County choose to ignore this request.

Because 1/3 of our airspace is in Sacramento County, we made the same presentation to the Sacramento County Board of Supervisors and our request was fully implemented by the planning commission at the direction of the Board of Supervisors.

I surfaced this request again in a email to you on May 21, 2022.

I would like to pursue a resolution to protect the airport from possible future encroachment.

The Airport is a major facility with many community and County benefits.

Can we set a kick off meeting date please?

Respectfully,

David Wardall

2 attachments



Map, Eagles Nest with range rings 11 X 17, 2022.jpg
3350K

 **Ordinance implementation request 1, 2022-5-21.doc**
35K

Chuck Beatty <CBeatty@amadorgov.org>

Fri, Jul 29, 2022 at 3:57 PM

To: Dave Wardall <davidwardall@gmail.com>

Cc: Brian Oneto <boneto@amadorgov.org>, Richard Forster <RForster@amadorgov.org>, Jeff Brown <jeffbrown@amadorgov.org>, Pat Crew <pcrew@amadorgov.org>

Dave, I think the best place to start this discussion is with the Board's Land Use Committee. Their next meeting is tentatively scheduled for August 25 at 2pm and I can place this on the agenda if you like.

Thanks,
Chuck

[Quoted text hidden]

--

Chuck Beatty, AICP
Planning Director
Amador County
209-223-6380

Dave Wardall <davidwardall@gmail.com>

Fri, Jul 29, 2022 at 4:10 PM

To: Chuck Beatty <CBeatty@amadorgov.org>

Cc: Brian Oneto <boneto@amadorgov.org>, Richard Forster <RForster@amadorgov.org>, Jeff Brown <jeffbrown@amadorgov.org>, Pat Crew <pcrew@amadorgov.org>

Thank you Chuck-

We will prepare handouts for that meeting.

Thanks!

Dave

[Quoted text hidden]

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



December 14, 2022

Chuck Beatty, Planning Director
Amador County Planning Department
810 Court Street
Jackson, CA 95642

**AMA-104-PM 0.654
Eagles Nest Airport Zoning
Ordinance Amendment
(ZOA)**

Mr. Beatty,

California Department of Transportation (Caltrans) appreciates the opportunity to comment on the proposed Zoning Ordinance Amendments (ZOA) as follows:

ZOA-22;12-1 to amend County Code Chapter 19.77 to establish an overlay zone to limit development densities, building heights, and prevent incompatible land uses within three miles of Eagle's Nest Airport.

ZOA-22;12-2 to amend County Code Chapter 19.72.050 to establish that the rental terms for Accessory Dwelling Units permitted in accordance with that Code Section be longer than 30 days.

ZOA-22;12-3 to amend County Code Chapter 19.48.140 to establish regulations for detached room units to be used as overnight lodging for wineries.

Amendments would apply to the unincorporated area of Amador County, with the exception of those specific to Eagle's Nest Airport. The property is approximately four (4) miles from state route (SR) 104 at 17069 Lambert Road in Ione.

Based on the project description, Caltrans has no comments at this time. However, Caltrans requests to be included in the review process for any future development.

If any future project activities encroach into Caltrans Right-of-Way (ROW), the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will analyze potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Chuck Beatty, Planning Director
December 14, 2022
Page 2

Please contact Paul Bauldry at (209) 670-9488 (email: paul.bauldry@dot.ca.gov), or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov) if you have any questions or concerns.

Sincerely,

Gregoria Ponce

Gregoria Ponce', Chief
Office of Rural Planning