

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: APRIL 11, 2023

Item 3 - Zoning Ordinance Amendment (ZOA-22;12-1) to amend County Code Chapter 19.77 to establish an overlay zone to maintain current development densities and building heights, and to limit places of assembly within three miles of Eagle's Nest Airport.

Applicant: County of Amador

Supervisory 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. Following addition discussion concerning potential impacts to parcels within the overlay area, staff recommends modification of the language in the proposed ordinance as shown in track changes on the attached draft.

PRIOR COMMITTEE REVIEW: The project was initially brought forward during the Amador County Land Use Committee 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. The matter was heard by the Planning Commission on January 10 and March 14, 2023. Following the March 14 hearing, the Planning Commission tabled the discussion until the April 11 meeting.

PLANNING COMMISSION ACTION: Following the public hearing, the Planning Commission may make any recommendations to accept, reject, or modify the proposed amendment. Substantial modification will require re-hearing by the Commission. All final recommendations will be forwarded to the Board of Supervisors for their consideration at a future public hearing. If the Planning Commission recommends approval to the Board of Supervisors, the findings below are suggested for inclusion in the action.

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~~ MAINTAIN CURRENT DEVELOPMENT DENSITIES AND, BUILDING HEIGHTS, AND TO LIMIT PLACES OF ASSEMBLY ~~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~~ maintain the development of land uses which are ~~not~~ compatible with ~~the operation of Eagle's Nest Airport existing county codes.~~

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 inside buildings 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~~ maintain current development densities 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. Structures within the 1-mile perimeter which exceed a height of 100 feet will require obstruction lighting that meets FAA specifications. Structures which exceed a height of 35 feet are prohibited in the area which is both west of Carbondale Road and south of the southern

terminus Eagle's Nest Airport runway. 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:

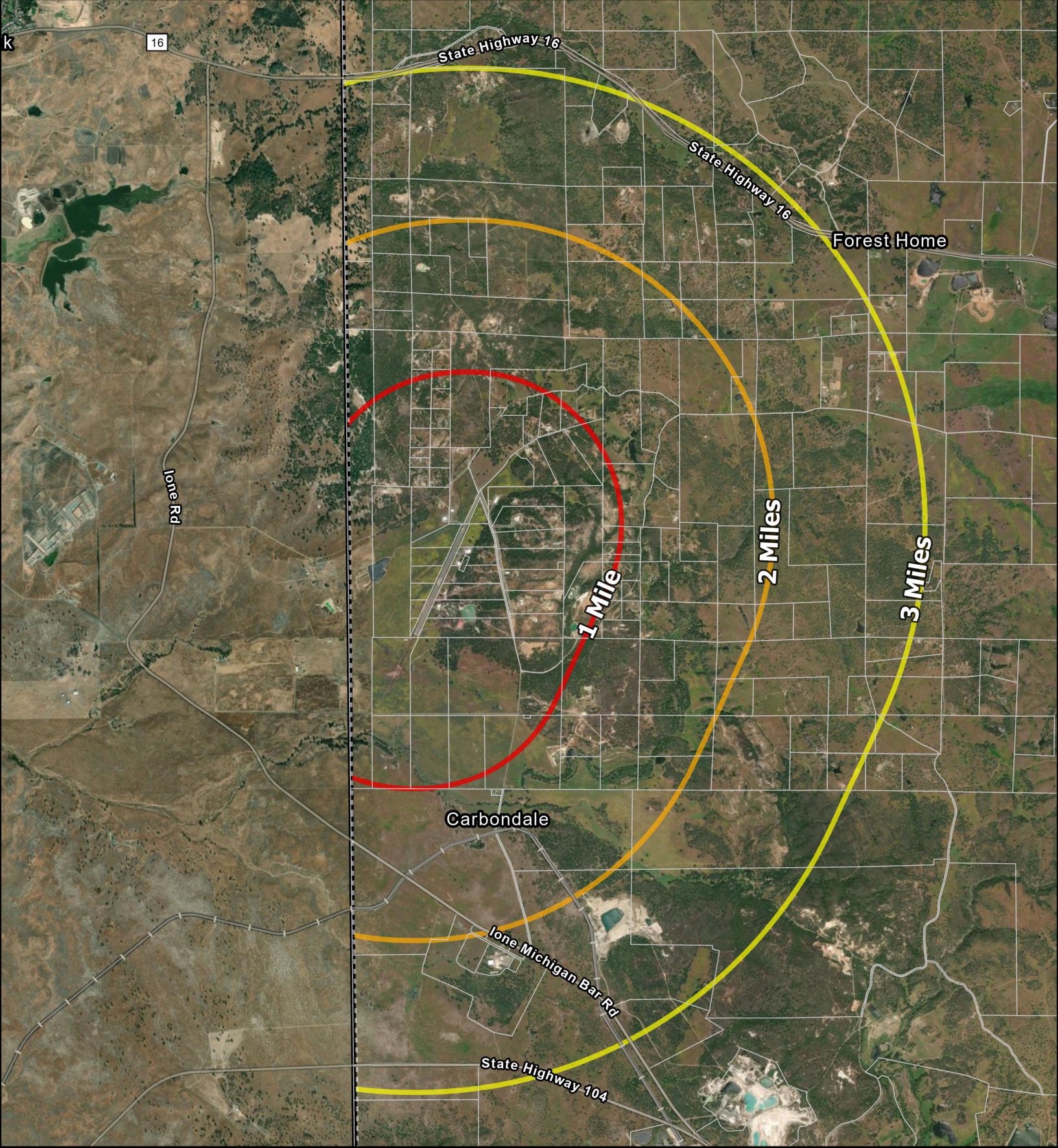
ABSENT:

Chairman, Board of Supervisors

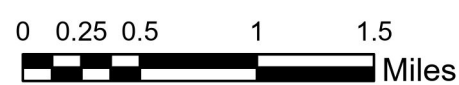
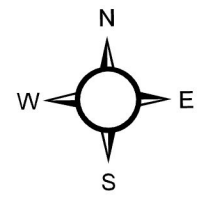
ATTEST:

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

Deputy



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



- Legend**
- 1 Mile Buffer
 - 2 Mile Buffer
 - 3 Mile Buffer
 - Assessor Parcels
 - Amador County Border

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

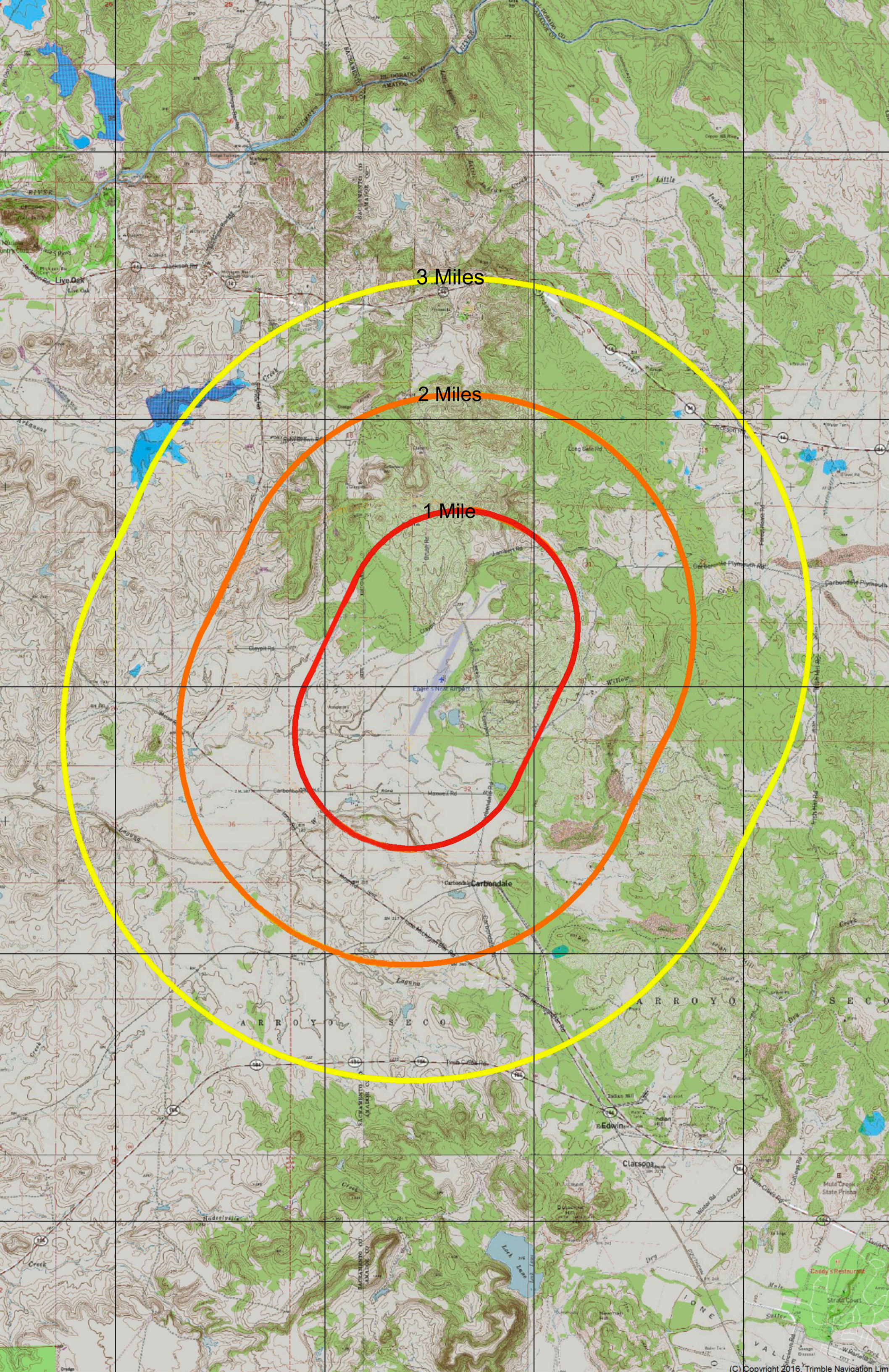
ATTEST:

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]

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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]

- | | |
|--|----------------------|
| 1. GIS List: <u>3 miles & 300 feet</u> ft. Plus _____
(Distance) (Special Instructions: e.g. to end of access road) | Initial
<u>CB</u> |
| 2. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or "SPECIAL INSTRUCTIONS." | <u>CB</u> |
| 3. Project Applicant and Representative(s), if applicable. | <u>CB</u> |
| 4. Checked Project file cover for agency distribution. | <u>CB</u> |
| 5. Checked inside file for special requests for notification. | <u>CB</u> |
| 6. Checked old notification list for additional notification. | <u>MA</u> |
| 7. Other – Specify:

_____ | |

AFFIDAVIT OF SERVICE BY MAIL

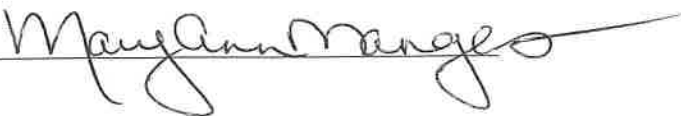
I am a citizen of the United States, over eighteen years of age, employed in Amador County, and not a party to the within action; my business address is 810 Court Street, City of Jackson, State of California. I hereby declare I served a copy of the attached public hearing notice regarding Eagles' Nest Overlay Zones by placing copies in 153 envelopes addressed to: (see attached list).

Said envelopes were then sealed and postage fully paid thereon and were deposited in the United States Mail on March 24, 2023 at Jackson, California.

I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on March 24, 2023

Signed 

Witness 



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

PHONE: (209) 223-6380

FAX: (209) 257-5002

WEBSITE: www.amadorgov.org

EMAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

NOTICE OF PUBLIC HEARING

Notice is hereby given the Planning Commission of the County of Amador, State of California, has received an application for the project described in this notice.

PROJECT NAME AND DESCRIPTION: Zoning Ordinance Amendment (ZOA-22;12-1) to amend County Code Chapter 19.77 to establish an overlay zone to maintain current development densities and building heights, and to limit places of assembly within three miles of Eagle's Next Airport.

PROJECT APPLICANT: County of Amador

SUPERVISORIAL DISTRICT: 2

LOCATION: 3 mile radius surrounding Eagle's Nest Airport Runway within Amador County (See map attached to proposed ordinance)

ENVIRONMENTAL REVIEW PROCESS: In accordance with the California Environmental Quality Act (CEQA), the lead agency, the Amador County Planning Commission, intends to consider the adoption of a Notice of Exemption, as the project is consistent with the Amador County General Plan and zoning codes. The required review and comment period for this project will commence on March 3, 2023 and ends on March 14, 2023.

PUBLIC HEARING: Notice is hereby given said Planning Commission will hold a public hearing on this project at the County Administration Center, Board of Supervisors Chambers, 810 Court Street, Jackson, California, on April 11, 2023 at 7:00 p.m. or as soon thereafter as can be heard. Anyone having comments on the project may attend and be heard.

The Planning Commission will be conducting this hearing in person and via teleconference. You may participate remotely by calling 669-900-6833 and using meeting ID 537 512 8983. You may also view and participate in the meeting using this link: <https://us02web.zoom.us/j/5375128983>.

Public comment will also be accepted at the above address or at planning@amadorgov.org. Letters of comment regarding this matter received by the County prior to the publication of the Staff Report will be sent to each Planning Commissioner as part of the agenda packet. Letters received after the Staff Report has been published will be copied and circulated to each Commissioner just prior to the public hearing. Be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the Staff Report is published, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the public hearing. If you have any questions or desire more information, please contact this office.

In compliance with the Americans with Disabilities Act, if you are a person with a disability and require special modification or accommodation to participate in this meeting, please contact the Amador County Planning Department, at (209) 223-6380, by email to planning@amadorgov.org. Requests must be made as early as possible, and at least two business days before the start of the meeting.

NOTE: If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the Public Hearing.

AMADOR COUNTY PLANNING COMMISSION

Date of this notice: March 24, 2023

COMMENTS

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



Planning Department <planning@amadorgov.org>

Fwd: EAGLES NEST AIRPORT PROPOSAL

1 message

Chuck Beatty <CBeatty@amadorgov.org>
To: Planning Department <planning@amadorgov.org>

Fri, Jan 6, 2023 at 1:07 PM

----- Forwarded message -----

From: **Joel Lucich** <joell@calsierra.net>
Date: Fri, Jan 6, 2023 at 12:23 PM
Subject: EAGLES NEST AIRPORT PROPOSAL
To: Chuck Beatty <CBeatty@amadorgov.org>
Cc: Randy Moore <randym@calsierra.net>, sauclair@auclairinc.com <sauclair@auclairinc.com>

Good morning, Chuck. I'm writing this email to request that you postpone the hearing referenced above. I was never given notice of the hearing and most certainly will be present at the meeting Tuesday night to inform the commission of that fact. Also, If you can postpone the hearing and are amenable, I would suggest we set up a meeting to try and work through the issues before going public.

Regards

Joel Lucich

--

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



Planning Department <planning@amadorgov.org>

Zoning Ordinance Amendment (ZOA-22;12-1)

ardittobandito@gmail.com <ardittobandito@gmail.com> Tue, Mar 14, 2023 at 12:51 PM
To: Amador County Planning Department <planning@amadorgov.org>

I Jessica Arditto who lives at [19080 Poppy Hill Lane Plymouth, CA. 95669](#) oppose the project and zoning ordinance amendment (ZOA-22;12-1) to amend County Code Chapter 19.77 to establish overlay zones to limit development densities and building heights, and prevent incompatible land uses within three miles of Eagle's Nest Airport.

In the future I do not want limitations against sub-dividing my property. Nor do I want the zoning law restrictions this project is trying to impose on me and my property. If this was to pass, I would expect to be compensated for the devaluing this project would cause to my property's value.

Sincerely opposing this project,

Jessica Arditto

14th of March 14, 2023

Sent from [Mail](#) for Windows



Planning Department <planning@amadorgov.org>

zoning ordinance amendment (zoa-22;12-1)

Deborah Arditto <ardittoranches@yahoo.com>

Tue, Mar 14, 2023 at 2:11 PM

To: "planning@amadorgov.org" <planning@amadorgov.org>

This letter is in response to the proposed zoning ordinance zoa-22;12-1, to amend county code 19.77. I own multiple parcels located in this area and I am in direct opposition to having my land use limited in any way, shape, or manner by the Eagle's Nest Airport.

Respectfully,
John P. Arditto



Zoning Ordinance Amendment (ZOA-22;12-1) Eagle's Nest Airport

2 messages

Norman Martin <haybalers@msn.com>

Mon, Mar 13, 2023 at 11:48 AM

To: "BOneto@amadorgov.org" <BOneto@amadorgov.org>, "RForster@amadorgov.org" <RForster@amadorgov.org>

Cc: "planning@amadorgov.org" <planning@amadorgov.org>

Dear Supervisors Mr. Oneto and Mr. Forster,

I would like to ask that you to request a continuance of the March 14, 2023 Planning Commissions hearing of the proposed zoning ordinance amendment to establish an overlay zone to limit development densities, building heights, and prevent incompatible land uses within three miles of Eagle's Nest Airport.

This ordinance will affect our land and we just received the information on Wednesday, March 8, 2023. This land is in a family trust, Bonnie M. Brown DuFrene Family Trust. I have not had ample time to discuss this with all of our family members.

Once again, I would appreciate it if you would ask the commission to continue this matter for three weeks to enable us to review the land use changes that are being proposed.

Sincerely,

Gina Martin
(209) 986-5162

Amador County Planning Department <planning@amadorgov.org>

Mon, Mar 13, 2023 at 5:02 PM

To: Norman Martin <haybalers@msn.com>

Ms. Martin, if I can answer any questions about the proposed ordinance, please let me know.

Thanks,

Chuck Beatty

Planning Director

Amador County Planning Department

810 Court Street

Jackson, CA 95642

(209) 223-6380

planning@amadorgov.org

[Quoted text hidden]



Comments from the Dufrene family members

Dave Wardall <davidwardall@gmail.com>
To: Planning Department <planning@amadorgov.org>

Tue, Mar 14, 2023 at 3:22 PM

To:

Please call me after you review this email.

Thanks.

Dave

To: CBeatty@amadorgov.org planning@amadorgov.org

Subject: Comments pertaining to the Dufrene 160 acre parcel, APN 001-160-001-000, adjacent to the airport

Mr. Beatty and staff-

The Eagle's Nest Airport staff has met with the Dufrene family members, Gina Martin and Mark Dufrene on Sunday, March 12, 2023, to listen and attempt to accommodate their concerns pertaining to the proposed Ordinance. We have had several phone calls and drafted a proposed addition to the Ordinance, draft changes in **RED** print. This draft change was run by Planning Department Chair Chuck Beatty.

Chuck advised the Dufrene family members and airport staff that the red ink draft amendment was not needed as the subject parcel was north on the height limit on a portion of the mining property.

So, that red ink amendment was eliminated per Mr. Beatty's recommendation.

Mr. Beatty-

Please forward to all Planning Commission members.

Respectively,

Tom McCleary, Aviation Safety Officer

Eagle's Nest Airport

Draft 4

Requested Ordinance amendment pertaining to two adjacent parcels on the west side of the airport complex. Dated March 11, 2023. David Wardall

Existing paragraph at the bottom of Page 1 of the Draft Ordinance:

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. Structures within the 1-mile perimeter which exceed a height of 100 feet will require obstruction lighting that meets FAA specifications. Structures which exceed a height of 35 feet are prohibited in the area which is both west of Carbondale Road and south of the southern terminus Eagle's Nest Airport runway. See attached map Red Ring for plan view.

Requested Amendment (additions in red print):

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, **excepting one parcel tangent to the airport property, APN 001-160-001.** 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. Structures within the 1-mile perimeter which exceed a height of 100 feet will require obstruction lighting that meets FAA specifications. Structures which exceed a height of 35 feet are prohibited in the area which is both west of Carbondale Road and south of the southern terminus Eagle's Nest Airport runway, **excepting parcel in Section 19, T.7N., R.9E, M.D.B. & M., as illustrated on Book 6, Subdivision Maps Page 62, adjacent to the west side of Section 29, Eagle's Nest Airport.** See attached map Red Ring for plan view. **It is further agreed that an Avigation Easement technically correct and acceptable to the Amador County Recorder's Office will be recorded on the Assessor's Parcel Number APN 001-160-001 by March 17, 2023, 5 PM local time, or the exception will be removed prior to submitting the Draft Ordinance to the Board of Supervisors.**

16: PLANNING DEPT.

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:

THE SHORTRIDGE FAMILY TRUST IS AGAINST ANY

NEW RESTRICTIONS ON OUR PROPERTIES!

Chairman, Board of Supervisors

ATTEST:

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

Deputy

SHORTRIDGE ROBERT E & PAMELA FAMILY TRUST
1232 SAN SORRENTO CT
GROVER BEACH, CA 93433

RECEIVED

MAR 14 REC'D

AMADOR COUNTY PLANNING DEPARTMENT



Planning Department <planning@amadorgov.org>

Airport Land Use Ordinance

1 message

Tommys Garage <tommys.garage@yahoo.com>

Mon, Mar 27, 2023 at 1:13 PM

To: "PLANNING@AMADORGOV.ORG" <PLANNING@amadorgov.org>

I own and run a small business in lone. I fully support the airport ordinance to maintain the local area as it is. The roads and infrastructure cannot take any more traffic and or people in this area without significant improvement to our roads, etc.

Thank you for your consideration,

Tommy Bowles
lone resident and owner of

Tommy's Garage
[340 Preston Ave](#)
[lone CA 95640](#)
209-274-0605



Planning Department <planning@amadorgov.org>

Religious Center and 50,000 burial sites

1 message

Stacy Rhoades <srhoades@ione-ca.com>
To: "planning@amadorgov.org" <planning@amadorgov.org>

Tue, Mar 28, 2023 at 11:17 AM

County of Amador,

I support the Airport ordinance of no schools, no church's or commercial public gatherings near airports.

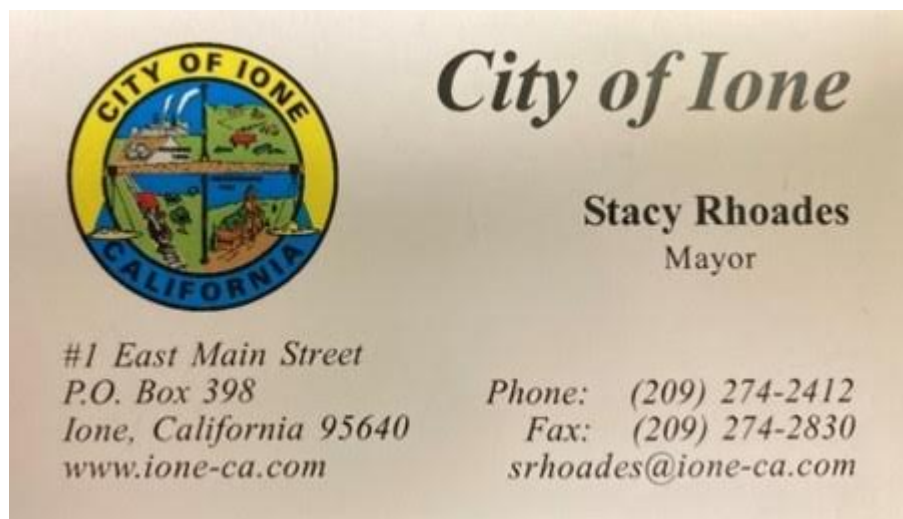
The proposed use permit for the 20,000 sq.ft Religious center with 50,000 burial plots at the corner of Lambert and Carbondale does not fit in our community.

I strongly oppose this.

Thank you for your consideration.

Stacy Rhoades

Mayor of Ione



Sent from [Mail](#) for Windows



Planning Department <planning@amadorgov.org>

Airport Ordinance

Rendon/Hall, Velma

Wed, Mar 29, 2023 at 3:10

<RendonV@scc.losrios.edu>

PM

To: "planning@amadorgov.org" <planning@amadorgov.org>

Cc: "Rendon/Hall, Velma" <RendonV@scc.losrios.edu>

To Whom it may concern,

I support the airport Ordinance to maintain the local area.

Sincerely,

Velma Rendon

Plymouth, California

95669



Planning Department <planning@amadorgov.org>

Zoning Ordinance Amendment (ZOA-22;12-1)

1 message

rshortridg@aol.com <rshortridg@aol.com>

Thu, Mar 30, 2023 at 10:02 AM

Reply-To: rshortridg@aol.com

To: "planning@amadorgov.org" <planning@amadorgov.org>

We find it interesting that Eagles Nest Airport is selling existing parcels which are less than 40 acres; and are not concerned about future densities.

This spells "special interest".

Please do not approve this ordinance.

Respectfully,

Robert & Pamela Shortridge

Family Trust 2001



Planning Department <planning@amadorgov.org>

Religious center

tom inczewski

<tomsweldingandfab@gmail.com>

To: planning@amadorgov.org

Sat, Apr 1, 2023 at 10:52

AM

I would like to support the ordinance for the airport to maintain the local area as agricultural and do not believe that the Old wagon roads of the area to even come close to supporting such a facility Tom & Connie Inczewski lone.



FW: Replace Easement with Overflight Notification

davidwardall@gmail.com <davidwardall@gmail.com>
To: planning@amadorgov.org

Sun, Apr 2, 2023 at 12:07 PM

Hello-

Mr. Beatty is out of the office.

FYI.

David Wardall

From: davidwardall@gmail.com <davidwardall@gmail.com>
Sent: Sunday, April 2, 2023 11:15 AM
To: Chuck Beatty <CBeatty@amadorgov.org>
Subject: Replace Easement with Airport Acknowledement

Good morning Mr. Beatty-

We have reexamined the Avigation Easement and although, we cannot enter any person's land, we found the wording to be controversial.

Accordingly, we offer a less evasive "Overflight Notification" that is a simple notice that there is an airport nearby.

The Airport Notification would only apply for parcel splits or adding a second residence on an existing parcel.

Thanks,

David Wardall

RECORDED OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the County of Amador, State of California, described as _____,
APN: _____

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, California Business & Professions Code Section 11010 and California Civil Code Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with policies of Amador County for the overflight notification provided in County Code 19.77.

Amador County Ordinance 19.77 Section 300 identifies Eagle's Nest Airport Overlay Zones. Properties within these zones are routinely subject to overflights by aircraft using this airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. Residents of property near airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to Amador County population and economic growth. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at Eagle's Nest Airport. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of aircraft.

Eagle's Nest Airport maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact Eagle's Nest Airport for more detailed information regarding airport-specific operational issues including hours of operation.

This *Overflight Notification* shall be duly recorded with the Amador County Recorder's Office, shall run with the Property, and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date: _____, 20__



Planning Department <planning@amadorgov.org>

Revised Ordinance, Draft 7

davidwardall@gmail.com <davidwardall@gmail.com>
To: planning@amadorgov.org

Tue, Apr 4, 2023 at 3:29 PM

Thank you for your help!!!

Attached is recommended copy for the planning commission review.

Regards,

David Wardall

 Requested amemdment addition to Draft 7, Ordinance 2023-0404-1.docx
21K

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 19.77, OBJECTS AFFECTING NAVIGABLE AIRSPACE, TO ESTABLISH AN OVERLAY ZONE TO MAINTAIN CURRENT DEVELOPMENT DENSITIES AND BUILDING HEIGHTS, AND TO LIMIT PLACES OF ASSEMBLY 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 maintain the development of land uses which are compatible with existing county codes.

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 inside buildings 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. Assessor’s Parcel Number

1-mile perimeter. Within one mile of the outermost edge of the Eagle’s Nest Airport runway, ~~parcel maps and subdivision maps will maintain current development densities 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. Structures within the 1-mile perimeter which exceed a height of 100 feet will require obstruction lighting that meets FAA specifications. Structures which exceed a height of 35 feet are prohibited in the area which is both west of Carbondale Road and south of the southern terminus Eagle's Nest Airport runway. 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