



**PLANNING AND ZONING
COMMISSION
AGENDA**

**PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
September 8th, 2022
9:00 AM**

**Council Chambers + Zoom Meeting
201 S. Cortez St.
Prescott, Arizona 86303
(928) 777-1207**

The following Agenda will be considered by the **Planning and Zoning Commission** at the meeting to be held **September 8th, 2022**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

Join Zoom Meeting

<https://us02web.zoom.us/j/83379807864>

Dial by your location

1 346 248 7799 or
1 669 900 6833

Meeting ID: 833 7980 7864

- 1. Call to Order
- 2. Roll Call

MEMBERS	
Don Michelman, Chair	Thomas Hutchison
Ted Gambogi, Vice Chair	Thomas Reilly
Stan Goligoski	Butch Tracey
Susan Graham	Brandon Montoya, Council Liaison

- 3. Discussion & Action Items
 - A. Approval of Minutes from August 25, 2022.
 - B. LDC22-001: Continuation of Public Hearing for Land Development Code Amendment to Section 2.1.4 and Section 5.2 to replace the Airport Noise Overlay District (ANO) with a new Airport Vicinity Overlay District criteria and create district boundary.
- 4. Updates
 - a. Staff Announcements
 - b. Staff General Plan Update

- c. City Council action on projects reviewed by the Planning and Zoning Commission.

5. Adjournment

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 9/1/22 at 4:45 pm in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Siep

Sarah Siep, City Clerk

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org



**PLANNING & ZONING
COMMISSION MINUTES**

**PLANNING & ZONING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 25th, 2022
9:00 a.m.**

**Virtual Zoom Meeting + Council Chambers
201 S. CORTEZ ST.
PRESCOTT, AZ 86303
928-777-1207**

Minutes of the Planning & Zoning Commission on August 25th, 2022, on a Virtual Zoom Meeting and in Council Chambers at 201 S. Cortez St. Prescott, Arizona.

1. CALL TO ORDER

Chairman Michelman called the meeting to order at 9:00 a.m.

2. ROLL CALL

Members:

Don Michelman, Chairman
Ted Gambogi, Vice-Chairman
Stan Goligoski
Susan Graham
Thomas Hutchison
Thomas Reilly
Butch Tracey

Staff:

George Worley, Planning Manager
Tammy Dewitt, Community Planner
Airport Director, Robin Sobotta
Kaylee Nunez, Recording Secretary
City Attorney, Joseph Smith
Assistant City Attorney, Matt Podracky

City Leadership:

Councilman Brandon Montoya, Liaison, Absent *recused himself to avoid Open Meeting Law violation*
Councilman Eric Moore
Councilman Clark Tenney
Mayor Phil Goode

3. REGULAR AGENDA

A. Approval of the minutes from the August 11th, 2022 meeting

Commissioner Reilly moved to approve the August 11th, 2022 meeting minutes, seconded by Commissioner Tracey: Passed (6-0). Commissioner Graham recused herself from voting as she was not present at the August 11th, 2022 meeting.

- B. CSP22-002: Consideration of a Comprehensive Sign Plan for Calvary Chapel of Prescott for a New Digital Monument Sign; 2311 E State Route 69; Property Owner: Calvary Chapel of Prescott; Applicant: A and B Sign Company; APN 112-05-024H.

Planning Manager George Worley presented an aerial and zoning map view of the subject property, which is located directly off State Route 69 and is in Business Regional (BR) zoning. Mr. Worley also presented a site plan detailing the location of the existing and proposed signage. The proposed sign will have better visibility for passing traffic. The existing sign is 78 sq ft and completely digital, and the proposed sign has 40 sq ft of digital signage and 35 ft of identification (static) signage requested. It will be 19'-2" tall.

Chairman Michelman asked how often the digital component would be changing, applicant Brian Wieweck with A & B Sign clarified that it would comply with current code requirements.

Mr. Worley clarified that the text may not change more often than every 30 seconds.

Commissioner Hutchison moved to approve CSP22-002, seconded by Commissioner Reilly. Passed (7-0).

- C. CSP22-003: Consideration of a Comprehensive Sign Plan for 7th Day Adventist Church and School for a new digital monument sign; 2980 Willow Creek Road; Property Owner: Arizona Conf Corp Seventh Day Adventists; Applicant: A and B Sign Company; APN 106-21-237A.

Planning Manager George Worley presented an aerial and zoning map view of the subject property, which is located directly off Willow Creek Rd and is in Single Family 25 (SF-35) zoning. The existing monument sign does not have any digital components and is within the code requirements for square footage. The proposed sign is 15'-1/2" tall with 24 sq ft of digital signage and 16 sq ft of identification (static) signage requested.

Commissioner Reilly moved to approve CSP22-003, seconded by Commissioner Tracey. Passed (7-0).

- D. LDC22-001: Public Hearing for Land Development Code Amendment to Section 2.1.4 and Section 5.2 to replace the Airport Noise Overlay District (ANO) with a new Airport Vicinity Overlay District criteria and create district boundary.

Chairman Michelman announced that he would like to give ten minutes each for public comments and asked Commissioners if this was acceptable, all Commissioners agreed.

Mr. Worley gave a presentation on what the Airport Vicinity Overlay (AVO) would do if adopted. He laid out ten main points, including:

- Provide clearly mapped boundaries
- Include allowable uses & limits
- Provide fair notice disclosure requirements to buyers & renters
- Provide measures for hazard prevention and promote community health, safety and welfare
- Comply with federal grant assurances (FAA)

- Support future Airport development, improvements and protect it as a major employment center and economic driver
- Reflect a tapestry of prior Airport plans; including the Airport Specific Area Plan (ASAP), Airport's Land Use Plan (ALUP) and the 2015 voter approved General Plan.

Mr. Worley also presented a list of what the AVO would not do if adopted, including: change airport operations, prohibit compatible development and prohibit legal nonconforming uses from being rebuilt if they are damaged or destroyed by [natural] disasters. Mr. Worley then presented section 10.3.3. of the City's Land Development Code (LDC), which addresses circumstances in which nonconforming structures may be rebuilt.

Chairman Michelman and Commissioner Reilly expressed concern about citizens within the AVO not being able to rebuild, remodel or expand their homes. Mr. Worley explained that most remodels and additions will be allowed within the parameters of the AVO, however, those who voluntarily demolish and desire to rebuild their homes entirely will have to go through an appeal process to do so.

Commissioner Graham asked whether residents in the AVO would be able to add a guest house on their property if they desired to, Mr. Worley answered that they would be able to so long as they followed the parameters set by the current zoning code.

Mr. Worley presented a slide summarizing changes that have been made to the proposed AVO since the last Planning & Zoning Commission meeting on August 11th, including; minor text changes in the Land Use Table, substitution of existing LDC nonconforming uses language, and establishing that noise contours are only applicable in Airport Impact Zones (AIZs) 1 through 6.

Commissioner Hutchison asked Assistant City Attorney, Matt Podracky, about this possibly taking the form of ex post facto law. Mr. Podracky answered that he is not concerned with an ex post facto law argument as the new law will not be retrospective nature.

Mr. Worley clarified that legal non-conforming status will be applied to existing non-conforming uses in the AVO area.

Commissioner Reilly asked about businesses that may be negatively impacted by the AVO, specifically, business that may be made legal non-conforming by the AVO and plan to expand. Mr. Worley explained that business would not be able to add new incompatible uses but could continue and maintain existing uses. Mr. Reilly asked for clarification whether they would be able to expand, Mr. Worley re-iterated that that would be acceptable they just could not add a new, nonconforming use. Any expansions must be consistent with the allowances of the AVO.

Mr. Worley presented slides on how the AVO adoption would specifically affect major subdivisions/neighborhoods within the proposed area, including:

- Antelope Hills
- Granite Dells Estates
- Saddlewood and Westwood
- Pinon Oaks
- Walden Farms

Mr. Worley also presented maps of the boundary of the AVO in relation to these neighborhoods.

Commissioner Hutchison asked how vacant lots within the AVO would be affected, specifically those that are intended for residential development. Mr. Worley explained that they would be subject to the requirements of the AVO, which may require notching out residential designations in certain areas.

Commissioner Reilly asked how and when the Fair Notice Disclosures would be provided to citizens within the AVO. Airport Director Robin Sobotta explained that paperwork will be provided to the Community Development Department, who will provide the information to applicants prior to any new permits within the AVO area. Renters will need to have the paperwork provided by the property owner/landlord. The City will make endeavors to make this paperwork as widely available as possible, however.

Commissioner Reilly asked how the noise contours work with the impact zones. Mr. Worley explained that the two are separate layers, however, they build off of one another to provide appropriate and adequate protections for those located within.

Commissioner Graham asked for clarification on the Avigation Easement Form that homeowners within the AVO may be required to fill out for home improvement projects, specifically whether they will incur costs in doing so. Mr. Worley explained that the City will provide the Avigation Easement form at no cost, and there is a \$30 recordation fee [currently] for the County Recorders Office.

Mr. Worley presented an overview map of the proposed boundary of the AVO, which maintains the existing boundary of the Airport Influence Area, as adopted in 2001.

Commissioner Reilly asked how the City will codify exemptions for development of non-compatible uses. Mr. Worley answered that most will be covered under the definition of legal non-conforming uses previously presented. Mr. Podracky answered that the AVO enactment will be tantamount to a re-zoning and will, therefore, be subject to the same conditions.

Airport Director, Dr. Robin Sobotta, presented information on Airport (Safety) Impact Zones which are adopted standards to limit damages caused by an aviation accident, protect airport viability and limit noise and overflight impact on residential/sensitive uses. She explained that there are six zones, which are in order of decreasing risk. Dr. Sobotta also presented a map of Noise Contours in the Airport area, explaining that they are a graphical representation of average noise exposure levels associated with aircraft operations. The metric used for noise contours is DNL, which is the Day-Night Average Sound Level. Dr. Sobotta added that the 55 DNL contour is largely contained within the existing, Airport Impact Zones.

Dr. Sobotta presented a comprehensive map of all the Airport “layers”, including:

- Airport Impact Zones (AIZs)
- Noise Contours
- Airline One- Engine Departure Splay/Path (OED)
- Airport Influence Area (AIA)
- Public Airport Disclosure Map
- Fair Notice Disclosure Map

She also shared that there are other impacts and considerations that are considered in the Airport area, including: smoke, lights, solar (glare), drones, wildlife attractants and development agreements

Commissioner Reilly asked why the 55 DNL noise contour was chosen. Dr. Sobotta referenced a recent survey produced by the FAA in that has identified that the original, 65 DNL threshold established in the 1978 Schulze Curve study may no longer be adequate. Dr. Sobotta explained that excessive overflight noise

can annoy residents to the point of taking contrary action against the Airport. Mr. Reilly asked whether the Avigation Easement Disclosure that residents within the AVO would be required to sign would indemnify the City so that the 55 DNL might not be necessary. Dr. Sobotta answered that even with signing the Disclosure, the residents in the AVO could still oppose future development of the Airport.

Commissioner Hutchison asked whether the 55 DNL could be construed as being a potential, national standard. Dr. Sobotta answered that it is a strong possibility, and that the FAA will be employing a variety of metrics into the future to establish proper contours.

Commissioner Reilly asked about the FAA Grant Assurances that Dr. Sobotta has previously referred to, specifically, whether they have directly told us that they are at risk. Dr. Sobotta explained that a current contract signed by the City with FAA specifically indicated that compatible land uses must be established and protected in the area to receive additional funding.

Commissioner Goligoski asked how many FAA grants the City has received thus far. Dr. Sobotta explained that she has received more than \$50 million in grant assurances since she began her position in January 2018. She also explained that there is the potential for \$80-100 million more in grant assurances if we properly protect the Airport area. Mr. Goligoski asked if the FAA specifically asked for the AVO to be adopted, Dr. Sobotta asked that she and the City are establishing the AVO based on what they strongly believe will be needed to gain further grant assurances.

A ten- minute recess was taken from 10:19 to 10:29 a.m.

Chairman Michelman announced that we will begin taking public comments at this point; and to limit redundancy of comments for the sake of letting others comment.

Mark Guerra, general counsel for Chamberlain Development, emphasized that Deep Well Ranch, which will be impacted by the AVO, is already subject to zoning agreements under its Master Plan and Development Agreement. He introduced Dr. Barbara Lichman, who has a PhD in Urban & Regional Planning.

Dr. Lichman explained that the Federal Government has exclusive jurisdiction over airspace in the United States, including regulation of noise. She emphasized that the 65 DNL is still the National standard and has been since 1994. Dr. Lichman shared that the Schultz curve is still in effect according to recent, federal documents and, as such, a 55 DNL requirement would be in direct conflict with federal rulings. Dr. Lichman also referred to the OEI-Splay, stating that it is airline and aircraft specific and is therefore not determined by the FAA. Dr. Lichman concluded by stating that a Development Agreement establishes a vested right for those within the contract and that Chamberlain Development intends on keeping it.

Commissioner Gambogi asked Dr. Lichman what her position on the Impact Zones is. Dr. Lichman answered that she does not have enough data to answer this question directly. Commissioner Gambogi referenced the Santa Monica Airport closing and whether noise contributed to it directly. Dr. Lichman answered that the main reason the Santa Monica airport was closed because there was a cliff at the end of a major runway.

Rob Pecharich, general counsel for James Deep Well Ranch, expressed concern over the proposed AVO. Mr. Pecharich commented that the information provided in the packet was incomplete. Mr. Pecharich went on to share that the City approached Ron James about annexing some of his land into the City (which is now known as Deep Well Ranch) and that this process took nearly 2 years. He feels that this process is not being afforded enough time in comparison. Mr. Pecharich referred to a miscalculation of one of the Airport Impact Zones that the City admitted to [recently]. When this miscalculation was discovered, the City

approached Ron James and Chamberlain Development to discuss the possibility of compensation in exchange for this property, which they previously thought as developable. He says there has been no follow up on the matter in following months. Mr. Pecharich also shared that he believes the public notice mailed was not sufficient in size or time, stating that it did not give citizens ample time to reply from the time it was mailed, and the mailing did not meet the 15-day Arizona statutory requirement. Therefore, another public hearing must be held. Mr. Pecharich stated that this is not about safety, but about funding.

Commissioner Gambogi asked Mr. Pecharich whether he had any questions about the science behind the impact zones. Mr. Pecharich answered yes, the impact zones cover 25% of the land in the City of Prescott. Mr. Pecharich re-emphasized that this is not about safety in his opinion, but about funding. Commissioner Gambogi asked Mr. Pecharich if he feels the Airport will get further FAA grants without the AVO adoption. Mr. Pecharich answers that he believes they will.

Commissioner Goligoski asked Mr. Pecharich whether he believes the AVO could compromise the entire [Deep Well Master Plan] project, not just the 2,500 citizens currently living within the proposed area. Mr. Pecharich answered that he does.

Stephen Polk, legal representation for James Deep Well Ranch, asked for staff to pull up the diagram of the Airport Impact Zones (AIZs) again. He stated that the Deep Well Master Plan meets or exceeds FAA requirements for impact zone protections. Mr. Polk shared concerns that the 55 DNL is an extremely large area. Mr. Polk also pointed out section 10.3.3 of the City's LDC which states "the size of the nonconforming structure shall not be expanded"; which means that those within the AVO would not be able do additions if their use is deemed non-conforming. Mr. Polk also pointed out that the Fair Notice Disclosure includes criminal penalties for those who do not comply, which might open citizens [unknowingly] to legal ramifications. Mr. Polk advised that this might open the City up to a major eminent domain case as it could negatively affect property values.

Mr. Polk explained that Development Agreements can only be amended by mutual consent. The City does not have mutual consent in this case and that the landowners and developers involved, specifically James Deep Well Ranch and Chamberlain Development, have already invested significant time and money. Therefore, they request that this be considered carefully and adequately.

Commissioner Reilly asked Mr. Polk whether he was wholly opposed to the Fair Notice Disclosure or just how the City is presenting its requirements. Mr. Polk answered that he is not wholly opposed but he believes that it is being presented in haste and unfair manner, specifically, that the ramifications for not having the Disclosure signed are quite serious and need to be fully understood and made apparent to the public.

Commissioner Hutchison asked whether the City is creating a nuisance by allowing houses to be built in a nonconforming area.

Mr. Polk clarified that there are no houses within the DWR Master Plan that would be nonconforming under existing FAA regulations.

Ron James, owner of James Deep Well Ranch and resident of Prescott, spoke his opposition for the AVO. Mr. James referenced the 2017 DA for Deep Well Ranch, which he says would be blatantly disregarded by the passing of the AVO. Mr. James also shared that the City explicitly stated that the 2017 Deep Well Ranch Master Plan was in conformance with the General Plan and the Airport Specific Area Plan. Mr. James shared that the City approached him to annex his property approximately 15 years ago. The annexation was City initiated. Mr. James gave Yavapai Regional Medical Center 100 acres on the North

end on the Deep Well area for future development of a hospital. He explained that the 55 DNL contour would prohibit this very hospital from being built.

Ashley Marsh, representative for Ash-Dorn (Dorn Homes), stated that her client shares the same concerns that the previous two developers presented (James Deep Well Ranch and Chamberlain Development). Ms. Marsh requested more information on how active development is going to be affected and actuated by this proposed code change as her clients have several projects in the works that are already being delayed. Ms. Marsh read the publication provided by the City regarding the Saddlewood and Westwood areas which states that the City “will be working with the developer to provide more details”, they have not received a proposal involving these details so they can’t comment more on it. As such, it is important that the City provide further information and have further public hearings on this matter.

Commissioner Goligoski referenced the OEI Splay and asked Ms. Marsh whether she had any specific concerns regarding future development in it. Ms. Marsh explained that Ash-Dorn would like more details regarding the splay, however, she believes they do not have anything planned within it. Dr. Sobotta added that the referenced area for Dorn’s development is clear of the splay based on studies received this past week.

Jonathan Millet, general counsel for Yavapai Regional Medical Center (YRMC) stated that YRMC objects to the proposed AVO. He presented documents and maps that bolstered his argument for concern that the AVO will adversely affect future development(s) for YRMC. Mr. Millet referred specifically to the North Campus that YRMC plans on developing upon a 173-acre parcel within the northeastern portion of Deep Well Ranch. The parcel is within impact zone 6, which will not allow convalescent facilities, nursing homes and hospitals according to the Table 5.2.3.b within the proposed AVO document. This is a major concern and contrary to the Deep Well Ranch DA regarding YRMC North Campus rights. The DA expressly grants rights to YRMC for a host of medical uses—including a hospital(s), medical clinics, and nursing homes.

Mr. & Mrs. Garthwaite, residents of Saddlewood subdivision, expressed their opposition to the AVO adoption, specifically citing concern about the people within the structures and their livelihoods which might be compromised by such. They don’t want or need a larger Airport; they want more infrastructure and essential services for the City. Mrs. Garthwaite also expressed concern about her home value being diminished by a legal nonconforming status. Mr. Garthwaite expressed concern that City of Prescott has not even begun to think about providing compensation to citizens within the AVO should their property values diminished

Ken Luddon, resident of Prescott and Director of Margot Fonteyn Academy of Ballet expressed his opposition to the AVO, specifically how it will negatively impact schools within the area. He stated that he believes interest in schools in the area will fall with the adoption of the AVO, and development of new schools will be very difficult. They do not have adequate time and money to overcome additional hurdles that may be posed by the AVO. Their plan is to have a Fine Arts village in the Deep Well Ranch area.

Jim Huffman, resident of Prescott and member of the City of Prescott Airport Advisory Committee (AAC), read a statement from the AAC voicing support for the AVO adoption. The AAC statement referenced several City adopted plans regarding the Airport, specifically the ASAP that was established in 2017. Mr. Huffman added that the ASAP seems to “be of little interest” to developers in the Airport area. Long established traffic patterns from the Prescott Airport indicate that those within the airport area are likely to become annoyed or even become activists against the Airport because of significant air traffic. Mr. Huffman reiterated the importance of the Airport to the City’s economy and to provide national and international connectivity.

Sandy Griffis, president of Yavapai County Contractors Association (YCCA), expressed her opposition to the AVO, stating that it is tearing the community apart. Ms. Griffis feels that noise concerns are not the proper approach for this matter, and that the City needs to work further with all stakeholders to come up with a better solution that is not so overreaching.

Daryl Austermilller, resident of Prescott and member of the Prescott Airport Users Association (PAUA), read a statement from the PAUA voicing support for the AVO adoption. He stated that there is no need to put sensitive uses within impact zones and that there is enough open space in the airport area to create appropriate buffers and move the sensitive uses out.

TK Morand, Saddlewood resident, expressed his opposition to the AVO, echoing Ms. Griffis' statements that the City needs to work further with key stakeholders to reach a better solution.

Byron Tabbut, resident of Prescott and member of Canyon Bible Church, expressed his opposition to the AVO adoption. He shared that the Church has been in looking for a new location for a few years now and that they spoke with the City (including the Airport Department) about acquiring a parcel within Deep Well Ranch for their new location. The City had indicated this parcel suitable during a Pre-Application Conference (PAC) held in August 2021. The Church came back for a Pre-Application Conference in June 2022, during which they were told that the church was now an incompatible use. Mr. Tabbut referred to the Deep Well Ranch DA and MP agreements, which the AVO will cause great legal entanglements with if adopted.

Commissioner Gambogi gave a statement summarizing that the input today has shown him that we need more time and conversation

Commissioner Gambogi moved to continue LDC22-001 to the September 8th Planning & Zoning Commission meeting (leaving the Public Hearing open), seconded by Commissioner Reilly. Passed (7-0).

4. UPDATE OF CURRENT EVENTS OR OTHER ITEMS OF NOTE

a. Staff Announcements

Planning Manager George Worley shared that three Site Plan applications that were previously recommended by the Commission were all approved at the August 23rd City Council meeting.

5. ADJOURNMENT

There being no further business to discuss, Chairman Michelman adjourned the meeting at 12:00 PM.

Kaylee Nunez, Recording Secretary

ATTEST:

Don Michelman, Chairman



PLANNING & ZONING COMMISSION MEMO

MEETING DATE: September 8, 2022

AGENDA ITEM: LDC22-001 Continuation of Public Hearing for Land Development Code Amendment to Section 2.1.4 and Section 5.2 to replace the Airport Noise Overlay District (ANO) with a new Airport Vicinity Overlay District criteria and create district boundary.

Approved By:

Date:

Director:	Kirby Snideman	
Planning Manager:	George Worley	

Item Summary

This is the continuation of the Public Hearing for the proposed amendment to the Land Development Code replacing the current Airport Noise Overlay with a new Airport Vicinity Overlay (AVO)

There will be a presentation by Community Development Department staff on a proposed schedule for public outreach and stakeholder participation, and a presentation addressing concerns raised during public comment at the previous meeting on August 25th.

Public Hearing

The Public Hearing is to obtain comments from affected property owners and residents within the proposed AVO boundaries. Public comment is very important to the Planning and Zoning Commission before they make recommendations to the City Council on the proposed code amendment. Public comments can be provided in person at the September 8th meeting, via Zoom attendance at that meeting, or by written correspondence to the City of Prescott Community Development Department.

Robin Sobotta

From: Matthews, Cindy -FS <cindy.matthews@usda.gov>
Sent: Tuesday, August 30, 2022 1:00 PM
To: Robin Sobotta
Cc: Hulburd, Aaron -FS; Andrews, Jeffrey -FS; Deiter, Dale -FS; Maneely, Debbie- FS
Subject: Airport Vicinity Overlay District

Good afternoon Dr. Sobotta,

Thank you for contacting us regarding the Airport Vicinity Overlay District. The Forest Service has a long history of flying airtankers from the Prescott Fire Center, Henry Y. H. Kim Aviation Facility. Over the years there have been several occasions where an airtanker pilot has had to jettison their load of retardant upon departure. A jettison may occur as a result of a mechanical issue where the pilot needs additional power, a tank malfunction, or inadvertently pushing the release switch. Having open space at the approach and departure ends of Runway 21L/3R is important from a risk management perspective and to enhance the safety of our flight crews, the public, and property.

Please reach out if you have any questions or if you would like to discuss further.

Best regards,



Cindy Matthews
Forest Aviation Officer
Forest Service
Prescott National Forest



August 12, 2022

Robin Sobotta, Ph.D., Airport Director
Prescott Regional Airport – Ernest A. Love Field
Prescott, AZ 86301

Subject: Expected Future Aircraft Use – PRC Runway Extension Project

Dear Dr. Sobotta:

SkyWest is very appreciative of the partnership and success we've had in your community and look forward to continuing our service in the future. As you are aware, SkyWest currently operates a mixed fleet of CRJ-200/700/900 and Embraer 175's. While we currently service Prescott with CRJ-200 aircraft, many of our CRJ-200's have been retired in recent years and we will see that trend to continue in the coming years. In the next few years, SkyWest will likely need to fly larger regional aircraft into Prescott due to smaller regional aircraft being retired and to carry your high level of passenger traffic.

It is critical that Prescott act now to prepare for service on larger regional jets. If the airport is not capable of accommodating larger regional jets, then the future of air service in Prescott will be very limited. Two items of concern regarding your airport's ability to handle larger aircraft include limited runway length and a one engine departure path. We would ask that your community make the removal of these barriers a top priority in their air service development plans.

Please keep us advised as to how we can be of assistance.

A handwritten signature in blue ink, appearing to read "Daniel Belmont", written over a faint circular stamp or watermark.

Daniel Belmont
Director of Market Development
SkyWest Airlines

August 29, 2022

To: City of Prescott Planning and Zoning Commission

Dear Sir/Madam:

I am a resident of the Deep Well Ranch/Saddlewood development situated between Willow Creek Road and Highway 89 and I live at 1374 Woodpecker Way with my wife Christine. The recent developments between the City of Prescott Planning and Zoning Commission, the Prescott Airport, and the homeowners in the vicinity of the airport, concerning LDC22-001 to replace the Airport Noise Overlay District (ANO) with a new Airport Vicinity Overlay District (AVO) has prompted me to respond.

I recently retired after nearly 48 years as a professional pilot, more specifically as an international corporate jet pilot, which required frequent travel to hundreds of smaller airports many located in noise sensitive areas much like Prescott. From an operational perspective, I am very familiar with the challenges faced by the airport and aircraft operators flying in and out of airports located close to residential housing, as well as the policies and procedures designed to minimize the noise footprint generated by airport operations.

As this entire discussion between the parties involved is centered around noise generated by the airport, and since the NEW neighborhoods located on the Southwest side of the airport have been in existence for only a very short time, I feel the airport's current Noise Abatement Policies and Procedures should be updated, re-measured, and evaluated before further discussion can be intelligently continued on this subject. I suspect the current policies and procedures were designed and implemented before these housing developments were started, before noise in this area became an issue. In short I don't believe that the airport is currently doing all it can do to be a good neighbor to the residents of Prescott, specifically those living close to the airport. Therefore the noise data presented to you by the airport may not represent the noise levels that can be attained with an effective Noise Abatement Program in operation at the airport.

Time constraints imposed by the city and the airport in this discussion have prevented me from performing a detailed evaluation of the current Prescott Airport Noise Abatement program, however the information I have found online indicates that it may be inadequate when compared to other noise sensitive airports like Westchester County White Plains, New York (KHPN), Naples Airport, Florida (APF), and John Wayne Orange County, California (SNA). A quick internet search indicates that all of these airports have robust and very active programs, policies and procedures that involve operations by flight crews, charter operators, flight schools, airport administration, FAA control tower personnel and FAA Air Traffic Control. An effective noise reduction program can reduce the noise footprint of the airport IF all parties work together to do so.

I urge the City of Prescott Planning and Zoning Commission to compel the Prescott Airport to evaluate the current Noise Abatement Program against those programs currently implemented by other airports situated in noise sensitive areas like those mentioned above. Perhaps another noise survey should be performed after the new procedures have been implemented to provide a more recent noise baseline before continuing forward with the ANO to AVO transition discussion.

Listed below are links to the Noise Abatement Program internet pages of the above named airports for your review. I cannot find similar comprehensive information concerning noise and the Prescott Airport.

Westchester County Airport

https://airport.westchestergov.com/about-us/index.php?option=com_content&view=article&id=2567&itemid=4427

Naples Airport

<https://www.flyneples.com/noise-abatement-measures/>

John Wayne Orange County Airport

<https://www.ocair.com/business/general-aviation/pilot-information/noise-abatement/>

Sincerely,

Eugene LaFaille
1374 Woodpecker Way



DEDICATED TO HELPING BUSINESS ACHIEVE ITS HIGHEST GOALS.



NBAA NOISE ABATEMENT PROGRAM

Quiet Flying Is Good Business

Founded in 1967, the NBAA Noise Abatement Program promotes safe, standardized and uncomplicated operating procedures that are effective in reducing noise exposure.

www.nbaa.org/quietflying

NBAA NOISE ABATEMENT PROGRAM

Quiet Flying Is Good Business

NBAA has long believed that quiet flying is good business. NBAA's Noise Abatement Program has been in existence since 1967, establishing objectives and operating procedures that have served the business aviation community well and have proven to be effective in reducing aircraft noise impacts and subsequently, community opposition to business aviation.

NBAA's updated Noise Abatement Program was developed with modern aircraft performance and air traffic control (ATC) requirements in mind. With this revision, NBAA continues to provide operators with guidance to reduce noise impacts that is suited to the current operating environment, as well as new tools for aircraft operators and airports to address the noise concerns of adjacent communities.

The updated program includes:

- Noise abatement best practices for flight crews.
- Updates to NBAA's "close-in" noise abatement departure procedure and approach and landing procedures.
- Noise abatement guidance for other aviation stakeholders, including airports and air traffic control facilities.

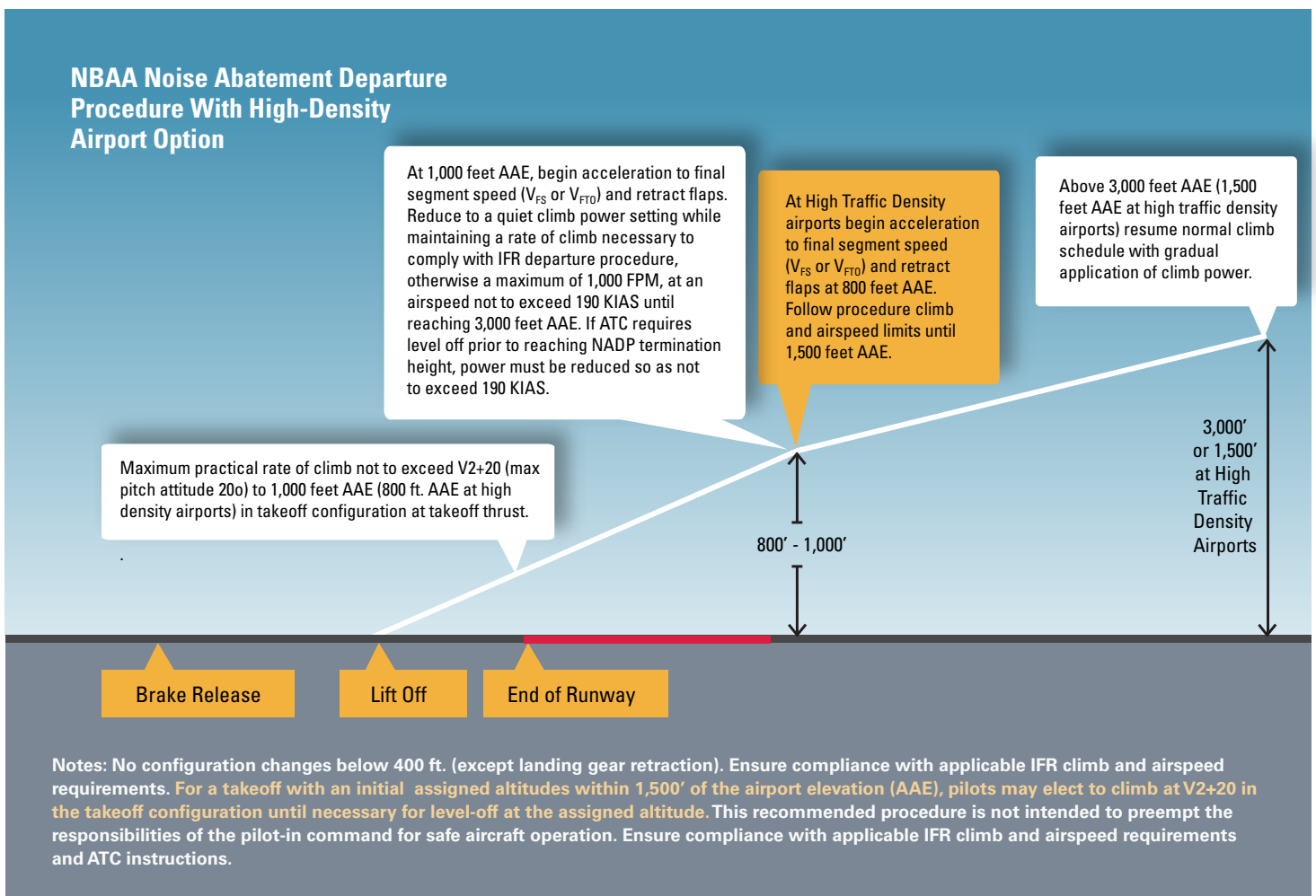
NOISE ABATEMENT BEST PRACTICES FOR FLIGHT CREWS

Pilots should always be mindful of noise impacts at airports. Even the "quietest" modern aircraft may disturb those that live near the airport. Care should be taken to minimize the aircraft's noise profile whenever possible by utilizing noise abatement best practices at *all* airports, especially during night-time and early-morning hours when aircraft operations may be especially disturbing.

- During the flight-planning process, flight crews should familiarize themselves with the airport's noise abatement policies and any applicable noise abatement procedures (NAPs) for the airport they will be using. These may include:
 - Preferential runway use
 - Preferential approach and departure paths
 - Preferred terminal arrival and departure procedures for noise abatement
 - Other noise-related policies (maximum noise limits, curfews, usage of reverse thrust, engine run-up policies, etc.)
- Contact the airport's Noise Management or Operations department for more information on local noise policies and procedures.
- When available, pilots should utilize their company's recommended departure/arrival NAPs or those recommended by the aircraft manufacturer for their specific aircraft.
- Flight safety and ATC instructions and procedures always have priority over any NAP. NAPs should be executed in the safest manner possible and within all FAA-mandated operating requirements.
- Proper pre-departure and pre-arrival crew briefings are essential to ensuring the safe and effective execution of NAPs.
- When airport or aircraft-specific procedures are unavailable, NBAA provides recommended noise abatement procedures suitable for any aircraft type and airport operating environment (see below).

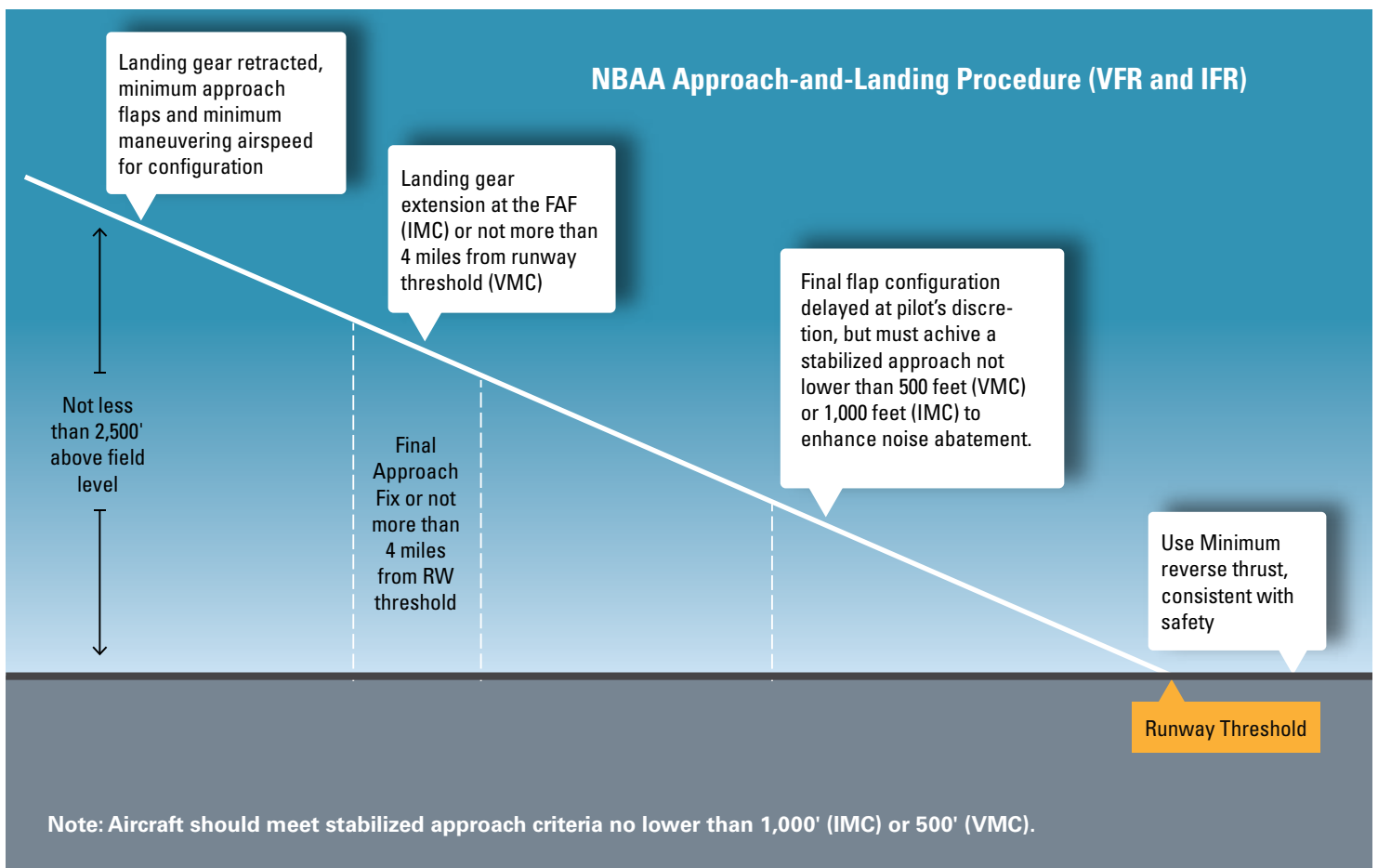
NBAA-RECOMMENDED NOISE ABATEMENT DEPARTURE PROCEDURE WITH HIGH-DENSITY AIRPORT OPTION

1. Climb at maximum practical rate not to exceed V_2+20 KIAS (maximum pitch, attitude 20 degrees) to 1,000 feet AAE (800 ft. AAE at high-density-traffic airports) in takeoff configuration at takeoff thrust.
2. Between 800 and 1,000 feet AAE, begin acceleration to final segment speed (VFS or VFTO) and retract flaps. Reduce to a quiet climb power setting while maintaining a rate of climb necessary to comply with IFR departure procedure, otherwise a maximum of 1,000 FPM at an airspeed not to exceed 190 KIAS, until reaching 3,000 feet AAE or 1,500 feet AAE at high-density-traffic airports. If ATC requires level off prior to reaching NADP termination height, power must be reduced so as not to exceed 190 KIAS.
3. Above 3,000 feet AAE (1,500 feet at high-density airports) resume normal climb schedule with gradual application of climb power.
4. Ensure compliance with applicable IFR climb and airspeed requirements at all times.



NBAA-RECOMMENDED APPROACH AND LANDING PROCEDURE (VFR AND IFR)

1. Inbound flight path should not require more than a 25 degree bank angle to follow noise abatement track.
2. Observe all airspeed limitations and ATC instructions.
3. Initial inbound altitude for noise abatement areas will be a descending path from 2,500 feet AGL or higher. Maintain minimum maneuvering airspeed with gear retracted and minimum approach flap setting.
4. During IMC, extend landing gear at the final approach fix (FAF), or during VMC no more than 4 miles from runway threshold.
5. Final landing flap configuration should be delayed at the pilot's discretion; however, the pilot must achieve a stabilized approach not lower than 500 feet during VMC or 1,000 feet during IMC. The aircraft should in full landing configuration and at final approach speed by 500 feet AGL to ensure a stable approach.
6. During landing, use minimum reverse thrust consistent with safety for runway conditions and available length.



COLLABORATION, EDUCATION AND OUTREACH

Effective aircraft noise management requires a collaborative effort between aircraft operators, ATC and airport operators. Minimizing noise impacts is in the best interest of all stakeholders.

Aircraft Operators

- The noise abatement best practices recommended by NBAA are suggested as a national standard for business aircraft operators. They are intended for use at any airport and for any aircraft. They should be used when airport-specific or aircraft-specific procedures are unavailable.
- NBAA members should engage their local airport, particularly with regard to noise issues. Where necessary, support should be provided to assist airport management in adopting procedures which meet the objectives of the NBAA Noise Abatement Program as they relate to operational safety and usability. Every effort should be made to tailor procedures to the specifics of each airport in order to provide the maximum noise reduction consistent with safe and efficient operations.
- When applicable, pilots are encouraged to provide feedback on local NAPs to ATC, the airport operator and local pilot groups.
- Pilot training for business aircraft should include the importance of noise abatement and noise abatement procedures in all types of ratings and ATR flight checks.

Airports

- Specific information should be developed by airport management and made available to pilots and controllers through publication of easily attainable flight manuals, NOTAMS, AIMS, letters to airmen, ATIS messages, charts and explanatory pamphlets. This information should include:
 - Approach and departure paths over least noise-sensitive areas
 - Preferential runway usages, if applicable
 - Use of NBAA's noise abatement best practices
 - General map showing surrounding area and marking places of specific sensitivity, such as residential areas, schools and hospitals
- Airports should provide communities with data to demonstrate current and historic airport noise levels and highlight continued efforts by the airport and aviation industry to minimize noise impacts.
- Airport approach and takeoff paths should be designated on all official zoning maps. This should be done for all airports, existing or proposed, in order that land-use zoning, development and real estate activity are conducted with full awareness of the confines of such areas. Additionally, the land use permitted in these areas should be specified in zoning regulations and building codes in order to protect inhabitants.
- Airport management should investigate the optimal use of visual and electronic approach aids, which can aid noise abatement procedures at an airport. Improvements in both approach aids and runway facilities encourage aircraft to approach over the least noise-sensitive areas.
- Jet aircraft run-up areas should be developed for least noise disturbances to airport tenants and local communities. Blast fences, ground run-up enclosures, etc., should be provided and used where necessary.

- Airport management should evaluate the airport’s natural terrain and consider ways in which improvements to landscaping might improve noise conditions around the airport.
- Airport management should post signs in pilot information centers, as well as at conspicuous places along airfield entry points (e.g., walk-through and drive-through gates), the taxiways or runway areas, giving the pilots a last reminder that they are in a noise-sensitive area calling for use of noise abatement procedures.
- Airport management should develop education programs to inform pilots and air traffic controllers as to the need for and procedures associated with noise abatement and good community relations. A more thorough understanding by the pilots and the controllers as to what the procedures are, as well as the reasons behind them, is the key to success.
- Preferential runway use systems that are safe and do not unnecessarily restrict the flow of air traffic should be established at all airports having a need for them.

Air Traffic Control

- The airport and ATC management should conduct a procedures review to recommend and implement new airport noise awareness programs. The recommendations should add a statement such as “use noise abatement procedures” to all ATC clearances issued by control tower operators.
- Control tower operators should be permitted to give any needed special attention to jet aircraft that may, for purposes of noise abatement, be required to land or takeoff using a different runway than the one in use by smaller aircraft.
- Control tower operators should develop procedures that will separate high-performance aircraft from low-performance aircraft as much as possible.
- The air traffic control procedures should keep aircraft more than 3,000 feet AGL over noise-sensitive areas to the extent that this can be accomplished without excessive derogation of air traffic flow.
- It is recommended that high-performance aircraft within reasonable operating limits and consistent with noise abatement policies remain at the highest possible altitude as long as possible when arriving and climb to the requested altitude filed by the pilot as soon as possible after departing.
- SIDs should include references to the use of noise abatement procedures.

About NBAA

Founded in 1947 and based in Washington, DC, the National Business Aviation Association (NBAA) is the leading organization for companies that rely on general aviation aircraft to help make their businesses more efficient, productive and successful. Contact NBAA at (800) FYI-NBAA or info@nbaa.org. Not a Member? Join today by visiting www.nbaa.org/join.

Released in 2015, this updated NBAA Noise Abatement Program was developed in conjunction with industry experts on NBAA’s Access Committee. Learn more about the NBAA Access Committee at www.nbaa.org/committees/access.

NOISE ABATEMENT PROCEDURES



WESTCHESTER COUNTY
AIRPORT

ENVIRONMENTAL DEPARTMENT
240 AIRPORT RD., SUITE 202
WESTCHESTER COUNTY AIRPORT
WHITE PLAINS, NY 10604

Published: December 1995
Rev. 6/10



WESTCHESTER COUNTY
AIRPORT

Special Noise Abatement Programs

Special noise abatement programs have been specifically developed to further reduce noise levels in the vicinity of the airport. We ask that all operators participate to their fullest. As always, safety is paramount. Your cooperation is greatly appreciated.

1. Voluntary Restraint From Flying (VRF) Program:

Program: All operators should refrain from flying between Midnight and 6:30 a.m., when possible.

Notice: *The Automated Terminal Information System will contain information reminding pilots of the hours of the VRF.*

2. High Range Noise Event (HRNE) Program:

Due to the affect on community, all operators who produce a noise event of 90.0 dBA or higher at a noise monitoring location may be contacted.

3. Intersection Takeoffs:

Intersection takeoffs are prohibited for large and turbo-jet airplanes.

4. Maintenance Runups:

Engine maintenance runups for airplanes greater than 12,500 lbs. are restricted to the following hours: DAILY 0900 - 2100 local time. Further, advance notification of maintenance runups, approval for and a location to conduct the runups must be obtained from Airport Operations.

5. Use of Reverse Thrust:

Limit the use of reverse thrust at other than idle power and limit the use of reverse thrust to perform early runway turnoff. Full length taxiways are available.

6. Advanced Authorization Program:

Aircraft over 120,000 lbs. must contact the Airport Operations department (914-995-4850) prior to landing or departing at HPN.

Operators may be contacted by the Environmental Department for any occurrences regarding the categories above.

The following measures are recommended practices to reduce sound levels in the vicinity of Westchester County Airport (HPN). These procedures should be used when practical, possible, and feasible. In all cases, safety and air traffic control instructions take precedence.

For all operators...

Consult the following documents:

- HPN Noise Abatement Procedures.
- Manufacturers suggested Noise Abatement Techniques.
- HAI Fly Neighborly Guide.
- NBAA Noise Abatement Program Guide.
- Airport Facility Directory.
- Noise Abatement Signs at runway ends.

General:

Avoid high RPM settings.

Consider Runway 16 or 34. (*Aircraft greater than 12,500 lbs.*)

Make power setting changes slowly.

Maintain synchronized propellers and engines.

Minimize use of reverse thrust.

Use best rate of climb. (*Aircraft 12,500 lbs. or less.*)

Use thrust reduction techniques.

AIRPORT INFORMATION

Noise Abatement Office: 914-995-4861

Operations Office: 914-995-4850

Airport Manager: 914-995-4856

Control Tower: 914-948-6520

ATIS: 914-948-0130

ASOS: 914-288-0216

New York FSS: 1-800-WX-BRIEF

Runways:

16/34 6,548' X 150' (ASPH-GRVD)

11/29 4,451' X 150' (ASPH-GRVD)

Rwy 29: Threshold Displaced

Recommended Noise Reduction Techniques

Helpful Hints

GENERAL AVIATION NOISE ORDINANCE

ARTICLE 3. NOISE

Sec. 2-1-30.1. Policy.

- (a) As proprietor of John Wayne Airport, the County of Orange, by its Board of Supervisors, is empowered to restrict or deny the use of its Airport based upon noise considerations and finds it is in the public interest to minimize any risk of potential liability to the County of Orange for claims of damage caused by noise associated with aircraft operations at John Wayne Airport. This article reflects the intent of the Board of Supervisors of Orange County to enact a reasonable regulatory scheme, using the legislative process, to minimize noise and any potential for damage liability, which does not unjustly discriminate between types, kinds or classes of aeronautical uses.
- (b) Any aircraft operator or person desiring to use John Wayne Airport for the purpose of commercial airline or general aviation operations shall be authorized, pursuant to this article, to engage in such use provided that all aircraft operations are in compliance with noise standards as set forth in this article and as set forth in the Phase 2 Commercial Airline Access Plan and Regulation. Consistent with the noise standards as enumerated in this article, the Board of Supervisors of Orange County does hereby grant a revocable license to use John Wayne Airport by commercial airline and general aviation aircraft as such are defined in this article.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 16, 9-9-04)

Sec. 2-1-30.2. Reserved.

Sec. 2-1-30.3. Definitions.

- (a) *Class A and Class E Aircraft*, for the purposes of this Division, shall mean aircraft which: (i) operate at maximum permitted gross takeoff weights at John Wayne Airport not greater than the maximum permitted gross takeoff weight for the individual aircraft main landing gear configuration, of 140,000 pounds for dual gear and 300,000 pounds for dual tandem gear; and which (ii) generate actual energy average SENEL levels during takeoff, averaged during each noise compliance period, as measured at the John Wayne Airport noise monitoring stations ("NMS"), which are not greater than the SENEL values Specified in Section 2-1-30.4. In determining whether an aircraft is a Class A or Class E Aircraft, its noise performance at the noise monitoring stations shall be determined at each individual noise monitoring station and the aircraft must meet each of the noise monitoring station criteria, without "trade-offs," in order to qualify as Class A or Class E Aircraft.
- (b) *Commercial Air Carrier Aircraft*, for the purposes of this Division, shall mean those aircraft operated as a federally certificated air carrier at John Wayne Airport under a current Certificated Passenger Airline Lease or Operating Agreement granted by the Orange County Board of Supervisors.
- (c) *dB*, A-weighted sound pressure level or A-level shall mean, for the purposes of this Division, the sound pressure level as measured using the slow dynamic characteristic for sound level meters specified in American National Standard Specification for Sound Level Meters, (ANSI S 1.4-1983, Type 1 for Aircraft Noise Measurement), which is hereby incorporated by reference. The A-weighting characteristic modifies the frequency response of the measuring instrument to account approximately for the frequency characteristics of the human ear. The reference pressure is 20 micronewtons/square meter (2×10^{-4} micro- bar).
- (e) *General Aviation Aircraft*, for the purposes of this article, shall mean all other aircraft operated at John Wayne Airport, except those as defined in Section 2-1-30.3(b) or exempted under Section 2-1-30.6.
- (f) *Arrival*, for the purposes of this Division, shall mean the flight of an aircraft from the time it descends for its approach on Runway 20L/R or Runway 02L/R until it is taxied from the runway.

- (g) *Noise Compliance Period*, for the purposes of this Division, shall mean each calendar quarter (successive three-month periods) occurring at regular intervals four (4) times a year, the first quarter of any given year beginning on the first day of April, the last quarter of any given year ending on the thirty-first day of March of the succeeding calendar year.
- (h) *Regularly Scheduled Commercial User*, for the purposes of this Division, shall mean any person conducting aircraft operations at John Wayne Airport for the purpose of carrying passengers, freight, or cargo where such operations: (i) are operated in support of, advertised, or otherwise made available to members of the public by any means for commercial air transportation purposes, and members of the public may travel or ship commercial cargo on the flights; (ii) the flights are scheduled to occur, or are represented as occurring (or available) at specified times and days; and (iii) the person conducts, or proposes to operate, departures at John Wayne Airport at a frequency greater than two (2) times per week during any consecutive three (3) week period.
- (i) *Single Event Noise Exposure Level ("SENEL")*: The single event noise exposure level, in decibels, for the purposes of this Division, shall mean the noise exposure level of a single event, such as an aircraft fly-by, measured over the time interval between the initial and final times for which the noise level of a single event exceeds a predetermined threshold noise level. For implementation of this Section, the threshold noise level shall be at least ten (10) decibels below the numerical value of the single event noise exposure level limits specified in Sections 2-1-30.4(a), 2-1-30.5 or 2-1-30.6, as the case may be. Specific SENEL limitations, for purposes of this article, shall be determined at each noise monitoring station without "trade-offs" between noise monitoring stations.
- (j) *Departure*, for the purposes of this Division, shall mean the flight of an aircraft from the time it commences its departure on Runway 20L/R or Runway 02L/R.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 00-1, § 2, 2-1-00; Ord. No. 04-016, § 17, 9-9-04)

Sec. 2-1-30.4. Commercial airline operations.

- (a) No person may engage in commercial airline operations at John Wayne Airport if such aircraft generate a SENEL level at any of the following respective noise monitoring stations ("NMS"), averaged over each noise compliance period, which is greater than the following SENEL values for Class A aircraft when operating as a Class A operation and for Class E aircraft when operating as a Class E operation:

	Class A	Class E
NMS 1S	102.5 dB	94.1 dB
NMS 2S	101.8 dB	93.5 dB
NMS 3S	101.1 dB	90.3 dB
NMS 4S	94.8 dB	86.6 dB
NMS 5S	95.3 dB	87.2 dB
NMS 6S	96.8 dB	87.2 dB
NMS 7S	93.7 dB	86.6 dB

- (b) The location of the noise monitoring stations shall be as set forth in the John Wayne Airport Regulations.
- (c) *Curfew*. No aircraft may engage in regularly scheduled commercial operations at John Wayne Airport as follows: (i) for departures between the hours of 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring

Editor's note: Ord. No. 00-1, § 1, adopted February 1, 2000, amended the Code by repealing former § 2-1-30.2 in its entirety. Former § 2-1-30.2 pertained to remedies for violation, and derived from Ord. No. 3642, adopted June 16, 1987; and Ord. No. 3793, adopted September 11, 1990.

station; or (ii) arrivals between the hours of 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring station.

Sundays) (local time), as measured at any John Wayne Airport noise monitoring station.

(d) *Scheduled Departure Time Prohibition.* No commercial airline aircraft shall publish or advertise a scheduled departure time for any flight originating from John Wayne Airport which is: (i) prior to 6:45 a.m. or after 9:45 p.m. (local time) Monday through Saturday; or (ii) before 7:45 a.m. or after 9:45 p.m. (local time) Sunday. For purposes of this subsection, "scheduled departure time" shall mean the time at which a commercial aircraft is scheduled by its operator to depart from the passenger terminal gate. If the operator is a commuter carrier which has been authorized by the Airport Director to conduct operations from a fixed base operator ("FBO"), scheduled departure time shall mean the time when the aircraft is scheduled to depart the FBO location for departure operations. In light of current passenger airline practices, it is presumed, for the purposes of this Division, that the scheduled departure time is the departure time published by the operator in the Official Airline Guide and computer reservation databases.

(e) Any person conducting air service at John Wayne Airport is deemed conclusively to have accepted all terms and conditions of this Division of the County's Ordinances and of the terms and conditions of the Phase 2 Commercial Airline Access Plan and Regulation. In addition, the terms of any lease or operating agreement with an airline require the airline to conduct all operations and activities at John Wayne Airport in strict compliance with this Division and with the Phase 2 Commercial Airline Access Plan and Regulation. In addition to the enforcement remedies provided for in Section 2-1-30.14, violation of the noise or operating limitations of this Section shall be cause for termination of the passenger airline lease or operating agreement by the County of Orange against such operator and shall be subject to the penalties and/or fines set forth in Section 8 of the Phase 2 Commercial Airline Access Plan and Regulation.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 3, 2-1-00; Ord. No. 04-016, § 18, 9-9-04)

Sec. 2-1-30.5. General aviation operations.

(a) No person shall operate any general aviation aircraft at John Wayne Airport if it generates a SENEL level, as measured at John Wayne Airport NMS 1S, NMS 2S, or NMS 3S, on takeoff or landing, which is greater than the following SENEL values:

NMS 1S	102.5 dB
NMS 2S	101.8 dB
NMS 3S	101.1 dB

(b) *Curfew.*

(1) No person shall operate any general aviation aircraft at night at John Wayne Airport if it generates a SENEL level at any of the following respective noise monitoring stations, either on takeoff or landing, which is greater than the following SENEL values:

NMS 1S	87.5 dB
NMS 2S	87.6 dB
NMS 3S	86.7 dB
NMS 4S	86.7 dB
NMS 5S	86.7 dB
NMS 6S	86.7 dB
NMS 7S	86.7 dB
NMS 8N	86.9 dB
NMS 9N	86.9 dB
NMS 10N	86.9 dB

(2) For purposes of this Section, general aviation aircraft operations at night shall mean departures between the hours of 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring station, and arrivals between the hours of 11:00 p.m. and 7:00 a.m. (8:00 a.m. on

(c) The location of the noise monitoring stations shall be as set forth in the John Wayne Airport Regulations.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 4, 2-1-00; Ord. No. 04-016, § 19, 9-9-04)

Sec. 2-1-30.6. General exemption.

The following categories of aircraft shall be exempt from the provisions of Sections 2-1-30.4 and 2-1-30.5:

(a) Aircraft operated by the United States of America or the State of California;

(b) Law enforcement, emergency, fire or rescue aircraft operated by any county or city of said state;

(c) Aircraft used for emergency purposes during an emergency which has been officially proclaimed by competent authority pursuant to the laws of the United States, said State, or the County;

(d) Civil Air Patrol aircraft when engaged in actual search and rescue missions;

(e) Aircraft engaged in arrival(s) or departure(s) while conducting tests under the direction of the Airport Director in an attempt to rebut the presumption of aircraft noise violation pursuant to the provisions of Section 2-1-30.7 or 2-1-30.9;

(f) Emergency aircraft flights for medical purposes by persons who provide emergency medical care, provided written information concerning dire emergency is submitted to the Airport Director for all emergency aircraft flights within seventy-two (72) hours prior to or subsequent to the departure or arrival of the aircraft. It is intended that the exemption provided for in this subparagraph shall have the same meaning and be interpreted consistent with, and to the same extent as Public Utilities Code Section 21662.4 as enacted or as it may be amended.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 20, 9-9-04)

Sec. 2-1-30.7. Presumption of aircraft noise violation.

(a) In the event that the Airport Director determines in his reasonable discretion that available published noise measurements or historical noise data gathered and maintained by John Wayne Airport, for a particular type or class of aircraft, indicate that it cannot meet the noise levels set forth in Section 2-1-30.4 or 2-1-30.5, it shall be presumed that operation of such aircraft will result in a continued violation of the provisions of Section 2-1-30.4 or 2-1-30.5, and any aircraft of such particular type or class will not be permitted to arrive at, tie down on, be based at or depart from John Wayne Airport, except in dire emergencies for the preservation of life or property; provided, however, that the owner or operator of such aircraft shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director by furnishing evidence to the contrary.

(b) The Airport Director shall attempt to notify all aeronautical users of the list of aircraft not permitted to operate at John Wayne Airport by means including, but not limited to, notification to the Federal Aviation Administration, business and general aviation organizations and John Wayne Airport fixed base operators.

(c) In the event any specific aircraft of the type or class of aircraft not excluded at John Wayne Airport under subsection (a) generates SENEL levels in violation of the levels set forth in Section 2-1-30.4 or 2-1-30.5 of this article, it shall be presumed that operation of such aircraft will result in a continued violation of the provisions of Section 2-1-30.4 or 2-1-30.5 and such aircraft will not be permitted to arrive at, tie-down, be based at, or depart from John Wayne Airport; provided, however, that the owner or operator of such aircraft shall be entitled to rebut such presumption to the reasonable satisfaction of the

Airport Director under procedures and limitations specified in Section 8.9.3 and Section 11 of the Phase 2 Commercial Airline Access Plan and Regulation if a commercial aircraft, or if a general aviation aircraft by furnishing contrary evidence, including but not limited to, any change in operating personnel, any retro-fitting measure, any change in engine or of maintenance or performance of a noise qualification test.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 21, 9-9-04)

Sec. 2-1-30.8. Denial of use of airport.

(a) In the event that any aircraft owner or operator has three (3) or more violations of Section 2-1-30.4 or 2-1-30.5 of this article within any three-year period, then for a period of three (3) years after the date of the third, or most recent, violation, such aircraft owner and/or operator shall be denied the right to arrive at or depart from John Wayne Airport, except in dire emergencies for the preservation of life or property as reasonably determined by the Airport Director, and, except for when otherwise modified, shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport insofar as the County has the right to deny such use of John Wayne Airport.

(b) In the event any aircraft owner or operator referred to in subsection (a) of this Section is a corporation or partnership which is owned, controlled or succeeded by another person, corporation or partnership which either operates at the Airport, or which owns or controls aircraft which could operate at the Airport (affiliated person or entity), the Airport Director may also deny the use of the Airport for a like period to: (1) the affiliated person or entity; and (2) any persons, owners or operators which are owned or controlled by the affiliated person or entity, if the Airport Director determines that such disqualification is necessary or appropriate to permit effective enforcement of the prohibitions and penalties established by this Ordinance.

(c) For purposes of subsection (b) of this Section, a person, owner or operator owned or controlled by an affiliated person or entity shall be deemed to include: (1) any aircraft owner or operator in which the affiliated person or entity owns or controls ten percent or more of the equity or voting rights; and (2) any aircraft owner or operator operating aircraft at the Airport which are leased or licensed from the disqualified owner or operator, or any affiliated person or entity of the disqualified owner or operator.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 22, 9-9-04)

Sec. 2-1-30.9. Exclusion of violation-prone aircraft.

In the event that any aircraft is operated by any aircraft owner or operator who has three (3) or more violations of Section 2-1-30.4 or 2-1-30.5 of this article within a three-year period then it shall be presumed that operation of such aircraft will result in a continued violation of the provisions of Section 2-1-30.4 or 2-1-30.5 of this article and such aircraft will not be permitted to arrive at, tie down, be based at or depart from the Airport except in dire emergencies for the preservation of life or property; provided, however, any new owner or operator of such aircraft not denied the right to use JWA pursuant to Section 2-1-30.8 shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director under procedures and limitations specified in Section 8.9.3 and Section 11 of the Phase 2 Commercial Airline Access Plan and Regulation if a commercial aircraft, or if a general aviation aircraft by furnishing contrary evidence, including, but not limited to, any change of operating personnel, any retro-fitting measure, any change in engine or of maintenance or performance of a noise qualification test.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 23, 9-9-04)

Sec. 2-1-30.10. Unlawful to use Airport after use denied.

(a) It shall be unlawful for any aircraft owner or operator to arrive at or depart from the Airport or to lease or rent space (including tie-down)

for aircraft at the Airport after such owner and/or operator has been denied use of the Airport in accordance with the provisions of Section 2-1-30.8.

(b) It shall be unlawful for any aircraft owner and/or operator to arrive at or depart from the Airport after such aircraft has been excluded from the Airport pursuant to the provisions of Section 2-1-30.7 or 2-1-30.9.

(c) Violations of Section 2-1-30.10 (a), (b) shall be a misdemeanor and shall be punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.

(d) In the event that any aircraft owner or/operator arrives at or departs from the Airport after use has been denied, then for an additional period of three (3) years after the date of such violation and for each and every violation thereafter, such aircraft owner or operator shall be denied the right to land or take off from John Wayne Airport, except in bona fide emergencies for the preservation of life or property as is reasonably determined by the Airport Director, and for that period of time shall be denied the right to lease, rent, or use space for aircraft (including tie-down) at the Airport insofar as the County has the right to deny such use of John Wayne Airport.

(e) Within thirty (30) days after receipt of a Notice of Violation of Denial of Use, that violation may be appealed by sending a Notice of Appeal and Request for Hearing by regular U.S. mail to the attention of the Airport Director. The procedures set forth in section 2-1-30.14 of the Codified Ordinances of the County of Orange shall apply to the adjudication of such Notices of Appeal.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 5, 2-1-00; Ord. No. 04-016, § 24, 9-9-04)

Sec. 2-1-30.11. Culpability of instructor pilot.

In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the provisions of this article, the instructor pilot shall be presumed to have caused such violation. The instructor pilot shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director by furnishing evidence to the contrary.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90)

Sec. 2-1-30.12. Culpability of aircraft owner or lessee.

For purposes of this article, if the actual pilot or lessee of an aircraft cannot be identified, the owner and/or owners of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operations, or presumed to have authorized or assisted the operation; except that where the aircraft is leased, the lessee shall be presumed to be the pilot, or to have authorized or assisted in the aircraft's operation. Such presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot or aircraft operator at the time of the violation.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 25, 9-9-04)

Sec. 2-1-30.13. Enforcement officials.

The Airport Director, and such other Airport employees as are designated by the Airport Director and who are acting under the direction and control of the Airport Director, as well as personnel from an authorized law enforcement agency pursuant to the provisions of Penal Code Section 836.5, are authorized to enforce the provisions of this Division.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 6, 2-1-00; Ord. No. 04-016, § 26, 9-9-04)

Sec. 2-1-30.14. Enforcement procedures.

(a) Violation of Section 2-1-30.4 or 2-1-30.5 of this Division shall be a misdemeanor, punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.

(See excerpt of Section 1-1-34 provided on Page 4)

(b) As an alternative, the Airport Director is authorized to issue a Notice of Noise Violation to any aircraft, aircraft owner, aircraft operator, and/or any other responsible person for any violations of Section 2-1-30.4 or 2-1-30.5. The determination of whether to issue a Notice of Noise Violation shall be within the sole discretion of the Airport Director.

(c) *Notice Of Noise Violation.*

(1) A Notice of Noise Violation shall include a citation of the section violated, the noise readings at John Wayne Airport noise monitoring stations, the time and date of the violation, the type and registration number of the aircraft, the name of the aircraft owner, and/or the aircraft operator, if known, and any other pertinent information.

(2) A Notice of Noise Violation shall be sent by certified mail to the aircraft owner and/or aircraft operator, if known, within forty-five (45) days of the date of violation. If the aircraft operator is not known, and the aircraft owner identifies the person who in fact was the aircraft operator at the time of the violation and a current address for that person, a Notice of Noise Violation shall also be sent by certified mail to the aircraft operator within forty-five (45) days of the date the Airport is notified of the identity of the aircraft operator.

(d) *Right to Appeal the Notice of Noise Violation.*

(1) Within thirty (30) days after receipt of a Notice of Noise Violation, the aircraft owner and/or operator may appeal the Notice of Noise Violation by sending a Notice of Appeal by regular U.S. mail to the Airport Director.

(2) The Notice of Appeal shall be in writing and shall set forth a concise statement of: (i) each factual issue relevant to the violation; (ii) each legal issue relevant to the violation; (iii) the relief requested by the aircraft owner and/or operator; and (iv) whether a hearing is requested in connection with the Notice of Appeal. The Notice of Appeal shall include attachments of all documents relevant to the factual or legal issues raised and relied on in filing the Notice of Appeal. The Notice of Appeal shall further contain appropriate and full citation to any relevant legal authorities.

(3) It is the basic purpose of these rules to provide a reasonable, fair, constitutionally appropriate, and expeditious means by which persons contesting a Notice of Noise Violation imposed by the Airport Director can obtain review of the violation decision by administrative means.

To the extent this Section provides procedural processes and safeguards in excess of the minimum requirements of the United States and California Constitutions, those procedures are a courtesy only, and not an acknowledgement of any claim that this Division creates any "vested" right.

(4) Upon receipt of the Notice of Appeal, the Airport Director shall promptly take the following actions:

(i) The Airport Director shall review the Notice of Appeal and its contents and determine whether to (a) grant the relief requested in the Notice of Appeal; (b) modify the violation; or (c) uphold the violation and refer the matter to the Airport Noise Violation Committee for hearing, if a hearing has been requested on the matter; and

(ii) The Airport Director shall give written notice to the person requesting review of his decisions and determinations not later than forty-five (45) days after his receipt of the Notice of Appeal.

(e) *Referral To The Airport Noise Violation Committee.* If the Airport Director determines that the County should refer the Notice of Appeal, in whole or in part, to the Airport Noise Violation

Committee, pursuant to Section 2-1-30.13(d)(4)(i)(c), then, within thirty (30) days of the Committee's receipt of the Notice of Appeal, the Committee shall give written notice to the party requesting review of the date of the hearing at which the matter will be heard. In selecting the date for the hearing by the Airport Noise Violation Committee, the Committee shall seek to obtain the most expeditious review of the issues possible, taking into consideration the rights of the parties to a fair adjudication of the issues.

(f) *Hearing.*

(1) *Rules of evidence.* The hearing need not be conducted according to the technical rules relating to evidence set forth in the California Evidence Code. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are recognized in civil actions and irrelevant and unduly repetitious evidence may be excluded by the Airport Noise Violation Committee.

(2) *Determination.* The Airport Noise Violation Committee shall determine, based upon all the evidence presented, whether said Notice of Violation and/or the penalty or sanction imposed should be upheld or revoked. The decision shall be supported by appropriate findings on all material issues raised at the hearing.

(g) *Decision.*

(1) Written notice of the Airport Noise Violation Committee's decision on the Notice of Appeal shall be given to the party filing the Notice and all other interested parties within thirty (30) days after the date of the hearing.

(2) The decision of the Airport Noise Violation Committee is final and binding on all parties.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 7, 2-1-00; Ord. No. 04-016, § 27, 9-9-04)

Secs. 2-1-30.15, 2-1-30.16. Reserved.

Secs. 2-1-31--2-1-39. Reserved.

Excerpt from Orange County Codified Ordinances: Title 1 – Government and Administration, Division 1 – General Provisions, Article 2 – Violations and Use of Citation.

Sec. 1-1-34. General penalty for violations.

(a) *Any person violating any of the provisions of this Code shall, unless otherwise specifically provided in this Code or by statute, be guilty of a misdemeanor.*

(b) *Any person convicted of a misdemeanor for a violation of any of the provisions of this Code shall, unless otherwise specifically provided in this Code or by statute, be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a period of not more than six (6) months or by both such fine and imprisonment.*

(Code 1961, §§ 11.021; Ord. No. 3001, § 1, 8-30-77; Ord. No. 3032, § 1, 1-17-78; Ord. No. 3985, § 1, 7-22-97)

Editor's note: Ord. No. 00-1, §§ 8 and 9, adopted February 1, 2000, amended the Code by repealing former §§ 2-1-30.15 and 2-1-30.16 in their entirety. Former § 2-1-30.15 pertained to enforcement, and former § 2-1-30.16 pertained to education, transition or modification periods. Both sections derived from Ord. No. 3642, adopted June 16, 1987.

Kaylee Nunez

From: Christi Arnold <christiarold3@gmail.com>
Sent: Thursday, August 25, 2022 7:55 AM
To: Planning
Subject: LDC22-001 - meeting today at 9 AM with Planning Commission - Request for Continuance

First, the public notice card indicated that the interested parties are able to provide written correspondence, due August 17, 2022 - but the cards were only received two days prior to that date.

Secondly, the agenda notice states that the Certification of posting is 8-18-2022, 1 day after the due date for written correspondence and the agenda provides no information on how to provide verbal comments and there is no agenda item for any public comment.

Finally, on the plat where I live, it states that the lands are outside of the 65 LDN area, and that statement is part of a due diligence for purchasers, the reality is that the sound readings that I have conducted are 89-93 decibels. You proposed changes need to reflect reality in what is required in a plat notice with ANO and Overlay Districts.

I strongly recommend that you provide a Continuance for this agenda item. In the future agenda notice provide more information on methodology of the AVO and sound at a minimum, provide a hearing and public testimony at the Airport Commission hearings and perhaps consider hosting an informational, single subject meeting for the public in a location close to the airport that includes Planning Staff and Airport staff.

Christi Arnold

Kaylee Nunez

From: Robin Sobotta
Sent: Thursday, August 25, 2022 4:33 PM
To: Kaylee Nunez; George Worley
Subject: FW: Residential Use of Area Surrounding Prescott Airport

I see that Tammy got this – just wanted to make sure you did too. Thanks, Robin

From: Justin Scott <justin@northaire.com>
Sent: Thursday, August 25, 2022 11:02 AM
To: Tammy Dewitt <tammy.dewitt@prescott-az.gov>
Cc: Robin Sobotta <robin.sobotta@prescott-az.gov>
Subject: Residential Use of Area Surrounding Prescott Airport

Attention: Prescott Planning & Zoning Committee

Prescott Regional Airport has been an economic driver for the quad-cities area for decades. Businesses located at the airport bring customers and tourists – and provide jobs to our local residents.

Looking back to the 1990s, the areas surrounding the Prescott Regional Airport were mostly open land where aircraft operations posed zero threats to structures and zero issues with aircraft flights and noise. Considering one of the nation's largest aviation colleges operates out of Prescott Regional Airport, this was ideal, not only for collegiate operations, but also for other types of flight training. The flight-training environment and flight-related businesses grew tremendously in the 1990s and beyond based on the compatible operating environment. As aircraft operations grew, it offered Prescott the opportunity to bring in true commercial passenger flights – allowing us access to airline flights from our backyard versus having to drive long distances to other airports.

Any new residential development poses a very real threat to the continued economic success of Prescott Regional Airport. Residents living in the neighborhoods currently surrounding the airport are already complaining on nearly a daily basis. If the City fails to find a balance between the airport and residential areas, residents will undoubtedly continue to be upset and may even vilify aircraft and anything associated with aircraft. **You have to remember that the airport did not move next to these communities; the communities moved next to the airport.**

We need to protect Prescott Regional Airport by taking steps to ensure, not only its safe operation, but even its survival. I support the implementation of reasonable protections for the airport and the community. There has to be an approach that is complementary to both residential growth and airport operations.

Respectfully,

Justin Scott

Kaylee Nunez

From: Martha Zimmerman
Sent: Friday, August 26, 2022 12:42 PM
To: Kaylee Nunez
Cc: Sarah Siep
Subject: FW: Yesterdays Airport Overlay Meeting Thoughts

Martha Zimmerman

Administrative Assistant to Mayor and City Council
City Manager's Office
201 S. Cortez Street | Prescott, AZ 86303
928-777-1248 | martha.zimmerman@prescott-az.gov



Please note that I am off on Wednesdays – Thank you!

From: Brian Harris <bharris8358@gmail.com>
Sent: Friday, August 26, 2022 9:57 AM
To: Martha Zimmerman <martha.zimmerman@prescott-az.gov>
Cc: brian harris <bharris8358@gmail.com>; Donna Harris <donnaA@azdreamsource.com>
Subject: Yesterdays Airport Overlay Meeting Thoughts

Martha,
Good morning.

I am guessing the Airport Overlay situation has been taxing and taking a significant amount of your time. I know this past week I have spent about 5-10 hours trying to learn about it all and investigating what it means to me and the community.

I attended the meeting yesterday, I was the last stakeholder to speak but I passed since I felt I would repeat.

I live at 6294 Goldfinch Dr (Saddlewood) and are in the final stages of building at Westwood.

I wanted to share a few items that are heavy on my mind:

- 1) Is it true that it is against the law to change the FAA regulations? If this is true then there will so many lawsuits and so much time and money wasted in defense. We should avoid that and get this one point resolved now.
- 2) If we pass the proposed changes, it is only a maybe we would get more money? It seems like a very big gamble with so much at stake and if we don't get money it doesn't seem anyone would be held accountable.

3) I am so confused because I live in the middle of the worst zones to be in yet I am getting penalized with the non conforming status. I knew when I purchased I was near an airport.

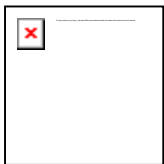
4) Perhaps I can shed light on the disclosure that needs be communicated. My wife and I are both realtors in Phoenix. Potential noise and safety problems are clearly spelled out in the airport disclosure addendum at the time an offer is made to purchase a home. There are about 7 documents that legally must go with an offer and this is one of them. It is the responsibility of the realtor and it is double checked by the realtors broker. Everyone in the transaction must sign it or the home will not close. It is a simple process. It can't be overlooked. I can send the AZ standard form if needed. If someone does not use a realtor there are many legal issues they would face.

5) I am not comfortable yet that a legal non forming will be OK. I am doing the research in this area. I have contacted an appraisal company, a mortgage company, and an insurance company. Insurance - "We can rebuild if our house burns down". That I agree with but do we need ordinance insurance on our home? That hasn't been mentioned. Mortgage - I have been told that a FHA or VA buyer might not be able to purchase a legal non conforming. These points are not confirmed and they should be so all information is on the table when a decision is made. A last one - Appraisal, not sure if you can get a line of credit if a structure is legal non conforming.

I am in favor of an airport expansion because Prescott is growing and we need to think about the future. However, I do oppose the current proposal 100%. I feel it is a bandaid that has to many downsides.

I am not writing this so I can dump this on you and then run. I am more than happy to be on any committee or help where help is needed. It would be great to be a part of a plan that really set the airport up for future growth.

Thanks for reading this,
Brian



Brian Harris
Realtor, DreamSource Group

602-684-0198 | azdreamsource.com | bharris8358@gmail.com

2123 W Red Fox Road

