



CITY COUNCIL WORKSHOP MEETING

WORKSHOP MEETING MINUTES

TUESDAY, JULY 19, 2022, 1:00 PM

201 S Cortez Street
Prescott, AZ 86303
Council Chambers

Phil Goode, Mayor

Cathey Rusing, Mayor Pro Tem
Brandon Montoya, Councilman
Eric Moore, Councilman

Jessica Hall, Councilwoman
Steve Sischka, Councilman
Clark Tenney, Councilman

MINUTES OF THE WORKSHOP MEETING OF THE PRESCOTT CITY COUNCIL WORKSHOP MEETING
HELD ON JULY 19, 2022, IN THE 201 S CORTEZ STREET PRESCOTT, AZ 86303 COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Goode called the meeting to order at 1:00 p.m.

2. ROLL CALL

Phil Goode	Mayor
Cathey Rusing	Mayor Pro Tem – participated via Zoom
Jessica Hall	Councilwoman – participated via Zoom
Brandon Montoya	Councilman
Eric Moore	Councilman
Steve Sischka	Councilman
Clark Tenney	Councilman - excused
Don Michelman	Commission Chair
Ted Gambogi	Commission Vice Chair
Stan Goligoski	Commissioner – excused
Susan Graham	Commissioner
Thomas Hutchison	Commissioner
Thomas Reilly	Commissioner
Butch Tracey	Commissioner

3. DISCUSSION

- A. A Joint Meeting of the Council and Planning & Zoning Commission to Discuss the Creation and Implementation of a New Protective Airport Vicinity Overlay District in the Land Development Code.

Planning Manager George Worley provided a presentation regarding a proposed Airport Vicinity Overlay (AVO) District. He began with an overview of Zoning with the first comprehensive zoning

code that was established in New York in 1916. Cumulative codes allow more uses the further away from single family zoning that you get, single family is the most protected zoning with the least number of uses. Most zoning is applied in districts, with an overlay district the patterns are different. Overlay districts sit on top of a regular zoning map with a specific reason for geographic delineations and standards. Usually associated with waterways and roadways, airports, commercial areas and historic neighborhoods. If conflicts occur with other zoning districts the overlay takes precedent over the underlying district.

Airport Director Robin Sobotta continued the presentation with a discussion regarding the various plans associated with the Airport area.

Plans Impacting the Airport Area:

- * Prescott General Plan (adopted in 2015) – 145 references to the Airport. Land use protection must be addressed to assure the continued vitality of the airport, much of the land near the airport is designated for industrial and intense commercial uses. This is the guide for general land use decisions within the City of Prescott and is in alignment with the City Council 2022 Strategic Plan. Section 5.7.1 outlines land uses surrounding the Airport and points out that where specific area plans exist and where their land use designations...

- * Airport Specific Area Plan (ASAP) – includes impact zones which include

- Zone 1 is a Clear Zone
- Zones 2-5 no residential uses and restricted commercial uses
- Zone 6 residential and commercial uses as permitted by zoning code but no residential within

the 60 LdN (also known as day & night sound levels - DNL) or higher

- * Airport Master Plan (Airport Land Use Plan) – written in 2009/adopted in 2011 using a layered approach to consider interior sound levels, land use density and open space, safety concerns for pilots/pax/community related to obstructions and emergency needs. This created airport impact zones and updated noise contours (55 and 65 DNL).

- * Airport impact zones are based on NTSB data and are widely adopted standard to limit damages caused by aviation accidents, protect airport viability and limit noise and overflight impact on residential and sensitive areas

- Impact Zone 1: runway protection zone (20-21% of impacts)
- Impact Zone 2: inner safety zone (8-22% of impacts)
- Impact Zone 3: inner turning zone (4-6% of impacts)
- Impact Zone 4: outer safety zone (2-6% of impacts)
- Impact Zone 5: sideline safety zone (3-5% of impacts)
- Impact Zone 6: traffic pattern zone (18-29% of impacts)

Through these updates existing non-compatible uses will be allowed, however new non-compatible uses will not be allowed. 400,000 is approximately the maximum of what the airport would be able to handle based on its current capacity and protections.

Dr. Sobotta stated that the Airport Property Map has been submitted to the FAA and was recently approved. This includes proposed land acquisitions in the area, including those that have been approved by Council already and anticipated acquisitions as well.

2021 Noise Contours for the Airport are based on FAA actual data, they have previously stated that there is no compatibility in residential inside of the 65 DNL contour. These curves were re-examined in 2021 based on a neighborhood/national environmental survey. Airline One Engine Inoperative Departure Splay (OEI), impacts how an airline has to plan for the potential to run on only one engine. Therefore, the noise contours, OEI and impact zones all need to be considered in airport protection.

Dr. Sobotta stated that in her opinion the Prescott Airport/Community Summary is as follows:

- * Airport sponsor is responsible for maintaining compatible land use and we therefore need to update codes to better protect both the airport and the community
- * Long history of Prescott protecting 55 or 60 DNL contours
- * Current contours will expand with traffic
- * Avigation easements prevent claims

Protected Areas & Assessments:

- * Airport Impact Zones
- * Noise Contours
- * Airline OEI Splay
- * FAA Basic Evaluation of Airspace Obstructions

Easements & Disclosures:

- * Airport Influence Area
- * Public Airport Disclosure
- Map Fair Notice Disclosure

FAA Base Evaluation:

- * Does not consider airline OEI, Airport Impact Zones, noise and overflight impacts on humans or local land use restrictions

Benefits of Proposed AVO:

- * Provides mapped boundaries for noise and impact zones
- * Includes allowable uses or limits within the zones and contours
- * Provides clear explanation of the various zones and contours
- * Provides explanation and boundaries for avigation easements
- * Provides fair notice disclosure requirements to residents
- * Provides boundaries and notice for FAA baseline airspace evaluation
- * Provides additional protections for critical airspace
- * Provides measures for hazard prevention, mitigation and removal
- * Promotes community health, safety and welfare
- * Complies with federal grant assurances – obstructions and compatible land uses
- * Supports future airport development including commercial runway extension

Mayor Pro Tem Rusing commented that these AVOs are nothing new and are commonly used tools to protect future residential development. She asked if this is adopted the existing structures will be ok and if final plats have already been approved they would have to be allowed is that correct.

Dr. Sobotta responded that existing obstructions have already been factored into airport runway extension plans.

Mr. Worley added that all existing obstructions are considered legal non-conforming and would continue based on zoning, only new structures would be impacted. He stated that plats would need to be further addressed with legal, because building permits had not yet been issued theoretically. There are height limitations/restrictions written in for certain areas and impact zones.

Councilman Sischka expressed his concerns regarding established rights within the areas that are being discussed, and said he has an issue with the noise contours. The city should invest in crash zones and the OEI, but buying out established rights in noise contours is an issue for him. People that are living near an airport are expecting noise and crash possibilities so how can we mitigate every possible inconvenience that a person may have because they live near an airport. Council can't protect everybody from themselves.

Dr. Sobotta responded that she is looking at the health, safety and welfare of the community. This is significant and important, compatible land use must ensure the continued future viability of the airport.

Councilwoman Hall addressed page 16 of the power point presentation regarding near term acquisition in the amount of 500 acres. Her concern is with regard to the costs related to purchase of the property.

Dr. Sobotta responded that the areas are ones that would be ideally acquired within the next five years. It is a proposal and not confirmed at this point.

Mayor Goode responded that acquisition areas are off topic and not agendized and will need to be discussed at a future meeting.

Councilwoman Hall asked how property rights would be impacted by these proposed code changes.

Mr. Worley responded that part of what staff is looking at is the external boundaries and how that would impact property rights. There are multiple areas to be looked at and Council will need to determine what the outer boundary will be/how far that will go. Could potentially include a much larger area and taking into consideration that contours and impacts can change in the future.

Dr. Sobotta added that residential/motor-home/transient lodging and schools are not permitted in the 65 DNL based on the 2003 standard, but because the Airport Specific Area Plan recommended the 60 DNL and land use plan recommended 55 DNL as what should be codified.

Mayor Goode commented that if the Airport has sustained and growing operations then we must rely on FAA Grants to avoid having to pay all costs ourselves, so we must decide if we want to support this airport and its growth. Must consider where the city is going in the future, make choices to protect their Airport and provide full disclosure to the residents in the surrounding areas.

Councilman Montoya asked about existing non-conforming use continuing and what that means for existing homeowners.

Mr. Worley responded that uses are defined differently than structures, continuing the use would be a single-family home but adding a story would potentially be impacted because of height restrictions. The existence of the structure would stay but additional limitations may exist through the overlay district.

Councilman Moore commented that some of the challenges may be due to how the airport is being used and operated. For example major operation at our Airport is a training facility and not a “destination” airport like a Sky Harbor type of airport. It is being utilized differently which is creating an issue with the noise contours and other impacts.

Dr. Sobotta responded that 75% of the airport traffic is Embry Riddle, anticipate 950 pilots in training in the Fall. This is a really important economic generator for our community. 80% of our traffic goes out to the Southwest of the Airport, a runway extension would be a benefit to the community. Can receive FAA funding for sound mitigation on homes that were in existence prior to the implementation of the zones.

Commissioner Gambogi commented that he appreciates this conversation as a Planning & Zoning Commissioner because it will help them make their determinations, need to have things together in one comprehensive plan that makes things much more clear. He stated that he is more concerned about the future than the houses that are already there and anticipates that there will be more airline business than less as time goes on. Feels a task force should be put together to look at all overlays put into one to make things easier for decision making.

Commissioner Graham asked if these areas would allow for commercial and industrial development in the proposed acquisition areas.

City Attorney Joseph Young commented that legal non-conforming uses will remain and that has to be looked at with regard to whether or not an area fits into that definition.

Commissioner Reilly commented that noise complaints have been an issue for some time, the DNLs will continue to grow and change is it possible that the uses in these areas are layered as you come in closer to the airport. He asked how the AVO will improve the fair notice disclosures that already exist.

Mr. Worley responded that the AVO would create districts based on impact zones and noise contours, and possibly establish boundaries for specific uses (for example residential) as you get closer and closer to the airport. The help is that it will be incorporated into the Code which will make enforcement much easier.

Mayor Pro Tem Rusing added that the noise disclosure statement is given when escrow is opened and will also include airport activity and would be codified. She also asked if the AVO will be submitted to the FAA for review.

Dr. Sobotta responded that staff has met with the FAA team and they are impressed with what is being proposed.

Councilwoman Hall commented that she supports the Airport, but she also supports property owners and development in a time when it is needed so it is important to take into consideration that there is a large area of this proposal that the city does not own or have jurisdiction over and how many home owners would potentially be impacted.

Dr. Sobotta responded that with the approach to zoning we have it is impossible to tell how many homes would be impacted.

Mr. Worley commented that potentially 10,000 - 15,000 could be impacted based on proposed plats and the proposed DNL that would be suggested by staff. This would be moved away from the Airport. Deep Well Ranch Master Plan, AED, Granite Dells Estates, Walden Ranch and a number of undeveloped areas could be impacted.

Commissioner Michelman asked if third parties will be invited for input.

Mr. Worley stated that is staff's plan and added that everyone who would be impacted would be notified and invited to participate in meetings.

Commissioner Hutchison commented that he agrees with Mr. Gambogi and would anticipate that in the future larger aircraft may very well be coming into the Airport and asked if we have considered long term what things might look like and would this have to be done again.

Dr. Sobotta responded that the airport has never exceed 100,000 gross takeoff weight and do not anticipate increasing that, only the length would be changed. Have 737 limited use through the forest service, mix of aircraft will likely remain consistent. 8-10 flights out and in of commercial flights would be the max more than likely. If the SAFE Complex is put into place the pattern on the north runway would change and therefore equalize the uses.

Councilman Moore echoed his comments that the Airport is unique and our work with Embry Riddle make things different than other airports.

Commissioner Hutchison added that the language in the AVO should be broad and benchmarked by an outside firm.

Councilman Sischka commented that his concern is that mitigating the expenses of making these changes will be much more costly than anything the FAA could give us. We need to protect their Airport but we have a sorted history to deal with as well.

Mayor Goode concurred and added that we can't fix what was done in the past but have to change things going forward. He stated that changes by the federal government have required additional flight hours and there are many pilot shortages that need to be addressed as well. Hopes there will be reductions to that in the future which would decrease some use at the airport as well.

Councilman Montoya echoed comments regarding a layered land use approach when looking at this.

Anticipated Timeline:

- * August 9th – possible Council Action regarding Airport Zoning Board authority/designation
- * August 11 – presentation to Planning & Zoning Commission with Draft AVO for discussion and possible action
- * August 25 - possible follow up Planning & Zoning Commission Meeting
- * August 23 – present to Council reviewed/edited AVO (or Sept 13 if secondary Planning & Zoning Commission Meeting is necessary)

Mayor Goode commented that understanding the impacts of the noise contours and what is possible is critical to striking a reasonable balance with all of this.

Discussion regarding creation of a working group or committee to review the proposals before they are presented to Planning & Zoning and Council. Staff including City Clerk Sarah Siep and Mr. Worley pointed out that would potentially push things back process wise. And Ms. Siep commented that a Mayoral Ad Hoc Committee would be the best way to form the group so no Resolution or official Council action is required.

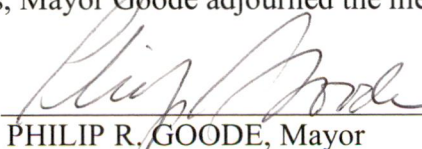
Commissioner Reilly commented that an Ad Hoc Committee of limited duration would be the best way to go about that, designed to reduce the time. And stated that he would be willing to serve on that.

Mayor Goode concurred and will form an Ad Hoc Committee to address these issues.

This item was for discussion only, no formal action was taken.

4. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 2:47 p.m.



PHILIP R. GOODE, Mayor

ATTEST:

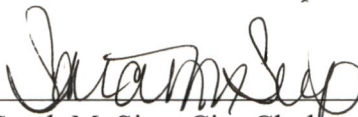

SARAH M. SIEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Workshop Meeting of the City Council Workshop Meeting of the City of Prescott, Arizona held on July 19, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 10 day of August, 2022.





Sarah M. Siep, City Clerk