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# Policies

## 1. GENERAL APPLICABILITY

### 1.1. Purpose

The purpose of this *Truckee Tahoe Airport Land Use Compatibility Plan* is to articulate procedures and criteria, established in accordance with the California State Aeronautics Act, Public Utilities Code Section 21670 et seq., that:

1.1.1. *Truckee Tahoe Airport Land Use Commission (TTALUC):*

- (a) Shall utilize when reviewing proposed land use development in the influence area of the Truckee Tahoe Airport for compatibility with airport activity.
- (b) Shall utilize when evaluating proposed updates to the Truckee Tahoe Airport Master Plan as well as certain types of airport development proposals that also are subject to ALUC review and are addressed by the plan.

1.1.2. *Affected Local Land Use Jurisdictions:* The counties of Nevada and Placer, the Town of Truckee, and any future municipality:

- (a) Shall each apply when modifying their respective general plans and zoning ordinances to be consistent with the Commission's *Compatibility Plan*.
- (b) Shall consider when making other planning decisions regarding the proposed development of lands impacted by airport operations.
- (c) Shall use as the basis for referring specified land use proposals to the TTALUC for review.

1.1.3. *Special Districts and School Districts:* Special districts and school districts:

- (a) Shall apply when creating plans and making other planning decisions regarding proposed facilities and other development affecting or affected by airport operations.

- (b) Shall use as the basis for referring specified land use proposals to the TTALUC for review.

## 1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this document (additional terms are defined in the *Glossary*):

- 1.2.1. *Aeronautics Act*: Except as indicated otherwise, the article of the California Public Utilities Code Section 21670 et seq., pertaining to airport land use commissions.
- 1.2.2. *Airport*: The Truckee Tahoe Airport.
- 1.2.3. *Airport Influence Area*: An area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The *airport influence area* constitutes the area within which certain land use actions are subject to ALUC review. The term *airport influence area* is synonymous with the term *airport referral area* as well as to the term *planning area* as referred to in Public Utilities Code Section 21675.
- 1.2.4. *Airport Land Use Commission (ALUC)*: The Truckee Tahoe Airport Land Use Commission.
- 1.2.5. *Aviation-Related Use*: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.
- 1.2.6. *Avigation Easement*: An easement that conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc. (see *Glossary*)
- 1.2.7. *Community Noise Equivalent Level (CNEL)*: The noise metric adopted by the State of California for describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 1.2.8. *Compatibility Plan*: This document, the *Truckee Tahoe Airport Land Use Compatibility Plan*.
- 1.2.9. *Compatibility Zone*: Any of the zones set forth herein for the purposes of assessing land use compatibility within the airport influence area.
- 1.2.10. *Existing Land Use*: A land use that either physically exists or for which local government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary.
  - (a) Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
    - (1) A tentative parcel or subdivision map has been approved and not expired;
    - (2) A vesting tentative parcel or subdivision map has been approved;

- (3) A development agreement has been approved and remains in effect;
  - (4) A final subdivision map has been recorded;
  - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
  - (6) A valid building permit has been issued.
- (b) The determination as to whether a specific project meets the above criteria is to be made by the general government jurisdiction involved.
- 1.2.11. *Federal Aviation Regulations (FAR) Part 77*: The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects which exceed the Part 77 height limits constitute airspace obstructions.
- 1.2.12. *Gross Acreage*: Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.
- 1.2.13. *Height Review Overlay Zone*: Areas of land in the vicinity of an airport where the ground lies above an FAR Part 77 surface or less than 35 feet beneath such surface.
- 1.2.14. *Infill*: Development of vacant or underutilized land within areas that are already largely developed or used more intensively. See Policy 3.3.1(a) for criteria used to identify infill areas for compatibility planning purposes.
- 1.2.15. *Local Jurisdiction*: The counties of Nevada or Placer, the Town of Truckee, or any other government agency (except state or federal government agencies or Indian tribes) having jurisdiction over land uses within their respective boundaries.
- 1.2.16. *Major Land Use Action*: Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.5.3.
- 1.2.17. *Nonconforming Use*: In general, a land use, parcel, or building which does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of this *Compatibility Plan*, a nonconforming land use is one which exists (see definition of “existing land use” in Policy 1.2.10) as of the plan’s adoption date, but which does not conform with the compatibility criteria set forth herein.
- 1.2.18. *Project; Land Use Action; Development Proposal*: Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, which are subject to the provisions of this *Compatibility Plan*.

### 1.3. Geographic Scope

- 1.3.1. *Airport Influence Area*: As established and adopted by the Truckee Tahoe Airport Land Use Commission, the geographic scope of the *Truckee Tahoe Airport Land Use Compatibility Plan* encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Truckee Tahoe Airport, as well as lands on which the uses could negatively affect airport usage. The specific limits of the Truckee Tahoe Airport influence area are depicted later in this chapter.

## 1.4. Types of Airport Impacts

- 1.4.1. *Principal Compatibility Concerns:* The Commission is concerned only with the potential impacts related to:
- (a) Exposure to aircraft noise;
  - (b) Land use safety with respect both to people on the ground and the occupants of aircraft;
  - (c) Protection of airport airspace; and
  - (d) General concerns related to aircraft overflights.
- 1.4.2. *Airport Impacts Not Considered:* Other impacts sometimes created by airports (e.g. air pollution, automobile traffic, etc.) are not addressed by these compatibility policies and are not subject to review by the Airport Land Use Commission. Also, in accordance with state law Public Utilities Code Section 21674(e), neither this plan nor the ALUC have authority over the operation of any airport (including where and when aircraft fly, airport security, and other such matters).

## 1.5. Types of Actions Reviewed

- 1.5.1. *Actions Which Always Require ALUC Review:* As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's plan prior to their approval by the local jurisdiction:
- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (Public Utilities Code Section 21676(b)).
  - (b) The adoption or approval of a zoning ordinance or building regulation that (1) affects property within an airport influence area, and (2) involves the types of airport impact concerns listed in Section 1.4 (Public Utilities Code Section 21676(b)).
  - (c) Adoption or modification of the master plan for an existing public-use airport (Public Utilities Code Section 21676(c)).
  - (d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the State of California Public Utilities Code Section 21664.5.
  - (e) Any proposal for a new airport or heliport whether for public use or private use (Public Utilities Code Section 21661.5) if the facility requires a state airport permit.
- 1.5.2. *Other Land Use Actions Subject to ALUC Review:* In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:
- (a) Until such time as (1) the Commission finds that a local agency's general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the local agency has overruled the Commission's determination of inconsistency,

state law provides that the ALUC may require the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the Commission for review (Public Utilities Code Section 21676.5(a)). Only those actions that the ALUC elects not to review are exempt from this requirement. Commission policy is that only the *major land use actions* listed in Policy 1.5.3 shall be submitted for review.

- (b) After a local agency has revised its general plan or specific plan (see Section 3.2) or has overruled the Commission, the Commission no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the Commission and the local agency can agree that the Commission should continue to review individual projects in an advisory capacity.
  - (1) The Commission requests local agencies to continue to submit *major land use actions* as listed in Policy 1.5.3. ALUC review of these types of projects can serve to enhance their compatibility with airport activity.
  - (2) Review of these actions is requested only if a review has not previously been conducted as part of a general plan, specific plan, or zoning ordinance action or if sufficient project-level detail to enable a full assessment of compatibility was not available at the time of a previous review.
  - (3) Because the ALUC acts in an advisory capacity when reviewing projects under these circumstances, local jurisdictions are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions suggested by the Commission.
- (c) Proposed redevelopment of a property for which the existing use is consistent with the general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this plan, shall be subject to ALUC review. This policy is intended to address circumstances that arise when a general or specific plan land use designation does not conform to ALUC compatibility criteria, but is deemed consistent with the compatibility plan because the designation reflects an existing land use. Proposed redevelopment of such lands voids the consistency status and is to be treated as new development subject to ALUC review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 3.3.2 and 3.3.3.)
- (d) Proposed land use actions covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the ALUC Executive Director. If the Executive Director determines that significant compatibility issues are evident, the proposal shall be forwarded to the Commission for review and decision. The Commission authorizes the Executive Director to approve proposed actions having no apparent compatibility issues of significance.

1.5.3. *Major Land Use Actions:* The scope or character of certain *major land use actions*, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, ALUC review of these actions may be warranted. The circumstances under

which ALUC review of these actions is to be conducted are indicated in Policy 1.5.2 above.

- (a) Actions affecting land uses within any compatibility zone.
  - (1) Any proposed expansion of the sphere of influence of a city or special district.
  - (2) Proposed pre-zoning associated with future annexation of land to a city.
  - (3) Proposed development agreements or amendments to such agreements.
  - (4) Proposed residential development, including land divisions, consisting of five or more dwelling units or parcels.
  - (5) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g. a building permit) is required.
  - (6) Major capital improvements (e.g. water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
  - (7) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
  - (8) Any off-airport, nonaviation use of land within *Compatibility Zone A* of any airport.
  - (9) Proposals for new development (including buildings, antennas, and other structures) having a height of more than:
    - 35 feet within *Compatibility Zone B1, B2, or a Height Review Overlay Zone*;
    - 50 feet within *Compatibility Zone C*; or
    - 100 feet within *Compatibility Zone D or E*.
  - (10) Any obstruction reviewed by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations that receives a finding of anything other than “not a hazard to air navigation.”
  - (11) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
    - Electrical interference with radio communications or navigational signals;
    - Lighting which could be mistaken for airport lighting;
    - Glare in the eyes of pilots of aircraft using the airport; and
    - Impaired visibility near the airport.
  - (12) Projects having the potential to cause attraction of birds or other wildlife that can be hazardous to aircraft operations to be increased within the vicinity of an airport.
- (b) Proposed nonaviation development of airport property if such development has not previously been included in an airport master plan or community general plan reviewed by the Commission. (See Policy 1.2.5 for definition of *aviation-related use*.)
- (c) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

## 2. REVIEW PROCESS

### 2.1. General

- 2.1.1. *Timing of Project Submittal:* Proposed actions listed in Section 1.5 *should* be submitted to the Commission at the earliest reasonable point in time so that the Commission's (or ALUC Executive Director's) review can be duly considered by the local jurisdiction prior to formalizing its actions. The timing may vary depending upon the nature of the specific project. However, all projects *must* be submitted to the Commission for review prior to final approval by the local government entity.
- 2.1.2. *Public Input:* Where applicable, the Commission shall provide public notice and obtain public input in accordance with Public Utilities Code Section 21675.2(d) before acting on any plan, regulation, or other land use proposal under consideration.

### 2.2. Review Process for Community Land Use Plans and Ordinances

- 2.2.1. *Initial ALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies.
- (a) Within 180 days of the Commission's adoption or amendment of the *Airport Land Use Compatibility Plan*, each local agency must amend its general plan and any applicable specific plan to be consistent with the Commission's plan or, alternatively, adopt findings and overrule the Commission in accordance with Public Utilities Code Section 21676(b) (Government Code Section 65302.3).
  - (b) Prior to taking action on a proposed amendment, the local agency must submit a draft of the proposal to the Commission for review and approval.
  - (c) In conjunction with its submittal of a general plan or specific plan amendment to the ALUC, a local agency may request that the Commission modify the areas defined as "infill" in accordance with Policy 3.3.1. The Commission will include a determination on the infill as part of its action on the consistency of the general plan and specific plans.
- 2.2.2. *Subsequent Reviews of Related Land Use Development Proposals:* As indicated in Policies 1.5.1(a) and 1.5.1(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined herein, local agencies must submit the proposed plan, ordinance, or regulation to the Commission for review. Subsequent land use development actions that are consistent with applicable, previously reviewed, local plans, ordinances, and regulations are subject to Commission review only under the conditions indicated in Policies 1.5.2 and 2.3.5.
- 2.2.3. *Commission Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the Airport Land Use Commission has three choices of action:

- (a) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*. To make such a finding with regard to a general plan, the conditions identified in Section 3.2 must be met.
- (b) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*, subject to conditions and/or modifications that the Commission may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.
- (c) Find the plan, ordinance, or regulation inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission shall note the specific conflicts or shortcomings upon which its determination is based.

2.2.4. *Response Time:* The Airport Land Use Commission must respond to a local agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of referral (Public Utilities Code Section 21676(d)).

- (a) The date of referral is deemed to be the date on which all applicable project submittal information is received by the Commission Executive Director.
- (b) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
- (c) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
- (d) The referring agency shall be notified of the Commission's action in writing.

### 2.3. Review Process for Major Land Use Actions

2.3.1. *Project Submittal Information:* A proposed major land use action submitted to the Commission (or to the ALUC Executive Director) for review shall include:

- (a) The following information:
  - (1) Property location data (assessor's parcel number, street address, subdivision lot number).
  - (2) An accurately scaled map showing the relationship of the project site to the airport boundary and runways.
  - (3) A description of the existing and proposed uses of the land in question.
  - (4) The type of land use action being sought from the local jurisdiction (e.g. zoning change, building permit, etc.).
  - (5) For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time.
  - (6) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.

- (7) Identification of any characteristics that could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
  - (8) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
  - (9) Any staff reports regarding the project that may have been presented to local agency decision makers.
  - (10) Other relevant information which the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.
- (b) Any applicable review fees as established by the Truckee Tahoe Airport Land Use Commission.
- 2.3.2. *ALUC Executive Director's Choices:* When reviewing major land use actions in accordance with Policy 1.5.2(d), the ALUC Executive Director has two choices of action:
- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. Upon said finding, the Executive Director is authorized to approve such projects on behalf of the Commission.
  - (b) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Executive Director shall forward any such project to the Commission for a consistency determination.
- 2.3.3. *Commission Action Choices:* When reviewing a major land use project proposal, the Airport Land Use Commission has three choices of action:
- (a) Find the project consistent with the *Compatibility Plan*.
  - (b) Find the project consistent with the *Compatibility Plan*, subject to compliance with such conditions as the Commission may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g. the height of a structure).
  - (c) Find the project inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission shall note the specific conflicts upon which the determination is based.
- 2.3.4. *Response Time:* In responding to major land use actions submitted for review, the policy of the Truckee Tahoe Airport Land Use Commission is that:
- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 1.5.2.(a):
    - (1) Reviews by the ALUC Executive Director shall be completed within 30 days of when a complete application is submitted.
    - (2) Reviews of projects forwarded to the Commission for a consistency determination shall be completed within 60 days of the date of project referral.
    - (3) The date of referral is deemed to be the date on which all applicable project submittal information as listed in Policy 2.3.1 is received by the Commission Executive Director.

- (4) If the ALUC Executive Director or the Commission fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the compatibility plan.
  - (b) When a major land use action is submitted on an optional basis in accordance with Policy 1.5.2(b), review by the ALUC Executive Director and/or the Commission should be completed in a timely manner enabling the comments to be considered by decision-making bodies of the submitting agency.
  - (c) Regardless of action or failure to act on the part of the ALUC Executive Director or the Commission, the proposed action still must comply with other applicable local, state, and federal laws and regulations.
  - (d) The referring agency shall be notified of the ALUC Executive Director's and/or the Commission's action in writing.
- 2.3.5. *Subsequent Review:* Once a project has been found consistent with the *Compatibility Plan*, it need not be referred for review at subsequent stages of the planning process (e.g. for a use permit after a zoning change has been reviewed) unless:
- (a) Insufficient information was available at the time of the ALUC's original review of the project to assess whether the proposal would be fully in compliance with compatibility criteria (e.g. the site layout and structure height might not be known at the time a general plan change or zoning amendment is requested).
  - (b) The design of the project subsequently changes in a manner that reopens previously considered compatibility issues and could raise questions as to the validity of the earlier finding of compatibility. Proposed changes warranting a new review include, but are not limited to, the following:
    - (1) An increase in the number of dwelling units, intensity of use (more people on the site), or other usage characteristics to levels exceeding the criteria set forth in this plan;
    - (2) An increase in the height of structures or other design features such that the height limits established herein would be exceeded or exceeded by a greater amount;
    - (3) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site) to the extent that site design was an issue in the initial project review; and/or
    - (4) Any significant change to a proposed project for which a special exception was granted in accordance with Policy 3.3.6.
  - (c) The local jurisdiction concludes that further review is warranted.

## 2.4. Review Process for Airport Master Plans and Development Plans

- 2.4.1. *Project Submittal Information:* A Truckee Tahoe Airport Master Plan or development plan submitted to the Commission for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available.
- (a) At a minimum, information to be submitted shall include:

- (1) A layout plan drawing of the proposed facility or improvements showing the location of:
    - Property boundaries;
    - Runways or helicopter takeoff and landing areas;
    - Runway or helipad protection zones;
    - Aircraft or helicopter approach/departure flight routes.
  - (2) A revised map of the airspace surfaces as defined by Federal Aviation Regulations, Part 77, if the proposal would result in changes to these surfaces.
  - (3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction.
  - (4) Existing and proposed flight track locations, current and projected noise contours, and other supplementary noise impact data that may be relevant.
  - (5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or development plan.
  - (6) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
  - (7) Identification and proposed mitigation of impacts on surrounding land uses.
- (b) Any applicable review fees as established by the Truckee Tahoe Airport Land Use Commission shall accompany the application.
- 2.4.2. *Commission Action Choices for Plans of Existing Airport:* When reviewing a proposed new or revised airport master plan or new development plans for the Truckee Tahoe Airport, the Commission has three action choices:
- (a) Find the airport plan consistent with the *Airport Land Use Compatibility Plan*.
  - (b) Find the airport plan inconsistent with the Commission's plan.
  - (c) Modify the *Airport Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan.
- 2.4.3. *Response Time:* The Airport Land Use Commission must respond to the submittal of an airport master plan or development plan within 60 days from the date of referral (Public Utilities Code Section 21676(d)).
- (a) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
  - (b) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
  - (c) The Truckee Tahoe Airport District shall be notified of the Commission's action in writing.

### 3. BASIC COMPATIBILITY CRITERIA

#### 3.1. Compatibility Criteria for Land Use Actions

- 3.1.1. *Land Use Compatibility Criteria and Map:* The basic criteria for assessing whether a land use plan, ordinance, or development proposal is to be judged compatible with the Truckee Tahoe Airport are set forth in the Basic Compatibility Criteria matrix, Table 2A. These criteria are to be used in conjunction with the Truckee Tahoe Airport Compatibility Map, Figure 2A. The factors considered in delineation of the compatibility zones depicted in Figure 2A are summarized in Table 2B.
- 3.1.2. *Function of Supporting Criteria:* The Basic Compatibility Criteria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Section 1.4. For the purposes of reviewing proposed amendments to community land use plans and zoning ordinances, as well as in the review of most individual development proposals, the criteria in the matrix are anticipated to suffice. However, certain complex land use actions may require more intensive review. The Commission may refer to the supporting criteria, as listed in Section 4, to clarify or supplement its review of such actions.
- 3.1.3. *Residential Development:* The following criteria shall be applied to evaluation of the compatibility of proposed residential development.
- (a) Any subdivision of land for residential uses within *Compatibility Zones A, B1, B2, and C* shall not result in a density greater than that indicated in the Basic Compatibility Criteria matrix, Table 2A.
    - (1) Clustering of development shall be limited in accordance with Policy 4.2.5(a)(2).
    - (2) Secondary units, as defined by state law, shall be excluded from density calculations.
  - (b) Within *Compatibility Zone D:*
    - (1) Any residential development allowable under the Nevada County, Placer County, and Town of Truckee general plans and/or specific plans in effect as of the adoption date of this *Compatibility Plan* shall be permitted to proceed. Clustering of development so as to achieve densities of at least 5.0 dwelling units per acre within any single acre is encouraged. The determination as to whether a specific development proposal is exempted under the provisions of this policy is to be made by the general government jurisdiction involved.
    - (2) Any other future development not indicated in one of the above general plans or specific plans shall conform to the following criteria. In this zone, local land use jurisdictions have two options. The basic option is to limit densities to no more than 0.2 dwelling units per acre. Additionally, a high-density option is provided. This option requires that densities be *greater than* 5.0 dwelling units per acre (i.e., an average parcel size *less than* 0.2 gross acres). See Table 2B for an explanation of the rationale behind these options.
    - (3) Secondary units, as defined by state law, shall be excluded from density calculations.

- (c) Other development conditions as also listed in Table 2A apply to sites within certain compatibility zones.
  - (d) Mixed-use development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site shall be treated as nonresidential development. The occupancy of the residential portion shall be added to that of the nonresidential portion and evaluated with respect to the nonresidential usage intensity criteria below.
    - (1) This mixed-use development policy is intended for dense, urban-type developments where the resultant ambient noise levels are relatively high. The policy is not intended to apply to projects in which the residential component is isolated from the nonresidential uses of the site.
    - (2) Noise attenuation and other requirements that may be specifically relevant to residential uses shall still apply.
- 3.1.4. *Nonresidential Development:* The compatibility of nonresidential development shall be assessed primarily with respect to its usage intensity (the number of people per acre) and the noise-sensitivity of the use. Additional criteria listed in Table 2A shall also apply.
- (a) The total number of people permitted on a project site at any time, except for rare special events, must not exceed the indicated usage intensity times the gross acreage of the site.
    - (1) Usage intensity calculations shall include all people (e.g. employees, customers/visitors, etc.) who may be on the property at any single point in time, whether indoors or outside.
    - (2) Rare special events are ones (such as an air show at an airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
  - (b) No single acre of a project site shall exceed the number of people per acre indicated in Policy 4.2.5(b) and listed in Table 2A.
  - (c) The noise exposure limitations cited in Policy 4.1.5 and listed in Table 2C shall be the basis for assessing the acceptability of proposed nonresidential land uses relative to noise impacts. The ability of buildings to satisfy the interior noise level criteria noted in Policy 3.1.4 shall also be considered.
- 3.1.5. *Prohibited Uses:* Regardless of usage intensity, certain types of uses are deemed unacceptable within portions of an airport influence area. See Policy 4.2.3 and Table 2A. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.
- 3.1.6. *Other Development Conditions:* All types of proposed development shall be required to meet the additional conditions listed in Table 2A for the respective compatibility zone where the development is to be located. Among these conditions are the following:
- (a) Avigation Easement Dedication: See Policy 4.3.5.
  - (b) Overflight Easement Dedication: See Policy 4.4.3.

Table 2A

Table 2A, continued

Table 2B and Figure 2A

- (c) Real Estate Disclosure: See Policy 4.4.2.
- (d) Noise Level Reduction: See Policy 4.1.6.
- (e) Airspace Review: See Policy 4.3.3.

### 3.2. General Plan Consistency with Compatibility Plan

In order for a general plan to be considered consistent with the *Compatibility Plan*, both of the following must be accomplished:

- 3.2.1. *Elimination of Conflicts*: No direct conflicts can exist between the two plans.
- (a) Direct conflicts primarily involve general plan land use designations that do not meet the density or intensity criteria specified in the *Compatibility Plan* although conflicts with regard to other policies also may exist.
  - (b) Direct conflicts primarily involve general plan land use designations that do not meet the density or intensity criteria specified in the *Compatibility Plan* although conflicts with regard to other policies also may exist.
  - (c) Note, however, that a general plan cannot be found inconsistent with the *Compatibility Plan* because of land use designations that reflect existing land uses even if those designations conflict with the ALUC's compatibility criteria. Because ALUCs have no authority over existing land uses, general plan land use designations that merely reflect the existing uses for such parcels are, in effect, excluded from requirements for general plan consistency with the ALUC plan. This exception is applicable only if the general plan includes policies setting limitations on expansion and reconstruction of nonconforming uses consistent with Policies 3.3.2 and 3.3.3.
- 3.2.2. *Establishment of Review Process*: Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the *Compatibility Plan*.
- (a) Even if the land use designations in a general plan have been deemed consistent with the *Compatibility Plan*, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.
  - (b) Local jurisdictions have the following choices for satisfying this evaluation requirement:
    - (1) Sufficient detail can be included in the general plan and/or referenced implementing ordinances and regulations to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the applicable compatibility plan (this requires both that the compatibility criteria be identified and that project review procedures be described);
    - (2) The ALUC's compatibility plan can be adopted by reference (in this case, the project review procedure must be described in a separate instrument presented to and approved by the ALUC); and/or

- (3) The general plan can indicate that all major land use actions, as listed in Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Section 2.3.

### 3.3. Special Conditions

- 3.3.1. *Infill*: Where development not in conformance with the criteria set forth in this *Compatibility Plan* already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception does not apply within *Compatibility Zones A* or *B1*.
  - (a) A parcel can be considered for *infill* development if it meets *all* of the following criteria plus the applicable provisions of either Sub-policy (b) or (c) below:
    - (1) The parcel size is no larger than 20.0 acres.
    - (2) At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.
    - (3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
    - (4) Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics (e.g. through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are prohibited.
    - (5) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this plan unless replacement open land is provided within the same compatibility zone.
  - (b) For residential development, the average development density (dwelling units per gross acre) of the site shall not exceed the lesser of:
    - (1) The average density represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided; or
    - (2) Double the density permitted in accordance with the criteria for that location as indicated in the Basic Compatibility Criteria matrix, Table 2A.
  - (c) For nonresidential development, the average usage intensity (the number of people per gross acre) of the site's proposed use shall not exceed the lesser of:
    - (1) The average intensity of all existing uses that lie fully or partially within a distance of 300 feet from the boundary of the proposed development; or
    - (2) Double the intensity permitted in accordance with the criteria for that location as indicated in the Basic Compatibility Criteria matrix, Table 2A.
  - (d) The single-acre density and intensity multipliers described in Policies 4.2.5 and listed in Table 2A are applicable to infill development.
  - (e) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that parcels eligible for infill be determined just once. Thus, in order for the ALUC to consider proposed development under these infill criteria, the entity having land use authority (Nevada County, Placer County, or the Town of Truckee) must first identify the

qualifying locations in its general plan or other adopted planning document approved by the ALUC. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUC plan or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this *Compatibility Plan*. In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent.

- 3.3.2. *Nonconforming Uses:* Existing uses (including a parcel or building) not in conformance with this *Compatibility Plan* may only be expanded as follows:
- (a) Nonconforming residential uses may be expanded in building size provided that the expansion does not result in more dwelling units than currently exist on the parcel (a bedroom could be added, for example, but a separate dwelling unit could not be built). No ALUC review of such improvements is required.
  - (b) A nonconforming nonresidential development may be continued, leased, or sold and the facilities may be maintained or altered (including potentially enlarged), provided that the portion of the site devoted to the nonconforming use is not expanded and the usage intensity (the number of people per acre) is not increased above the levels existing at the time of adoption of this *Compatibility Plan*. No ALUC review of such changes is required.
  - (c) ALUC review is required for any proposed expansion of a nonconforming use (in terms of the site size or the number of dwelling units or people on the site). Factors to be considered in such reviews include whether the development qualifies as infill (Policy 3.3.1) or warrants approval because of other special conditions (Policy 3.3.6).
- 3.3.3. *Reconstruction:* An existing nonconforming development that has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:
- (a) Nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
  - (b) A nonconforming nonresidential development may be rebuilt provided that it has been only partially destroyed and that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre). Partial destruction shall be considered to mean damage that can be repaired at a cost of no more than 75% of the assessor's full cash value of the structure at the time of the damage.
  - (c) Any nonresidential use that has been more than 75% destroyed must comply with all applicable standards herein when reconstructed.
  - (d) Reconstruction under Paragraphs (1) or (2) above must begin within 24 months of the date the damage occurred.
  - (e) The above exceptions do not apply within *Zone A* or where such reconstruction would be in conflict with the general plan or zoning ordinance of Nevada County, Placer County, or the Town of Truckee.

- (f) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.
- 3.3.4. *Development by Right:* Nothing in these policies prohibits:
- (a) Construction of a single-family home, including a second unit as defined by state law, on a legal lot of record if such use is permitted by local land use regulations.
  - (b) Construction of other types of uses if local government approvals qualify the development as effectively existing (see Policy 1.2.10 for definition).
  - (c) Lot line adjustments provided that new developable parcels would not be created and the resulting gross density or intensity of the affected property would not exceed the applicable criteria indicated in the Basic Compatibility Criteria matrix, Table 2A.
- 3.3.5. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the limits which would otherwise apply within that compatibility zone.
- 3.3.6. *Other Special Conditions:* The compatibility criteria set forth in this plan are intended to be applicable to all locations within the Truckee Tahoe Airport influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.
- (a) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
  - (b) In reaching such a decision, the Commission shall make specific findings as to why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
  - (c) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the ALUC.
  - (d) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

### 3.4. Site-Specific Exceptions

- 3.4.1. *Central Truckee Redevelopment Area:* The criteria set forth in Table 2A notwithstanding, the following policies shall apply within the portion of *Zone D* designated with a (1) symbol on Figure 2A:

- (a) Intensity limits for nonresidential development in this area shall be as follows:
- (1) 300 people per acre on average for the entire area; and
  - (2) 1,200 people per any single one-acre portion of the area.
- (b) Any new structures shall be limited to no more than three aboveground habitable floors and, to the extent feasible, should incorporate other design features that would help protect the building occupants in the event of a small-aircraft crash. Examples of such features include:
- Using concrete construction;
  - Limiting the number and size of windows;
  - Upgrading the strength of the building roof;
  - Avoiding skylights;
  - Enhancing the fire sprinkler system; and
  - Increasing the number of emergency exits.
- (c) This special policy shall apply only to the location indicated and not to any other locations within the Truckee Tahoe Airport influence area. Specific factors concerning this site which warrant an exception to the basic compatibility criteria include the following:
- At a distance of 7,000+ feet from the runway end, the site is in an area of low risk exposure to aircraft accidents.
  - The defined noise-abatement departure route for Runway 28 minimizes aircraft overflight of the site.
  - The elevation is nearly 100 feet below that of the runway.
  - The location immediately adjoining a main trans-Sierra rail line warrant that measures to mitigate noise and safety impacts be taken irrespective of the airport compatibility concerns.
  - The site is both historically significant and highly important to the redevelopment of central Truckee.

3.4.2. *Community Center Site:* The criteria set forth in Table 2A notwithstanding, the following policies shall apply within the portion of *Zone D* designated with a (2) symbol on Figure 2A:

- (a) Intensity limits for nonresidential development in this area shall be as follows:
- (1) 300 people per acre on average for the entire area; and
  - (2) 1,000 people per any single one-acre portion of the area.
- (b) Any new structures shall be limited to no more than three aboveground habitable floors and, to the extent feasible, should incorporate other design features that would help protect the building occupants in the event of a small-aircraft crash. Examples of such features include:
- Using concrete construction;
  - Limiting the number and size of windows;
  - Upgrading the strength of the building roof;
  - Avoiding skylights;
  - Enhancing the fire sprinkler system; and
  - Increasing the number of emergency exits.

- (c) This special policy applies only to use of the site as a community center. Any other uses of the site must comply with the applicable criteria listed in Table 2A.
- (d) This site-specific exception applies only to the location indicated and not to any other locations within the Truckee Tahoe Airport influence area. Specific factors concerning this site which warrant an exception to the basic compatibility criteria include the following:
  - At a distance of 7,000+ feet from the runway end, the site is in an area of low risk exposure to aircraft accidents.
  - Much of the existing heavy forest on the site is planned to remain and would help protect the facility from a potential aircraft accident.
  - The site is surrounded on three sides by major roads which could serve as an emergency aircraft landing site if necessary.
  - The heaviest use of the community center facility is expected to occur at night and during the winter, times when aircraft activity is low.
  - The facility will be used by a wide range of age groups, and will not frequently be occupied by large numbers of children.
  - The facility will have sufficient sound insulation to ensure that noise from aircraft and other sources does not intrude upon activities inside.
  - Construction of a community center in this location is deemed by the community to be a high-priority need.

3.4.3. *Hopkins Ranch Residential Parcels*: Notwithstanding the criteria set forth in Table 2A limiting residential densities in *Zone C* to no more than 0.2 dwelling units per gross acre, all or portions of up to seven residential lots are permitted within the area indicated with a (3) symbol on Figure 2A. The resulting density is approximately 0.4 dwelling units per acre.

### 3.5. Compatibility Criteria for Airport Development Actions

- 3.5.1. *Substance of Review*: When reviewing a new master plan or development plan for the Truckee Tahoe Airport, the Commission shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport in this *Airport Land Use Compatibility Plan*. Attention should specifically focus on:
  - (a) Activity forecasts that are: 1) significantly higher than those in the *Airport Land Use Compatibility Plan*; or that 2) include a higher proportion of larger or noisier aircraft.
  - (b) Proposals to: 1) construct a new runway or helicopter takeoff and landing area; 2) change the length, width, or landing threshold location of an existing runway; or 3) establish an instrument approach procedure.
- 3.5.2. *Noise Impacts of Airport Expansion*: Any proposed expansion of airport facilities that would result in a significant increase in cumulative noise exposure (measured in terms of Community Noise Equivalent Level (CNEL)) shall include measures to reduce the exposure to a less-than-significant level. For the purposes of this plan, a noise increase shall be considered significant if:

- (a) In locations having an existing ambient noise level of less than 55 dB CNEL, the project would increase the noise level by 5.0 dB or more.
  - (b) In locations having an existing ambient noise level of between 55 and 60 dB CNEL, the project would increase the noise level by 3.0 dB or more.
  - (c) In locations having an existing ambient noise level of more than 60 dB CNEL, the project would increase the noise level by 1.5 dB or more.
- 3.5.3. *Consistency Determination:* The Commission shall determine whether the proposed airport plan or development plan is consistent with the *Airport Land Use Compatibility Plan*. The Commission shall base its determination of consistency on;
- (a) Findings that the forecasts and development identified in the airport plan would not result in greater noise, overflight, and safety impacts or height restrictions on surrounding land uses than are assumed in the *Airport Land Use Compatibility Plan*.
  - (b) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal- or state-owned property) will be consistent with the compatibility criteria and policies indicated in this *Compatibility Plan* with respect to that airport (see Policy 1.2.5 for definition of aviation-related use).

## 4. SUPPORTING COMPATIBILITY CRITERIA

### 4.1. Noise

- 4.1.1. *Policy Objective:* The purpose of noise compatibility policies is to avoid establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise.
- 4.1.2. *Noise Contours:* The CNEL contours prepared for this *Compatibility Plan* (Figure 2B) shall be the primary determinant of whether the proposed development in the airport vicinity will be compatible with the noise impacts of Truckee Tahoe Airport.
- (a) Impacts projected to occur in the future are the primary noise compatibility consideration.
    - (1) The time frame evaluated by the Truckee Tahoe Airport noise contours is long term—20 or more years in the future. Two additional runways anticipated by the 1998 *Truckee Tahoe Airport Master Plan* to be constructed during this time frame are considered in the noise contours. The airport activity levels upon which the contours are based are summarized in Chapter 3 (Exhibit 3C).
    - (2) Anticipated growth in aircraft operations at the airport results in projected noise contours being larger than those representing present activity. The future contours are larger even though most of the older model, relatively noisy, business jets will eventually be retired from the aircraft fleet.
  - (b) Because activity both at the airport and in the surrounding community are very seasonal in character—aircraft operations increase during the summertime as

does the number of local residents—noise contours reflecting the busy season shall be the basis for land use compatibility analyses.

- (c) The Airport Land Use Commission should periodically review the projected noise contours and the activity projections on which they are based and update them if appropriate.

- 4.1.3. *Application of Noise Contours:* The locations of CNEL contours are among the factors used to define the compatibility zone boundaries (Figure 2A) and associated criteria (Table 2A). Because of the inherent variability of flight paths and other factors that influence noise emissions, the depicted contour boundaries are not intended to serve as absolute determinants of the compatibility or incompatibility of a given land use on a specific site or portion thereof. Noise contours can only quantify noise impacts in a general manner. Except on large parcels or blocks of land (sites large enough to have 3 dB or more of variation in CNELs), they should *not* be used as site design criteria. (Note, though, that the airport noise contours depicted in Figure 2B are to be used as the basis for determining compliance with interior noise level criteria as listed in Policy 4.1.6.)
- 4.1.4. *Noise Exposure in Residential Areas:* The maximum CNEL considered normally acceptable for new residential land uses in the vicinity of Truckee Tahoe Airport is 60 dB, calculated for future busy-season aircraft activity levels (Figure 2B).
- 4.1.5. *Noise Exposure for Other Land Uses:* Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise. Examples of acceptable noise levels for other land uses in an airport's vicinity are presented in Table 2C.
- 4.1.6. *Interior Noise Levels:* Land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.
  - (a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near airports is 45 dB CNEL in:
    - Any habitable room of single- or multi-family residences;
    - Hotels and motels;
    - Hospitals and nursing homes;
    - Churches, meeting halls, office buildings, and mortuaries; and
    - Schools, libraries, and museums.
  - (b) The noise contours depicted in Figure 2B of this plan shall be used in calculating compliance with these criteria. The calculations should assume that windows are closed.
  - (c) When reviewed as part of a general plan or zoning ordinance amendment or as a major land use action, evidence that proposed structures will be designed to comply with the above criteria shall be submitted to the ALUC under the following circumstances:

Figure 2B

Table 2C

- (1) Any mobile home situated within the airport's 55-dB CNEL contour.  
[A typical mobile home has an exterior-to-interior noise level reduction (NLR) of approximately 15 dB with windows closed.]
- (2) Any single- or multi-family residence situated within the airport's 60-dB CNEL contour.  
[Wood frame buildings constructed to meet 1990s standards for energy efficiency typically have an NLR of approximately 20 dB with windows closed.]
- (3) Any hotel or motel, hospital or nursing home, church, meeting hall, office building, mortuary, school, library, or museum situated within the airport's 65-dB CNEL contour.

4.1.7. *Engine Run-Up and Testing Noise:* ALUC consideration of noise from aircraft engine run-ups and testing activities shall be limited as follows:

- (a) Aircraft noise associated with pre-flight engine run-ups, taxiing of aircraft to and from runways, and other operations of aircraft on the ground is considered part of airport operations and therefore is not subject to ALUC regulatory authority.
  - (1) Noise from these sources can be, but normally is not, represented in airport noise contours. It is not included in the noise contours prepared for this *Compatibility Plan*. Nevertheless, when reviewing the compatibility of proposed land uses in locations near the airport where such noise may be significant, the Commission may seek additional data and may take into account noise from these ground-based sources.
  - (2) Noise from aircraft ground operations should be considered by the Commission when reviewing future airport master plans or development plans in accordance with Section 2.4 herein.
- (b) Noise from the testing of aircraft engines on airport property is not deemed an activity inherent in the operation of an airport and thus it is not an airport-related impact addressed by this *Compatibility Plan*. Noise from these sources should be addressed by the noise policies of local agencies in the same manner as noise from other industrial sources. (Engine testing noise is not included in the noise contours prepared for this plan.)

## 4.2. Safety

4.2.1. *Policy Objective:* The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing.

- (a) Risks both to people and property in the vicinity of the airport and to people on board the aircraft shall be considered.
- (b) The most stringent land use controls shall be applied to the areas with the greatest potential risks.

4.2.2. *Risks to People on the Ground:* The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents. The usage intensity criteria cited in Table 2A reflect the risks associated with various locations in the environs of the

airports in the county. (Methods for determining the concentration of people for various land uses are provided in Appendix C.)

- 4.2.3. *Land Uses of Special Concern:* Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern include:
- (a) *Uses Having Vulnerable Occupants:* Uses in which the occupants have reduced effective mobility or are unable to respond to emergency situations shall be prohibited within *Compatibility Zones A, B1, B2, and C* and are discouraged in *Zone D*. These uses include children's schools and day care centers (with 7 or more children), hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or handicapped.
    - (1) Hospitals are medical facilities which include provision for overnight stays by patients.
    - (2) Medical clinics are permitted in *Compatibility Zone C* provided that these facilities meet the maximum intensity standards listed in the Basic Compatibility Criteria matrix, Table 2A.
  - (b) *Multi-Story Buildings:* In the event of an emergency resulting from an aircraft accident, low-rise buildings can be more readily evacuated than those with more floors. On this basis, the following limitations are established:
    - (1) Within *Compatibility Zone A*, new occupied structures are not permitted.
    - (2) Within *Compatibility Zones B1 and B2*, new buildings shall be limited to no more than two occupied floors above ground.
    - (3) Within *Compatibility Zone C*, new buildings shall be limited to no more than three occupied floors above ground.
  - (c) *Hazardous Materials Storage:* Construction of facilities for the manufacture or storage of fuel, explosives, and other hazardous materials within the airport environs is restricted as follows:
    - (1) Within *Compatibility Zone A*, manufacture or storage of any such substance is prohibited.
    - (2) Within *Compatibility Zones B1 and B2*, only the following is permitted:
      - Fuel or hazardous substances stored in underground tanks.
      - On-airport storage of aviation fuel and other aviation-related flammable materials.
      - Aboveground storage of less than 6,000 gallons of nonaviation flammable materials (this limit coincides with a break-point used in the Uniform Fire Code to distinguish between different classes of tanks).
    - (3) Within *Compatibility Zone C*, manufacture or storage of hazardous materials other than the types listed in Sub-policy (2) above is prohibited unless no other feasible alternative site exists and the facility is designed in a manner that minimizes its susceptibility to damage from an aircraft accident.
  - (d) *Critical Community Infrastructure:*
    - (1) Construction of critical community infrastructure shall be restricted as follows:
      - Within *Compatibility Zone A*, all such uses are prohibited.

- Within *Compatibility Zones B1* and *B2*, such uses are prohibited unless no other feasible alternative site exists and the facility is designed in a manner that minimizes its susceptibility to damage from an aircraft accident.
  - (2) Critical community infrastructure includes power plants, electrical substations, public communications facilities and other facilities, the damage or destruction of which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Susceptibility of the facility to damage by an aircraft accident, the availability of redundant or replacement facilities, the rapidity with which the facility could be repaired, and other such factors should all be considered in the determination of whether such a facility should be placed in a risky location.
  - (e) Discouraged Uses: Uses listed under Policy 4.2.3(a) and in Table 2A as “discouraged” should generally not be permitted unless no feasible alternative is available. Expansion of a discouraged use is generally regarded as acceptable to the extent that previous acquisition and partial development of the site for that specific use make alternatives for expansion infeasible. Usage intensity limits and/or other criteria applicable to the site shall remain in effect.
- 4.2.4. *Open Land:* In the event that a light aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity. This concept is based upon the fact that the majority of light aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site.
- (a) To qualify as open land, an area should be:
    - (1) Free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
    - (2) Have minimum dimensions of approximately 75 feet by 300 feet.
  - (b) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.
  - (c) Open land requirements for each compatibility zone are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) development projects.
  - (d) Clustering of development, subject to the limitations noted below, and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas.
  - (e) Building envelopes and the airport compatibility zones should be indicated on all development plans and tentative maps for projects located within the Truckee Tahoe Airport influence area. Portraying this information is intended to assure that individual development projects provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.

- 4.2.5. *Limitations on Clustering:* Policy 4.2.4(d) notwithstanding, limitations shall be set on the maximum degree of clustering or usage intensity acceptable within a portion of a large project site. These criteria are intended to limit the number of people at risk in a concentrated area.
- (a) Clustering of new residential development shall be limited as follows:
    - (1) Within *Compatibility Zone A*, clustering is not applicable.
    - (2) Within *Compatibility Zones B1, B2, and C*, no more than 4 dwelling units shall be allowed in any individual acre. Buildings shall be located as far as practical from the extended runway centerline and normal aircraft flight paths.
  - (b) Usage intensity of new nonresidential development shall be limited as follows:
    - (1) Within *Compatibility Zone A*, clustering is not applicable.
    - (2) Within *Compatibility Zone B1*, uses shall be limited to a maximum of 80 people per any individual acre (i.e., a maximum of double the average intensity criterion set in Table 2A). Theaters, restaurants, most shopping centers, motels, intensive manufacturing or office uses, and other similar uses typically do not comply with this criterion.
    - (3) Within *Compatibility Zone B2*, uses shall be limited to a maximum of 200 people per any individual acre (i.e., a maximum of double the average intensity criterion set in Table 2A). Theaters, major shopping centers (500,000 or more square feet), large motels and hotels with conference facilities, and similar uses typically do not comply with this criterion.
    - (4) Within *Compatibility Zone C*, uses shall be limited to a maximum of 150 people per any individual acre (i.e., a maximum of double the average intensity criterion set in Table 2A). Theaters, fast-food establishments, high-intensity retail stores or shopping centers, motels and hotels with conference facilities, and similar uses typically do not comply with this criterion.
    - (5) Within *Compatibility Zone D*, uses shall be limited to a maximum of 300 people per any individual acre (i.e., a maximum of triple the average intensity criterion set in Table 2A).
  - (c) For the purposes of the above policies, the one-acre areas to be evaluated shall be rectangular (reasonably close to square, not elongated or irregular) in shape.
  - (d) In no case shall a proposed development be designed to accommodate more than the total number of dwelling units per acre (for residential uses) or people per acre (for nonresidential uses) indicated in Table 2A times the gross acreage of the project site. A project site may include multiple parcels. Appendix D lists examples of the types of land uses which are potentially compatible under these criteria and the types of land uses which are considered incompatible.

### 4.3. Airspace Protection

- 4.3.1. *Policy Objective:* Tall structures, trees, and other objects, particularly when located near airports or on high terrain, may constitute hazards to aircraft in flight. Federal regulations establish the criteria for evaluating potential obstructions. These regulations also require that the Federal Aviation Administration be notified of proposals for creation of certain such objects. The FAA conducts “aeronautical studies” of these

objects and determines whether they would be hazards, but it does not have the authority to prevent their creation. The purpose of ALUC airspace protection policies, together with regulations established by local land use jurisdictions and the state government, is to ensure that hazardous obstructions to the navigable airspace do not occur.

- 4.3.2. *Basis for Height Limits:* The criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport shall be based upon: Part 77, Subpart C, of the Federal Aviation Regulations (FAR); the United States Standard for Terminal Instrument Procedures (TERPS); and applicable airport design standards published by the Federal Aviation Administration (FAA). An airspace plan depicting the critical areas for airspace protection around the Truckee Tahoe Airport is depicted in Figure 2C.
- 4.3.3. *ALUC Review of Height of Proposed Objects:* Based upon FAA criteria, proposed objects that would exceed the heights indicated below for the respective compatibility zones potentially represent airspace obstructions issues. Development proposals that include any such objects shall be reviewed by the ALUC. Objects of lesser height normally would not have a potential for being airspace obstructions and therefore do not require ALUC review with respect to airspace protection criteria (noise, safety, and overflight concerns may still be present). Caution should be exercised, however, with regard to any object more than 50 feet high proposed to be located on a site that is substantially higher than surrounding terrain.
- (a) Within *Compatibility Zone A*, the height of any proposed development, including vegetation, requires review.
  - (b) Within *Compatibility Zones B1* and *B2*, ALUC review is required for any proposed object taller than 35 feet unless the airport controls an easement on the land on which the object is to be located and grants a waiver to height restrictions.
  - (c) Within *Compatibility Zone C*, ALUC review is required for any proposed object taller than 50 feet.
  - (d) Within *Compatibility Zones D* and *E*, ALUC review is required for any proposed object taller than 100 feet. Such objects also require FAA review in accordance with the provisions of FAR Part 77.
  - (e) Within the *Height Review Overlay Zone*, ALUC review is required for any proposed object taller than 35 feet above the ground. The approximate extent of the *Height Review Overlay Zone* is indicated on the Truckee Tahoe Airport Compatibility Map, Figure 2A.
- 4.3.4. *Height Restriction Criteria:* The height of objects within the airport influence area shall be reviewed, and restricted if necessary, according to the following criteria. The locations of these zones are depicted on the Compatibility Map, Figure 2A.
- (a) Within *Compatibility Zone A*, the height of all objects shall be limited in accordance with applicable Federal Aviation Administration criteria including FAR Part 77, TERPS, and/or airport design standards.
  - (b) Within *Compatibility Zones B1*, *B2*, or *Height Review Overlay Zone*:

- (1) Objects up to 35 feet tall are acceptable and do not require ALUC review for the purposes of height factors.
  - (2) ALUC review is required for any proposed object taller than 35 feet.
  - (3) FAA review may be necessary for proposed objects adjacent to the runway edges and the FAA may require marking and lighting of certain objects (the affected areas are generally on airport property).
- (c) Within *Compatibility Zone C*, generally, there is no concern with regard to any object up to 50 feet tall unless it is located on high ground or it is a solitary object (e.g. an antenna) more than 35 feet taller than other nearby objects.
  - (d) Within *Compatibility Zones D* and *E*, generally, there is no concern with regard to any object up to 100 feet tall unless it is located on high ground or it is a solitary object (e.g. an antenna) more than 35 feet above the ground.
- 4.3.5. *Avigation Easement Dedication*: As a condition for development approval, the owner of any property proposed for development within *Compatibility Zones A, B1, or B2* or a *Height Review Overlay Zone* shall be required to dedicate an avigation easement to the entity owning the affected airport. The avigation easement shall:
- (a) Provide the right of flight in the airspace above the property;
  - (b) Allow the generation of noise and other impacts associated with aircraft over-flight;
  - (c) Restrict the height of structures, trees and other objects;
  - (d) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
  - (e) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property. An example of an avigation easement is provided in Appendix G.
- 4.3.6. *FAA Notification*: Proponents of a project involving objects that may exceed a Part 77 surface must notify the FAA as required by FAR Part 77, Subpart B, and by the Public Utilities Code, Sections 21658 and 21659. (Notification to the FAA under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to Appendix B for the specific FAA notification requirements.)
- (a) Local jurisdictions shall inform project proponents of the requirements for notification to the FAA.
  - (b) The requirement for notification to the FAA shall not necessarily trigger an airport compatibility review of an individual project by the Airport Land Use Commission if the project is otherwise in conformance with the compatibility criteria established herein.
  - (c) FAA review is required for any proposed structure more than 200 feet above the surface level of its site. All such proposals also shall be submitted to the ALUC for review regardless of where within the jurisdiction of the Truckee Tahoe ALUC they would be located.

- (d) Any project submitted to the ALUC for airport land use compatibility review for reason of height-limit issues shall include a copy of FAR Part 77 notification to the FAA and the FAA findings if available.
- 4.3.7. *Other Flight Hazards:* New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within the Truckee Tahoe Airport influence area. Specific characteristics to be avoided include:
- (a) Glare or distracting lights which could be mistaken for airport lights;
  - (b) Sources of dust, steam, or smoke which may impair pilot visibility;
  - (c) Sources of electrical interference with aircraft communications or navigation; and
  - (d) Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds. (Refer to FAA Order 5200.5A, *Waste Disposal Sites on or Near Airports* and Advisory Circular 150/5200-33, *Hazardous Wildlife Attractants On or Near Airports.*)

#### 4.4. Overflight

- 4.4.1. *Policy Objective:* Noise from individual operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the mapped noise contours. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.
- 4.4.2. *State Law Requirements Regarding Real Estate Transfer Disclosure:* Effective January 1, 2004, California State statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require as part of residential real estate transactions that information be disclosed regarding whether the property is situated within an airport influence area.
- (a) With certain exceptions, these state requirements apply both to the sale or lease of newly subdivided lands and to the sale of existing residential property.
  - (b) The statutes define an *airport influence area* as “the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.” The influence area for Truckee Tahoe Airport is indicated on the Compatibility Map, Figure 2A herein.
  - (c) Where disclosure is required, the following statement shall be provided:
 

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- (d) For the purposes of this *Compatibility Plan*, the above real estate disclosure provisions of state law shall continue in effect as Airport Land Use Commission policy with respect to new development even if the law is rescinded. Furthermore, each land use jurisdiction affected by this *Compatibility Plan* should adopt a policy designating the airport influence area as the area wherein disclosure of airport influences is required in conjunction with the transfer of residential real estate. Such local jurisdiction policies also should be applied to lease or rental agreements for existing residential property.
- 4.4.3. *Overflight Easement:* In addition to the preceding real estate transfer disclosure requirements, an *overflight easement* shall be dedicated to the Truckee Tahoe Airport District for each parcel associated with any discretionary land use action affecting property within the Truckee Tahoe Airport influence area. (Note that the *aviation easement* required by Policy 4.3.5 to be dedicated in conjunction with development in *Zones A, B1, B2*, and the *Height Review Overlay Zone* serves as an overflight easement in those locations.) The notice shall include the language indicated above with respect to real estate transfer disclosures.
- 4.4.4. *Land Use Conversion:* The compatibility of uses in the airport influence areas shall be preserved to the maximum feasible extent. Particular emphasis should be placed on preservation of existing agricultural and open space uses.
- (a) The conversion of land from existing or planned agricultural, open space, industrial, or commercial use to residential uses within *Compatibility Zones A, B1, B2, and C* is strongly discouraged.
- (b) In *Compatibility Zone D*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) that would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.