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# Policies

## 1. GENERAL APPLICABILITY

### 1.1. Purpose and Use

- 1.1.1. *Basic Purpose:* The basic purpose of this *Nevada County Airport Land Use Compatibility Plan (Compatibility Plan)* is to articulate procedures and criteria, established in accordance with the California State Aeronautics Act (Public Utilities Code Section 21670 et seq.), applicable to airport land use compatibility planning in the vicinity of Nevada County Airport, a public-use general aviation airport owned by the County of Nevada.
- 1.1.2. *Effective Date:* The policies in this *Compatibility Plan* are effective as of the date that the Nevada County Airport Land Use Commission (NCALUC) adopts the plan for the Nevada County Airport. The effective date of this *Compatibility Plan* is September 21, 2011.
- (a) The previous *Compatibility Plan* for Nevada County Airport was prepared in 1987 and originally adopted by the Foothill ALUC when it had the role of the ALUC for multiple counties including Nevada County. The 1987 plan was re-adopted by the Nevada County ALUC on May 9, 2010, when that entity assumed the ALUC function for the county. The earlier plan is in effect until NCALUC adoption of this *Compatibility Plan* and shall again become effective if the entirety or portions of the *Compatibility Plan* were to be invalidated by court action.
- (b) Any project or phase of a project that has received local agency approvals sufficient to qualify it as an existing land use (see definition in Policy 1.2.12) prior to the date of the NCALUC's adoption of this *Compatibility Plan* shall not be required to comply with the policies herein. Rather, the policies of the 1987 *compatibility plan* shall apply.
- 1.1.3. *Use by Local Governmental Agencies:* The policies in this *Compatibility Plan* shall be used by the following local government agencies in the manner indicated below.
- (a) Nevada County Airport Land Use Commission (NCALUC) shall:
- (1) Adopt this *Compatibility Plan* in accordance with Public Utilities Code (PUC) Section 21674(c).

- (2) Utilize the policies of the *Compatibility Plan* when reviewing certain proposed land use actions (see Section 1.4) in the influence area of the Nevada County Airport for compatibility with airport activity.
  - (3) Utilize the policies of the *Compatibility Plan* when evaluating proposed updates to the Nevada County Airport Master Plan as well as certain types of airport development proposals that also are subject to NCALUC review and are addressed by this plan.
  - (4) Utilize the policies of the *Compatibility Plan* when evaluating any proposal for a new airport or heliport whether for public use or private use (Public Utilities Code Section 21661.5), to determine whether such action is consistent with the criteria set forth herein.
- (b) The County of Nevada and the City of Grass Valley shall:
- (1) As required by state law (PUC Section 21676(a)), modify their respective general plan, specific plan, and zoning ordinance to be consistent with the policies in this *Compatibility Plan*, or take certain steps to overrule the NCALUC (see Section 2.5).
  - (2) Utilize the *Compatibility Plan*, either directly or as reflected in the appropriately modified general plan, specific plan, and zoning ordinance, when making planning decisions regarding proposed development of lands within the Nevada County Airport influence area.
  - (3) Refer proposed land use and airport actions for review by the NCALUC as specified by Section 1.4 herein.
- (c) Special districts, school districts (including charter schools) and community college districts shall:
- (1) Apply the policies of this *Compatibility Plan* when creating plans and making other planning decisions regarding the proposed development of lands under their control with an airport influence area.
  - (2) Refer land use proposals to the NCALUC 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 PUC Section 21670 et seq., pertaining to airport land use commissions.
- 1.2.2. *Airport*: The Nevada County Airport, a public-use general aviation airport owned and operated by the County of Nevada.
- 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 NCALUC review to determine consistency with the policies herein.
- 1.2.4. *Airport Land Use Commission (ALUC)*: The Nevada County Transportation Commission acting in its capacity as the Nevada County Airport Land Use Commission.

- 1.2.5. *Airport Land Use Commission Executive Director:* The Executive Director of the Nevada County Transportation Commission.
- 1.2.6. *Airspace Protection Surfaces:* Imaginary surfaces in the airspace surrounding the Airport defined in accordance with criteria set forth in Federal Aviation Regulations Part 77. These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of the airport. The Airspace Protection Surfaces for the airport are presented in Map 2B in this chapter.
- 1.2.7. *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.
- 1.2.8. *Aviation 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 Appendix G).
- 1.2.9. *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.
- 1.2.10. *Compatibility Plan:* This document, the *Nevada County Airport Land Use Compatibility Plan*.
- 1.2.11. *Compatibility Zone:* Any of the zones set forth herein for the purposes of assessing land use compatibility within the airport influence area.
- 1.2.12. *Existing Land Use:* A land use that either physically exists or for which certain 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) If a local agency's commitment to a development proposal expires, the proposal will no longer qualify as an "existing" land use. As such, the proposal shall be subject to the criteria of this *Compatibility Plan*.
  - (c) For a planned development to qualify as an existing land use in accordance with the provisions of this policy, the local agency must provide evidence to that effect to the NCALUC for the NCALUC's concurrence.

- 1.2.13. *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.
- 1.2.14. *Height Review Overlay Zone*: Areas of land in the vicinity of an airport where the ground lies above an FAR Part 77 surface or is within 100 feet of the airspace surfaces in wooded areas.
- 1.2.15. *Infill*: Development of vacant or underutilized land within areas that are already largely developed or used more intensively. See Policy 5.5.1 for criteria used to identify infill areas for compatibility planning purposes.
- 1.2.16. *Local Agency*: The County of Nevada, the City of Grass Valley, or any other government agency (except state or federal government agencies or Indian tribes) having jurisdiction over land uses within their respective boundaries.
- 1.2.17. *Major Land Use Action*: Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which NCALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.4.3.
- 1.2.18. *Noise Impact Area*: The area within which the noise impacts, measured in terms of CNEL, generated by the airport may represent a land use compatibility concern. The noise impact area for the airport is presented in Chapter 3, Exhibit 3-5.
- 1.2.19. *Noise-Sensitive Land Uses*: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise sensitive land uses include, but are not limited to, the following: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space.
- 1.2.20. *Nonconforming Use*: An existing land use that does not comply with the compatibility criteria set forth in this *Compatibility Plan*. See Policy 5.5.2 for criteria applicable to land use actions involving nonconforming uses.
- 1.2.21. *Overrule*: An action that a local agency can take in accordance with provisions of state law if it wishes to proceed with a proposed project affecting lands within the airport influence area in spite of an NCALUC finding that the action is inconsistent with this *Compatibility Plan*. See Section 2.5 for required steps that a local agency must take when overruling the NCALUC.
- 1.2.22. *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*.
- 1.2.23. *Rare Special Events*: Events (such as an air show at an airport) for which a facility is not designed and normally used (See Policy 3.1.3).
- 1.2.24. *Real Estate Transaction Disclosure*: A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an airport and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the airport. See Policy 5.4.5 for applicability. Also see Policy 5.4.3 for a related buyer awareness tool, *recorded overflight notification*.

- 1.2.25. *Reconstruction*: The rebuilding of an existing nonconforming structure that has been fully or partially destroyed as a result of a calamity (not planned reconstruction or redevelopment). See Policy 5.5.3.
- 1.2.26. *Recorded Overflight Notification*: A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *aviation easement* (see Policy 3.1.9), a *recorded overflight notification* does not convey property rights from the property owner to the airport and does not restrict the height of objects. See Policy 5.4.3 for applicability. Also see Policy 5.4.5 for a related buyer awareness tool, *real estate transaction disclosure*.
- 1.2.27. *Redevelopment*: Development of a new use (not necessarily a new type of use) to replace an existing use at a density or intensity that may vary from the existing use. Redevelopment projects are subject to the provisions of this *Compatibility Plan* to the same extent as other forms of proposed development.

### 1.3. Geographic Scope

- 1.3.1. *Airport Influence Area*: As established and adopted by the NCALUC, the geographic scope of the *Nevada County Airport Land Use Compatibility Plan* encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Nevada County Airport, as well as lands on which the uses could negatively affect airport usage. The specific limits of the Nevada County Airport influence area are depicted in Map 2A herein.
- 1.3.2. *Types of Airport Impacts*: In delineating the airport influence area for the airport, the geographic extent of four types of compatibility concerns are taken into account:
  - (a) Noise. Locations exposed to potentially disruptive levels of aircraft noise.
  - (b) Safety. Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.
  - (c) Airspace Protection. Places where height and certain other land use characteristics, particularly uses that attract birds, need to be restricted in order to protect the airspace required for operation of aircraft to and from the airport.
  - (d) Overflight. Locations where aircraft overflights can be intrusive and annoying to many people.
  - (e) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors that the NCALUC shall consider in reviewing land use actions or airport projects.
- 1.3.3. *Principal Compatibility Concerns*: The NCALUC 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 from tall objects and certain other land use characteristics (e.g., bird attractions, sources of smoke, glare, etc.); and

- (d) General concerns related to aircraft overflights.
- 1.3.4. *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 NCALUC. Also, in accordance with state law PUC Section 21674(e), neither this plan nor the NCALUC have authority over the operation of any airport (including where and when aircraft fly, airport security, and other such matters).

#### 1.4. Types of Actions Subject to NCALUC Review

- 1.4.1. *Land Use Actions Which Always Require NCALUC Review:* As required by state law, the following types of actions shall be referred to the NCALUC for determination of consistency with the NCALUC's plan prior to their approval by the local agency:
  - (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (PUC 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 Policy 1.3.2 (PUC Section 21676(b)).
- 1.4.2. *Other Land Use Actions Potentially Subject to NCALUC Review:* In addition to the above types of land use actions for which NCALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:
  - (a) Interim Review of Major Land Use Actions: Until such time as (1) the NCALUC finds that a local agency's general plan or specific plan is consistent with the *Compatibility Plan*, or (2) the local agency has overruled the NCALUC's determination of inconsistency, state law provides that the NCALUC may require the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the NCALUC for review (PUC Section 21676.5(a)). Only those actions that the NCALUC elects not to review are exempt from this requirement. NCALUC policy is that only the *major land use actions* listed in Policy 1.4.3 shall be submitted for review.
  - (b) Voluntary Review of Major Land Use Actions: After a local agency has revised its general plan or specific plan or has overruled the NCALUC, the NCALUC no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the NCALUC and the local agency can agree that the NCALUC should continue to review individual projects in an advisory capacity.
    - (1) The NCALUC requests local agencies to continue to submit *major land use actions* as listed in Policy 1.4.3. NCALUC 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 NCALUC acts in an advisory capacity when reviewing projects under these circumstances, local agencies 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 NCALUC.

- (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 NCALUC review. This policy is intended to address circumstances that arise when a general or specific plan land use designation does not conform to NCALUC 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 NCALUC review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 5.5.2 and 5.5.3.)
- (d) Proposed land use actions covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the NCALUC Executive Director. If the Executive Director determines that significant compatibility issues are evident, the submitting agency or project applicant shall be informed that the proposal will be forwarded to the NCALUC for review and decision. The NCALUC authorizes the Executive Director to approve proposed actions having no apparent compatibility issues of significance. Development within the *Urban Overlay Zone* is anticipated to be generally compatible with the *Compatibility Plan*.
- (e) The California Environmental Quality Act (CEQA) requires environmental documents for projects situated within an airport influence area to evaluate whether the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096).
- (1) In the preparation of such environmental documents, the law specifically requires that the *Airport Land Use Planning Handbook* published by the California Division of Aeronautic be utilized as a technical resource. For any project within an airport influence area, the compatibility criteria contained in this *Compatibility Plan* should also be addressed in the environmental document.
  - (2) Submittal of environmental documents for NCALUC review is not mandatory. However, if an environmental document has been prepared for a land use action submitted to the NCALUC for review, a copy should be provided as part of the submittal.
- 1.4.3. *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, NCALUC review of these actions may be warranted. Policy 1.4.2 above indicates the circumstances under which NCALUC review of these major land use actions is either required (1.4.2(a)) or voluntary (1.4.2(b)).
- (a) Actions affecting land uses within *Compatibility Zones A through D*.
    - (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) Any proposal requiring discretionary local agency approval for projects regularly attracting more than 100 people (including employees, customers/visitors) to outdoor activities on the project site (e.g., flea markets).
  - (7) 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.
  - (8) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
  - (9) Any off-airport, nonaviation use of land within *Compatibility Zone A* of any airport.
  - (10) All proposals for new development, including vegetation, within *Compatibility Zone A*.
  - (11) Proposals for new development (including buildings, antennas, and other structures) having a height of more than:
    - › 10 feet within *Compatibility Zones B1*, or *B2*;
    - › 35 feet within *Compatibility Zone C* or a *Height Review Overlay Zone*; or
    - › 100 feet within *Compatibility Zone D* or *E*.
  - (12) 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.”
  - (13) 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.
  - (14) Projects having the potential to cause increased attraction of birds or other wildlife that can be hazardous to aircraft operations within the vicinity of an airport.
- (b) Actions affecting land uses within *Compatibility Zones D\** (*Urban Overlay Zone*), *Zone E*, and the *Height Review Overlay Zone*.
- (1) Any proposal for development projects having an average density of 21 or more residential dwelling units per acre.
  - (2) Any proposal requiring discretionary local agency approval for development projects regularly attracting more than 200 people to outdoor activities on the project site.
  - (3) 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.”
  - (4) 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.
- (5) Projects having the potential to cause increased attraction of birds or other wildlife that can be hazardous to aircraft operations within the vicinity of an airport.
- (c) 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 NCALUC. (See Policy 1.2.7 for definition of aviation-related use.)
- (d) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.
- 1.4.4. *Airport Planning and Development Actions Which Always Require NCALUC Review:* Under state law, planning and development actions involving airport property are subject to NCALUC review as follows:
- (a) Prior to approving either of the following types of airport planning and development actions, the airport owner must refer the action to the NCALUC for determination of consistency with the *Compatibility Plan*.
- (1) Adoption or modification of an airport master plan (Public Utilities Code Section 21676(c)).
  - (2) 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). As used in the statutes, “expansion” means construction of a new runway, extension or realignment of an existing runway, or related acquisition of land.
  - (3) 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.
- (b) Nonaviation development of airport property is not deemed to be a form of airport operations. Consequently, such development is subject to NCALUC review just as is required for NCALUC review of nonaviation development actions off airport property. The review may take place as part of an airport master plan or on an individual development project basis.

## 1.5. Limitations of the NCALUC and Compatibility Plan

- 1.5.1. *Government Agencies and Native American Tribes:* Lands within an airport influence area controlled by federal or state agencies or by Native American tribes are not subject to the provision of this *Compatibility Plan*.
- 1.5.2. *Airport Operations:* In accordance with state law, neither the NCALUC nor this *Compatibility Plan* have authority over airport operations including where and when aircraft fly, the types of aircraft flown, and other such matters (Public Utilities Code Section 21674(e)). Furthermore, the NCALUC and this *Compatibility Plan* have no authority over the planning or design of aviation-related uses except as described below (see Policy 1.2.7 for definition of an *aviation-related use*). NCALUC authority applies only as indicated in Policy 1.4.4.

- 1.5.3. *Existing Land Uses:* In accordance with Public Utilities Code Section 21674(a), the policies of this *Compatibility Plan* do not apply to existing land uses, whether or not they are consistent with the *Compatibility Plan*. See Policy 1.2.12 for a list of qualifying criteria for determining what constitutes an existing land use.

## 2. REVIEW PROCESS

### 2.1. General

- 2.1.1. *Timing of Project Submittal:* The precise timing of the NCALUC's or NCALUC Executive Director's review of a proposed land use action may vary depending upon the nature of the specific project.
- (a) In general, plans and projects should be referred to the NCALUC at the earliest reasonable point in time so that the NCALUC's review can be duly considered by the local agency prior to when the agency formalizes its actions. Depending upon the type of plan or project and the normal scheduling of meetings, NCALUC review can be completed before, after, or concurrently with review by the local planning commission and other advisory bodies, but must be accomplished before final action by the local agency.
  - (b) Although the most appropriate timing for a proposed land use action to be referred to the NCALUC for review is soon after a formal application has been submitted to the local agency, the completion of a formal application with the local agency is not required prior to a local agency's referral of a proposed land use action to the NCALUC. Rather, a project applicant may request, and the local agency may refer, a proposed land use action to the NCALUC for review, so long as the local agency is able to provide the NCALUC with the project submittal information for the proposal, as specified in herein.
- 2.1.2. *Public Input:* Where applicable, the NCALUC 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.
- 2.1.3. *Fees:* Any applicable review fees as established by the NCALUC shall accompany the submittal of actions for formal NCALUC or NCALUC Executive Director review.

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

- 2.2.1. *Initial NCALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *Compatibility Plan*, the NCALUC shall review the general plans and specific plans, of affected local agencies to determine their consistency with the NCALUC's policies.
- (a) Following NCALUC's adoption or amendment of the *Compatibility Plan*, each local agency must amend its general plan and any applicable specific plan to be consistent with the NCALUC's plan or, alternatively, adopt findings and overrule the NCALUC in accordance with PUC Section 21676(b) (Government Code Section 65302.3).

- (b) Prior to taking action on a proposed amendment of a general plan or specific plan as necessitated by Paragraph (a) of this policy, the local agency must submit a draft of the proposal to the NCALUC for review and determination of consistency.
  - (c) In conjunction with its submittal of a general plan or specific plan amendment to the NCALUC, a local agency may request that the NCALUC modify the areas defined as “infill” in accordance with Policy 5.5.1. The NCALUC 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 1.4.1(a) and 1.4.1(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 NCALUC for review. Subsequent land use development actions that are consistent with applicable, previously reviewed, local plans, ordinances, and regulations are subject to NCALUC review only under the conditions indicated in Policies 1.4.2 and 2.3.6.
- 2.2.3. *Required Submittal Information:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment must be submitted. Any supporting material documenting that the proposal is consistent with the *Compatibility Plan* should be included. If the amendment is required as part of a proposed development project, then the information listed in Policy 2.2.3 shall also be included to the extent applicable.
- 2.2.4. *NCALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the Airport Land Use NCALUC 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 NCALUC 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 NCALUC shall note the specific conflicts or shortcomings upon which its determination is based.
- 2.2.5. *Response Time:* The NCALUC 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 (PUC Section 21676(d)).
- (a) The date of submittal is deemed to be the date on which all applicable project information as specified in Policy 2.2.3 is received by the NCALUC Executive Director and the NCALUC Executive Director determines that the application for a consistency determination is complete.
  - (b) If the NCALUC fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.

- (c) The 60-day review period may be extended if the submitting agency or project applicant and the NCALUC Executive Director agree in writing or so state at an NCALUC public hearing on the action.
- (d) Regardless of NCALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
- (e) The referring agency shall be notified of the NCALUC'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 NCALUC (or to the NCALUC Executive Director) for review shall include sufficient detail to enable the NCALUC to adequately assess consistency with the compatibility criteria. Essential project-specific information may include all of the following:

- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
- (b) An accurately scaled map showing the relationship of the project site to the airport boundary and runways.
- (c) A description of the existing and proposed uses of the land in question.
- (d) The type of land use action being sought from the local agency (e.g. zoning change, building permit, etc.).
- (e) For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units on a parcel).
- (f) For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the number of people potentially occupying the total site or portions thereof at any one time.
- (g) If applicable, a detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; the location of structures, open spaces, and water bodies; ground elevations and elevations of tops of structures and trees (above mean sea level).
- (h) Identification of any characteristics that could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (i) Identification of any features, during or following construction, that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the airport or in its environs (see Section 5.3). Such features include, but are not limited to the following:
  - (1) Open water areas.
  - (2) Sediment ponds, retention basins.
  - (3) Detention basins that hold water for more than 48 hours.
  - (4) Artificial wetlands.
- (j) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.

- (k) Any staff reports regarding the project that may have been presented to local agency decision makers.
  - (l) Other relevant information which the NCALUC or its staff determine to be necessary to enable a comprehensive review of the proposal.
- 2.3.2. *Review by NCALUC Executive Director:* The NCALUC delegates the review and consistency determination of major land use actions under Policy 1.4.3 to the NCALUC Executive Director.
- (a) In reviewing these actions, the NCALUC Executive Director shall consult with the airport manager.
  - (b) The NCALUC Executive Director has two choices of action with regard to the consistency determination of actions reviewed:
    - (1) 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 NCALUC. The NCALUC Executive Director shall provide the NCALUC at its next regular meeting a list of all projects reviewed and the determination made.
    - (2) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Executive Director shall forward any such project to the NCALUC for a consistency determination.
- 2.3.3. *Appeal of NCALUC Executive Director's Action:* The affected local agency, project applicant, the airport proprietor, or other directly interested party may appeal to the NCALUC a consistency determination made by the NCALUC Executive Director on a major land use action reviewed in accordance with Policy 1.4.2. The NCALUC shall then review the proposed action, the Executive Director's determination, and information supporting the appeal and make a final determination regarding the proposed action's consistency with the *Compatibility Plan*. Any appeal of the NCALUC Executive Director's determination must be submitted within 30 days of the date the determination was issued.
- 2.3.4. *NCALUC Action Choices:* When reviewing a major land use project proposal, the NCALUC 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 NCALUC 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 NCALUC shall note the specific conflicts upon which the determination is based.
- 2.3.5. *Response Time:* In responding to major land use actions submitted for review, the policy of the NCALUC is that:
- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 1.4.2(a):

- (1) Reviews by the NCALUC Executive Director shall be completed within 30 days of when a complete application is submitted.
  - (2) Reviews of projects forwarded to the NCALUC for a consistency determination shall be completed within 60 days of the date of project referral.
  - (3) Reviews of projects appealed to the NCALUC for a consistency determination shall be completed within 60 days of the date of the appeal.
  - (4) 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 NCALUC Executive Director. The NCALUC Executive Director shall provide a written determination to the local agency within 14-days from the date of the receipt of a project application, stating whether or not sufficient information has been submitted for the NCALUC review.
  - (5) If the NCALUC Executive Director or the NCALUC 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 a voluntary basis in accordance with Policy 1.4.2(b), review by the NCALUC Executive Director and/or the NCALUC should be completed within the timeframe specified by the local agency 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 NCALUC Executive Director or the NCALUC, 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 NCALUC Executive Director's and/or the NCALUC's action in writing.
- 2.3.6. *Subsequent Review of Related Land Use Development Proposals:* 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 NCALUC'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) For residential uses, an increase in the number of dwelling units;
    - (2) For nonresidential uses, a change in the types of proposed uses, an increase in the total floor area, and/or a change in the allocation of floor area among different types of uses in a manner that could result in an increase in the usage intensity (more people on the site) to a level exceeding the criteria set forth in this *Compatibility Plan*;

- (3) 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;
  - (4) 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
  - (5) Any significant change to a proposed project for which a special exception was granted in accordance with Policy 5.5.5.
- (c) At the time of original NCALUC review, conditions were placed on the project that requires subsequent NCALUC review.
  - (d) The local agency concludes that further review is warranted.

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

- 2.4.1. *Required Submittal Information:* A Nevada County Airport Master Plan or development plan submitted to the NCALUC for review shall contain sufficient information to enable the NCALUC to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses.
- (a) When a new or amended master plan is the subject of the NCALUC review, the noise, safety, airspace protection, and overflight impacts should be addressed in the plan report and/or in an accompanying environmental document. Proposed changes in airport facilities and usage that could have land use compatibility implications should be noted. Although the NCALUC does not have a formal responsibility to review the environmental document, a copy should be included with the submittal.
  - (b) For airport development plans, the relationship to a previously adopted master plan or other approved plan for the airport should be indicated—specifically, whether the proposed development implements an adopted/approved plan or represents an addition or change to any such previous plan. Any environmental document prepared for the project should be included in the submittal.
  - (c) For either airport master plans or development plans, the following specific information shall be included to the extent applicable:
    - (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; and
      - › 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. The current configuration of the airport airspace surfaces is provided in Map 2B herein.
    - (3) Updated 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. The effects of the proposed development on the forecast airport usage indicated in Chapter 3 of this *Compatibility Plan* should be described.

- (4) Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in Chapter 3 of this *Compatibility Plan* should be described.
  - (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) Identification and proposed mitigation of impacts on surrounding land uses to the extent that those impacts would be greater than indicated by the compatibility factors summarized in Chapter 3.
- 2.4.2. *NCALUC Action Choices for Nevada County Airport Plans:* When reviewing a proposed new or revised airport master plan or new development plans for the Nevada County Airport, the NCALUC has three action choices:
- (a) Find the airport plan consistent with the *Compatibility Plan*.
  - (b) Find the airport plan inconsistent with the *Compatibility Plan*.
  - (c) Find the airport plan consistent with the *Compatibility Plan* with the condition that the *Compatibility Plan* be modified to reflect the assumptions and proposals of the airport plan.
- 2.4.3. *NCALUC Action Choices for Plans of New Airports or Heliports:* When reviewing proposals for new airports or heliports, the NCALUC has two action choices:
- (a) Approve the proposal as being consistent with the specific review criteria listed in Section 4.1 and adopt a *Compatibility Plan* for that facility. State law requires adoption of such a plan if the airport or heliport will be a public-use facility (State Aeronautics Act Section 21675(a)).
  - (b) Approve the proposal on the condition that a *Compatibility Plan* is adopted for that facility.
  - (c) Disapprove the proposal on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.
- 2.4.4. *Response Time:* The NCALUC must respond to the submittal of an airport master plan or development plan within 60 days from the date of referral (PUC Section 21676(d)).
- (a) If the NCALUC fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
  - (b) Regardless of NCALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
  - (c) The County of Nevada, as owner and operator of the airport, shall be notified of the NCALUC's action in writing. Correspondence shall be addressed to the Nevada County Airport Manager.

## 2.5. Overruling the NCALUC

- 2.5.1. *NCALUC Determination of "Incompatible":* In accordance with (Public Utilities Code Sections 21676(a), (b), and (c)), if the NCALUC determines that a proposed project is incon-



sistent with the *Compatibility Plan*, the local agency shall be notified and the governing body of that agency has the option under state law to overrule the NCALUC decision.

- 2.5.2. *Specific Findings by Local Agency*: A local agency can proceed with adoption or amendment of a general plan or specific plan, adoption or approval of a zoning ordinance or building regulation, or modification of an airport master plan (Public Utilities Code Sections 21676(a), (b), and (c)) or, under conditions specified in Section 2.5, a major land use action (Public Utilities Code Section 21676.5(a)) affecting the airport influence area in spite of an NCALUC finding that the action is inconsistent with this *Compatibility Plan*. However, the local agency must make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code, as stated in Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the local agency must make specific findings that the proposed project will not:
- (a) Impair the orderly, planned expansion of the airport;
  - (b) Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
  - (c) Expose the public to excessive noise and safety hazards.
- 2.5.3. *Notification and Voting Requirements*: In accordance with California law, the local agency must do all of the following:
- (a) Provide to the NCALUC and the California Division of Aeronautics a copy of the proposed decision and findings to overrule the NCALUC at least 45 days prior to the hearing date.
  - (b) Hold a public hearing on the matter. The public hearing shall be publicly noticed consistent with the agency's established procedures.
  - (c) Include in the public record of any final decision to overrule the NCALUC comments received from the NCALUC, California Division of Aeronautics, Federal Aviation Administration (FAA) or public.
  - (d) Make a decision to overrule the NCALUC by a two-thirds vote of its governing body.
- 2.5.4. *Liability*: If a local agency other than the airport owner overrules the NCALUC, the local agency owning and operating the airport "shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the NCALUC's action or recommendation" (Public Utilities Code Sections 21678 and, with slightly different wording, 21675.1(f))

## 3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

### 3.1. Basic Criteria

- 3.1.1. *Evaluating Compatibility of New Development*: The compatibility of a land use proposal within an airport influence area shall be evaluated in accordance with:
- (a) The criteria listed in Table 2A, Basic *Compatibility Criteria*;

- (b) The specific noise, safety, airspace protection, overflight policies, and special compatibility policies set forth in Section 5; and
  - (c) The Compatibility Policy Map (Map 2A) and Airspace Protection Plan (Map 2B) for Nevada County Airport. The factors considered in delineating the Compatibility Policy Map are summarized in Table 2B. The compatibility factors maps are provided in Chapter 3, Exhibits 3-5 and 3-6.
- 3.1.2. *Residential Development:* The following criteria shall be applied to evaluation of the compatibility of proposed residential development.
- (a) In no case shall a proposed development be designed to accommodate more than the total number of dwelling units per acre (for residential uses) indicated in Table 2A times the acreage of the project site. A project site may include multiple parcels.
  - (b) Clustering of development shall be limited in accordance with Policy 5.2.8.
  - (c) Secondary units, as defined by state law, shall be excluded from density calculations.
  - (d) Other development conditions as also listed in Table 2A apply to sites within certain *compatibility zones*.
- 3.1.3. *Nonresidential Development:* The usage intensity (people per acre) limits indicated in Table 2A for each *compatibility zone* are the fundamental criteria against which the safety compatibility of most nonresidential land uses shall be measured. Table 2A sets usage intensity (people/acre) limits measured with respect to both a project site as a whole and any single acre within the site. The total number of people permitted on a project site at any time, except for rare special events, must not exceed the indicated average- and single-acre usage intensity in Table 2A. Proposed development must comply with both limits. See Policy 5.2.7 for guidance on calculating usage intensities. Additional criteria listed in Table 2A shall also apply.
- (a) Rare special events are ones (such as an air show at an airport) for which a facility is not designed and is normally not used and for which extra safety precautions can be taken as appropriate.
  - (b) The interior noise level criteria cited in Policy 5.1.5 shall be the basis for assessing the acceptability of proposed nonresidential land uses relative to noise impacts.
- 3.1.4. *Mixed-Use Development:* Projects involving a mixture of residential and nonresidential uses shall be evaluated as follows:
- (a) Where the residential and nonresidential uses are proposed to be situated on separate parts of the project site, the project shall be evaluated as separate developments. Each component of the project must meet the criteria for the respective land use category in Table 2A. Specifically, the residential density shall be calculated with respect to the area(s) to be devoted to residential development and the nonresidential intensity calculated with respect to the area(s) proposed for nonresidential uses. This provision means that the residential density cannot be averaged over the entire project site when nonresidential uses will occupy some of the area. The same limitation applies in reverse—that is, the nonresidential intensity cannot be averaged over an area that includes residential uses.
  - (b) 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 also must meet

the criteria for each land use category to be included in the development. Additionally, for the purposes of compliance with usage intensity criteria in Table 2A, the normal occupancy of the residential component shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the nonresidential usage intensity criteria cited in Table 2A. The NCALUC may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.

- 3.1.5. *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 average-acre limits which would otherwise apply within that *compatibility zone*. The single-acre limits still apply and must not be exceeded.
- 3.1.6. *Prohibited Uses:* Regardless of usage intensity, certain types of uses are deemed unacceptable within portions of an airport influence area. See 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.
- 3.1.7. *Discouraged Uses:* Uses listed under Policy 5.2.5 and in Table 2A as “discouraged” should generally not be permitted unless no feasible alternative is available, such as in the *Urban Overlay Zone*. 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.
- 3.1.8. *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 3.1.9.
  - (b) Recorded Overflight Notification: See Policy 5.4.3.
  - (c) Real Estate Disclosure: See Policy 5.4.5.
  - (d) Noise Level Reduction: See Policy 5.1.5.
  - (e) NCALUC Airspace Review: See Policy 5.3.4.
- 3.1.9. *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. This requirement does not apply to ministerial actions associated with modification of existing single-family residences. 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 overflight;
  - (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 aviation easement is provided in Appendix G.

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Zone	Locations	Maximum Densities / Intensities			Req'd Open Land <sup>3</sup>	Additional Criteria	
		Residential (du/ac) <sup>1</sup>	Other Uses (people/ac) <sup>2</sup> Average <sup>6</sup> Single <sup>7</sup> Acre			Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
<b>A</b>	<i>Runway Clear Zone</i>	0	0	0	All Remaining	<ul style="list-style-type: none"> <li>› All structures except ones with location set by aeronautical function</li> <li>› Assemblages of people</li> <li>› Objects exceeding FAR Part 77 height limits</li> <li>› Storage of hazardous materials</li> <li>› Hazards to flight<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Mostly on existing or future airport property or other public lands</li> <li>› Avigation easement dedication on remainder</li> <li>› NCALUC airspace review required for all objects</li> </ul>
<b>B1</b>	<i>Inner Approach Zone</i>	0.10 (average parcel size ≥10.0 ac.)	50	100	30%	<ul style="list-style-type: none"> <li>› Children's schools, day care centers (&gt; 15 children), libraries</li> <li>› Hospitals, nursing homes</li> <li>› Buildings with &gt;2 habitable floors above ground</li> <li>› Highly noise-sensitive uses (e.g., outdoor theaters)</li> <li>› Aboveground bulk storage of hazardous materials<sup>9</sup></li> <li>› Critical community infrastructure facilities<sup>10</sup></li> <li>› Hazards to flight<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from extended runway centerline</li> <li>› Minimum NLR of 25 dB in residences (including mobile homes)<sup>11</sup></li> <li>› NCALUC airspace review required for objects &gt;3,106 feet MSL west of Airport and 3,192 feet MSL east of Airport<sup>12</sup></li> <li>› Avigation easement dedication</li> </ul>
<b>B2</b>	<i>Sideline Zone</i>	0.33 (average parcel size ≥3.0 ac.)	100	300	No Req't	Same as Zone B1	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from runway</li> <li>› Minimum NLR of 25 dB in residences (including mobile homes)<sup>11</sup></li> <li>› NCALUC airspace review required for objects &gt;3,106 feet MSL<sup>12</sup></li> <li>› Avigation easement dedication</li> </ul>
<b>C</b>	<i>Inner Turning Zone and Extended Approach Zone</i>	0.5 (average parcel size ≥2.0 ac.)	100	300	20%	<ul style="list-style-type: none"> <li>› Children's schools, day care centers (&gt; 15 children), libraries</li> <li>› Hospitals, nursing homes</li> <li>› Buildings with &gt;3 habitable floors above ground</li> <li>› Highly noise-sensitive uses (e.g., outdoor theaters)</li> <li>› Hazards to flight<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Minimum NLR of 20 dB in residences (including mobile homes)<sup>11</sup></li> <li>› NCALUC airspace review required for objects &gt;3,106 feet MSL west of Airport and 3,192 feet MSL east of Airport<sup>12</sup></li> <li>› Recorded overflight notice required</li> </ul>
<b>D</b>	<i>Traffic Pattern Zone</i>	4.0 and 20.0 in Urban Overlay Zone D*	200 and No Limit in Urban Overlay Zone D*	600	10%	<ul style="list-style-type: none"> <li>› Highly noise-sensitive uses</li> <li>› Hazards to flight<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› NCALUC airspace review required for objects &gt;3,207 feet MSL</li> <li>› Recorded overflight notice required</li> <li>› Children's schools, hospitals, nursing homes discouraged<sup>13</sup></li> </ul>
<b>E</b>	<i>Other Airport Environs</i>	No Limit <sup>15</sup>			No Req't	<ul style="list-style-type: none"> <li>› Hazards to flight<sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Airspace review required for objects &gt;3,257 feet MSL</li> <li>› Real estate disclosure required</li> <li>› Major spectator-oriented sports stadiums, amphitheatres, concert halls discouraged beneath principal flight tracks<sup>14</sup></li> </ul>
	<i>Height Review Overlay Zone</i>	Same as Underlying Compatibility Zone			Not Applicable	Same as Underlying Compatibility Zone	<ul style="list-style-type: none"> <li>› Airspace review required for objects &gt; 35 feet tall<sup>12</sup></li> <li>› Avigation easement dedication</li> </ul>

Table 2A

## Basic Compatibility Criteria

**NOTES:**

- <sup>1</sup> Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per acre. Clustering of units is encouraged (see Policy 5.2.8 for limitations). Project site may include multiple parcels. Mixed-use development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or adjoining buildings on the same site shall be treated as nonresidential development. See Policy 3.1.4.
- <sup>2</sup> Proposed development must comply with both forms of intensity limits (See Policy 3.1.3). Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. See Policy 5.2.7 for guidance on calculating usage intensities.
- <sup>3</sup> Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects. See Policy 5.2.6 for additional criteria.
- <sup>4</sup> The uses listed here are ones which are explicitly prohibited regardless of whether they meet the intensity criteria. 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.
- <sup>5</sup> As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed (see Policy 5.4.5). This requirement is set by state law. Avigation Easement dedication and Recorded Overflight Notification requirements indicated for specific compatibility zones apply only to new development (see Policies 3.1.9 and 5.4.3).
- <sup>6</sup> The total number of people permitted on a project site at any time, except rare special events, must not exceed the indicated usage intensity times the acreage of the site. Rare special events are ones (such as an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
- <sup>7</sup> Clustering of nonresidential development is permitted. However, no single acre of a project site shall exceed the indicated number of people per acre. See Policy 5.2.8(b) for details.
- <sup>8</sup> Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. See Policy 5.3.7 for details.
- <sup>9</sup> Storage of aviation fuel and other aviation-related flammable materials on the airport is exempted from this criterion. Storage of up to 6,000 gallons of nonaviation flammable materials is also exempted. See Policy 5.2.5(c) for details.
- <sup>10</sup> Critical community facilities include power plants, electrical substations, and public communications facilities. See Policy 5.2.5(d) for details.
- <sup>11</sup> NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides. See Policy 5.1.5 for NLR requirements for other noise-sensitive uses.
- <sup>12</sup> Objects up to 35 feet in height are permitted. However, the Federal Aviation Administration may require marking and lighting of certain objects. See Policy 5.3.5 for details.
- <sup>13</sup> See Policy 3.1.7 for explanation of term “discouraged.”
- <sup>14</sup> Although no explicit upper limit on usage intensity is defined for *Zone E*, land uses of the types listed—uses that attract very high concentrations of people in confined areas—are discouraged in locations below or near the principal arrival and departure flight tracks. See Policy 3.1.7 for explanation of term “discouraged.” This limitation notwithstanding, no use shall be prohibited in *Zone E* if its usage intensity is such that it would be permitted in *Zone D*.

**Table 2A, continued**


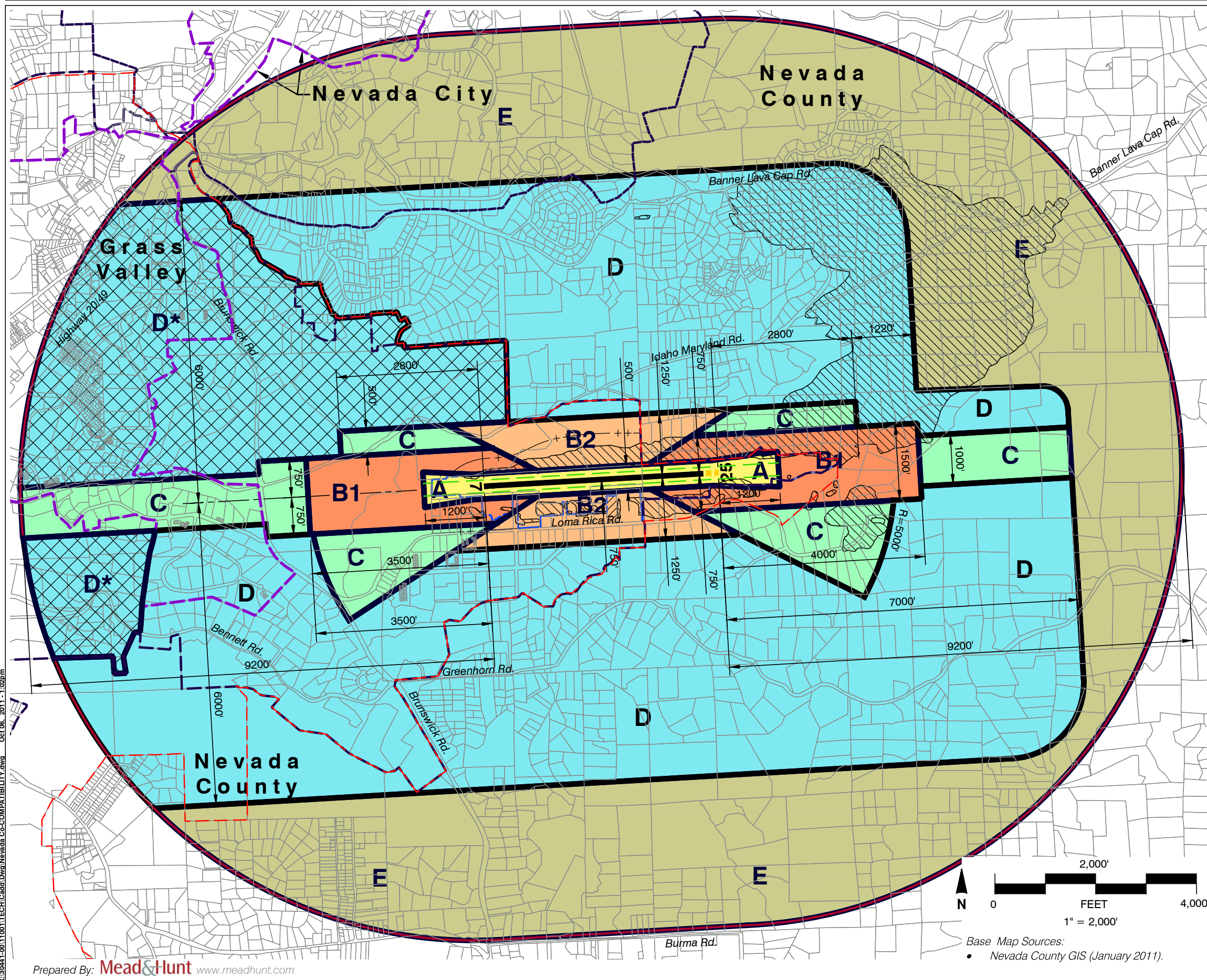
Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
<b>A</b> Runway Clear Zone	Noise Impact: <i>Very High</i> <ul style="list-style-type: none"> <li>▶ Mostly above CNEL 65 dB</li> </ul>	Risk Level: <i>Very High</i> <ul style="list-style-type: none"> <li>▶ Includes Runway Protection Zones and Building Restriction Line as indicated on Airport Layout Plan (ALP) drawing</li> <li>▶ Nearly 40% of off-runway general aviation accidents near airports occur in this zone</li> <li>▶ Object heights restricted to &lt;35 feet in some areas</li> </ul>
<b>B1</b> Inner Approach Zone	Noise Impact: <i>High</i> <ul style="list-style-type: none"> <li>▶ Typically above CNEL 60 dB</li> <li>▶ Single-event noise sufficient to disrupt wide range of land use activities including indoors if windows open</li> </ul>	Risk Level: <i>High</i> <ul style="list-style-type: none"> <li>▶ Encompasses areas overflowed by aircraft at low altitudes—typically only 200 to 400 feet above the runway elevation.</li> <li>▶ Some 10% to 20% of off-runway general aviation accidents near airports take place here</li> <li>▶ Object heights restricted to &lt;35 feet in some areas</li> </ul>
<b>B2</b> Sideline Zone	Noise Impact: <i>Moderate to High</i> <ul style="list-style-type: none"> <li>▶ Mostly above CNEL 60 dB</li> <li>▶ Exposed to loud single-event noise from takeoffs and jet thrust-reverse on landing; also from pre-flight run-ups</li> </ul>	Risk Level: <i>Low to Moderate</i> <ul style="list-style-type: none"> <li>▶ Area not normally overflowed by aircraft; primary risk is with aircraft (especially twins) losing directional control on takeoff</li> <li>▶ About 3% of off-runway general aviation accidents near airports happen in this zone</li> <li>▶ Object heights restricted to &lt;35 feet in some areas</li> </ul>
<b>C</b> Inner Turning Zone and Extended Approach Zone	Noise Impact: <i>Moderate</i> <ul style="list-style-type: none"> <li>▶ May exceed CNEL 55 dB</li> <li>▶ Primary aircraft traffic pattern south of airport</li> <li>▶ Aircraft typically at or below 1,000-foot traffic pattern altitude; individual events occasionally loud enough to intrude upon indoor activities</li> </ul>	Risk Level: <i>Moderate</i> <ul style="list-style-type: none"> <li>▶ Includes areas where aircraft turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude</li> <li>▶ Zone also includes areas where departing aircraft normally complete transition from takeoff power and flap settings to climb mode and have begun to turn to their en route heading</li> <li>▶ Minimal aircraft traffic north of airport except by fire attack aircraft during fire season</li> <li>▶ Some 10% to 15% of off-runway general aviation accidents near airports occur here</li> <li>▶ Object heights restricted to as little as 35 feet</li> </ul>
<b>D</b> Traffic Pattern Zone	Noise Impact: <i>Moderate</i> <ul style="list-style-type: none"> <li>▶ Noise more of a concern with respect to individual loud events than with cumulative noise contours</li> <li>▶ Portions of the 55-CNEL contour extend into this zone</li> <li>▶ Traffic pattern north of airport is modified to account for high terrain northeast of airport</li> <li>▶ Urban Overlay Zone D* reflects relatively high ambient noise level of urbanized area</li> </ul>	Risk Level: <i>Low</i> <ul style="list-style-type: none"> <li>▶ About 20% to 30% of general aviation accidents take place in this zone, but the large area encompassed means a low likelihood of accident occurrence in any given location</li> <li>▶ Risk concern is primarily with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area)</li> <li>▶ Airspace concern is generally with object heights &gt; 100 feet above runway elevation except to northeast where terrain is higher</li> </ul>
<b>E</b> Other Airport Environs	Noise Impact: <i>Low</i> <ul style="list-style-type: none"> <li>▶ Beyond the 55-CNEL contour</li> <li>▶ Occasional overflights intrusive to some outdoor activities</li> </ul>	Risk Level: <i>Low</i> <ul style="list-style-type: none"> <li>▶ Risk concern only with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area)</li> </ul>
 Height Review Overlay Zone	Noise Impact: <i>Low</i> <ul style="list-style-type: none"> <li>▶ Individual noise events slightly louder because high terrain reduces altitude of overflights</li> </ul>	Risk Level: <i>Moderate</i> <ul style="list-style-type: none"> <li>▶ Modest risk because high terrain constitutes airspace obstruction</li> <li>▶ Key concern is tall single objects (e.g., antennas)</li> </ul>

Table 2B

## Compatibility Zone Delineation





**Legend**

- Boundary Lines**
- Airport Property Line
  - Proposed Airport Property Acquisition
  - City Limits
  - Grass Valley Planning Area
  - Grass Valley Sphere of Influence
  - Nevada City Sphere of Influence
  - Existing Runway (4,350')
  - Future Runway (4,650')
  - Object Free Area
  - Airport Influence Area
- Compatibility Zones<sup>1</sup>**
- Zone A - Runway Clear Zone
  - Zone B1 - Inner Approach Zone
  - Zone B2 - Sideline Zone
  - Zone C - Inner Turning Zone & Extended Approach Zone
  - Zone D - Traffic Pattern Zone
  - Zone D\* - Urban Overlay Zone
  - Zone E - Other Airport Environs
  - Height Review Overlay

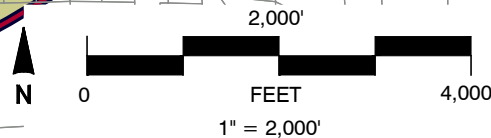
**Notes**

1. See Chapter 2, Table 2A, Basic Compatibility Criteria.

**Nevada County Airport  
Land Use Compatibility Plan**  
(Adopted September 2011)

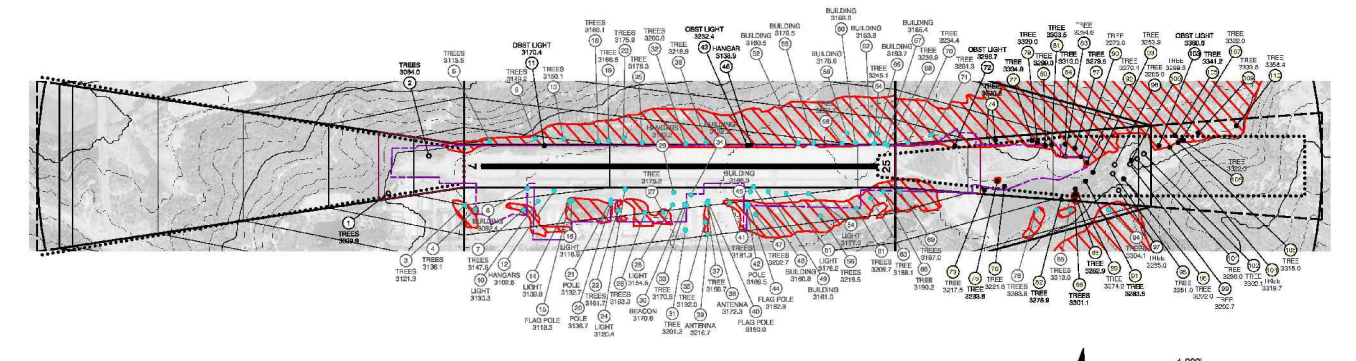
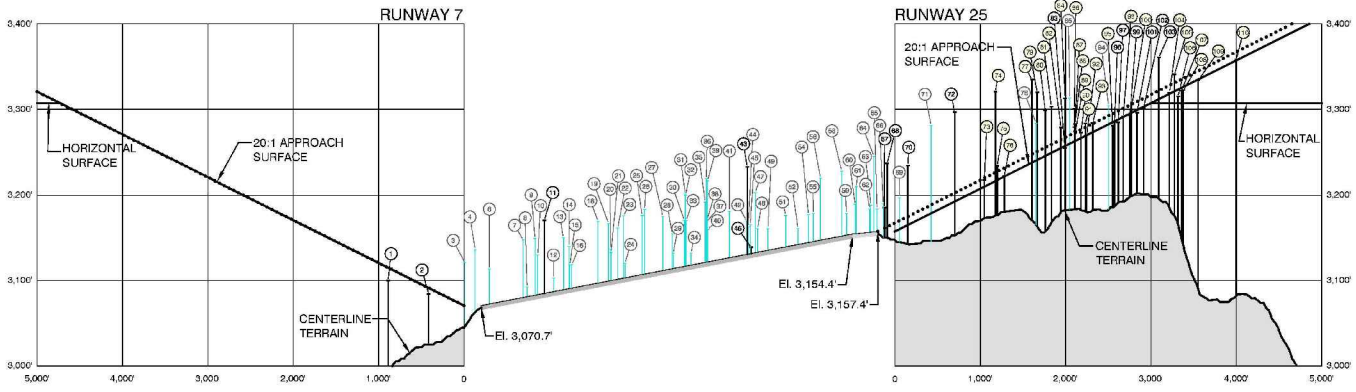
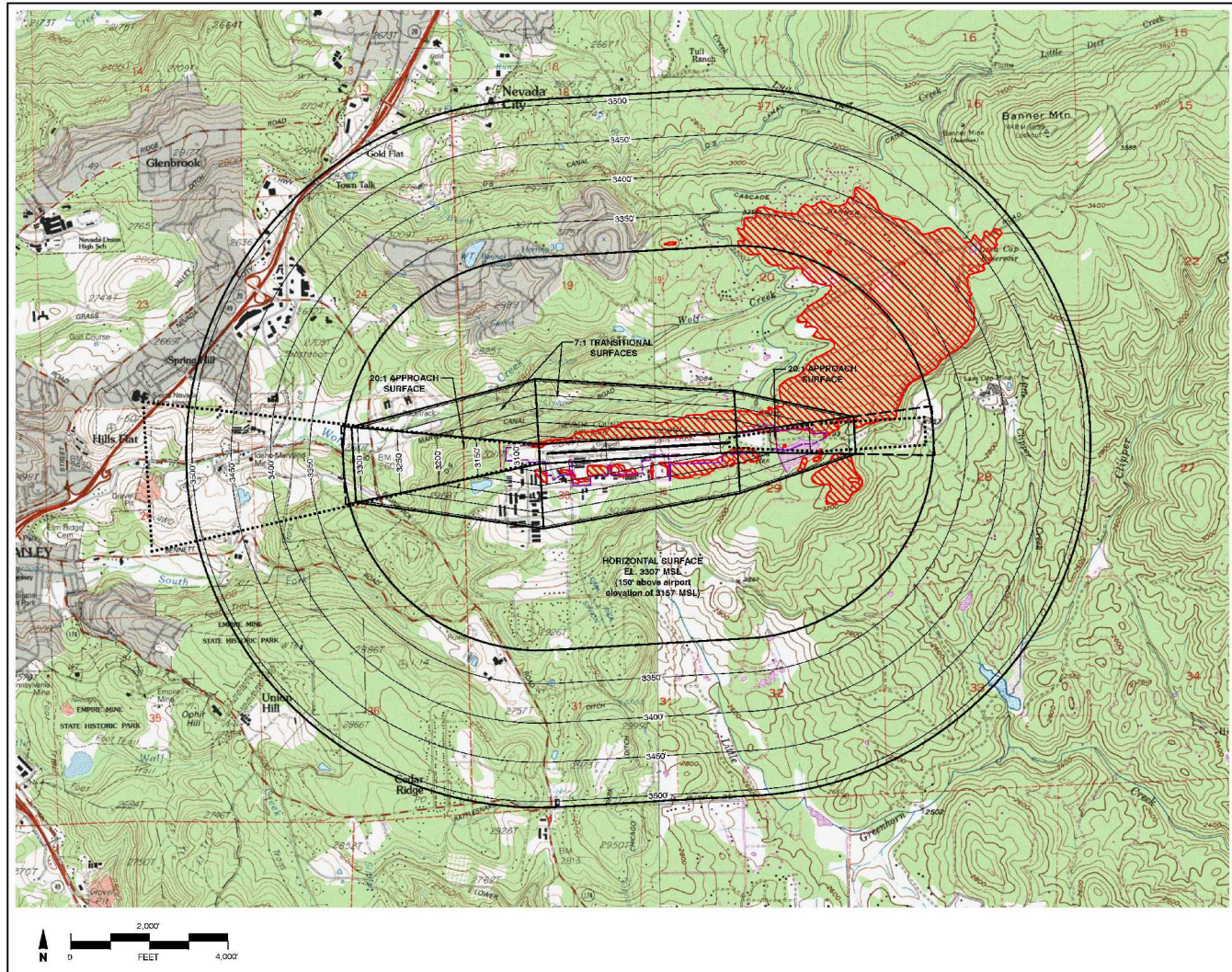
Map 2A

**Compatibility Policy Map**



Base Map Sources:  
 • Nevada County GIS (January 2011).

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**LEGEND**

- FAR Part 77 Surfaces
- Threshold Siting Surface (TSS)
- Runway Protection Zone (RPZ)
- Airport Property Boundary
- T Object Penetrates Approach/Primary Surface
- T Object Does Not Penetrate Approach/Primary Surface
- T Object Penetrates Transitional Surface
- Object Does Not Penetrate Transitional Surface
- Action Needed
- Terrain Contours
- Part 77 Surface Penetration (100' added to ground level in wooded area)
- 15' vertical clearance added to road elevations
- Estimated

**MAP SOURCE:**

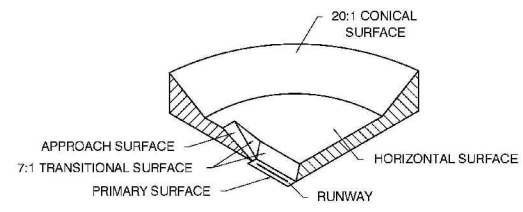
USGS Topographic Survey Maps (Chicago Park 1979, Grass Valley 1995, Nevada City 1995, North Bloomfield 1979)  
coordinates: NAD83, Terrain contours: NGVD29

**NOTES:**

- Part 77 surface contours and obstruction elevations are shown in NAD83 and NAVD83.
- Obstruction lights along north side of airport are in lieu of clearance of the Transitional Surface.

**SOURCES:**

Mead & Hunt Field Surveys (February 2007 and July 2005)  
Aerial Photo (February 2006)



TYPICAL FAR PART 77 SURFACES

OBSTRUCTION DATA								
POINT #	DESCRIPTION	TOP ELEVATION IN FEET (MSL)	AFFECTED PART 77 SURFACE	PART 77 SURFACE ELEVATION	PART 77 SURFACE PENETRATION	THRESHOLD SITING SURFACE ELEVATION	THRESHOLD SITING SURFACE PENETRATION	DISPOSITION
1	TREES	3098.9	APPROACH	3115.1	-15.2	3115.1	-15.2	MONITOR
2	TREES	3094.0	APPROACH	3091.3	-7.3	3091.3	-7.3	MONITOR
3	TREES	3121.9	TRANSITIONAL	3100.7	20.6	N/A	N/A	TO REMAIN
4	TREES	3196.1	TRANSITIONAL	3106.9	26.1	N/A	N/A	TO REMAIN
5	PREVIOUSLY REMOVED							
6	TREES	3113.5	TRANSITIONAL	3082.4	31.1	N/A	N/A	TO REMAIN
7	TREES	3147.6	TRANSITIONAL	3119.9	27.7	N/A	N/A	TO REMAIN
8	BUILDING	3052.4	TRANSITIONAL	3084.3	7.6	N/A	N/A	TO REMAIN
9	TREES	3148.2	TRANSITIONAL	3095.3	52.9	N/A	N/A	TO REMAIN
10	FLOOD LIGHT	3130.3	TRANSITIONAL	3108.4	21.9	N/A	N/A	TO REMAIN
11	HANGARS	3170.4	PRIMARY	3095.6	63.6	N/A	N/A	TO REMAIN
12	HANGARS	3102.8	TRANSITIONAL	3094.5	8.2	N/A	N/A	TO REMAIN
13	TREES	3150.1	TRANSITIONAL	3100.3	49.9	N/A	N/A	TO REMAIN
14	FLOOD LIGHT	3139.9	TRANSITIONAL	3114.7	25.3	N/A	N/A	TO REMAIN
15	FLAG POLE	3118.3	TRANSITIONAL	3114.5	3.8	N/A	N/A	TO REMAIN
16	FLOOD LIGHT	3118.9	TRANSITIONAL	3113.7	5.1	N/A	N/A	TO REMAIN
17	PREVIOUSLY REMOVED							
18	TREES	3169.1	TRANSITIONAL	3103.4	65.8	N/A	N/A	TO REMAIN
19	TREE	3166.6	TRANSITIONAL	3106.5	60.0	N/A	N/A	TO REMAIN
20	POWER POLE	3136.7	TRANSITIONAL	3127.2	9.5	N/A	N/A	TO REMAIN
21	TREES	3132.7	TRANSITIONAL	3121.4	11.3	N/A	N/A	TO REMAIN
22	TREES	3181.7	TRANSITIONAL	3140.1	21.6	N/A	N/A	TO REMAIN
23	TREES	3175.9	TRANSITIONAL	3113.9	62.0	N/A	N/A	TO REMAIN
24	FLOOD LIGHT	3120.4	TRANSITIONAL	3106.1	14.2	N/A	N/A	TO REMAIN
25	TREE	3176.3	TRANSITIONAL	3109.9	66.5	N/A	N/A	TO REMAIN
26	TREES	3183.3	TRANSITIONAL	3149.8	33.5	N/A	N/A	TO REMAIN
27	TREE	3175.2	TRANSITIONAL	3152.5	22.6	N/A	N/A	TO REMAIN
28	FLOOD LIGHT	3154.5	TRANSITIONAL	3141.4	13.1	N/A	N/A	TO REMAIN
29	FLOOD LIGHT	3152.2	TRANSITIONAL	3121.3	10.9	N/A	N/A	TO REMAIN
30	BEACON	3170.8	TRANSITIONAL	3143.4	27.2	N/A	N/A	TO REMAIN
31	TREE	3201.2	TRANSITIONAL	3199.3	14.7	N/A	N/A	TO REMAIN
32	TREES	3200.0	TRANSITIONAL	3116.5	83.4	N/A	N/A	TO REMAIN
33	TREE	3170.6	TRANSITIONAL	3144.9	25.7	N/A	N/A	TO REMAIN
34	BUILDING	3132.2	TRANSITIONAL	3128.7	3.5	N/A	N/A	TO REMAIN
35	TREE	3192.0	TRANSITIONAL	3177.9	15.1	N/A	N/A	TO REMAIN
38	TREE	3218.9	TRANSITIONAL	3123.7	95.2	N/A	N/A	TO REMAIN
37	TREE	3168.7	TRANSITIONAL	3145.4	23.3	N/A	N/A	TO REMAIN

OBSTRUCTION DATA, CONT.								
POINT #	DESCRIPTION	TOP ELEVATION IN FEET (MSL)	AFFECTED PART 77 SURFACE	PART 77 SURFACE ELEVATION	PART 77 SURFACE PENETRATION	THRESHOLD SITING SURFACE ELEVATION	THRESHOLD SITING SURFACE PENETRATION	DISPOSITION
38	ANTENNA	3172.3	TRANSITIONAL	3147.2	25.1	N/A	N/A	TO REMAIN
39	ANTENNA	3216.7	TRANSITIONAL	3197.8	18.9	N/A	N/A	TO REMAIN
40	FLAG POLE	3160.0	TRANSITIONAL	3142.7	17.3	N/A	N/A	TO REMAIN
41	TREES	3181.3	TRANSITIONAL	3149.7	31.7	N/A	N/A	TO REMAIN
42	POWER POLE	3189.5	TRANSITIONAL	3159.7	9.8	N/A	N/A	TO REMAIN
43	OBST LIGHT	3232.4	PRIMARY	3127.7	104.7	N/A	N/A	TO REMAIN
44	FLAG POLE	3182.9	TRANSITIONAL	3166.9	7.0	N/A	N/A	TO REMAIN
45	BUILDING	3165.3	TRANSITIONAL	3155.5	30.0	N/A	N/A	TO REMAIN
46	HANGAR	3159.9	PRIMARY	3125.8	104.5	N/A	N/A	TO REMAIN
47	TREES	3202.7	TRANSITIONAL	3171.8	28.9	N/A	N/A	TO REMAIN
48	BUILDING	3145.8	TRANSITIONAL	3136.5	24.0	N/A	N/A	TO REMAIN
49	BUILDING	3181.0	TRANSITIONAL	3138.8	22.2	N/A	N/A	TO REMAIN
50	PREVIOUSLY REMOVED							
51	FLOOD LIGHT	3176.2	TRANSITIONAL	3145.7	30.6	N/A	N/A	TO REMAIN
52	BUILDING	3160.5	TRANSITIONAL	3140.8	19.7	N/A	N/A	TO REMAIN
53	PREVIOUSLY REMOVED							
54	FLOOD LIGHT	3177.3	TRANSITIONAL	3150.2	27.1	N/A	N/A	TO REMAIN
55	BUILDING	3178.5	TRANSITIONAL	3143.8	34.6	N/A	N/A	TO REMAIN
56	TREES	3219.5	TRANSITIONAL	3190.4	29.1	N/A	N/A	TO REMAIN
57	PREVIOUSLY REMOVED							
58	TREE	3227.7	TRANSITIONAL	3148.8	78.9	N/A	N/A	TO REMAIN
59	BUILDING	3178.8	TRANSITIONAL	3187.0	11.8	N/A	N/A	TO REMAIN
60	BUILDING	3189.8	TRANSITIONAL	3152.9	36.6	N/A	N/A	TO REMAIN
61	TREES	3209.7	TRANSITIONAL	3184.8	24.9	N/A	N/A	TO REMAIN
62	BUILDING	3183.0	TRANSITIONAL	3169.3	14.6	N/A	N/A	TO REMAIN
63	TREE	3168.1	TRANSITIONAL	3170.4	17.7	N/A	N/A	TO REMAIN
64	TREE	3245.1	TRANSITIONAL	3154.8	90.2	N/A	N/A	TO REMAIN
65	BUILDING	3183.7	TRANSITIONAL	3172.3	11.5	N/A	N/A	TO REMAIN
66	TREE	3190.2	TRANSITIONAL	3162.3	27.9	N/A	N/A	TO REMAIN
67	BUILDING	3185.4	TRANSITIONAL	3166.7	28.7	N/A	N/A	TO REMAIN
68	TREE	3236.9	TRANSITIONAL	3165.9	81.0	N/A	N/A	TO REMAIN
69	TREES	3197.0	TRANSITIONAL	3169.7	31.3	N/A	N/A	TO REMAIN
70	TREE	3234.4	TRANSITIONAL	3166.2	68.2	N/A	N/A	TO REMAIN
71	TREE	3291.2	TRANSITIONAL	3190.7	90.6	N/A	N/A	TO REMAIN
72	OBST LIGHT	3298.7	APPROACH	3192.4	104.3	N/A	N/A	TO REMAIN
73	TREE	3217.5	APPROACH	3209.7	7.8	N/A	N/A	TOP OR REMOVE
74	TREE	3202.8	APPROACH	3216.2	104.8	N/A	N/A	TOP OR REMOVE

OBSTRUCTION DATA, CONT.								
POINT #	DESCRIPTION	TOP ELEVATION IN FEET (MSL)	AFFECTED PART 77 SURFACE	PART 77 SURFACE ELEVATION	PART 77 SURFACE PENETRATION	THRESHOLD SITING SURFACE ELEVATION	THRESHOLD SITING SURFACE PENETRATION	DISPOSITION
75	TREE	3235.6	APPROACH	3217.8	19.3	3227.3	6.5	TOP OR REMOVE
76	TREE	3221.6	APPROACH	3221.5	0.2	3231.5	-9.8	TOP OR REMOVE
77	TREE	3304.6	APPROACH	3237.7	67.2	3247.7	67.2	TOP OR REMOVE
78	TREES	3263.7	TRANSITIONAL	3239.5	24.3	N/A	N/A	TO REMAIN
79	TREE	3320.0	APPROACH	3240.7	79.3	3250.7	69.3	TOP OR REMOVE
80	TREE	3299.0	APPROACH	3245.5	53.5	3255.5	45.5	TOP OR REMOVE
81	TREE	3303.5	APPROACH	3249.1	54.4	3259.1	44.4	TOP OR REMOVE
82	TREE	3276.5	APPROACH	3254.7	24.2	N/A	N/A	TOP OR REMOVE
83	TREE	3254.2	APPROACH	3257.0	-2.4	3267.0	-12.4	MONITOR
84	TREE	3310.9	APPROACH	3257.1	55.8	3267.1	45.8	TO REMAIN
85	TREES	3315.0	TRANSITIONAL	3275.0	37.0	N/A	N/A	TO REMAIN
86	TREES	3301.1	APPROACH	3262.6	38.5	N/A	N/A	TOP OR REMOVE
87	TREE	3276.5	APPROACH	3262.6	18.7	3272.6	6.7	TOP OR REMOVE
88	TREE	3282.6	APPROACH	3262.6	20.1	3272.6	10.1	TOP OR REMOVE
89	TREE	3274.2	APPROACH	3263.1	11.1	3273.1	1.1	TOP OR REMOVE
90	TREE	3273.0	APPROACH	3266.3	6.7	3276.3	-3.3	TOP OR REMOVE
91	TREE	3283.4	APPROACH	3269.0	14.4	3279.0	4.4	TOP OR REMOVE
92	TREE	3270.4	APPROACH	3269.7	0.6	3279.7	-9.4	TOP OR REMOVE
93	TREE	3263.9	APPROACH	3273.3	10.5	3283.3	0.6	TOP OR REMOVE
94	TREE	3304.1	TRANSITIONAL	3262.7	11.4	N/A	N/A	TOP OR REMOVE
95	TREE	3251.0	APPROACH	3264.0	-3.8	3264.0	-13.0	MONITOR
96	TREE	3265.0	APPROACH	3266.0	-1.0	3266.0	-11.0	MONITOR
97	TREE	3285.0	APPROACH	3268.3	-3.3	3268.3	-13.3	MONITOR
98	TREE	3292.0	APPROACH	3291.2	0.8	3301.2	-9.2	TOP OR REMOVE
99	TREE	3292.7	APPROACH	3295.0	-2.3	3305.0	-12.3	MONITOR
100	TREE	3295.5	APPROACH	3296.8	3.7	3306.8	-6.3	TOP OR REMOVE
101	TREE	3295.1	APPROACH	3299.2	-3.1	3309.2	-13.1	MONITOR
102	TREE	3302.1	APPROACH	3300.1	-1.0	3310.1	-11.0	MONITOR
103	OBST LIGHT	3300.8	HORIZONTAL	3307.4	53.9	3322.0	98.6	TO REMAIN
104	TREE	3319.7	HORIZONTAL	3307.4	12.3	3328.2	-6.5	TOP OR REMOVE
105	TREE	3341.2	HORIZONTAL	3307.4	33.8	N/A	N/A	TOP OR REMOVE
106	TREE	3341.0	HORIZONTAL	3307.4	33.6	N/A	N/A	TOP OR REMOVE
107	TREE	3322.0	HORIZONTAL	3307.4	14.5	3335.5	-13.0	TOP OR REMOVE
108	TREE	3322.3	HORIZONTAL	3307.4	14.9	3336.3	-14.0	TOP OR REMOVE
109	TREE	3333.8	HORIZONTAL	3307.4	26.4	N/A	N/A	TOP OR REMOVE
110	TREE	3338.4	HORIZONTAL	3307.4	30.9	N/A	N/A	TOP OR REMOVE

Note: A Negative Penetration Number Indicates Distance Object is Below Indicated Surface.

2	Runway 25 End Relocation	Mead & Hunt	April 2009
1	Property Acquisition/Taxway E /AWOS/ ALP Checklist	Mead & Hunt	May 2008
NO.	REVISION	SPONSOR	DATE
<b>NEVADA COUNTY AIRPORT</b> <b>NEVADA COUNTY, CALIFORNIA</b> <b>AIRSPACE PLAN</b>			
133 Aviation Boulevard, Suite 103 Santa Rosa, California 95403 (707) 526-5010 Fax (707) 526-6721 www.meadhunt.com			
DESIGN:	DD	DRAWN:	QJ
DATE:	September 2005	SHEET:	3 OF 4

## 3.2. General Plan Consistency with Compatibility Plan

- 3.2.1. *General Plan Consistency*: In order for a general plan (or applicable specific plans) to be considered consistent with the *Compatibility Plan*, the local agency must satisfy the requirements specified in Policies 3.2.2 and 3.2.3.
- 3.2.2. *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) 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 compatibility criteria of this *Compatibility Plan*. General plan land use designations that merely reflect the existing uses are exempt from requirements for general plan consistency with the *Compatibility Plan*. This exemption derives from state law which explicitly denies ALUC authority over existing land uses. However, proposed redevelopment or other changes to existing land uses are not exempt from compliance with compatibility policies and are subject to NCALUC review in accordance with Policy 1.4.2(c). To ensure that nonconforming uses do not become more nonconforming, general plans therefore must include policies setting limitations on expansion and reconstruction of nonconforming uses located within an airport influence area consistent with Policies 5.5.3 and 5.5.2.
  - (c) To be consistent with the *Compatibility Plan*, a general plan and/or implementing ordinance also must include provisions ensuring long-term compliance with the compatibility criteria. For example, future reuse of a building must not result in a usage intensity that exceeds the applicable standard or other limit approved by the NCALUC.
- 3.2.3. *Establishment of Review Process*: Local agencies must define the process they will follow when reviewing proposed land use development within an airport influence area to ensure that the development will be consistent with the policies set forth in this *Compatibility Plan*.
- (a) Specifically, the process established must ensure that the proposed development is consistent with the land use or zoning designation indicated in the local agency's general plan, specific plan, zoning ordinance, and/or other development regulations that the NCALUC has previously found consistent with this *Compatibility Plan* and that the development's subsequent use or reuse will remain consistent with the policies herein over time. Additionally, consistency with other applicable compatibility criteria—e.g., usage intensity, height limitations, aviation easement dedication—must be assessed.
  - (b) 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.
  - (c) This review process may be described either within land use plans themselves or in implementing ordinances. Local agencies 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 agency 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 NCALUC's *Compatibility Plan* can be adopted by reference (in this case, the project review procedure must be described in a separate policy document or memorandum of understanding presented to and approved by the NCALUC); and/or
- (3) The general plan can indicate that all major land use actions, as listed in Policy 1.4.3 or otherwise agreed to by the NCALUC, shall be referred to the NCALUC for review in accordance with the policies of Section 1.4.

## 4. COMPATIBILITY CRITERIA FOR AIRPORT PLANS

### 4.1. Review Criteria for Airport Plans of Existing Airports

4.1.1. *Substance of Review:* When reviewing a new master plan or development plan for the Nevada County Airport, the NCALUC 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 *Compatibility Plan*. Attention should specifically focus on:

- (a) Proposals for facilities or procedures not assumed herein, specifically:
  - (1) Construction of a new runway or helicopter takeoff and landing area.
  - (2) Change in the length, width, or landing threshold location of an existing runway.
  - (3) Establishment of an instrument approach procedure that changes the approach capabilities at a particular runway end.
  - (4) Modification of the flight tracks associated with existing visual or instrument operations procedures.
- (b) Proposed changes in the role or character of use of the airport.
- (c) New activity forecasts that are: (1) significantly higher than those used in developing the noise contour map in Chapter 3; or (2) assume a higher proportion of larger or noisier aircraft.

4.1.2. *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 as reflected in Exhibit 3-5 in Chapter 3 by 3.0 dB or more.
- (b) In locations having an existing ambient noise level of more than 55 dB CNEL, the project would increase the noise level as reflected in Exhibit 3-5 in Chapter 3 by 1.5 dB or more.

- 4.1.3. *Consistency Determination:* The NCALUC shall determine whether the proposed airport plan or development plan is consistent with the *Airport Land Use Compatibility Plan*. The NCALUC 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 *Compatibility Plan*.
  - (b) Consideration of:
    - (1) Mitigation measures incorporated into the plan or project to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of CEQA; or
    - (2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by the project proponent in accordance with provisions of CEQA.
  - (c) 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 1.2.7 for definition of aviation-related use).

## 4.2. Review Criteria for Proposed New Airports and Heliports

- 4.2.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the NCALUC shall focus on the noise, safety, airspace protection, and overflight impacts upon surrounding land uses.
- (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of NCALUC review.
  - (b) The NCALUC shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.
  - (c) The NCALUC must base its review on the proposed airfield design. The NCALUC does not have the authority to require alterations to the airfield design.
- 4.2.2. *Airport/Land Use Relationship:* The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses. Questions to be considered should include:
- (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the later were already in existence?
  - (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include: (1) location of flight tracks so as to minimize the impacts; (2) other operational procedures to minimize impacts; (3) installation of noise barriers or structural noise insulation; (4) acquisition of property interests (fee title or easements) on the impacted land.

## 5. SPECIFIC COMPATIBILITY CRITERIA

The noise, safety, airspace protection, and overflight policies set forth in this section shall be used to supplement the criteria listed in Table 2A and the policies contained in Sections 3 and 4. Policies for special conditions may also apply (see Section 5.5).

### 5.1. Noise Criteria

- 5.1.1. *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.
- 5.1.2. *Measures of Noise Exposure:* The magnitude of the exposure of lands around the airport to airport-related noise shall primarily be described in terms of Community Noise Equivalent Level (CNEL). In accordance with Policy 5.1.6, single-event noise levels may also be considered in assessing the compatibility of highly noise-sensitive land uses (see Policy 1.2.19 for definition).
- (a) The noise contours shall depict the greatest annualized noise impact, measured in terms of CNEL, anticipated to be generated by the airport over the planning time frame. In accordance with state law, the planning time frame utilized in this *Compatibility Plan* extends at least 20 years into the future.
  - (b) The future CNEL noise contours that are considered in this *Compatibility Plan* are based upon data supplied by the airport operator. The CNEL contour map and associated data are provided Exhibits 3-4 and 3-5 in Chapter 3. The NCALUC should periodically review the projected CNEL contours and update them if appropriate.
  - (c) The locations of CNEL contours are among the factors used to define the *compatibility zone* boundaries (Map 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 Exhibit 3-5 in Chapter 3 are to be used as the basis for determining compliance with interior noise level criteria as listed in Policy 5.1.5.)
- 5.1.3. *Factors Considered in Setting Noise Compatibility Criteria:* Factors considered in setting the criteria include the following:
- (a) Established federal and state regulations and guidelines.
  - (b) The ambient noise levels in the community. Ambient noise levels influence the potential intrusiveness of aircraft noise upon a particular land use and vary greatly between rural, suburban, and urban communities.
  - (c) The extent to which noise would intrude upon and interrupt the activity associated with a particular use.
  - (d) The extent to which the activity itself generates noise.
  - (e) The extent of outdoor activity associated with a particular land use.

- (f) The extent to which indoor uses associated with a particular land use may be made compatible with application of sound attenuation in accordance with Policy 5.1.5.
- 5.1.4. *Maximum Acceptable Exterior Noise Exposure:* To minimize noise-sensitive development in noisy areas around an airport, new land use development shall be restricted in accordance with the following.
- (a) The maximum CNEL considered normally acceptable for residential uses in the vicinity of Nevada County Airport is 60 dB.
    - (1) For the purposes of implementing this policy, no new dwelling shall be permitted within *Compatibility Zone A*. The maximum density of residential uses in the other *compatibility zones* is as indicated in Table 2A.
    - (2) A parcel on which residential uses are permitted by the local agency within *Compatibility Zones B1* or *B2* should locate the dwelling outside of the zones when feasible.
  - (b) New nonresidential development shall be deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. The specific limitations are listed in Table 2A.
- 5.1.5. *Maximum Acceptable Interior Noise Levels:* To the extent that the criteria in Table 2A or other policies herein permit any of the following land uses within the *Compatibility Zones B1* and *B2*, land uses for which interior activities may be easily disrupted shall be required to provide acoustical data documenting that the structure will be designed to comply with at least the indicated amount of exterior-to-interior noise level reduction (NLR).
- (a) To ensure that the aircraft-related interior noise level is no greater than CNEL 45 dB, a noise level reduction (NLR) of 25 dB shall be required in *Compatibility Zones B1* and *B2* for:
    - (1) Any habitable room of single- or multi-family residences;
    - (2) Long-term lodging;
    - (3) Family day care homes ( $\leq 14$  children); and
    - (4) Nursing homes or other congregate care facilities.
  - (b) To ensure that the aircraft-related interior noise level is no greater than CNEL 45 dB, a NLR of 20 dB shall be required in *Compatibility Zones B1* and *B2* for:
    - (1) Hotels, motels, and other short-term lodging;
    - (2) Places of worship, meeting halls, theaters, and mortuaries;
    - (3) Schools, libraries, and museums;
    - (4) Offices and office areas of retail and industrial facilities;
  - (c) The projected noise contours depicted in Chapter 3, Exhibit 3-5 of this plan shall be used in calculating compliance with these interior noise level criteria. The calculations should assume that windows are closed. All future structures outside of *Compatibility Zones B1* and *B2* are presumed to meet the above requirements with no special added construction techniques.
  - (d) When structures are part of a proposed land use action, evidence that proposed structures will be designed to comply with the criteria in Paragraph (a) of this policy shall be submitted to the NCALUC or responsible jurisdiction.

- (e) Exceptions to the interior noise level criteria in Paragraph (a) of this policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.
- 5.1.6. *Single-Event Noise Levels:* Single-event noise levels should be considered when evaluating the compatibility of highly noise-sensitive land uses such as residences, schools, libraries, and outdoor theaters. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. Acoustical studies or on-site noise measurements may be required to assist in determining the compatibility of sensitive uses. Single-event noise levels are especially important in areas that are regularly overflown by aircraft, but that do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for an airport should be considered in the review process including in locations beyond the mapped noise contours. The compatibility evaluations in Table 2A reflect single-event noise concerns.
- 5.1.7. *Engine Run-Up and Testing Noise:* NCALUC 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 NCALUC 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 NCALUC 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 NCALUC 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.)

## 5.2. Safety Criteria

- 5.2.1. *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. The policies focus on reducing the potential consequences of such events when they occur. (Note that land use features that can be the cause of an aircraft accident are addressed under Airspace Protection, Section 5.3.)
- 5.2.2. *Measures of Risk Exposure:* For the purposes of this *Compatibility Plan*, the risk that potential aircraft accidents pose to lands around each airport shall be defined in terms of the geographic distribution of where accidents are most likely to occur. Because aircraft accidents are infrequent occurrences, the pattern of accidents at any one airport cannot be used to predict where future accidents are most likely to happen around that airport. Reliance



must be placed on data about aircraft accident locations at similar airports nationally, refined with respect to information about the types and patterns of aircraft usage at the individual airport. This methodology, as further described in Appendix C, is a factor in delineation of the *compatibility zones* for the airport.

- 5.2.3. *Factors Considered in Setting Safety Compatibility Criteria:* The principal factors considered in setting criteria applicable within each *compatibility zone* are:
- (a) Risks both to people and property in the vicinity of the airport and to people on board the aircraft.
  - (b) The most stringent land use controls shall be applied to the areas with the greatest potential risks.
  - (c) The safety component of the *compatibility zones* for the airport is based upon general aviation accident data and analyses provided in the *California Airport Land Use Planning Handbook* (January 2002).
  - (d) The locations, delineated with respect to the airport runway, where aircraft accidents near general aviation airports typically occur and the relative concentration of accidents within these locations.
  - (e) The runway length, approach categories, normal flight patterns, and aircraft fleet mix at the airport. These factors are reflected in the *compatibility zone* shapes and sizes.
- 5.2.4. *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 airport environs.
- 5.2.5. *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 and the nature of the concern are listed below. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances these uses should be avoided, i.e., allowed only if an alternative site outside the zone would not serve the intended function. When the use is allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft.
- (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:
    - (1) Children's schools(grades K-12) and day care centers (with 15 or more children, as defined in the California Health and Safety Code 1596.78), hospitals, nursing homes, health care centers and other uses in which the majority of occupants are children, elderly, and/or disabled.
    - (2) Hospitals are medical facilities which include provision for overnight stays by patients.
    - (3) 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.

- (4) Inmate facilities, in which emergency evacuation of the occupants may be difficult.
- (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 materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity. Therefore, the manufacture or storage of 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 paragraph (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, emergency services facilities (police and fire stations), 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.

- 5.2.6. *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 Nevada County 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.
- 5.2.7. *Calculating Nonresidential Intensity*: The total number of people permitted on a project site at any time, except for rare special events, must not exceed the indicated average and single-acre usage intensity in Table 2A. Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. The usage intensity criteria of this *Compatibility Plan* are based upon a normal peak-period occupancy, not on the highest attainable occupancy. The project site can include multiple parcels. Methods for determining the concentration of people for various land uses are provided in Appendix D and briefly discussed below.
- (a) Calculation of Average-Acre Intensity: The number of occupants for a particular proposal or component thereof may be estimated by any of several methods:
    - (1) The square footage of the building divided by the typical square footage occupied by each person (usually the latter number will be greater than used in building and fire codes to represent the maximum occupancy; the usage intensity criteria of this *Compatibility Plan* are based upon a normal peak period occupancy, not on the highest attainable occupancy).
    - (2) For uses with fixed seats—restaurants, theaters, for example—the occupancy should be based upon the number of customer seats plus the number of employees.

- (3) For many commercial and industrial uses, the occupancy can be estimated by considering the number of parking spaces required by the local agency and multiplying by the average occupancy per vehicle (this method would not be suitable for land uses where many users arrive by transit, bicycle, or other means of transportation).
- (b) Calculation of Single-Acre Intensity. The single-acre intensity limits indicated in Table 2A apply to the most intensively used portions of a development site. Calculation of the single-acre intensity depends upon the building footprint and site sizes and the distribution of activities on the site.
    - (1) For sites less than 1.0 acre, the single-acre intensity equals the total number of people on the site divided by the site size.
    - (2) For sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre intensity equals the total number of building occupants divided by the site size unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.
    - (3) For sites having both site size and building footprint of more than 1.0 acre, the single-acre intensity shall normally be calculated as 1.0 divided by the building footprint in acres times the total number of building occupants. However, if the occupancy of the building is concentrated in one area—the office area of a large warehouse, for example—then the occupants of that area shall be included in the single-acre calculation.
    - (4) The 1.0-acre areas to be evaluated shall normally match the building footprints provided that the buildings are generally rectangular (reasonably close to square) and not elongated in shape and, for buildings larger than 1.0 acre, may represent a portion of the building.
  - (c) Local Agency Use of Alternative Calculation Methods. In conjunction with modifying its general plan for consistency with this *Compatibility Plan* or as part of a separate ordinance or other adopted policy, a local agency may propose an alternative method for measuring compliance with the usage intensity limits. The NCALUC shall evaluate the proposed method to determine whether it would provide an equivalent intensity outcome to that of the floor area ratio method. If no alternative method has been agreed upon, the NCALUC shall use the floor area ratio method in evaluating individual development proposals.
  - (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 acreage of the project site. A project site may include multiple parcels.
- 5.2.8. *Limitations on Clustering:* Policy 5.2.6(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.
  - (3) Within *Compatibility Zone D*, no more than 20 dwelling units shall be allowed in any individual acre.
  - (4) Within *Compatibility Zone D\* (Urban Overlay Zone)*, no more than 50 dwelling units shall be allowed in any individual acre.
- (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 100 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 300 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 300 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 600 people per any individual acre (i.e., a maximum of triple the average intensity criterion set in Table 2A).
  - (6) Within *Compatibility Zone D\* (Urban Overlay Zone)*, the intensity of nonresidential uses shall not be limited.

### 5.3. Airspace Protection

- 5.3.1. *Policy Objective:* Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident to occur. 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 NCALUC 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.

- 5.3.2. *Measures of Hazards to Airspace:* In evaluating the airspace protection compatibility of proposed development near an airport, three categories of hazards to airspace shall be taken into account: physical, visual, and electronic.
- (a) Three types of physical hazards are a concern to aviation.
    - (1) The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
    - (2) Land use features that have the potential to attract birds and certain other wildlife to the airport area are also to be evaluated as a form of physical hazards.
    - (3) Thermal plumes, such as from power plants, can constitute invisible hazards to flight.
  - (b) Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
  - (c) Electronic hazards are ones that may cause interference with aircraft communications or navigation.
- 5.3.3. *Factors Considered in Setting Airspace Protection Compatibility Criteria:* In establishing airspace protection policies, the NCALUC relies upon regulations enacted by the Federal Aviation Administration (FAA) and the state of California. The NCALUC policies are intended to help implement the federal and state regulations. Specific regulations are referenced in subsequent policies of this section.
- (a) The FAA has well-defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. However, the agency has no authority to prevent creation of such hazards. That authority rests with state and local government.
  - (b) State airspace protection standards mostly mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, Division of Aeronautics and local agencies the authority to enforce the standards.
- 5.3.4. *NCALUC Review of Height of Proposed Objects:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual project by the NCALUC. If the general plan of the local agency in which the project is to be located has been determined by the NCALUC to be consistent with this *Compatibility Plan*, then no NCALUC review is required. If the general plan has not been made consistent, then proposed objects that would exceed the heights indicated below for the respective *compatibility zones* shall be referred to the NCALUC for airspace review in accordance with Policy 1.4.3(a). Development proposals that include any such objects represent potential airspace obstructions issues. Objects of lesser height normally would not have a potential for being airspace obstructions and therefore do not require NCALUC 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 *C* west of the Airport and *Zone B2* north and south of the Airport, NCALUC review is required for any proposed object having a height greater than 3,106 feet MSL (35 feet above the Runway 7 elevation of 3,071 feet MSL).

- (c) Within *Compatibility Zones B1 and C* east of the Airport, NCALUC review is required for any proposed object having a height greater than 3,192 feet MSL (35 feet above the Runway 25/airport elevation of 3,157 feet MSL).
- (d) Within *Compatibility Zone D*, NCALUC review is required for any proposed object having a height greater than 3,207 feet MSL (50 feet above the airport elevation of 3,157 feet MSL).
- (e) Within *Compatibility Zone E*, NCALUC review is required for any proposed object having a height greater than 3,257 feet MSL (100 feet above the airport elevation of 3,157 feet MSL).
- (f) Within the *Height Review Overlay Zone*, NCALUC 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 Nevada County Airport Compatibility Policy Map (Map 2A).

5.3.5. *Height Restriction Criteria:* The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, *Objects Affecting Navigable Airspace*, and applicable airport design standards published by the FAA. Additionally, where an FAA aeronautical study of a proposed object has been required as described in Policy 5.3.6, the results of that study shall be taken into account by the NCALUC and the local agency.

- (a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of the airspace protection surface depicted in Map 2B. Any object that penetrates one of these surfaces is, by FAA definition, deemed an *obstruction*.
- (b) Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77 criteria. Elsewhere within the airspace protection area, no object shall be limited to a height of less than 35 feet above the ground even if the object would penetrate an FAR Part 77 surface and thus constitute an obstruction.
- (c) Except as allowed under Paragraph (b), no proposed object having a height greater than 35 feet above the ground and that exceeds the airport's airspace protection surface shall be allowed unless *all* of the following apply:
  - (1) As the result of an aeronautical study, the FAA determines that the object would not be a hazard to air navigation.
  - (2) FAA or other expert analysis conducted under the auspices of the NCALUC or the airport operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object that would not cause any of the following:
    - An increase in the ceiling or visibility minimums of the airport for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
    - A diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway to be reduced; or
    - Conflict with the visual flight rules (VFR) airspace used for the airport traffic pattern or en route navigation to and from the airport.

- (3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed (Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later guidance).
  - (4) An aviation easement is dedicated to the jurisdiction owning the airport in accordance with Policy 3.1.9.
  - (5) The proposed project/plan complies with all other policies of this *Compatibility Plan*.
- 5.3.6. *FAA Height 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 PUC 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 agencies 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 NCALUC 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 NCALUC for review regardless of where within the jurisdiction of the NCALUC they would be located.
  - (d) Any project submitted to the NCALUC 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.
- 5.3.7. *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 Nevada County 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 steam or other emissions that cause thermal plumes or other forms of unstable air;
  - (d) Sources of electrical interference with aircraft communications or navigation; and
  - (e) 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.)

## 5.4. Overflight

- 5.4.1. *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 con-



tours. 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.

- 5.4.2. *Factors Considered in Setting Overflight Compatibility Criteria:* These factors include:
- (a) Limitations of NCALUC authority over existing land uses. To be most effective, overflight policies should apply to transactions involving existing land uses, not just future development. However, the NCALUC only has authority to set requirements for new development and to define the boundaries within which real estate transfer disclosure under state law is appropriate.
  - (b) Limitations of state real estate transfer disclosure law. State law applies to existing development, but not to all transactions (see Policy 5.4.4).
  - (c) Need for continuity of notification to future property owners and tenants. To the extent that the NCALUC sets notification requirements for new development, the policy should ensure that the notification runs with the land and is provided to prospective future owners and tenants.
  - (d) Inappropriateness of avigation easement dedication solely for buyer awareness purposes. Avigation easements involve conveyance of property rights from the property owner to the party owning the easement and are thus best suited to locations where land use restrictions for noise, safety, or airspace protection purposes are necessary. Property rights conveyance is not needed for buyer awareness purposes.
- 5.4.3. *Recorded Overflight Notification:* As a condition for local agency approval of residential land use development within an airport influence area, an overflight notification shall be recorded within *Zones C and D*.
- (a) The notification shall contain the language dictated by state law with regard to real estate transfer disclosure (see Policy 5.4.4(c)) and shall adhere to a format similar to that indicated in Appendix G.
  - (b) The notification shall be evident to prospective purchasers of the property and shall appear on the property deed.
  - (c) A separate recorded overflight notification is not required where an avigation easement (see Policy 5.4.4(c)) is provided.
  - (d) Recording of an overflight notification is not required for nonresidential development.
- 5.4.4. *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 certain residential real estate transactions that information be disclosed regarding whether the property is situated within an airport influence area.
- (a) The state requirements apply to the sale or lease of all newly subdivided lands and creation of certain new common interest development. For the sale or transfer of existing residential property, airport proximity disclosure is required only when specified natural conditions (earthquake, fire, or flood hazards) warrant disclosure.

(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 Nevada County Airport is indicated on the Compatibility Policy Map, Map 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.

5.4.5. *NCALUC Policy Regarding Real Estate Transfer Disclosure:* For the purposes of this *Compatibility Plan*:

(a) The disclosure provisions of state law as described in Policy 5.4.4 are deemed mandatory for *new* residential development and shall continue in effect as a policy of this *Compatibility Plan* even if the state law is made less stringent or rescinded.

(b) The disclosure language to be used shall be as indicated in state law.

(c) Although not required by state law, the policy of this *Compatibility Plan* is that airport proximity disclosure should be provided as part of all real estate transactions (sale, lease, or rental) involving residential property anywhere within an airport influence area.

(d) 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 agency policies also should be applied to lease or rental agreements for existing residential property.

(e) Signs providing airport proximity notice should be prominently posted in the real estate sales office and/or other key locations at any new development within an airport influence area and airport proximity information should be available in the appropriate county/city offices.

(f) It is not the responsibility of either the NCALUC or local agencies to enforce real estate transfer disclosure with regard to the transfer of existing residences. Disclosure is a matter to be handled between private parties. The responsibility of the NCALUC and local agencies is merely to provide information as to the locations within which airport proximity disclosure is appropriate and the suitable disclosure language to be used (see Appendix G for sample language).

5.4.6. *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.

## 5.5. Special Conditions

5.5.1. *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 paragraph (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 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 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 Policy 5.2.8 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 NCALUC's intent is that parcels eligible for infill be

determined just once. Thus, in order for the NCALUC to consider proposed development under these infill criteria, the entity having land use authority (Nevada County or the City of Grass Valley) must first identify the qualifying locations in its general plan or other adopted planning document approved by the NCALUC. This action may take place in conjunction with the process of amending a general plan for consistency with the NCALUC plan or may be submitted by the local agency for consideration by the NCALUC 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.

- 5.5.2. *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 NCALUC 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 NCALUC review of such changes is required.
  - (c) Children's schools (including grades K-12, day care centers with more than 15 children and school libraries).
    - (1) Land acquisition for new schools or expansion of existing schools is not permitted in *Compatibility Zones A, B1, B2, and C*.
    - (2) Replacement or expansion of buildings at existing schools is also not allowed in *Compatibility Zones A, B1, B2, and C*, except that one-time expansion accommodating no more than 50 students is permitted in *Compatibility Zone C*. This limitation does not preclude work required for normal maintenance or repair.
  - (d) The sound attenuation and avigation easement dedication requirements set by Policies 5.1.5 and 3.1.9 shall apply.
  - (e) NCALUC 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 5.5.1) or warrants approval because of other special conditions (Policy 5.5.5).
- 5.5.3. *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. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.
  - (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 peo-

ple per acre). Any nonresidential use that has been more than 75% destroyed must comply with all applicable standards herein when reconstructed.

- (c) Reconstruction under Paragraphs (1) or (2) above must begin within 24 months of the date the damage occurred.
- (d) 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 or the City of Grass Valley.
- (e) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

5.5.4. *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 1.2.12 for definition).
- (c) Lot line adjustments provided that new developable parcels would not be created and the resulting density or intensity of the affected property would not exceed the applicable criteria indicated in the Basic Compatibility Criteria matrix, Table 2A.

5.5.5. *Special Conditions Exception:* The compatibility criteria set forth in this plan are intended to be applicable to all locations within the Nevada County 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 NCALUC may find a normally incompatible use to be acceptable.
- (b) In considering any such exceptions, the NCALUC shall also take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. Local agency permit language or other mechanisms to ensure continued compliance with the usage intensity criteria must be put in place.
- (c) In reaching such a decision, the NCALUC 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.
- (d) 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 NCALUC.
- (e) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.
- (f) Approval of a special conditions exception for a proposed project shall require a two-thirds majority approval of the NCALUC members present and voting on the matter.