



TRUCKEE TAHOE AIRPORT LAND USE COMMISSION

DR. MARK BROWN – Nevada County City Selection Committee
BRENT P. COLLINSON – Placer County Airport Managers
KEN FOSTER – Representing the General Public
PAUL JOINER – Placer County City Selection Committee
JENNIFER MONTGOMERY – Placer County Board of Supervisors (2011 Vice Chairman)
TED S. OWENS – Nevada County Board of Supervisors (2011 Chairman)
KEVIN SMITH – Nevada County Airport Managers

DANIEL B. LANDON, Executive Director
Truckee Tahoe Airport Land Use Commission
Nevada County Transportation Commission

MINUTES OF MEETING April 6, 2012

A meeting of the Truckee Tahoe Airport Land Use Commission (TTALUC) was held on Friday April 6, 2012 in the Truckee Tahoe Airport Meeting Room B, 10356 Truckee Airport Road, Truckee, California. The meeting was scheduled for 10:00 a.m.

Members Present: Dr. Mark Brown, Brent Collinson, Ken Foster, Paul Joiner, Jennifer Montgomery, Ted Owens, and Kevin Smith

Staff Present: Daniel Landon, Executive Director; Toni Perry, Administrative Assistant; Nevada County Transportation Commission

Standing Orders: Chairman Owens convened the Truckee Tahoe Airport Land Use Commission meeting at 10:00 a.m.

Pledge of Allegiance

PUBLIC COMMENT

There was no public comment.

CONSENT ITEMS

1. TTALUC Minutes

July 20, 2011. *Approved as amended.*

Commissioner Collinson pulled the July 20, 2011 TTALUC Minutes from Consent to note a correction on page 2, the last paragraph, second sentence. It should read: “The answer was 7,000 feet ...”. Commissioner Foster agreed that 7,000 feet was the correct number; not 11,000 feet.

Commissioner Foster made a motion to approve the TTALUC Minutes of July 20, 2011 as amended. Commissioner Brown seconded the motion. The motion passed with abstentions from Commissioner Joiner and Commissioner Montgomery who were absent from the July meeting.

2. Conflict of Interest Code for the Truckee Tahoe Airport Land Use Commission

Chairman Owens asked the Commission if anyone wanted to pull the item for discussion. There was no discussion.

Commissioner Joiner made a motion to approve Resolution 12-01 adopting the Conflict of Interest Code for the Truckee Tahoe Airport Land Use Commission. Commissioner Collinson seconded the motion. The motion passed unanimously.

INFORMATIONAL ITEMS

3. Correspondence

- A. Application 11 – 026/PPR (Malfitano-Saunders Preliminary Plan Review), March 14, 2012, File 40.2.4.

Executive Director Landon said he reviewed the plan and found no consistency problems. He approved it as a ministerial action and provided it to the Commission for their information.

- B. “California’s Seminal Airport Land Use Compatibility Planning Laws Are Up For Repeal,” by Lori D. Ballance and Danielle K. Morone; An excerpt from Aviation Noise Report: Volume 24, Number 7; An Aviation-Alert sent out by Gatzke Dillon & Ballance, LLP, Attorneys and Counselors at Law, March 16, 2012.

Executive Director Landon explained this is a “trailer bill” that has been added to the California budget process this year that would propose to eliminate the requirement for Airport Land Use Commissions with three exceptions: 1) Los Angeles County; 2) San Diego County; 3) Truckee Tahoe Airport Land Use Commission. He said the reason the TTALUC was set apart is because in the enabling legislation for the creation of a two-county ALUC, it says the two counties “may” establish an ALUC, so by having the word “may” it is not a state mandate. Mr. Landon said the target for eliminating ALUCs is that it is a state mandated activity and the governor is trying to reduce those. CSAC (California State Association of Counties), the American Planning Association, and RCRC (Regional Council of Rural Counties) have submitted a joint letter opposing the elimination or asking that the bill be removed. He said the key behind this action is the California Department of Finance is on a mission to find state mandates and eliminate them.

Chairman Owens asked if the action would shift those powers and authorities to the local agencies. Executive Director Landon said no, it would not; the ALUCs just would not exist. Mr. Landon said one of the big arguments is that the state is taking away the ALUCs when it is a needed function and the state is not replacing them with anything. Commissioner Montgomery asked if the state provides any funding or any staff support as part of the mandate. Mr. Landon said as he understood over the years there has been three separate claims for relief from state mandates; in other words the state would pay a county for developing an ALUC. Therefore, on that basis, they are saying it is an unfunded state mandate and they want to eliminate them.

Executive Director Landon stated it will be interesting to see how all of this plays out, but at this point it is a trailer bill that has not even been introduced yet. Commissioner Foster asked if there

would have to be some action by Nevada and/or Placer Counties for the TTALUC to continue. Mr. Landon said if the bill passed as written, the TTALUC would just continue to operate. Commissioner Smith said the key term was “may” continue to operate. Mr. Landon explained when the counties formed the Commission, recognizing the Truckee Tahoe Airport as an inter-county airport, they had the opportunity that they “may” form a commission and they did; so now the TTALUC exists. Commissioner Smith asked if they were required to continue if they did not want to; he was just trying to understand the bill. Mr. Landon said he had not thought about that aspect.

Chairman Owens said the thing that worried him about the action, but not so much for the Truckee Tahoe Airport, was it worried him for other rural airports. He said without a provision to replace the ALUCs and without some guidance for airport land use, it makes you wonder what type of development threat on a community could come without any obstruction. Executive Director Landon said that San Joaquin County is in a major law suit over an issue of a developer wanting to develop within the airport influence area and portions are incompatible with the land use compatibility plan. He said the Nevada County Airport Land Use Commission is currently negotiating settlement of a law suit for the Nevada County Airport for a similar situation. Commissioner Smith said he read something when the bill was posted, and he thinks the reasoning is most airports are owned by cities and counties, and the hope is the cities and counties that own those airports would then take on the land use compatibility planning that should take place. Commissioner Smith said that is how it is done in other states. He said, coming from Utah, they do not have ALUCs there, but most of the airports are owned by cities or counties and they have some of the same types of land use controls that are in California written into their city and county codes. Commissioner Smith was not sure that would be an adequate replacement for ALUCs, but he thought that was the intention here.

Commissioner Montgomery said that is what they did in Placer County with the Auburn Airport, which is in the unincorporated portion of Auburn, but it is a city airport. Therefore, the city and the county have a say in what happens with the land use element based on the overflight zones. She said there is very little else that affects that airport. Executive Director Landon said he would keep the Commission posted as the action unfolds.

ACTION ITEMS

4. Review of Hotel Avery Project – Amendment to the Use Permit

Executive Director Landon pointed out to the Commission that the graphics he received from the Town of Truckee did not have a regional location map. He explained that the location of the project is on the northwest corner of Brockway Road and South River Street intersection.

Commissioner Foster stated that none of the applicants were clients of his, but several years ago his business performed an ALTA (American Land Title Association) Survey on that parcel. Commissioner Brown disclosed that he lives just outside of the 500 foot radius of the parcel; not within the 500 feet but very close. Commissioner Montgomery was not sure if she needed to disclose it, but Placer County has worked with this developer on a number of projects in their county and the county is currently being sued on one of them.

Executive Director Landon stated the disclosures would be noted. He said when the calculations were run, based on the applicant’s estimated occupancy, the hotel’s average occupancy would exceed

the amount that is consistent with the Truckee Tahoe Airport Land Use Compatibility Plan criteria. He added that their maximum occupancy possible does not exceed what is allowed. Mr. Landon said the project is located in the Downtown Specific Plan area, and the only reason you cannot classify it as infills is because the parcels around it are dissimilar. Chairman Owens asked if it was dissimilar in terms of zoning. Mr. Landon responded affirmatively; there is residential around the parcel and it is on the fringe of downtown. Mr. Landon said staff felt there was no issue here for the TTALUC, but he did not feel as staff that he could ministerially approve the project, so he brought the project to the Commission. Mr. Landon said there were appropriate measures and conditions that could be added to ensure protection against overflight hazards.

Commissioner Montgomery asked how the maximum allowable intensity and average occupancy can be in conflict with one another in terms of creating an allowable use. Executive Director Landon said he thinks it is based on the applicant's assumption that 60% of the hotel would be occupied at any given time as an average. Commissioner Montgomery said she did not understand how the maximum has a lower threshold. Mr. Landon said the compatibility criteria calls for no more than an "average" of 100 persons per acre and this project has a 0.62 acre site with an average that comes out at 107 people, so it is almost double the average density that the criteria will allow. However, you can have a "maximum" of 300 persons per acre and the project fits that. Mr. Landon said it is just a quirk.

Chairman Owens asked if the numbers take into consideration just the vacancy rates for the rooms or does it take into consideration the restaurant as well. Executive Director Landon replied that it is assuming that the restaurant will be 55% full on average, and he thought that was optimistic. They are also assuming a 60% occupancy rate in the hotel and over the whole year and the seasons of the year he thought was optimistic, but that was the data provided to work with.

Commissioner Foster asked if the question before the Commission was to approve something or to object to something that is inconsistent with the airport land use plan. Chairman Owens replied that the Commission is making a consistency determination on the Hotel Avery project, which means the issues raised by Commissioner Montgomery are inconsistent, but it was pointed out that those numbers were generated perhaps optimistically and there are other considerations for the Commission to make. He added that even during the best of times, mid-week, there probably will not be full occupancy, but the hotel might fill up on the weekends. Therefore, Chairman Owens thought the Commission needed to balance the whole picture to get to the findings of being consistent. Commissioner Montgomery stated that it is only inconsistent with the average occupancy rather than the maximum allowable occupancy.

Commissioner Foster said he thought it would be appropriate to discuss adjacent open spaces of land and other things that would give pilots flexibility in terms of where to land off the airport. Chairman Owens asked where this parcel lies with respect to approach and departure patterns. Commissioner Smith said if you did a straight out departure it would be close on the left side, but the departure corridor is not directly over the parcel. He said when most aircraft depart they make their turn over the bypass, and then if they are going west they follow I-80, so they are clear of the parcel. Commissioner Smith said if you go straight out on the departure path, the parcel is close by, but not directly under the departure path. Commissioner Foster said beyond the parcel is the West River open space where the sewer line goes. Chairman Owens said he imagined at about 800 feet that area would not look very favorable for landing. Commissioner Smith said he can usually get up to about 900 feet by the time he gets to that area. He said if you lost power on take-off, he did not think that

area would be the first choice to try to land; you would probably turn to the old mill site. Commissioner Montgomery said it is so rocky immediately adjacent to the river that would be her last choice. It was stated that a direct approach to land from the west is a pretty rare occurrence. Commissioner Smith noted that the arrival procedure is well defined and it is clear of this property. Commissioner Foster said the approach coming in over Donner Summit puts you right over the top of that site as you are dropping in, but if you had a problem you would just divert over and land on Runway 10. Chairman Owens said if you had a loss of power you would be aiming for the regional park or the golf course. Commissioner Foster said he thought Runway 10 would be an easy glide. Commissioner Smith said on a VOR approach you do cross that property. He added the VOR approach on Runway 10 brings you in a little bit different than the GPS approach that comes in on Runway 19.

Commissioner Foster asked if there was a discussion relative to the aviation easements. Chairman Owens directed the Commission to the three conditions of approval listed in the staff report on page 2. He said the first condition states the need for an overflight easement to be recorded, and since the applicant was not in attendance at the meeting it indicated to Chairman Owens that the applicant was in agreement with the conditions. Executive Director Landon mentioned that the applicant was aware of the meeting date and time. Chairman Owens said the second condition of approval was no distracting lights, and he added that the Town of Truckee would not approve that anyway. The third factor spoke about the wide variations with the occupancy that had been discussed. Commissioner Foster asked if the overflight easement was the same thing as an aviation easement. Commissioner Collinson explained that the aviation easement pertains to the area almost adjacent to the airport; there are more restrictions in an aviation easement.

Commissioner Brown asked for an example of types of electrical interference; he assumed that a hotel would have a WiFi system. Commissioner Smith said that the airport had a WiFi system there. Commissioner Smith said it would have to be a pretty specific use that they would propose, like a radio station, and all of that would have to be regulated by the FAA. Commissioner Collinson said he remembered an incident where someone had a cable television hookup that was not plugged into the TV that was actually transmitting, and airplanes flying overhead were picking up the TV show.

Chairman Owens asked Commissioner Smith if the Airport Board had any issues or restrictions with this proposal. Commissioner Smith said there were no restrictions for them pertaining to the proposed project. Chairman Owens asked the Commission if there were any other questions or comments. There were none.

Commissioner Joiner made a motion to adopt Resolution 12-02 that includes findings to make a determination that the Hotel Avery Project Amendment is consistent with the Truckee Tahoe Airport Land Use Compatibility Plan, subject to recordation of an overflight easement. Commissioner Montgomery seconded the motion. The motion passed with six aye votes and one abstention from Commissioner Brown due to the close proximity of the project and his residence.

5. Election of Officers

Executive Director Landon noted for the Commission that based on the staggered terms of office the TTALUC has, the term for the seventh member appointed by the other six members is expiring on May 7, 2012. He said the Commission would need to advertise for that position. Mr. Landon continued that Commissioner Joiner, who was appointed by the Placer County City Selection

Committee, will also have his two year term expire May 7th, so that position will need to be appointed or Commissioner Joiner could be reappointed by the Placer County City Selection Committee. Commissioner Montgomery asked if there were any problem with nominating either member mentioned for an officer position. Mr. Landon said he made the Commission aware of the situation because if one of the two was selected as chairman, but he was not reappointed to the TTALUC, then he could not fulfill the term of office. He put that decision before the Commission to determine. Chairman Owens asked if the election of officers could be deferred until the two Commissioner positions were solidified and the current terms of officers be continued until the next meeting. It was noted the law states that the term of office ends on the first Monday in May in the year of expiration. Mr. Landon said it would be the choice of the Commission to not hold election of officers until the two members were reappointed.

Chairman Owens directed that the election of officers be postponed until the two expiring terms of appointments for Commissioners be addressed. Chairman Owens asked staff to be aware in the future of terms expiring in order to be sensitive to the infrequent scheduling of TTALUC meetings. Staff mentioned that it was an oversight on their part. Executive Director Landon verified that the next terms of office for these two individuals will be for four years each; the initial terms were staggered at the inception of the Commission as dictated by law.

COMMISSION ANNOUNCEMENTS

Commissioner Smith reported that the Truckee Tahoe Airport District Master Plan RFP (Request For Proposal) would go out to bid the following week and they will be actively engaged, probably later in the summer and all during the fall, with a lot of public outreach and open houses looking at the future of the airport. The current plan was created in 1998 and does not reflect what the airport has evolved into or the current buildings on the property. Commissioner Smith acknowledged that the Nevada County Transportation Commission gave the airport money for the update and then the Airport District funded the remainder. The airport was unsuccessful in getting any FAA money towards the plan. He said it is a very important process and he will keep the Commission appraised. Executive Director Landon said there may be a future need to amend the Truckee Tahoe Airport Land Use Compatibility Plan. Commissioner Smith said the impetus for getting the plan updated came more from airport staff than anyone in the community or anywhere else. His background is municipal planning and he thought local government having a community master plan is really important for the decisions that will be made and getting the public involved in the facility. Commissioner Smith said the airport is a publicly funded facility and it is important to not only have input from the pilots and people who use the airport, but also from the community who help to support the airport and the services it provides. Commissioner Smith said they will be going out to the community asking questions in a series of open houses and workshops to gather information for the consultants' use to help update the master plan.

Commissioner Foster asked about the Addendum to Correspondence, the Town and Country Business Park located in Placer County, which was emailed out after the agenda packet was sent, but was not discussed at the meeting. Executive Director Landon said he had reviewed and approved the project. Commissioner Foster desired to know more about the project and asked where the Truckee Airport Industrial Park was located. Commissioner Smith said it was between the airport and the clock tower building where there are offices and the Truckee Automotive Shop. Commissioner Foster asked if it was a new building. Commissioner Smith replied that it is an existing building with a different use.

Commissioner Montgomery said there were some changes to her contact information and she would have her staff send the corrections.

SCHEDULE FOR NEXT MEETING

The next scheduled meeting of the Truckee Tahoe Airport Land Use Commission will be determined as the need arises, as stated in the TTALUC Bylaws.

ADJOURNMENT OF MEETING

Chairman Owens adjourned the meeting at 10:32 a.m.

Respectfully submitted: Antoinette Perry
Antoinette Perry, Administrative Assistant

Approved on: Dec. 19, 2012

By: Theodor S. Owens
Theodor S. Owens, Chairman
Truckee Tahoe Airport Land Use Commission

