

CHAPTER **2**

Policies

Policies

1. GENERAL APPLICABILITY

1.1. Purpose and Use

- 1.1.1. *Basic Purpose:* The purpose of this *Truckee Tahoe Airport Land Use Compatibility Plan* is to articulate procedures and criteria, established in accordance with the California State Aeronautics Act (Public Utilities Code Section 21670 et seq.), applicable to airport land use compatibility planning in the vicinity of *Truckee Tahoe Airport*, a public-use general aviation airport owned by the Truckee Tahoe Airport District.
- (a) This *Compatibility Plan* also applies to the following types of proposed development (see Policy 1.4.4):
- (1) Certain development on the *Truckee Tahoe Airport* that could have off-airport land use compatibility implications.
 - (2) Nonaviation development on the *Truckee Tahoe Airport* property.
- (b) The *Compatibility Plan* is prepared in accordance with the requirements of the California State Aeronautics Act (Public Utilities Code Section 21670 et seq.) and guidance provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation Division of Aeronautics in October 2011.
- 1.1.2. *Effective Date:* The policies in this *Compatibility Plan* shall become effective as of the date that the *TTALUC* adopts the plan. The effective date of this *Compatibility Plan* is October 27, 2016.
- (a) This *Compatibility Plan* was originally adopted on December 2, 2004, by the Foothill Airport Land Use Commission which served as the airport land commission (ALUC) for *Truckee Tahoe Airport* at that time. On May 19, 2010, the 2004 *Compatibility Plan* was re-adopted by the Truckee Tahoe Airport Land Use Commission (*TTALUC*) after that body took over the ALUC responsibility for the *Airport*. Only minor revisions to reflect the new ALUC were made at that time. The earlier plan, as amended in 2010, shall remain in effect until

the effective date of this *Compatibility Plan* and shall again become effective if the entirety of this *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 Policies 1.2.14 and 1.5.3) prior to the effective date of this *Compatibility Plan* shall not be required to comply with policies revised herein. Rather, the policies of the 2010 compatibility plan shall apply.

1.1.3. Use by Government Agencies:

- (a) The *TTALUC* shall adopt this *Compatibility Plan* in accordance with Public Utilities Code (PUC) Section 21674(c) and shall utilize the policies of the *Plan* when:
 - (1) Reviewing proposed *Land Use Actions* in the *Influence Area* of the *Truckee Tahoe Airport* for compatibility with airport activity.
 - (2) Evaluating proposed updates to the *Truckee Tahoe Airport* master plan as well as certain types of airport development proposals that also are subject to *TTALUC* review and are addressed by the *Plan*.
- (b) The County of Nevada, County of Placer, the Town of Truckee, and any future municipality controlling lands within the *Airport Influence Area* shall:
 - (1) As required by state law (PUC Section 21676(a)), modify its 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 *TTALUC* (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 other planning decisions regarding the proposed *Land Use Actions* within the *Airport Influence Area*.
 - (3) When preparing an environmental document for any *Land Use Action* within the *Airport Influence Area*, address the compatibility criteria contained in this *Compatibility Plan* in addition to referencing guidance from the *Handbook*.¹
- (c) Special districts school districts (including charter schools), and community college districts shall:
 - (1) Apply the policies of this *Compatibility Plan* when creating plans or taking other *Land Use Actions* regarding proposed facilities and other development affecting or affected by airport operations.
 - (2) Refer *Land Use Actions* as specified herein to the *TTALUC* for review.
- (d) The *Truckee Tahoe Airport District*, as the airport owner, shall refer proposed airport master plans and certain airport improvement plans to the *TTALUC* for review (see Section 2.4).
- (e) Lands controlled by federal or state agencies or by Native American tribes are not subject to the provisions of the state ALUC statutes or this *Compatibility Plan*. However, the compatibility criteria included herein are intended as recommendations to these agencies.

¹ 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). 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.

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this document. Words listed here appear in *Italics* when used in this chapter. Additional terms are defined in the *Glossary* (see **Appendix H**):

- 1.2.1. *Aeronautics Act*: Except as indicated otherwise, the article of the California Public Utilities Code Section 21670 et seq., pertaining to airport land use commissions and airport land use compatibility planning (also known as the California State Aeronautics Act).
- 1.2.2. *Airport*: The Truckee Tahoe Airport.
- 1.2.3. *Airport Influence Area*: The area, as shown in **Map 2A**, 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 *TTALUC* review. The term *Airport Influence Area* is synonymous with the term *Referral Area* as well as with the term “planning area” as referred to in Public Utilities Code Section 21675.
- 1.2.4. *Airport Land Use Commission (ALUC)*: The Truckee Tahoe Airport Land Use Commission (*TTALUC*) or a legally established successor agency.
- 1.2.5. *Airport Land Use Commission Executive Director*: The Nevada County Transportation Commission (NCTC) Executive Director or a person designated by the Director with the concurrence of the *TTALUC* Chairperson.
- 1.2.6. *Airport Proximity 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 5.4.2 for applicability. Also see Policy 5.4.1 for a related buyer awareness tool, *Recorded Overflight Notification*.
- 1.2.7. *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.
- 1.2.8. *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 the *Airport*. 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.
- 1.2.9. *Avigation Easement*: An easement that conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc. (see Policy 3.1.9 and *Glossary*)
- 1.2.10. *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.

- 1.2.11. *Compatibility Plan*: This document, the *Truckee Tahoe Airport Land Use Compatibility Plan*.
- 1.2.12. *Compatibility Zone*: Any of the zones set forth herein for the purposes of assessing land use compatibility within the airport influence area.
- 1.2.13. *Density*: The number of dwelling units per acre. *Density* is used in this *Compatibility Plan* as the measure by which proposed residential development is evaluated for compliance with safety compatibility criteria (compare *Intensity*). *Density* is calculated on the basis of the overall site size (i.e., *Gross Acreage* of the site).
- 1.2.14. *Existing Land Use*: A land use that either physically exists or for which *Local Agency* commitments to the proposal have been obtained (see Policy 1.5.3).
- 1.2.15. *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.
- 1.2.16. *Gross Acreage*: The acreage of a *Project* site including the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.
- 1.2.17. *Handbook*: The *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics in October 2011. The *Handbook* provides guidance to ALUCs for the preparation, adoption, and amendment of airport land use compatibility plans.
- 1.2.18. *Height Review Overlay Zone*: Areas of land in the vicinity of an airport where the ground lies above an FAR Part 77 surface or less than 35 feet beneath such surface.
- 1.2.19. *Infill*: Development of vacant or underutilized land within areas that are already largely developed or used more intensively. See Policy 6.1.1 for criteria used to identify *Infill* areas for compatibility planning purposes.
- 1.2.20. *Intensity*: The number of people per acre. *Intensity* is used in this *Compatibility Plan* as the measure by which most proposed nonresidential development is evaluated for compliance with safety compatibility criteria (compare *Density*). Sitewide average *Intensity* is calculated on the basis of the overall site size (i.e., *Gross Acreage* of the site).
- 1.2.21. *Land Use Action*: Any type of land use matter including, but not limited to, land use plans and individual development proposals or *Projects* for which *Local Agency* action is required and which are subject to the provisions of this *Compatibility Plan*.
- 1.2.22. *Land Use of Special Concern*: A land use that represents special safety concerns irrespective of the number of people associated with the use. Specifically: uses with vulnerable occupants; hazardous materials storage; or critical community infrastructure.
- 1.2.23. *Local Agency*: The County of Nevada, County of Placer, the Town of Truckee, or any other current or future government agency (except state or federal government agencies or Indian tribes) having land use authority over territory lying within the *Airport Influence Area* and are therefore subject to this *Compatibility Plan*. In accordance with state law (Public Utilities Code Section 21670(f)) and for the purposes of this *Compatibility Plan*, special districts, school districts, and community college districts are considered local agencies and are also subject to the provisions of this *Compatibility Plan*.
- 1.2.24. *Major Land Use Action*: *Land Use Actions* related to proposed land uses for which compatibility with airport activity is a particular concern, but for which *TTALUC* review is not always mandatory under state law. These types of actions are listed in Policy 1.4.3.

- 1.2.25. *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.
- 1.2.26. *Noise-Sensitive Land Use*: 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, childcare facilities, and certain types of passive recreational parks and open space.
- 1.2.27. *Nonconforming Use*: In general, a land use, parcel, or building which does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of this *Compatibility Plan*, a nonconforming land use is one which exists (see definition of *Existing Land Use* in Policy 1.5.3) as of the *Compatibility Plan's* effective date as established by Policy 1.1.2, but which does not conform with the compatibility criteria set forth herein.
- 1.2.28. *Object Free Area (OFA)*: An area on the ground surrounding an airport runway within which the Federal Aviation Administration (FAA) prohibits all objects except certain ones necessary for aircraft navigation or maneuvering. The *OFA* dimensions to be applied for the purposes of this *Compatibility Plan* are as established by the FAA.
- 1.2.29. *Overrule*: An action that a *Local Agency* can take in accordance with provisions of state law if it wishes to proceed with approval of a *Land Use Action* in spite of a *TTALUC* finding that the action is inconsistent with this *Compatibility Plan* (see Chapter 1 of this *Compatibility Plan* and Section 2.5 for descriptions of the *Overrule* process).
- 1.2.30. *Project*: A type of *Land Use Action* that involves development of a specific site (as opposed to a plan, ordinance, or regulation that applies throughout a *Local Agency's* jurisdiction).
- 1.2.31. *Rare Special Events*: Events (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.
- 1.2.32. *Reconstruction*: The rebuilding of an existing nonconforming structure that has been fully or partially destroyed as a result of a calamity (*i.e.*, not planned modifications, replacement, or *Redevelopment*). See Policy 6.1.3.
- 1.2.33. *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 *Avigation 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 5.4.1 for applicability. Also see Policy 5.4.2 for a related buyer awareness tool, *Airport Proximity Disclosure*.
- 1.2.34. *Redevelopment*: A development proposal that would replace an *Existing Land Use* or the facilities supporting that use at a *Density* or *Intensity* that may vary from the *Existing Land Use*. *Projects* involving *Redevelopment* are subject to the provisions of this *Compatibility Plan* to the same extent as other forms of *Land Use Actions*.
- 1.2.35. *Referral Area*: See *Airport Influence Area*.

1.3. Scope of TTALUC Concerns

Geographic Scope / Airport Influence Area: As established and adopted by the TTALUC, the geographic scope of the *Truckee Tahoe Airport Land Use Compatibility Plan* encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the *Truckee Tahoe Airport*, as well as lands on which the uses could negatively affect airport usage and thus necessitate restriction on those uses. The *Airport Influence Area* defined herein constitutes the *Referral Area* within which certain airport and *Land Use Actions* are subject to TTALUC review to determine consistency with this *Compatibility Plan*. The specific limits of the *Truckee Tahoe Airport Influence Area* are depicted on **Map 2A** in this chapter.

- 1.3.1. *Principal Compatibility Concerns:* TTALUC is concerned only with the potential impacts related to four compatibility factors. The geographic extent of these four factors serve to delineate the *airport influence area* of the *Truckee Tahoe Airport*.
- (a) Noise: Exposure to potentially disruptive levels of aircraft noise.
 - (b) Safety: The risk that an aircraft accident poses to for people and property on the ground and also the characteristics of land uses on the ground that may affect the outcome of an accident for occupants of the aircraft.
 - (c) Airspace Protection: Land use characteristics that may create a hazard to aircraft in flight. These characteristics may be physical (e.g., tall objects, bird attractants), visual (e.g., smoke, glare, distracting lights), or electronic (e.g. interfering with aircraft navigation or communication).
 - (d) Overflight: General concerns related to intrusiveness and annoyance of aircraft overflights.
- 1.3.2. *Airport Impacts Not Considered:* Other impacts sometimes created by airports (e.g. air pollution, automobile traffic, etc.) are not addressed by these compatibility policies and are not subject to review by the TTALUC. Also, in accordance with state law Public Utilities Code Section 21674(e), neither this plan nor the TTALUC have authority over the operation of the airport (including where and when aircraft fly, airport security, and other such matters).

1.4. Types of Actions Subject to TTALUC Review

- 1.4.1. *Land Use Actions That Always Require TTALUC Review:* As required by state law, the following types of actions shall be referred to the TTALUC for determination of consistency with the *compatibility Plan* prior to their approval by the *Local Agency*:
- (a) The adoption or approval of any amendment to a general plan or specific plan affecting the property within the *Airport Influence Area* (Public Utilities Code Section 21676(b)).
 - (b) The adoption or approval of a zoning ordinance or building regulation that (1) affects property within the *Airport Influence Area*, and (2) involves the types of airport impact concerns listed in Section 1.3.1 (Public Utilities Code Section 21676(b)).
 - (c) Any proposal by a special district, school district, or community college district that (1) affects property within the *Airport Influence Area*, and (2) involves the types of airport impact concerns listed in Section 1.3.1.

- 1.4.2. *Other Land Use Actions Potentially Subject to TTALUC Review:* In addition to the above types of *Land Use Actions* for which TTALUC 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 TTALUC finds that a *Local Agency's* general plan or specific plan is consistent with this *Compatibility Plan* or (2) the *Local Agency* has *Overruled* the TTALUC's determination of inconsistency, in accordance with state law the TTALUC may require the *Local Agency* to refer all *Land Use Actions*, including regulations and permits, involving land within the *Airport Influence Area* to it for review (Public Utilities Code Section 21676.5(a)). Only those *Land Use Actions* that the TTALUC elects not to review are exempt from this requirement. TTALUC 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 (see Section 3.2) or has *Overruled* the TTALUC, the TTALUC no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the TTALUC and the *Local Agency* can agree that TTALUC should continue to review individual *Land Use Actions* in an advisory capacity.
 - (1) The TTALUC requests *Local Agencies* to continue to submit *Major Land Use Actions* as listed in Policy 1.4.3. TTALUC review of these types of *Land Use Actions* can serve to enhance their compatibility with airport activity.
 - (2) Review of *Major Land Use 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 TTALUC acts in an advisory capacity when reviewing *Major Land Use Actions* under these circumstances, *Local Agencies* are not required to adhere to the *Overrule* process if they elect to approve such actions without incorporating design changes or conditions suggested by the TTALUC.
 - (c) Proposed *Redevelopment* of a property for which the *Existing Land Use* is consistent with the general plan and/or specific plan, but *Nonconforming* with the compatibility criteria set forth in this *Compatibility Plan*, shall be subject to TTALUC review. This policy is intended to address circumstances that arise when a general or specific plan land use designation does not conform to TTALUC 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 a new *Land Use Action* subject to TTALUC review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 6.1.2 and 6.1.3.)
 - (d) Proposed *Land Use Actions* covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the TTALUC *Executive Director*. If the *Executive Director* determines that significant compatibility issues are evident, the proposal shall be forwarded to the TTALUC for review and decision. The TTALUC authorizes the *Executive Director* to approve proposed *Major Land Use Actions* having no apparent compatibility issues of significance.
- 1.4.3. *Major Land Use Actions:* The scope or character of certain *Major Land Use Actions*, as listed in this policy, 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, *TTALUC* review of these actions may be warranted. If there is uncertainty as to whether an action should be referred to the *TTALUC* for review, *Local Agencies* should consult with the *ALUC Executive Director*. The circumstances under which *TTALUC* review of these actions is either required or voluntary are indicated above in Policies 1.4.2(a) and 1.4.2(b), respectively.

- (a) Actions affecting land uses within any *Compatibility Zone*.
- (1) Any proposed expansion of the sphere of influence of a city or special district.
 - (2) Proposed pre-zoning associated with future annexation of land to a city.
 - (3) Proposed development agreements or amendments to such agreements.
 - (4) Proposed residential *Land Use Actions*, including land divisions, consisting of five or more dwelling units or parcels.
 - (5) Any proposed *Land Use Action* requiring discretionary *Local Agency* approval 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 proposed *Land Use Action* 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 infrastructure or other 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 (e.g., a school, jail or hospital).
 - (9) Any off-airport, nonaviation use of land within *Compatibility Zone A*.
 - (10) Development proposals for new buildings, antennas, and other structures having a height of more than:
 - 35 feet within *Compatibility Zone B1, B2, or the Height Review Overlay Zone*;
 - 50 feet within *Compatibility Zone C*; or
 - 100 feet within *Compatibility Zone D or E*.
 - (11) Any obstruction (including buildings, antennas, and other structures) 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.”
 - (12) Any proposed development 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.
 - (13) Any proposed development (including water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation

Plan) having the potential to cause attraction of birds or other wildlife that can be hazardous to aircraft operations to be increased within the vicinity of the *Airport*.

(14) Any proposed development having the potential to create a thermal plume extending to an altitude where aircraft fly.

(b) Proposed nonaviation development of airport property if such development has not previously been included in an airport master plan or community general plan reviewed by the *TTALUC*. (See Policy 1.2.8 for definition of *Aviation-Related Use*.)

(c) Any other proposed *land use action*, as determined by the *local agency*, involving a question of compatibility with airport activities.

1.4.4. *Airport Planning and Development Actions That Always Require TTALUC Review*: Under state law, planning and *development actions* involving airport property are subject to *TTALUC* review as follows:

(a) Prior to approving either of the following types of airport planning and development actions, the Truckee Tahoe Airport District as airport owner must refer the action to the *TTALUC* for determination of consistency with the *Compatibility Plan*.

(1) Adoption or modification of the master plan for *Truckee Tahoe Airport* (Public Utilities Code Section 21676(c)).

(2) Any proposal for “expansion” of the *Truckee Tahoe Airport* 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.

(b) Nonaviation development of airport property is not deemed to be a form of airport operations. Consequently, such *Land Use Actions* are subject to *TTALUC* review just as is required for *TTALUC* review of nonaviation *Land Use Actions* off airport property. The review may take place as part of an airport master plan or on an individual development *Project* basis.

1.4.5. *Environmental Documents*: *TTALUC* policy is:

(a) If an environmental document has been prepared at the time that a *Land Use Action* or *Airport* action is referred for mandatory review by the *TTALUC* and the document contains information pertinent to the review, then a copy must be included with the referral. In addition to its consistency determination regarding the *Action*, the *TTALUC*—or the *TTALUC Executive Director* in the case of *Actions* reviewed by the *Director* in accordance with Policy 1.4.2(d)—may provide comments on the environmental document.

(b) If an environmental document is submitted to the *TTALUC* as part of a *Land Use Action* for which referral is voluntary or for which no *TTALUC* action is required, the *TTALUC* authorizes the *ALUC Executive Director* to provide comments as appropriate.

1.5. Limitations of the *TTALUC* and Compatibility Plan

1.5.1. *Government Agencies and Native American Tribes*: Lands within the *Airport Influence Area* controlled by federal or state agencies or by Native American tribes are not subject to the provisions of this *Compatibility Plan*.

- 1.5.2. *Airport Operations*: In accordance with state law, neither the *TTALUC* 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 *TTALUC* and this *Compatibility Plan* have no authority over the planning or design of aviation-related uses except as described below (see Policy 1.2.8 for definition of an *Aviation-Related Use*). *TTALUC* authority applies only as indicated in Policy 1.4.4.
- 1.5.3. *Existing Land Uses*: The policies of this *Compatibility Plan* do not apply to *Existing Land Uses*.² A land use is considered to be “existing” when one or more of the below conditions has been met prior to the effective date of the *Compatibility Plan* as set by Policy 1.1.2.
- (a) *Qualifying Criteria*: An *Existing Land Use* is one that either physically exists or for which *Local Agency* commitments to the proposal have been obtained in one or more of the following manners:
 - (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 and not yet expired.
 - (b) *Determination*: The determination as to whether a specific *Project* meets the above criteria is to be made by the *Local Agency* involved.
 - (c) *Revisions to Approved Development*: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an *Existing Land Use* and, therefore, is subject to *TTALUC* review in accordance with the policies of Section 2.
 - (d) *Expiration of Local Agency Commitment*: If a *Local Agency*'s commitment to a development proposal, as set forth in Paragraph (a) of this policy, 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*.
 - (e) *Existing Nonconforming Uses*: The *TTALUC* has no ability to reduce or remove *Nonconforming* or otherwise incompatible *Existing Land Uses* from the airport environs. However, proposed changes to *Existing Land Uses* (i.e., *Reconstruction, Redevelopment*) are subject to *TTALUC* review if discretionary approval on the part of the *Local Agency* is required (see Policy 6.1.2).

² This is an explicit limitation of Public Utilities Code Sections 21670(a) and 21674(a).

2. TTALUC REVIEW PROCESS

2.1. General

- 2.1.1. *Timing of Project Submittal:* The precise timing of the *TTALUC's* or *TTALUC Executive Director's* review of a proposed *Land Use Action* may vary depending upon the nature of the specific *Action*.
- (a) In general, *Land Use Actions*, including plans and development *Projects*, should be referred to the *TTALUC* at the earliest reasonable point in time so that the *TTALUC's* review can be duly considered by the *Local Agency* prior to when the *Local Agency* formalizes its actions. Depending upon the type of plan or *Project* and the normal scheduling of meetings, *TTALUC* 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 *TTALUC* 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 *TTALUC*. Rather, a *Project* applicant may request, and the *Local Agency* may refer, a proposed *Land Use Action* to the *TTALUC* for review, so long as the *Local Agency* is able to provide the *TTALUC* with the *Project* submittal information for the proposal, as specified in herein.
- 2.1.2. *Public Input:* Where applicable, the *TTALUC* 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 Action* under consideration.
- 2.1.3. *Fees:* Any applicable review fees as established by the *TTALUC* shall accompany the submittal of *Land Use Actions* for formal *TTALUC* or *TTALUC Executive Director* review.

2.2. Review Process for Community Land Use Plans and Ordinances

- 2.2.1. *Initial TTALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *Compatibility Plan*, the *TTALUC* shall review the general plans and specific plans of affected *Local Agencies* to determine the plans' consistency with the *TTALUC's* policies.
- (a) Within 180 days of the *TTALUC's* adoption or amendment of this *Compatibility Plan*, each *Local Agency* must amend its general plan and any applicable specific plan to be consistent with the *TTALUC's* plan or, alternatively, adopt findings and *Overrule* the *TTALUC* in accordance with Public Utilities Code Section 21676(b) (Government Code Section 65302.3).
 - (b) Prior to taking action on a proposed amendment, the *Local Agency* must submit a draft of the proposal to the *TTALUC* for review and approval.
 - (c) In conjunction with its submittal of a general plan or specific plan amendment to the *TTALUC*, a *Local Agency* may request that the *TTALUC* modify the areas defined as *Infill* in accordance with Policy 6.1.1. The *TTALUC* 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 the *Airport Influence Area* as defined herein, *Local Agencies* must submit the proposed plan, ordinance, or regulation to the *TTALUC* for review. Subsequent *Land Use Actions* that are consistent with applicable, previously reviewed, local plans, ordinances, and regulations are subject to *TTALUC* 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 2.3.1 shall also be included to the extent applicable.
- 2.2.4. *TTALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the *TTALUC* 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 *TTALUC* 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 *TTALUC* shall note the specific conflicts or shortcomings upon which its determination is based.
- 2.2.5. *Response Time:* The *TTALUC* must respond to a *Local Agency's* request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of referral (Public Utilities Code Section 21676(d)).
- (a) The date of referral is deemed to be the date on which all applicable information as specified in Policy 2.3.1 is received by the *TTALUC Executive Director* and the *Executive Director* determines that the application for a consistency determination is complete.
 - (b) If the *TTALUC* fails to make a determination within the 60-day period, the proposed *action* shall be deemed consistent with the *Compatibility Plan*.
 - (c) The 60-day review period may be extended if the submitting *Local Agency* or *Project* applicant and the *TTALUC Executive Director* agree in writing or so state at a *TTALUC* public hearing on the plan, ordinance, or regulation.
 - (d) Regardless of *TTALUC* action or failure to act, the proposed plan, ordinance, or regulation must comply with other applicable local, state, and federal regulations and laws.
 - (e) The referring *Local Agency* shall be notified of the *TTALUC's* consistency determination 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 *TTALUC* for review shall include sufficient detail to enable consistency with the compatibility criteria

to be adequately assessed. 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 Policy 5.3.5(a)(5)). 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 *TTALUC* or its staff determine to be necessary to enable a comprehensive review of the proposal.

2.3.2. *Review by TTALUC Executive Director:* The *TTALUC* delegates the review and consistency determination of *Major Land Use Actions* under Policy 1.4.2 to the *TTALUC Executive Director*.

- (a) In reviewing these actions, the *Executive Director* shall consult with the airport manager.
- (b) The *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 *Compatibility Plan*.

Upon said finding, the *Executive Director* is authorized to approve such *Major Land Use Actions* on behalf of the TTALUC. The *Executive Director* shall provide the TTALUC, at its next regular meeting, a list of all *Major Land Use Actions* reviewed and the determination made.

- (2) Find that the proposed *Major Land Use Action* may be inconsistent with the *Compatibility Plan*. The *Executive Director* shall forward any such *Major Land Use Action* to the TTALUC for a consistency determination.
- 2.3.3. *Appeal of TTALUC Executive Director's Action:* The affected *Local Agency*, *Project* applicant, the Truckee Tahoe Airport District General Manager, or other directly interested party may appeal to the TTALUC a consistency determination made by the *Executive Director* on a *Major Land Use Action* reviewed in accordance with Policy 1.4.2(a). The TTALUC shall then review the proposed *Major Land Use Action*, the *Executive Director's* determination, and information supporting the appeal and make a final determination regarding the proposed *Major Land Use Action's* consistency with the *Compatibility Plan*. Any appeal of the *Executive Director's* determination must be submitted within 30 days of the date the determination was issued.
- 2.3.4. *TTALUC Action Choices:* When reviewing a proposed *Major Land Use Action*, the TTALUC has three choices of action:
- (a) Find the *Major Land Use Action* consistent with the *Compatibility Plan*.
 - (b) Find the *Major Land Use Action* consistent with the *Compatibility Plan*, subject to compliance with such conditions as the TTALUC 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 *Major Land Use Action* inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the TTALUC shall note the specific conflicts upon which the determination is based.
- 2.3.5. *Response Time:* In responding to *Major Land Use Actions* referred for review, the policy of the TTALUC is that:
- (a) When a *Major Land Use Action* is referred for review on a mandatory basis as required by Policy 1.4.2(a):
 - (1) Reviews by the TTALUC *Executive Director* shall be completed within 30 days of when a complete application is submitted.
 - (2) Reviews of *Major Land Use Actions* forwarded to the TTALUC for a consistency determination shall be completed within 60 days of the date of project referral.
 - (3) Reviews of *Major Land Use Actions* appealed to the TTALUC 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 information as listed in Policy 2.3.1 is received by the TTALUC *Executive Director*. The *Executive Director* shall provide a written determination to the *Local Agency* within 14-days from the date of the receipt of a *Major Land Use Action* application, stating whether or not sufficient information has been submitted for the TTALUC review.
 - (5) If the *Executive Director* or the TTALUC fail to make a determination within the above time periods, the proposed *Major Land Use Action* shall be deemed consistent with the *Compatibility Plan*.

- (b) When a *Major Land Use Action* is referred on an optional basis in accordance with Policy 1.4.2(b), review by the *Executive Director* and/or the *TTALUC* should be completed in a timely manner enabling the comments to be considered by decision-making body of the referring *Local Agency*.
 - (c) Regardless of action or failure to act on the part of the *Executive Director* or the *TTALUC*, the proposed *Major Land Use Action* still must comply with other applicable local, state, and federal laws and regulations.
 - (d) The referring *Local Agency* shall be notified of the *Executive Director's* and/or the *TTALUC'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 *TTALUC's* original review of the proposed *Project* to assess whether it 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 6.1.5.
 - (c) At the time of original *TTALUC* review, conditions were placed on the *Project* that require subsequent *TTALUC* 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. *Project Submittal Information:* A *Truckee Tahoe Airport* master plan or development plan submitted to the *TTALUC* for review shall contain sufficient information to enable the *TTALUC* to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses.
- (a) When a new or amended *Truckee Tahoe Airport* master plan is the subject of the *TTALUC* 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. Any environmental document prepared for the plan must be included in the submittal.

- (b) For *Airport* development plans (see Policy 1.4.4(a)(2) for referral requirements), 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 proposed development must 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;
 - 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 *Airspace Protection Surfaces* for the *Airport* 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) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
 - (7) Identification and proposed mitigation of impacts on surrounding land uses especially if those impacts would be greater than indicated by the compatibility factors summarized in Chapter 3.

2.4.2. *TTALUC Action Choices for Truckee Tahoe Airport Plans*: When reviewing a proposed new or revised airport master plan or new development plans for the *Truckee Tahoe Airport*, the *TTALUC* 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* on the condition that the *Compatibility Plan* be modified (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan.
- 2.4.3. *Response Time:* The *TTALUC* must respond to the referral of an airport master plan or development plan within 60 days from the date of referral (Public Utilities Code Section 21676(d)).
- (a) If the *TTALUC* fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (b) Regardless of *TTALUC* action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
 - (c) The Truckee Tahoe Airport District shall be notified of the *TTALUC* action in writing.

2.5. Overruling the *TTALUC*

- 2.5.1. *TTALUC Determination of "Inconsistent":* If the *TTALUC* determines that a proposed *Land Use Action*, regulation, or permit or a proposed airport plan is inconsistent with this *Compatibility Plan*, the *TTALUC* must notify the *Local Agency* and shall indicate the reasons for the inconsistency determination.
- 2.5.2. *Overruling of TTALUC by Local Agency:*
- (a) If a *Local Agency* wishes to proceed with a proposed *Land Use Action*, regulation, permit, or *Project* or airport plan that the *TTALUC* has determined to be inconsistent with the *Compatibility Plan*, or if the *Local Agency* wishes to ignore a condition for consistency, the *Local Agency* must *Overrule* the *TTALUC* determination in accordance with the provisions of state law.³
 - (b) The *Overrule* process applies only to determinations made by the *TTALUC*, not ones made by the *TTALUC Executive Director* in accordance with Policy 1.4.2(a). Disagreements over determinations made by the *TTALUC Executive Director* are first to be appealed to the *TTALUC*. See Policy 2.3.3.
- 2.5.3. *TTALUC Comments on Proposed Overruling:* The *TTALUC* may provide comments on the proposed *Overruling* decision. The *TTALUC* delegates to the *TTALUC Executive Director* the authority to provide comments.

³ For a *Local Agency* to *Overrule* the *TTALUC*, that *Agency* must: (1) prepare specific findings that the proposed *Land Use Action* or airport plan is consistent with the purposes of the *ALUC* statutes as defined in Public Utilities Code Section 21670(a); (2) provide the *TTALUC* and the California Division of Aeronautics a copy of the proposed decision and findings at least 45 days prior to the decision to overrule; (3) hold a public hearing on the matter; (4) take action by a two-thirds vote of the agency's governing body; and (5) include the comments, if any, received from the *TTALUC* and the Division of Aeronautics in the public record of the final decision to *overrule* the *TTALUC*. See Public Utilities Code Sections 21676 and 21676.5 for specific procedures for *overruling* an *ALUC*. Further guidance is provided in the *California Airport Land Use Handbook* published by the California Division of Aeronautics (see beginning on page 5-15 of the 2011 edition). Also see Chapter 1 of this *Compatibility Plan* for a summary of the statutory requirements.

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

3.1. Basic Criteria

- 3.1.1. *Land Use Compatibility Criteria and Map:* The basic criteria for assessing whether a proposed *Land use Action* is to be judged compatible with the *Truckee Tahoe Airport* are set forth in the Basic Compatibility Criteria matrix, **Table 2A**. These criteria are to be used in conjunction with the *Truckee Tahoe Airport Compatibility Policy Map*, **Map 2A**. The factors considered in delineation of the *Compatibility Zones* depicted in **Map 2A** are summarized in **Table 2B**.
- 3.1.2. *Function of Supporting Criteria:* The Basic Compatibility Criteria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Section 1.3.1. For the purposes of reviewing proposed amendments to community area-wide general plans, specific plans, zoning ordinances, and building regulations, as well as in the review of most individual *project* proposals, the criteria in the matrix are anticipated to suffice. However, certain complex *Land Use Actions* may require more intensive review. The *TTALUC* may refer to the supporting criteria, as listed in Section 0, to clarify or supplement its review of such actions.
- 3.1.3. *Residential Development:* The following criteria shall be applied to evaluation of the compatibility of proposed residential *Land Use Actions*.
- (a) Any subdivision of land for residential uses within *Compatibility Zones A, B1, B2, and C* shall not result in a *Density* greater than that indicated in the Basic Compatibility Criteria matrix, **Table 2A**. A *Project* site may include multiple parcels.
 - (1) Clustering of development on a *Project* site shall be limited in accordance with Policy 5.2.5(a).
 - (2) Secondary units, as defined by state law, shall be excluded from *Density* calculations.
 - (b) Within *Compatibility Zone D*:
 - (1) Any residential *Project* allowable under the Nevada County, Placer County, and Town of Truckee general plans and/or specific plans in effect as of the original adoption date of this *Compatibility Plan* (December 2, 2004) shall be permitted to proceed. Clustering of development so as to achieve *Densities* of at least 5.0 dwelling units per acre within any single acre is encouraged. The determination as to whether a specific *Project* proposal is exempted under the provisions of this policy is to be made by the *Local Agency* involved.
 - (2) Any other future *Project* not indicated in one of the above general plans or specific plans shall conform to the following criteria. In this zone, *Local Agencies* have two options. The basic option is to limit the *Density* to no more than 0.2 dwelling units per acre (average parcel size of 5.0 acres or larger). Additionally, a high-density option is provided. This option requires that the *Density* be *greater than* 5.0 dwelling units per acre (i.e., an average parcel size *less than* 0.2 gross acres). See **Table 2B** for an explanation of the rationale behind these options.
 - (3) Secondary units, as defined by state law, shall be excluded from *Density* calculations.
 - (c) Other development conditions as also listed in **Table 2A** apply to sites within certain *Compatibility Zones*.
- 3.1.4. *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 proposed nonresidential *Land Use Actions* 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. Proposed *Projects* must comply with both limits. See Policy 5.2.2 for guidance on calculating usage *Intensities*. Additional criteria listed in **Table 2A** shall also apply.

- (a) The total number of people permitted on a *Project* site at any time, except for *Rare Special Events*, must not exceed the indicated usage *Intensity* times the gross acreage of the site. Usage *Intensity* calculations shall include all people (e.g. employees, customers/visitors, etc.) who may be on the property at any single point in time, whether indoors or outside.
- (b) No single acre of a *Project* site shall exceed the number of people per acre listed in **Table 2A** and calculated in accordance with Policy 5.2.2. For *Project* sites less than 1.0 acre, the occupancy limit is the proportionate to the number allowed in an entire single acre (for example, if the *Intensity* limit for a single acre is 300 people, then a 0.5-acre site could have up to 150 people).
- (c) The noise exposure limitations cited in Policy 5.1.2 shall be the basis for assessing the acceptability of proposed nonresidential land uses relative to noise impacts. The ability of buildings to satisfy the interior noise level criteria noted in Policy 5.1.4 shall also be considered.

3.1.5. *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 residential and nonresidential components shall be evaluated separately. 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 land uses 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) Mixed-use development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet the criteria of each land use category, residential as well as nonresidential, proposed to be included in the *Project*. However, mixed-use *Projects* in which the residential uses are proposed to comprise less than 50% of the total floor area of an individual building, need not comply with the applicable residential *Density* limits.
 - (1) Regardless of the amount of residential use in the *Project*, 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 component and the total occupancy shall be evaluated with respect to the nonresidential usage *Intensity* criteria cited in **Table 2A**. The *TTALUC* may make exceptions to this provision if the residential and nonresidential components of the *Project* would clearly not be simultaneously occupied to their maximum *Intensities*.
 - (2) Paragraph (b) of this policy is intended for dense, urban-type land use *Projects* where the resultant ambient noise levels are relatively high. See Paragraph (a) for *Projects*

in which the residential component is isolated from the nonresidential uses of the site.

- (3) Noise attenuation and other requirements that may be specifically relevant to residential uses shall still apply.
- 3.1.6. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth herein, any *Project* site that is split by *Compatibility Zone* boundaries shall be considered as if it were multiple *Projects* divided at the *Compatibility Zone* boundary line. However, the *Density* or *Intensity* of development allowed within the more restricted portion of the *Project* 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.
 - 3.1.7. *Prohibited Uses:* Regardless of usage *Intensity*, certain types of uses are deemed unacceptable within portions of the *Airport Influence Area*. See Policy 5.2.2 and **Table 2A**. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective *Compatibility Zones* because they do not meet the usage *Intensity* criteria.
 - 3.1.8. *Discouraged Uses:* Uses listed under Policy 5.2.2 and in **Table 2A** as “discouraged” should generally not be permitted unless no feasible alternative is available. Expansion of a discouraged use is generally regarded as acceptable to the extent that previous acquisition and partial development of the site for that specific use make alternatives to expansion infeasible. Usage *Intensity* limits and/or other criteria applicable to the site shall remain in effect.
 - 3.1.9. *Avigation Easement Dedication:* As a condition for *Project* approval, the owner of any property proposed for development within *Compatibility Zones A, B1, or B2* or the *Height Review Overlay Zone* shall be required to dedicate an *Avigation Easement* to the Truckee Tahoe Airport District. 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 *avigation easement* is provided in **Appendix G**.
 - 3.1.10. *Other Development Conditions:* All types of proposed *Projects* shall be required to meet the additional conditions listed in **Table 2A** for the respective *Compatibility Zone* where the *Project* is to be located. Among these conditions are the following:
 - (a) Recorded Overflight Notification: Recording of an *Overflight Notification* is required as a condition for approval of new residential or nonresidential *Project* in *Compatibility Zones C and D*. See Policy 5.4.1.
 - (b) Airport Proximity Disclosure: *Airport Proximity Disclosure* is required in conjunction with certain real estate transactions involving property within the *Airport Influence Area*. See Policy 5.4.2.

- (c) Noise Level Reduction: Special features may be necessary to reduce interior noise levels for some types of new construction near the *Airport*. See Policy 5.1.4.
- (d) Airspace Review: Proposals for tall buildings, antennas, and other tall objects near the runway ends or on high terrain may require *TTALUC* review. See Policy 5.3.2.

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 Land Uses* for such parcels are exempt from requirements for general plan consistency with the *Compatibility Plan*.⁴ However, proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with the *Compatibility Plan* policies and are subject to *TTALUC* 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, consistent with Policies 6.1.2 and 6.1.3, setting limitations on expansion and *Reconstruction* of *Nonconforming* uses located within the *Airport Influence Area*.
 - (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 *TTALUC*.
- 3.2.3. *Establishment of Review Process*: *Local Agencies* must define the process they will follow when reviewing proposed land use *Projects* within the *Airport Influence Area* to ensure that such *Projects* will be consistent with the policies set forth in this *Compatibility Plan*.
 - (a) Specifically, the process established must ensure that the proposed *Project* 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 *TTALUC* 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 *Project* relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed

⁴ This exemption derives from state law which explicitly denies ALUCs' authority over *Existing Land Uses*.

airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed *Project*.

- (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 jurisdiction to assess whether a proposed *Project* fully meets the compatibility criteria specified in the *Compatibility Plan* (this requires both that the compatibility criteria be identified and that *Project* review procedures be described);
 - (2) The *Compatibility Plan* can be adopted by reference (in this case, the *Project* review procedure must be described in a separate instrument presented to and approved by the *TTALUC*); 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 *TTALUC*, shall be referred to the *TTALUC* for review in accordance with the policies of Section 2.3.

4. COMPATIBILITY CRITERIA FOR AIRPORT DEVELOPMENT ACTIONS

4.1. Review Criteria for Airport Plans of Truckee Tahoe Airport

4.1.1. *Substance of Review:* When reviewing a new master plan or development plan for the *Truckee Tahoe Airport*, the *TTALUC* shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for the *Airport* in this *Airport Land Use Compatibility Plan*. Attention should specifically focus on:

- (a) Proposed changes in the role or character of use of the *Airport*.
- (b) New activity forecasts that are: 1) significantly higher than those in the *Airport Land Use Compatibility Plan*; or that 2) include a higher proportion of larger or noisier aircraft.
- (c) Proposals for facilities or procedures not assumed herein, specifically:
 - (1) Construction of a new runway or helicopter takeoff and landing area.
 - (2) Change 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.
 - (5) Removal from airport plans of a previously proposed development of a type listed in (1) through (4) above to the extent that the proposed development is assumed in this *Compatibility Plan*.

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 *Compatibility 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 expansion would increase the noise level as reflected in Exhibit 3-5 in Chapter 3 by 5.0 dB or more.
 - (b) In locations having an existing ambient noise level of between 55 and 60 dB *CNEL*, the expansion would increase the noise level as reflected in Exhibit 3-5 in Chapter 3 by 3.0 dB or more.
 - (c) In locations having an existing ambient noise level of more than 60 dB *CNEL*, the expansion 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 *TTALUC* shall determine whether the proposed airport plan or development plan is consistent with the *Airport Land Use Compatibility Plan*. The *TTALUC* 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) If the circumstances of Paragraph (a) are not the case, a determination that Mitigation measures are incorporated into the plan or development 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
 - (c) For any nonaviation *Project* proposed for locations within the *Airport* boundary (excluding federal- or state-owned property), a determination that the *Project* will be consistent with the compatibility criteria and policies indicated in this *Compatibility Plan* (see Policy 1.2.8 for definition of *Aviation-Related Use*).

5. SUPPORTING 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 (see Section 6.1) and/or for specific sites (see Section 6.2) also may apply.

5.1. Noise Compatibility

Noise Policy Background Information:

The following Noise Policy Background Information (in different typeface) has been considered in formulating the Noise Compatibility policies and criteria in this section, but is provided for informational purposes only and does not itself constitute *TTALUC* policy.

Policy Objective

The purpose of noise compatibility policies is to avoid establishment of *Noise-Sensitive Land Uses* in the portions of the *Airport* environs that are exposed to significant levels of aircraft noise.

Measures of Noise Exposure

As is standard practice in California, this *Compatibility Plan* uses the *Community Noise Equivalent Level (CNEL)* metric as the primary basis for evaluating the degree to which lands around the *Airport* are exposed to airport-related noise. *CNEL* is a cumulative noise metric in that it takes into account not just the loudness of individual noise events, but also the number of events over time. Cumulative exposure to aircraft noise is depicted by a set of contours, each of which represents points having the same *CNEL* value.

Because aircraft operations at *Truckee Tahoe Airport* are highly different between summer and winter—aircraft operations increase during the summertime as does the number of local residents—the noise contours used in this *Compatibility Plan* depict the greatest seasonally adjusted, 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.

The future *CNEL* noise contours that are considered in this *Compatibility Plan* are based upon data supplied by the *Truckee Tahoe Airport District*. The *CNEL* contour map and associated data are provided in **Exhibits 3-3** and **3-4** in Chapter 3. The *TTALUC* will periodically review the projected noise contours and the activity projections on which they are based and update them if appropriate.

The locations of *CNEL* contours are among the factors used to define the *Compatibility Zone* boundaries (**Map 2A**) and associated criteria (**Table 2A**). Single-event noise levels are also considered in assessing the compatibility of *Noise-Sensitive Land Uses* listed in **Table 2A** (see Policy 1.2.26 for definition).

Factors Considered in Setting Noise Compatibility Criteria

Factors considered in setting the criteria include the following:

- Established federal and state regulations and guidelines.
- 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.
- The extent to which noise would intrude upon and interrupt the activity associated with a particular use.
- The extent to which the activity itself generates noise.
- The extent of outdoor activity associated with a particular land use.
- 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 5.1.4.
- The maximum *CNEL* considered normally acceptable for new residential land uses in the vicinity of *Truckee Tahoe Airport* is 60 dB, calculated for future busy-season aircraft activity levels.

5.1.1. *Application of Noise Contours:* Because of the inherent variability of flight paths and other factors that influence noise emissions, the contour boundaries depicted in **Exhibit 3-4** in

Chapter 3 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 only quantify noise impacts in a general manner. Except on large *Projects* 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 3-4** in Chapter 3 are to be used as the basis for determining compliance with interior noise level criteria as listed in Policy 5.1.4.)

- 5.1.2. *Maximum Acceptable Exterior Noise Exposure for Residential Land Uses and Noise-Sensitive Land Uses:* The maximum CNEL considered normally acceptable for new residential land uses and other *Noise-Sensitive Land Uses* in the vicinity of *Truckee Tahoe Airport* is 60 dB, calculated for future busy-season aircraft activity levels (**Exhibit 3-4** in Chapter 3).
- 5.1.3. *Maximum Acceptable Exterior Noise Exposure for Other Land Uses:* Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise. The specific limitations are listed in **Table 2A**.
- 5.1.4. *Maximum Acceptable Interior Noise Levels:* Land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.
- (a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near *Truckee Tahoe Airport* is 45 dB CNEL in:
 - (1) Any habitable room of single- or multi-family residences;
 - (2) Long-term lodging;
 - (3) Family day care homes (≤ 14 children);
 - (4) Hotels and motels;
 - (5) Hospitals and nursing homes or other congregate care facilities;
 - (6) Churches, meeting halls, office buildings, and mortuaries; and
 - (7) Schools, libraries, and museums.
 - (b) The noise contours depicted in **Exhibit 3-4** in Chapter 3 of this *Compatibility Plan* shall be used in calculating compliance with these criteria. The calculations should assume that windows are closed.
 - (c) When reviewed as part of a general plan or zoning ordinance amendment or as a major land use action, evidence that proposed structures will be designed to comply with the above criteria shall be submitted to the *TTALUC* under the following circumstances:
 - (1) Any mobile home situated within the *Airport's* 55-dB CNEL contour.
[A typical mobile home has an exterior-to-interior noise level reduction (NLR) of approximately 15 dB with windows closed.]
 - (2) Any single- or multi-family residence situated within the *Airport's* 60-dB CNEL contour.
[Wood frame buildings constructed to meet 1990s standards for energy efficiency typically have an NLR of approximately 20 dB with windows closed.]
 - (3) Any hotel or motel, hospital or nursing home, church, meeting hall, office building, mortuary, school, library, or museum situated within the *Airport's* 65-dB CNEL contour.

- 5.1.5. *Single-Event Noise Levels:* Single-event noise levels should be considered when evaluating the compatibility of *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** take into account single-event noise concerns.
- 5.1.6. *Engine Run-Up and Testing Noise:* *TTALUC* 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 *TTALUC* 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 *TTALUC* 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 *TTALUC* 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 the *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 Compatibility

Safety Policy Background Information

The following Safety Policy Background Information (in different typeface) has been considered in formulating the Safety Compatibility policies and criteria in this section, but is provided for informational purposes only and does not itself constitute *TTALUC* policy.

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)

Measures of Risk Exposure

This *Compatibility Plan* evaluates the risk that potential aircraft accidents pose to lands and people around the *Airport* in terms of two parameters: the likelihood of an accident occurring in a given location near the *Airport*; and the potential consequences if an accident occurs in that location.

- The accident likelihood is measured in terms of the geographic distribution of where accidents have historically occurred around other airports having similar types of activity. 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 comparable airports nationally, refined with respect to information about the types and patterns of aircraft use at the individual airport. This methodology is used to delineate the *Compatibility Zones* depicted in **Map 2A**. The safety zone factors are depicted in **Exhibit 3-4** in Chapter 3.
- The consequences component of the risk considers the number of people in harm's way and their ability to escape harm. For most *Nonresidential Development*, potential consequences are measured in terms of the usage *Intensity*—the number of people per acre on the site. For *Residential Development*, *Density*—the number of dwelling units per acre—is substituted for *Intensity*. Additional criteria are applicable to specific types of uses.

Factors Considered in Setting Safety Compatibility Criteria

Factors considered in setting the criteria in this section include the following:

- The locations, delineated with respect to the *Airport* runway, where aircraft accidents typically occur near airports and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook* (October 2011).
- *Handbook* guidance is also used to delineate the *Compatibility Zone* boundaries for the *Airport* as depicted on **Map 2A**. The zone shapes and sizes reflect the existing and future runway length, approach categories, aircraft fleet mix, and normal flight patterns for the *Airport*. Specific factors considered in adjusting the generic *Handbook* zones to reflect the conditions at the *Airport* are indicated in **Exhibit 3-4** in Chapter 3.
- *Handbook* guidance regarding the maximum usage intensities (people per acre) considered acceptable is used for new development near airport runways.
- Residential *Density* limitations cannot be equated to the usage *Intensity* limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of certain land use characteristics that represent safety concerns regardless of the number of people present; specifically: vulnerable occupants (children, elderly, disabled), hazardous materials, and critical community infrastructure.
- The extent to which development covers the ground and thus limits the options of where an aircraft in distress can attempt an emergency landing.
- 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.

5.2.1. *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.

- 5.2.2. *Nonresidential Intensity Limits*: The total number of people permitted on a *Project* site at any time, except for *Rare Special Events*, must not exceed the indicated sitewide 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 C** 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 *Project* 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 *TTALUC* 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 *TTALUC* shall use the floor area ratio method in evaluating individual *Project* proposals.

5.2.3. *Land Uses of Special Concern:* Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern 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 and day care centers (with more than 14 children);
 - (2) Hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or handicapped.
 - Hospitals are medical facilities which include provision for overnight stays by patients.
 - 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**.
 - (3) 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 except as indicated in the site-specific policy governing the Truckee Railyard Redevelopment Area (see Policy 6.2.1).
- (c) Hazardous Materials Storage: Construction of facilities for the manufacture or storage of fuel, explosives, and other hazardous materials within the airport environs is restricted as follows:
- (1) Within *Compatibility Zone A*, manufacture or storage of any such substance is prohibited.
 - (2) Within *Compatibility Zones B1 and B2*, only the following is permitted:
 - Fuel or hazardous substances stored in underground tanks.

- On-airport storage of aviation fuel and other aviation-related flammable materials.
 - Aboveground storage of less than 6,000 gallons of nonaviation flammable materials⁵.
- (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 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.
- 5.2.4. *Open Land*: In the event that a light aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity. This concept is based upon the fact that the majority of light aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site.
- (a) To qualify as open land, an area should be:
 - (1) Free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
 - (2) Have minimum dimensions of approximately 75 feet by 300 feet.
 - (b) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.
 - (c) Open land requirements for each *Compatibility Zone* are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) *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.

⁵ This limit coincides with a break-point used in the Uniform Fire Code to distinguish between different classes of tanks.

- (e) Building envelopes and the airport compatibility zones should be indicated on all development plans and tentative maps for *Projects* located within the *Truckee Tahoe Airport Influence Area*. Portraying this information is intended to assure that individual development *Projects* provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.
- 5.2.5. *Limitations on Clustering*: Policy 5.2.4(d) notwithstanding, limitations shall be set on the maximum degree of clustering or usage *Intensity* acceptable within a portion of a large *Project* site. These criteria are intended to limit the number of people at risk in a concentrated area.
- (a) Clustering of new residential development shall be limited as follows:
- (1) Within *Compatibility Zone A*, clustering is not applicable.
 - (2) Within *Compatibility Zones B1, B2, and C*, no more than 4 dwelling units shall be allowed in any individual acre. Buildings shall be located as far as practical from the extended runway centerline and normal aircraft flight paths.
- (b) Usage *Intensity* of new nonresidential development shall be limited as follows:
- (1) Within *Compatibility Zone A*, clustering is not applicable.
 - (2) Within *Compatibility Zone B1*, uses shall be limited to a maximum of 80 people per any individual acre (i.e., a maximum of double the average *Intensity* criterion set in **Table 2A**). Theaters, restaurants, most shopping centers, motels, intensive manufacturing or office uses, and other similar uses typically do not comply with this criterion.
 - (3) Within *Compatibility Zone B2*, uses shall be limited to a maximum of 200 people per any individual acre (i.e., a maximum of double the average *Intensity* criterion set in **Table 2A**). Theaters, major shopping centers (500,000 or more square feet), large motels and hotels with conference facilities, and similar uses typically do not comply with this criterion.
 - (4) Within *Compatibility Zone C*, uses shall be limited to a maximum of 150 people per any individual acre (i.e., a maximum of double the average *Intensity* criterion set in **Table 2A**). Theaters, fast-food establishments, high-intensity retail stores or shopping centers, motels and hotels with conference facilities, and similar uses typically do not comply with this criterion.
 - (5) Within *Compatibility Zone D*, uses shall be limited to a maximum of 300 people per any individual acre (i.e., a maximum of triple the average *Intensity* criterion set in **Table 2A**).
- (c) For the purposes of the above policies, the one-acre areas to be evaluated shall be rectangular (reasonably close to square, not elongated or irregular) in shape.
- (d) In no case shall a proposed *Project* be designed to accommodate more than the total number of dwelling units per acre (for residential uses) or people per acre (for nonresidential uses) indicated in **Table 2A** times the *Gross Acreage* of the *Project* site. A *Project* site may include multiple parcels. **Appendix D** lists examples of the types of land uses which are potentially compatible under these criteria and the types of land uses which are considered incompatible.

5.3. Airspace Protection Compatibility

Airspace Protection Policy Background Information

The following Airspace Protection Policy Background Information (in different typeface) has been considered in formulating the Airspace Protection Compatibility policies and criteria in this section, but is provided for informational purposes only and does not itself constitute *TTALUC* policy.

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.

Measures of Hazards to Airspace

Three categories of hazards to airspace are a concern: physical, visual, and electronic.

- *Physical hazards* include: tall structures that have the potential to intrude upon protected airspace; land use features that have the potential to attract birds and certain other potentially hazardous wildlife to the *Airport* area; and thermal plumes, such as from power plants, that can constitute invisible hazards to flight.
- *Visual hazards* include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
- *Electronic hazards* are ones that may cause interference with aircraft communications or navigation.

Factors Considered in Setting Airspace Protection / Object Height Compatibility Criteria

The *Compatibility Plan* airspace protection policies rely upon the regulations and standards enacted by the Federal Aviation Administration (FAA) and the State of California. The FAA has well defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. The following FAA regulations and documents, and any later versions of these documents, are specifically relevant.

- Federal Aviation Regulations (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace* (provides standards regarding FAA notification of proposed objects and height limits of objects near airports).
- FAA Advisory Circular 150/5300-13, *Airport Design* (provides standards regarding safety-related areas in the immediate vicinity of runways).
- Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting* (sets standards for how essential marking and lighting should be designed).

These regulations and standards do not give the FAA authority to prevent the creation of hazards to flight. That authority rests with state and local governments. The State of California has enacted regulations enabling state and *Local Agencies* to enforce the FAA standards. The *TTALUC* policies are intended to help implement the federal and state regulations.

Factors Considered in Setting Airspace Protection / Wildlife Hazard Compatibility Criteria

Natural features and agricultural practices near Truckee Tahoe Airport include open water and food sources that are attractive to wildlife, especially waterfowl and other bird species. FAA data indicates that aircraft using the *Airport* have experienced a high incidence of bird strikes compared to other airports nationwide. The *Compatibility Plan* relies upon the wildlife hazard guidelines established by the FAA in the following Advisory Circulars:

- FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* (provides guidance on types of attractants to be avoided).
- FAA Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports* (sets guidelines on proximity of these facilities to airports).

- 5.3.1. *Basis for Height Limits:* The criteria for limiting the height of structures, trees, and other objects in the vicinity of the *Airport* shall be based upon: Part 77, Subpart C, of the Federal Aviation Regulations (FAR); the United States Standard for Terminal Instrument Procedures (TERPS); and applicable airport design standards published by the Federal Aviation Administration (FAA). An airspace plan depicting the *Airspace Protection Surfaces* around the

Truckee Tahoe Airport is depicted in **Map 2B**. Additionally, where an FAA aeronautical study of a proposed object has been required as described in Policy 5.3.4, the results of that study shall be taken into account by the *TTALUC* and the *Local Agency* in determining compliance with the criteria of this section.

- 5.3.2. *TTALUC Review of Height of Proposed Objects*: Based upon FAA criteria, proposed objects that would exceed the heights indicated below for the respective *Compatibility Zones* potentially represent airspace obstructions issues. Proposed *Projects* that include any such objects shall be reviewed by the *TTALUC*. Objects of lesser height normally do not have a potential for being airspace obstructions and therefore do not require *TTALUC* 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 object, including vegetation, requires review.
 - (b) Within *Compatibility Zones B1* and *B2*, *TTALUC* review is required for any proposed object taller than 35 feet unless the airport controls an easement on the land on which the object is to be located and grants a waiver to height restrictions.
 - (c) Within *Compatibility Zone C*, *TTALUC* review is required for any proposed object taller than 50 feet.
 - (d) Within *Compatibility Zones D* and *E*, *TTALUC* review is required for any proposed object taller than 100 feet. Such objects also require FAA review in accordance with the provisions of FAR Part 77.
 - (e) Within the *Height Review Overlay Zone*, *TTALUC* review is required for any proposed object taller than 35 feet above the ground. The approximate extent of the *Height Review Overlay Zone* is indicated on the *Truckee Tahoe Airport* Compatibility Policy Map, **Map 2A**.
- 5.3.3. *Height Restriction Criteria*: *TTALUC* criteria for determining the acceptability of a *project* with respect to height are:
- (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 Surfaces* for the *Airport* 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 penetrates an *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 *TTALUC* 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 *Avigation Easement* is dedicated to the Truckee Tahoe Airport District in accordance with Policy 3.1.9.
- (5) The proposed *Project*/plan complies with all other policies of this *Compatibility Plan*.

5.3.4. *Requirements for FAA Notification of Proposed Construction or Alteration: Project* proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.⁶ The following is *TTALUC* policy on this topic.

- (a) The boundary of the FAA notification area for *Truckee Tahoe Airport* is depicted on **Exhibit 3-5** in Chapter 3. Reference to FAA notification requirements is included here for informational purposes only, not as an *ALUC* policy.
- (b) *Local Agencies* shall inform *Project* proponents of the requirements for notification to the FAA.
- (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 *TTALUC* for review regardless of where within the jurisdiction of the *TTALUC* they would be located.
- (d) The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual *Project* by the *TTALUC*. If the general plan of the *Local Agency* in which the *Project* is to be located has been determined by the *ALUC* to be consistent with this *Compatibility Plan*, then no *ALUC* review is required. If the general

⁶ FAR Part 77 requires that a *Project* proponent submit notification of a proposal to the FAA where required by the provisions of FAR Part 77, Subpart B. California Public Utilities Code Sections 21658 and 21659 likewise includes this requirement. FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes. The FAA will conduct an “aeronautical study” of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. (See **Appendix B** of this *Compatibility Plan* for a copy of FAR Part 77 and online procedures for filing Form 7460-1.) FAA notification is required under the following circumstances:

(a) The *Project* contains proposed structures or other objects that exceed the height standards defined in FAR Part 77, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with FAR Part 77, Paragraph 77.15. Note that 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. Also, the FAA notification area extends beyond the *Airport Influence Area* depicted on **Map 2A, Airport Influence Area**. For Truckee Tahoe Airport, the Subpart B notification airspace surface extends outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point on any runway.

(b) Any proposal for construction or alteration of a structure, including antennas, taller than 200 feet above the ground level at the site regardless of proximity to any airport.

plan has not been made consistent, then the proposed *Project* must be referred to the *ALUC* for review if it qualifies as a *Major Land Use Action* (see Policy 1.4.3).

- (e) Any *Project* submitted to the *TTALUC* 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.

5.3.5. *Other Flight Hazards:* Proposed *Projects* that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within the *Truckee Tahoe Airport Influence Area*.

- (a) Specific characteristics to be avoided include:
 - (1) Glare or distracting lights which could be mistaken for airport lights;
 - (2) Sources of dust, steam, or smoke which may impair pilot visibility;
 - (3) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;
 - (4) Sources of electrical interference with aircraft communications or navigation; and
 - (5) Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
- (b) The *TTALUC* shall apply applicable Federal Aviation Administration regulations and guidelines as identified in the above box when evaluating *Projects* with regard to these characteristics.

5.4. Overflight Compatibility

Overflight Policy Background Information

The following Overflight Compatibility Policy Background Information (in different typeface) has been considered in formulating the Overflight Compatibility policies and criteria in this section, but is provided for informational purposes only and does not itself constitute *TTALUC* policy.

Policy Objective

Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise exposure areas addressed by the policies in Section 5.1. Sensitivity to aircraft overflight varies from one person to another.

The purpose of overflight compatibility policies is to help notify people about the presence of overflights near the *Airport* 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.

Measures of Overflight Exposure

The loudness and frequency of occurrence of individual aircraft noise events are key determinants of where airport proximity and aircraft overflight notification is warranted. Single-event noise levels are especially important in areas that are overflown regularly by aircraft, but that do not produce significant CNEL contours.

Areas where aircraft routinely fly when approaching and departing the *Airport* are a primary determinant of the overall *Truckee Tahoe Airport Influence Area* boundary. This overflight area encompasses locations where aircraft approaching and departing the *Airport* typically fly at an altitude of less than approximately 1,000 feet above the *Airport* elevation. Note that the flight altitude above ground level will be more or less than this amount depending upon the terrain below. Areas of high terrain beneath the traffic patterns are exposed to comparatively greater noise levels, a factor that is considered in the overflight policies.

Factors Considered in Setting Overflight Compatibility Criteria

Factors considered in establishing overflight criteria include the following:

- State Law Requirements. State law requires that notice disclosing information about the presence of a nearby airport be given to prospective buyers of certain residential real estate within an airport influence area [see *California Business and Professions Code Section 11010(b)* and *Civil Code Section 1353(a)*]. 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 law gives ALUCs the responsibility of defining the airport influence area boundaries for a particular airport.
- Limitations of state *Airport Proximity Disclosure* law. State law applies to *Existing Land Uses*, but not to all transactions. California state statutes require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an airport influence area. These state requirements apply to the sale or lease of newly subdivided lands and condominium conversions and to the sale of certain existing residential property. In general, *Airport Proximity Disclosure* is required with existing residential property transfer only when certain natural conditions (earthquake, fire, or flood hazards) warrant disclosure.
- Limitations of ALUC 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 ALUCs only have authority to set requirements for new development *Projects* and to define the boundaries within which *Airport Proximity Disclosure* under state law is appropriate.
- Need for continuity of notification to future property owners and tenants. To the extent that the *TTALUC* 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.
- 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.

- 5.4.1. *Recorded Overflight Notification*: As a condition for *Local Agency* approval of residential land use *Projects* within the *Truckee Tahoe Airport Influence Area*, an *Overflight Notification* shall be recorded.
- (a) The notification shall contain the language dictated by state law with regard to *Airport Proximity Disclosure* (see Policy 5.4.2(a)(1)) 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 3.1.9) is provided.
 - (d) Recording of an *Overflight Notification* is not required for nonresidential *Projects*.
- 5.4.2. *Airport Proximity Disclosure*: TTALUC policy with regard to *Airport Proximity Disclosure* is as follows:
- (a) For existing residences:
 - (1) State law indicates that the ALUCs are responsible for delineating the area within which *Airport Proximity Disclosure* is appropriate. The recommended *Airport Proximity Disclosure* area for Truckee Tahoe Airport includes the entire *Airport Influence Area* as depicted on **Map 2A**.
 - (2) To the extent that real estate transactions involve existing residences, *Airport Proximity Disclosure* is a matter between private parties. The TTALUC has no authority to mandate that *Airport Proximity Disclosure* be provided and neither the TTALUC nor *Local Agencies* have any enforcement responsibilities.
 - (3) *Airport Proximity Disclosure* should be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential property anywhere within the *Airport Influence Area*.
 - (b) For proposed residential *Projects*:
 - (1) The disclosure provisions of state law are deemed mandatory for residential *Projects* anywhere within the *Airport Influence Area* and shall continue in effect as TTALUC policy even if the state law is made less stringent or rescinded. The disclosure shall be of a format similar to that indicated in **Appendix G** and shall contain the language dictated by state law:

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.
 - (2) Signs providing the above notice and a map of the *Airport Influence Area* shall be prominently posted in the real estate sales office and/or other key locations at any new *Residential Development* within the *Airport Influence Area*.

- (c) Each *Local Agency* affected by this *Compatibility Plan* should adopt a policy designating the *Airport Influence Area* as the area wherein *Airport Proximity Disclosure* 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.
- 5.4.3. *Land Use Conversion*: The compatibility of uses in the *Airport Influence Area* 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.

6. SPECIAL CONDITIONS AND EXCEPTIONS

6.1. Special Conditions

- 6.1.1. *Infill*: Where development not in conformance with the criteria set forth in this *Compatibility Plan* already exists, *Infill Projects* having 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 *Project* site 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 *Project* site size is no larger than 20.0 acres.
 - (2) At least 65% of the site's perimeter is bounded (disregarding roads) by *Existing Land Uses* similar to, or more intensive than, those proposed. For the purposes of this policy, the *Existing Land Uses* shall be deemed to those that existed as of the original adoption date of this *Compatibility Plan*, December 2, 2004.
 - (3) The proposed *Project* would not extend the perimeter of the area defined by the surrounding incompatible *Existing Land 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 *Compatibility Plan* unless replacement *Open Land* is provided within the same *Compatibility Zone*.
 - (b) For proposed residential *Projects*, the average *Density* (dwelling units per *Gross Acre*) of the site shall not exceed the lesser of:
 - (1) The average *Density* represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the *Project* site; 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 proposed nonresidential *Projects*, the average usage *Intensity* (the number of people per *Gross Acre*) of the site's proposed use shall not exceed the lesser of:
 - (1) The average *Intensity* of all existing nonresidential uses that lie fully or partially within a distance of 300 feet from the boundary of the *Project* site; 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 *Intensity* limits described in Policies 5.2.2 and listed in **Table 2A** are applicable to *Infill Projects*.
 - (e) *Infill Projects* on a *Project* site should not enable additional sites to then meet the qualifications for *Infill*. The *TTALUC's* intent is that locations eligible for *Infill* be determined just once. In order for the *TTALUC* to consider proposed *Projects* under these *Infill* criteria, the *Local Agency* having land use authority (Nevada County, Placer County, or the Town of Truckee) must first identify the qualifying locations in its general plan or other adopted planning document approved by the *TTALUC*. This action may take place in conjunction with the process of amending a general plan for consistency with this *Compatibility Plan* or may be submitted by the *Local Agency* for consideration by the *TTALUC* at the time of initial adoption or amendment of this *Compatibility Plan*. In either case, the burden for demonstrating that a proposed *Project* qualifies as *Infill* rests with the affected *Local Agency* and/or *Project* proponent.
- 6.1.2. *Existing Nonconforming Uses: Existing Land 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 (excluding secondary units as allowed by state law) than existed on the parcel as of the original December 2, 2004, adoption date of this *Compatibility Plan* (a bedroom could be added, for example, but a separate dwelling unit could not be built). No *TTALUC* review of such improvements is required.
 - (b) *Nonconforming* nonresidential uses 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 original December 2, 2004, adoption of this *Compatibility Plan*. No *TTALUC* review of such changes is required.
 - (c) Children's schools (including grades K-12, day care centers with more than 14 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 a one-time expansion per school site, 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) *TTALUC* 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 proposed *Project* qualifies as *Infill* (Policy 6.1.1) or warrants approval because of other special conditions (Policy 6.1.5).

6.1.3. *Reconstruction*: Site improvements that have been fully or partially destroyed as the result of a calamity and which support *Nonconforming Existing Land Uses* may be rebuilt only under the following conditions:

- (a) *Nonconforming* residential improvements may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
- (b) *Nonconforming* nonresidential improvements may be rebuilt provided that they have been only partially destroyed and that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre). Partial destruction shall be considered to mean damage that can be repaired at a cost of no more than 75% of the assessor's full cash value of the improvements at the time of the damage.
- (c) Any nonresidential improvements that have been more than 75% destroyed must comply with all applicable policies herein when reconstructed.
- (d) Reconstruction under Paragraphs (a) or (b) above must begin within 24 months of the date the damage occurred and be diligently sustained.
- (e) The above exceptions do not apply within *Compatibility Zone A* or where such reconstruction would be in conflict with the general plan or zoning ordinance of Nevada County, Placer County, or the Town of Truckee.
- (f) Nothing in this policy is intended to preclude work required for normal maintenance and repair.

6.1.4. *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 Agency* approvals qualify the use as effectively an *Existing Land Use* (see Policies 1.2.14 and 1.5.3).
- (c) Construction or establishment of a family day care home serving 14 or fewer children either in an existing dwelling or in a new dwelling permitted by the policies of this *Compatibility Plan*.
- (d) Lot line adjustments, provided that new developable parcels would not be created and the resulting gross *Density* or *Intensity* of the affected property would not exceed the applicable criteria indicated in the Basic Compatibility Criteria matrix, **Table 2A**.

6.1.5. *Exceptions for Other Special Conditions*: The compatibility criteria set forth in this *Compatibility Plan* are intended to be applicable to all locations within the *Truckee Tahoe Airport Influence Area*. However, it is recognized that there may be specific situations where a normally incompatible use can be determined 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 *TTALUC* may find a normally incompatible use to be acceptable.
- (b) In considering any such exceptions, the *TTALUC* 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 *TTALUC* 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 proposed *Project* rests with the *Project* proponent and/or the referring *Local Agency*, not with the *TTALUC*.
- (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 *TTALUC* members present and voting on the matter.

6.2. Site-Specific Exceptions

6.2.1. *Truckee Railway Redevelopment Area*: The criteria set forth in **Table 2A** notwithstanding, the following policies shall apply within the portions of *Zones C* and *D* designated with a (1) symbol on **Map 2A**:

- (a) The Truckee Railway Redevelopment Area in its entirety shall be treated as a mixed-use *Project* in accordance with Policy 3.1.5 herein. Compliance with the residential *Density* criteria of **Table 2A** shall not be required. However, the number of people occupying residences shall be added to the number of occupants of nonresidential uses to determine total occupancy. In counting total occupants, exceptions may be made for live-work and similar uses where the same individuals would either be in the residence or the nonresidential use, but not both at the same time.
- (b) Total *Intensity* limits for development in this area shall be as follows:
 - (1) 300 people per acre on average for the entire area; and
 - (2) 1,200 people per any single one-acre portion of the area.
- (c) Any new structures shall be limited to no more than four aboveground habitable floors and, to the extent feasible, should incorporate other design features that would help protect the building occupants in the event of a small-aircraft crash. Examples of such features include:
 - Using concrete construction;
 - Limiting the number and size of windows;
 - Upgrading the strength of the building roof;
 - Avoiding skylights;
 - Enhancing the fire sprinkler system; and
 - Increasing the number of emergency exits.
- (d) This special policy shall apply only to the location indicated and not to any other locations within the *Truckee Tahoe Airport Influence Area*. Specific factors concerning this site which warrant an exception to the basic compatibility criteria include the following:

- At a distance of 7,000+ feet from the runway end, the site is in an area of low risk exposure to aircraft accidents.
- The defined noise-abatement departure route for Runway 28 minimizes aircraft overflight of the site.
- The elevation is nearly 100 feet below that of the runway.
- The location immediately adjoining a main trans-Sierra rail line warrant that measures to mitigate noise and safety impacts be taken irrespective of the airport compatibility concerns.
- The site is both historically significant and highly important to the *redevelopment* of central Truckee.

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

- (a) *Intensity* limits for nonresidential development in this area shall be as follows:
 - (1) 300 people per acre on average for the entire area; and
 - (2) 1,000 people per any single one-acre portion of the area.
- (b) Any new structures shall be limited to no more than three aboveground habitable floors and, to the extent feasible, should incorporate other design features that would help protect the building occupants in the event of a small-aircraft crash. Examples of such features include:
 - Using concrete construction;
 - Limiting the number and size of windows;
 - Upgrading the strength of the building roof;
 - Avoiding skylights;
 - Enhancing the fire sprinkler system; and
 - Increasing the number of emergency exits.
- (c) This special policy applies only to use of the site as a community center. Any other uses of the site must comply with the applicable criteria listed in **Table 2A**.
- (d) This site-specific exception applies only to the location indicated and not to any other locations within the *Truckee Tahoe Airport Influence Area*. Specific factors concerning this site which warrant an exception to the basic compatibility criteria include the following:
 - At a distance of 7,000+ feet from the runway end, the site is in an area of low risk exposure to aircraft accidents.
 - Much of the existing heavy forest on the site is planned to remain and would help protect the facility from a potential aircraft accident.
 - The site is surrounded on three sides by major roads which could serve as an emergency aircraft landing site if necessary.
 - The heaviest use of the community center facility is expected to occur at night and during the winter, times when aircraft activity is low.
 - The facility will be used by a wide range of age groups, and will not frequently be occupied by large numbers of children.
 - The facility will have sufficient sound insulation to ensure that noise from aircraft and other sources does not intrude upon activities inside.
 - Construction of a community center in this location is deemed by the community to be a high-priority need.

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

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