

CHAPTER **1**

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Introduction

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# Introduction

## AIRPORT LAND USE COMPATIBILITY PLANNING

### Function and Applicability of the Plan

The basic function of this *Truckee Tahoe Airport Land Use Compatibility Plan* is to promote compatibility between the airport and surrounding land uses. As adopted by the *Truckee Tahoe Airport Land Use Commission (TTALUC)*, the plan serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

The Truckee Tahoe Airport is located in the eastern portion of Nevada County and bifurcated by the Nevada and Placer County line. The influence area for the Truckee Tahoe Airport, as defined herein, extends roughly 3.6 statute miles from the airport runways. This influence area encompasses lands within three local government jurisdictions:

- County of Nevada
- County of Placer
- Town of Truckee

These local agencies together with special districts (including the Truckee Tahoe Airport District), community college districts, or school districts that exist or may be established or expanded into the Truckee Tahoe Airport Influence Area defined by this *Compatibility Plan* are subject to the provisions of the plan. Also provided in this *Compatibility Plan* are policies addressing compatibility issues associated with any new heliport that might be established anywhere within the boundaries of the Truckee Tahoe Airport District. However, not subject to *TTALUC* authority are federal, state, and tribal lands including lands within the jurisdiction of the U.S. Forest Service. For these entities, the *Compatibility Plan* is advisory.

Details regarding the purpose, scope, and applicability of the *Compatibility Plan* are set forth in the policy chapter that follows.

## Truckee Tahoe Airport Land Use Commission

State law provides two basic options regarding the structure of airport land use commissions (*ALUCs*): a standard format or designation of an existing body to serve as the *ALUC*. Among California's 58 counties, these two formats are used in roughly equal proportions.

Membership on *ALUCs* structured in the standard manner is specified to be as follows:

- Two members appointed by the county board of supervisors;
- Two members appointed by a selection committee of mayors of the county's cities;
- Two members appointed by airport managers; and
- A seventh member, representing the general public, appointed by the other six members.

The designated body format has several possibilities. Most common is for a single- or multi-county council of governments or similar entity to be designated as the *ALUC*. Other types of bodies that serve as *ALUCs* in some counties include the county planning commission, the county airport commission, or the county board of supervisors.

For the Truckee Tahoe Airport, which is bifurcated by the Nevada and Placer county line, a special inter-county *ALUC* was established on May 19, 2010. Commissioners are selected in accordance with Public Utilities Code (PUC) Section 21670.4 and include representation by both Nevada and Placer counties. The Nevada County Transportation Commission (NCTC) Executive Director serves as the *TTALUC* Executive Director with support from the NCTC staff.

## Statutory Requirements

### *Powers and Duties*

Requirements for creation of Airport Land Use Commissions (*ALUCs*) were first established under the California State Aeronautics Act (Public Utility Code Sections 21670 et seq.) in 1967. Although the law has been amended numerous times since then, the fundamental purpose of *ALUCs* to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

“...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The statutes give *ALUCs* two principal powers by which to accomplish this objective:

1. *ALUCs* must prepare and adopt an airport land use plan; and
2. *ALUCs* must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

### *Limitations*

Also explicit in the statutes are two limitations on the powers of *ALUCs*. Specifically, *ALUCs* have no authority over existing land uses (Section 21674(a)) or over the operation of airports (Section 21674(e)). Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

- **Existing Land Uses**—The precise wording of the Aeronautics Act is that the authority of *ALUCs* extends only to land in the vicinity of airports that is “not already devoted to incompatible uses.” The working interpretation of this language is that *ALUCs* have no state-empowered authority over existing land uses. The question then becomes one of determining what conditions qualify a land use as existing.

For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered “devoted to” a particular use, even if the activity has not begun, once local government commitments along with substantial construction investments by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local government commitment to a proposal can usually be considered firm once a vesting tentative map, development agreement, or other land use entitlement has been approved.

- **Operation of Airports**—Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are clearly not within the jurisdiction of *ALUCs* to regulate. *ALUC* involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of *ALUCs* cannot, however, be taken to mean that they have no authority with respect to new development on airport property. For example, the law specifically requires *ALUCs* to review proposed airport master plans for consistency with the commission’s plans. *ALUCs* also are generally conceded to have authority to review proposals for nonaviation development on airport property.

A third, less absolute, limitation concerns the types of land use actions that are subject to *ALUC* review. The law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an *ALUC’s* plan. Thus, each of the land use jurisdictions affected by this *Compatibility Plan* is required to make its general plan consistent with the *ALUC* plan (or to overrule the commission). Once a local agency has taken this action to the satisfaction of the *ALUC*, the *ALUC’s* authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an airport influence area. For an *ALUC* to review individual projects, the local agency must agree to submit them.

## PLAN PREPARATION AND REVIEW

### State Guidelines

Although state law spells out the powers and duties of airport land use commissions and many of the procedural aspects of airport land use compatibility planning, it does not contain explicit compatibility guidelines. Rather, the law refers to another document, the *Airport Land Use Planning Handbook (Handbook)* published by the California Division of Aeronautics. Specifically, the statutes say that, when preparing compatibility plans for individual airports, *ALUCs* shall “be guided by” the information contained in the *Handbook*. The most recent edition of the *Handbook* was completed in October 2011 and is available for downloading from the California Department of Transportation, Division of Aeronautics web site (<http://www.dot.ca.gov/hq/planning/aeronaut/>).

The *Handbook* is comprised of two major parts. The first part deals with the formation and operation of *ALUCs*, the preparation of compatibility plans, procedures for review of local actions, and the responsibilities of local agencies. Part II contains background information regarding noise and safety compatibil-

ity concepts and sets forth basic guidelines for land use compatibility criteria. This guidance is intended to serve as the starting point for compatibility planning around individual airports. The *Handbook* is not regulatory in nature and does not constitute formal state policy.

An additional function of the *Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Specifically, Section 21096 requires that lead agencies must use the *Handbook* as “a technical resource” when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

The policies and maps in this *Compatibility Plan* take into account the guidance provided by the current edition of the *Handbook*, dated October 2011.

## **Relationship to Airport Master Plan**

Airport land use compatibility plans are distinct from airport master plans in function and content. In simple terms, the issues addressed by airport master plans are primarily on-airport whereas those of concern in a compatibility plan are off-airport. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. An airport master plan is prepared for and adopted by the agency that owns and/or operates the airport. In contrast, the purpose of a compatibility plan is to assure that incompatible development does not occur on lands surrounding the airport. The responsibility for preparation and adoption of compatibility plans lies with each county’s airport land use commission.

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, Public Utilities Code Section 21675(a) requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the California Division of Aeronautics. Furthermore, compatibility plans must reflect “the anticipated growth of the airport during at least the next 20 years.” The connection works in both directions, however. While compatibility plans must be based upon an airport master plan, Public Utilities Code Section 21676(c) requires that any proposed modification to an airport master plan be submitted to the *ALUC* to determine if the proposal is consistent with the *ALUC*’s plan. Provided that the off-airport compatibility implications of the proposed modifications are adequately addressed in the master plan, the outcome of this process usually is that the compatibility plan will need to be updated to mirror the new master plan.

### **2016 Truckee Tahoe Airport Master Plan**

The responsibility for master planning of the Truckee Tahoe Airport rests with the airport’s proprietor, the Truckee Tahoe Airport District (TTAD). In June 2016, TTAD adopted a new master plan for Truckee Tahoe Airport to replace the 2000 Master Plan. The 2016 Master Plan eliminates many of the 2000 Master Plan proposals to expand the airport’s role and facilities. Another significant difference between the two master plans is that the 2016 Master Plan proposes to upgrade and extend the crosswind runway (Runway 2-20) to accommodate use by larger, heavier aircraft. The purpose of the Runway 2-20 improvements is to encourage more aircraft to operate on this runway more often. The goal of the proposed Runway 2-20 improvements is to more evenly distribute air traffic between the two runways to reduce the number of noise events affecting residential areas west of the airport.

In accordance with state law, the features of the 2016 Master Plan having implications for off-airport land use have been taken into account in the preparation of this *Compatibility Plan*.

## Compatibility Planning for Truckee Tahoe Airport

The Foothill ALUC adopted the original compatibility plan for Truckee Tahoe Airport—entitled *Truckee Tahoe Airport Comprehensive Land Use Plan*—in December 1986. That plan, together with plans for other airports under the Foothill ALUC jurisdiction, was prepared with the assistance of the Sacramento Area Council of Governments (SACOG). SACOG now serves as the ALUC for Sacramento, Sutter, Yolo, and Yuba counties. The Foothill ALUC adopted revisions to the Truckee Tahoe Airport compatibility plan in February 1990.

In conjunction with the study that led to TTAD adoption of the *Truckee Tahoe Airport Master Plan* in 2000, the district's consultant also prepared a proposed new compatibility plan for the airport. The plan was submitted to the Foothill ALUC for consideration. The Foothill ALUC had concerns over various components of the plan and chose not to adopt it as submitted. Instead, the decision was made to prepare a new compatibility plan under the direction of the Foothill ALUC and its staff. The Foothill ALUC adopted the *Truckee Tahoe Airport Land Use Compatibility Plan* in 2004.

When the TTALUC was established in May 2010, the TTALUC re-adopted the 2004 compatibility plan with minor revisions made to reflect the composition of the newly established commission.

On November 16, 2015, the Truckee Tahoe ALUC reviewed the Truckee Tahoe Airport Master Plan (June 2014 Draft) for consistency with the 2010 *Truckee Tahoe Airport Land Use Compatibility Plan*. In accordance with ALUC Policy 2.4.2(c), the TTALUC unanimously agreed to modify the 2010 *Truckee Tahoe Airport Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport master plan.

The Truckee Tahoe Airport District (TTAD) adopted the Truckee Tahoe Airport Master Plan in June 2016. This 2016 *Compatibility Plan* includes minor changes to the 2004 compatibility policy map and criteria to reflect the 2016 Master Plan proposal and 2011 Handbook guidance. The procedural and compatibility policies contained in Chapter 2, which were developed in 2004 through significant community and agency input, are fundamentally unchanged. However, numerous refinements and a general reorganization have been made for clarity and to reflect current industry practice. Chapter 3 of this *Compatibility Plan* summarizes the aeronautical data from the 2016 Master Plan upon which this *Compatibility Plan* is based.

### 2016 Plan Review and Adoption Process

An Initial Study was prepared for this *Compatibility Plan* in accordance with the California Environmental Quality Act (CEQA). The purpose of the Initial Study was to identify the potential environmental impacts associated with the implementation of this *Compatibility Plan* following adoption. The issues addressed by the Initial Study include those identified in the 2007 California Supreme Court decision in *Muzzy Ranch Company v. Solano County Airport Land Use Commission*, such as an assessment of the potential displacement of future residential and nonresidential land use development. The Initial Study and Negative Declaration associated with this *Compatibility Plan* were circulated for a 30-day public review period that extended from September 1 to October 3, 2016. Additionally, a public workshop on the draft *Compatibility Plan* was held on October 27, 2016.

On October 27, 2016 the TTALUC adopted this *Compatibility Plan* and associated Negative Declaration. A copy of Resolution No. 16-03 is included at the front of this plan. The *Truckee Tahoe Airport Land Use Compatibility Plan* (October 27, 2016) is available on the NCTC website ([www.nctc.ca.gov](http://www.nctc.ca.gov)).

## PLAN IMPLEMENTATION

### Relationship of the TTALUC to County and City Governments

The fundamental relationship between the *TTALUC* and the governments of Nevada County, Placer County, and the Town of Truckee is set by the State Aeronautics Act. The *TTALUC* is not simply an advisory body for the boards of supervisors or town council in the manner that their respective planning commissions are. Rather, it is more equivalent to a Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the *TTALUC* are final and are independent of the boards of supervisors or town council. The *TTALUC* does not need county or town approval in order to adopt this *Compatibility Plan* or to carry out *TTALUC* land use project review responsibilities. However, the *TTALUC* must consult with the involved agencies regarding establishment or modification of the airport influence area boundary (Public Utilities Code Section 21675(c)).

Another aspect of the relationship between the *TTALUC* and county and city governments concerns implementation of the *Compatibility Plan*. The *TTALUC* has the sole authority to adopt this plan and to conduct compatibility reviews, but, as noted earlier, the authority and responsibility for implementing the compatibility policies rests with the local governments.

Government Code Section 65302.3 establishes that each county and city affected by an airport land use compatibility plan must make its general plan and any applicable specific plans consistent with the *ALUC's* plan. Alternatively, local agencies can take the series of steps listed in the Public Utilities Code Section 21676 to overrule the *ALUC*.

### General Plan Consistency

With limited exceptions, state law requires each local agency having jurisdiction over land uses within an *ALUC's* planning area (i.e., airport influence area) to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that the local agency must take this action within 180 days of when the *ALUC* adopts or amends its plan. A general plan does not need to be identical with an *ALUC's* plan in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Many community general plans pay little attention to the noise and safety factors associated with airport land use compatibility. Also, some of the designated land uses of property near an airport frequently are contrary to good compatibility planning. It is anticipated that each of the land use jurisdictions affected by this *Compatibility Plan* will need to make some modification to its general plan and/or other land use policy documents in order to meet the plan consistency requirements. (Note: An initial assessment of the consistency between the current local general plans and the policies set forth in this *Compatibility Plan* is contained in the Initial Study included in Attachment A herein.)

Compatibility planning issues can be reflected in a general plan in several ways:

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the proce-

dural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.

- **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.
- **Adopt Compatibility Plan as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *Compatibility Plan*—specifically, Chapter 2 plus any background information they wish to include. Changes to the community's existing general plan would be minimal. Policy reference to the separate *Compatibility Plan* document would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.
- **Adopt Airport Combining District or Overlay Zoning Ordinance**—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the *Compatibility Plan* as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Appendix F.)

## Overrule Process

A local agency choosing to overrule an *ALUC*'s plan is required to do so by a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes. Additionally, the local agency must provide both the *ALUC* and Caltrans Division of Aeronautics, with a copy of the local agency's proposed decision and findings at least 45 days in advance of its decision to overrule and must hold a public hearing on the proposed overruling (Public Utilities Code Section 21676(a) and (b)). The *ALUC* and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. If comments are submitted, the local agency must include them in the public record of the final decision to overrule the *ALUC* (Sections 21676, 21676.5 and 21677.) Note that similar requirements apply to local agency overruling of *ALUC* actions concerning individual development proposals for which *ALUC* review is mandatory (Section 21676.5(a)) and airport master plans (Section 21676(c)).



## Project Referrals

In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, the *Compatibility Plan* specifies other land use projects that either must or should be submitted for review. These *major land use actions* are defined in Chapter 2. Beginning with when this *Compatibility Plan* is adopted by the TTALUC and continuing until such time as local jurisdictions have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the commission for review. After local agencies have made their general plans consistent with the *Compatibility Plan*, the TTALUC requests that these major actions continue to be submitted on a voluntary basis. These procedures must be indicated in the local jurisdiction's general plan or other implementing policy document in order for the general plan to be considered fully consistent with the *Compatibility Plan*. A copy of the TTALUC Referral Form is available in Appendix E herein).

## PLAN CONTENTS

This *Compatibility Plan* is organized into three chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for the Truckee Tahoe Airport and TTALUC in particular.

The policies and maps in Chapter 2 constitute the most important components of the plan. The policies establish compatibility criteria for future land use development in the airport environs. The policies also define the types of actions to be submitted for TTALUC review and the procedures that the TTALUC will follow in making compatibility determinations.

Chapter 3 and the appendices contain background and supporting information used in the creation of the *Compatibility Plan*. Data specific to the Truckee Tahoe Airport and its environs is found in Chapter 3. The appendices include a copy of state statutes concerning airport land use commissions along with other general information pertaining to airport land use compatibility planning.

A copy of the CEQA Initial Study and documents related to the adoption of the Negative Declaration and this *Compatibility Plan* are included in the back of this document as Attachment A.