TRUCKEE TAHOE AIRPORT LAND USE COMPATIBILITY PLAN

Truckee Tahoe Airport Land Use Commission

Adopted October 27, 2016

RESOLUTION 16-03
OF THE
TRUCKEE TAHOE AIRPORT LAND USE COMMISSION

A RESOLUTION APPROVING THE NEGATIVE DECLARATION AND ADOPTING THE PROPOSED TRUCKEE TAHOE AIRPORT LAND USE COMPATIBILITY PLAN

WHEREAS, the Truckee Tahoe Airport Land Use Commission (TTALUC) has prepared the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP) for the Truckee Tahoe Airport, incorporated by this reference as though set forth fully herein, to replace the prior Truckee Tahoe Airport Land Use Compatibility Plan, adopted October 19, 2010; and

WHEREAS, the proposed TTALUCP, including a revised airport influence area, has been prepared in accordance with the requirements of the California State Aeronautics Act (Public Utilities Code, Sections 21670 *et seq.*), and the formulation of the TTALUCP has been guided by the California Airport Land Use Planning Handbook published by the California Department of Transportation, Division of Aeronautics, as required by state law (Public Utilities Code, Section 21674.7); and

WHEREAS, a Negative Declaration, incorporated by this reference as though set forth fully herein, for the proposed TTALUCP has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, Sections 21000, *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000, *et seq.*); and

WHEREAS, the proposed TTALUCP, including the revised airport influence area, and the draft Negative Declaration were circulated for agency and public review and comment for a thirty-day review period from September 1, 2016 to October 3, 2016, and were duly noticed in the largest newspaper of general circulation in eastern Nevada and Placer Counties; and

WHEREAS, on October 27, 2016, the TTALUC held a public hearing to receive and consider comments on the draft TTALUCP and the draft Negative Declaration, in addition to any comments received during the thirty-day comment period; and

WHEREAS, the TTALUC has considered all agency and public comments received on the TTALUCP and Negative Declaration; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the TTALUCP has based its decisions are located at 101 Providence Mine Road, Suite 102, Nevada City, California, 95959.

NOW THEREFORE BE IT RESOLVED, that the TTALUC hereby approves the Negative Declaration, certifying that it has been completed in compliance with the provisions of CEQA and its implementing regulations.

BE IT FURTHER RESOLVED, that the TTALUC has reviewed and considered the information contained in the Negative Declaration, including all comments and responses to comments, prior to making its determination on the TTALUCP, and that the Negative Declaration represents the independent judgment and analysis of the TTALUC, which hereby finds that the adoption of the TTALUCP will have no significant effect on the environment, as it will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

BE IT FURTHER RESOLVED, that the TTALUC hereby adopts the proposed TTALUCP, finding that the TTALUCP provides for the orderly growth of the Truckee Tahoe Airport and the area surrounding the airport within the jurisdiction of the TTALUC, and safeguards the general welfare of the inhabitants within the vicinity of the airport and the public in general.

PASSED AND ADOPTED by the Truckee Tahoe Airport Land Use Commission on October 27, 2016, by the following vote:

Ayes: Commissioners Anderson, Collinson, Dee, Foster, Montgomery, Powers, Smith

Noes: None

Absent: None

Abstain: None

Richard Anderson, Chairman
Truckee Tahoe Airport Land Use Commission

Attest: Antoinette Perry
Antoinette Perry
Administrative Assistant

Truckee Tahoe Airport
Land Use Compatibility Plan

Adopted October 27, 2016

Prepared for the

Truckee Tahoe Airport Land Use Commission (TTALUC)

TTALUC Staff Support Provided by

Nevada County Transportation Commission (NCTC)

Prepared by

Aviation Services
Santa Rosa, California
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Truckee Tahoe Airport Land Use Commission (TTALUC)

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CHAPTER 1

Introduction

1

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 lead 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 _____ to _____. Additionally, a public workshop on the draft *Compatibility Plan* was held on _____.

On _____, the *TTALUC* adopted this *Compatibility Plan* and associated Negative Declaration. A copy of Resolution No. _____ is included in Attachment A. The *Truckee Tahoe Airport Land Use Compatibility Plan* (_____ 2016) is available on the NCTC website (_____).

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.

CHAPTER 2

Policies

2

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 readopted 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 1.2.8for 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 Airpor*t 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 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 I*ntensity* 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, *Avigation 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 1.2.8for 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 depticted 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 materials[5].

(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 Truckey 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

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[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 the 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 Railyard 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 Railyard 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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Zone	Locations	Maximum Densities / Intensities				Additional Criteria	
		Residential (du/ac) [1]	Other Uses (people/ac) [2]		Req'd Open Land [3]	Prohibited Uses [4]	Other Development Conditions [5]
			Average [6]	Single Acre [7]			
A	Runway Protection Zone and within Building Restriction Line	0	0	0	All Remaining	▪ All structures except ones with location set by aeronautical function ▪ Assemblages of people ▪ Objects exceeding FAR Part 77 height limits ▪ Storage of hazardous materials ▪ Hazards to flight [8]	▪ Mostly on existing or future airport property or other public lands ▪ Avigation easement dedication on remainder
B1	Inner Approach/ Departure Zone	0.05 (average parcel size ≥20.0 ac.)	40	80	30%	▪ Children's schools, day care centers, libraries ▪ Hospitals, nursing homes ▪ Buildings with >2 habitable floors above ground ▪ Highly noise-sensitive uses (e.g., outdoor theaters) ▪ Aboveground bulk storage of hazardous materials [9] ▪ Critical community infrastructure facilities [10] ▪ Hazards to flight [8]	▪ Locate structures maximum distance from extended runway centerline ▪ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings [11] ▪ Airspace review required for objects >35 feet tall [12] ▪ Avigation easement dedication
B2	Adjacent to Runway	0.05 (average parcel size ≥20.0 ac.)	100	300	No Req't	Same as Zone B1	▪ Locate structures maximum distance from runway ▪ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings [11] ▪ Airspace review required for objects >35 feet tall [12] ▪ Avigation easement dedication
C	Extended Approach/ Departure Zone	0.2 (average parcel size ≥5.0 ac.)	75	225	20%	▪ Children's schools, libraries, day care centers ▪ Hospitals, nursing homes ▪ Buildings with >3 habitable floors above ground ▪ Highly noise-sensitive uses (e.g., outdoor theaters) ▪ Hazards to flight [8]	▪ Minimum NLR of 20 dB in residences (including mobile homes) and office buildings [11] ▪ Airspace review required for objects >50 feet tall ▪ Overflight easement required
D	Primary Traffic Patterns	See Policy 3.1.3(b)	150[13]	600[13]	10%	▪ Highly noise-sensitive uses ▪ Hazards to flight [8]	▪ Airspace review required for objects >100 feet tall ▪ Overflight easement required ▪ Children's schools, hospitals, nursing homes discouraged [14]
E	Other Airport Environs	No Limit	No Limit [15]		No Req't	▪ Hazards to flight [8]	▪ Airspace review required for objects >100 feet tall ▪ Major spectator-oriented sports stadiums, amphitheaters, concert halls discouraged beneath principal flight tracks [15]
*	Height Review Overlay	Same as Underlying Compatibility Zone			Not Applicable	Same as Underlying Compatibility Zone	▪ Airspace review required for objects >35 feet tall [12] ▪ Avigation easement dedication

Table 2A

Basic Compatibility Criteria

NOTES:

[1] Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre. Clustering of units is encouraged. See Policy 5.2.5 for limitations. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands. Mixed-use development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or adjoining buildings on the same site shall be treated as nonresidential development. See Policy 3.1.5.

[2] Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside.

[3] Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects. See Policy 5.2.4 for definition of open land.

[4] The uses listed here are ones which are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.

[5] As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. See Policy 5.4.2 for details. Easement dedication requirements indicated for specific compatibility zones apply only to new development.

[6] The total number of people permitted on a project site at any time, except rare special events, must not exceed the indicated usage intensity times the gross acreage of the site. Rare special events are ones (such as an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

[7] Clustering of nonresidential development is permitted. However, no single acre of a project site shall exceed the indicated number of people per acre. See Policy 5.2.5(b) for details.

[8] Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. See Policy 5.3.5 for details.

[9] Storage of aviation fuel and other aviation-related flammable materials on the airport is exempted from this criterion. Storage of up to 6,000 gallons of nonaviation flammable materials is also exempted. See Policy 5.2.3(c) for details.

[10] Critical community facilities include power plants, electrical substations, and public communications facilities. See Policy 5.2.3(d) for details.

[11] NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides. See Policy 5.1.4(c) for details.

[12] Objects up to 35 feet in height are permitted. However, the Federal Aviation Administration may require marking and lighting of certain objects. See Policy 5.3.3 for details.

[13] See Section 6.2 for site-specific exceptions to these limits.

[14] See Policy 3.1.8 for explanation of term “discouraged.”

[15] Although no explicit upper limit on usage intensity is defined for *Zone E*, land uses of the types listed—uses that attract very high concentrations of people in confined areas—are discouraged in locations below or near the principal arrival and departure flight tracks. See Policy 3.1.8 for explanation of term “discouraged.” This limitation notwithstanding, no use shall be prohibited in *Zone E* if its usage intensity is such that it would be permitted in *Zone D*.

Table 2A, continued

Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
A *Runway Protection Zone and within Building Restriction Line*	*Noise Impact: Very High* ▪ Much of area is within peak season 65-CNEL contour	*Risk Level: Very High* ▪ Lateral to runways, zone boundary defined by the Building Restriction Line as depicted on adopted Airport Layout Plan drawing ▪ Length set to include Runway Protection Zones as indicated on Airport Layout Plan drawing ▪ Nearly 40% of off-runway general aviation accidents near airports occur in this zone
B1 *Inner Approach / Departure Zone*	*Noise Impact: High* ▪ Encompasses peak season 60-CNEL contour ▪ Single-event noise sufficient to disrupt wide range of land use activities including indoors if windows open	*Risk Level: High* ▪ Encompasses areas overflown by aircraft at low altitudes—typically only 200 to 400 feet above the runway elevation. ▪ Some 10% to 20% of off-runway general aviation accidents near airports take place here ▪ Object heights restricted to as little as 50 feet
B2 *Adjacent to Runway*	*Noise Impact: Moderate to High* ▪ Partly within peak season 60-CNEL contour ▪ Exposed to loud single-event noise from takeoffs and jet thrust-reverse on landing; also from preflight run-ups	*Risk Level: Low to Moderate* ▪ Area not normally overflown by aircraft; primary risk is with aircraft (especially twins) losing directional control on takeoff ▪ About 3% of off-runway general aviation accidents near airports happen in this zone ▪ Object heights restricted to as little as 35 feet
C *Extended Approach/ Departure Zone*	*Noise Impact: Moderate* ▪ Contains average annual 55-CNEL contour ▪ Aircraft typically at or below 1,000-foot traffic pattern altitude; individual events occasionally loud enough to intrude upon indoor activities	*Risk Level: Moderate* ▪ Includes areas where aircraft turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude ▪ Zone also includes areas where departing aircraft normally complete transition from takeoff power and flap settings to climb mode and have begun to turn to their en route heading ▪ Some 10% to 15% of off-runway general aviation accidents near airports occur here ▪ Object heights restricted to as little as 50 feet
D *Primary Traffic Patterns*	*Noise Impact: Moderate* ▪ Noise more of a concern with respect to individual loud events than with cumulative noise contours ▪ Portions of the peak season, average day 55-CNEL contour extend into this zone ▪ Residential density criteria for this zone provide two options on the basis that noise concerns can be minimized either by limiting the number of dwelling units in affected areas or by allowing high-density development which tends to have comparatively high ambient noise levels	*Risk Level: Low* ▪ About 20% to 30% of general aviation accidents take place in this zone, but the large area encompassed means a low likelihood of accident occurrence in any given location ▪ Risk concern is primarily with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area) ▪ Object height limits generally 100 feet above runway elevation
E *Other Airport Environs*	*Noise Impact: Low* ▪ Beyond peak season 55-CNEL contour ▪ Occasional overflights intrusive to some outdoor activities	*Risk Level: Low* ▪ Only 10% to 15% of near-airport accidents here ▪ Risk concern only with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area)
******* *Height Review Overlay*	*Noise Impact: Low* ▪ Individual noise events slightly louder because high terrain reduces altitude of overflights	*Risk Level: Moderate* ▪ Modest risk because high terrain constitutes airspace obstruction ▪ Key concern is tall single objects (e.g., antennas)

Table 2B

Compatibility Zone Delineation

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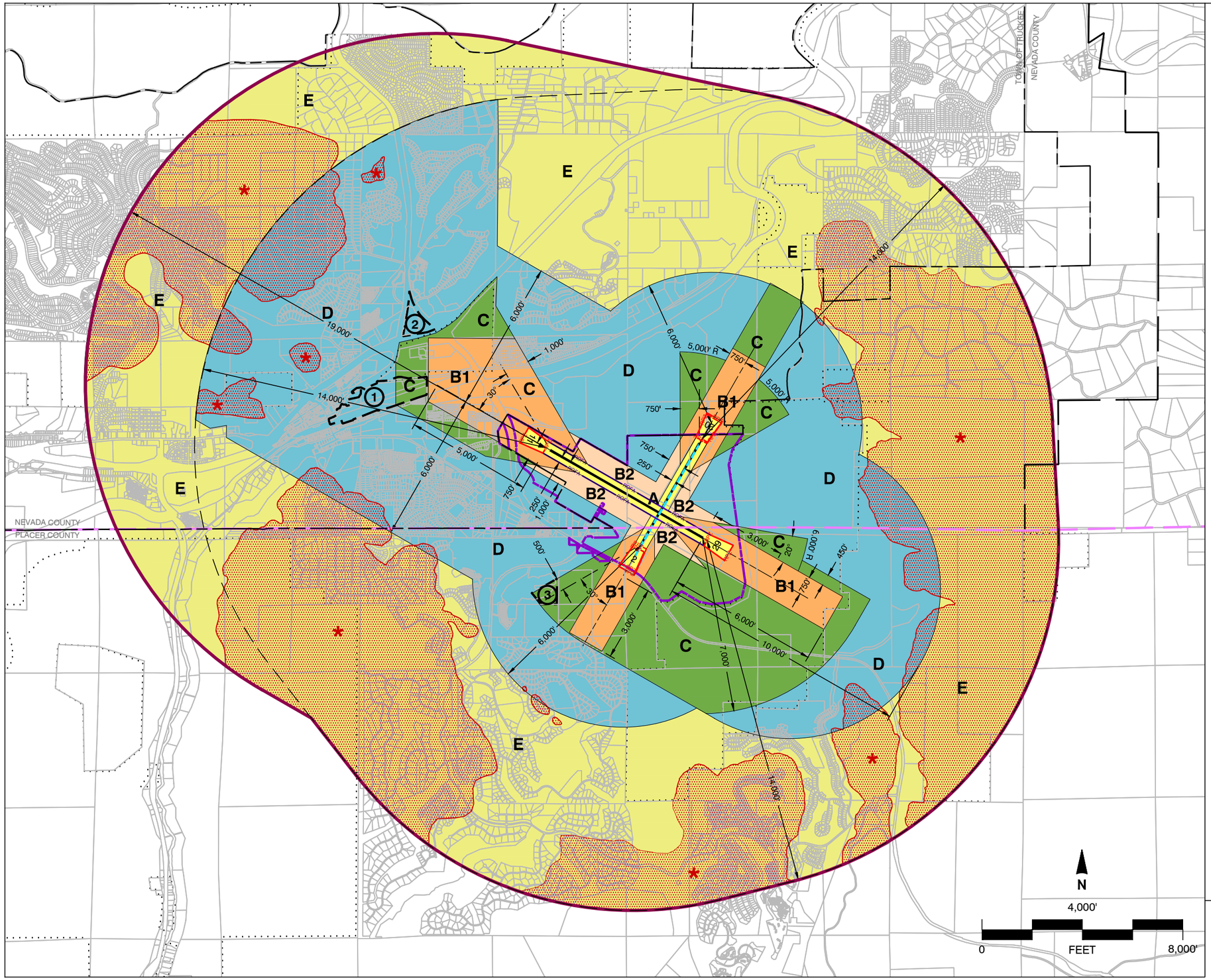


Legend

Boundary Lines

- Airport Property Line
- County Boundary Line
- Truckee Town Limits
- Truckee Sphere of Influence
- Federal Lands (USFS & Corps of Engineers)
- Limits of FAR Part 77 Surfaces
- Existing Runway 11-29 (7,000')
- Existing Runway 2-20 (4,650')
- Future Runway 2-20 (5,055')

Policy Boundaries

- Airport Influence Area (AIA)

Compatibility Zones[1]

- **A** Runway Protection Zone
- **B1** Inner Approach/Departure Zone
- **B2** Sideline Zone
- **C** Outer Approach/Departure Zone
- **D** Primary Traffic Pattern Zone
- **E** Other Airport Environs
- Height Review Overlay Zone
- (#) See Section 6.2 for site-specific exceptions at these locations

Notes

- Airport Influence Area boundary measured from a point 200 feet beyond runway ends in accordance with FAA airspace protection criteria (FAR Part 77). All other dimensions measured from runway ends and centerlines.
- Height Review Overlay Zone includes any area where ground is within 35 feet of FAR Part 77 Surface, plus additional areas where ground level exceeds an elevation of 6,300 feet MSL.

Truckee Tahoe Airport Land Use Commission

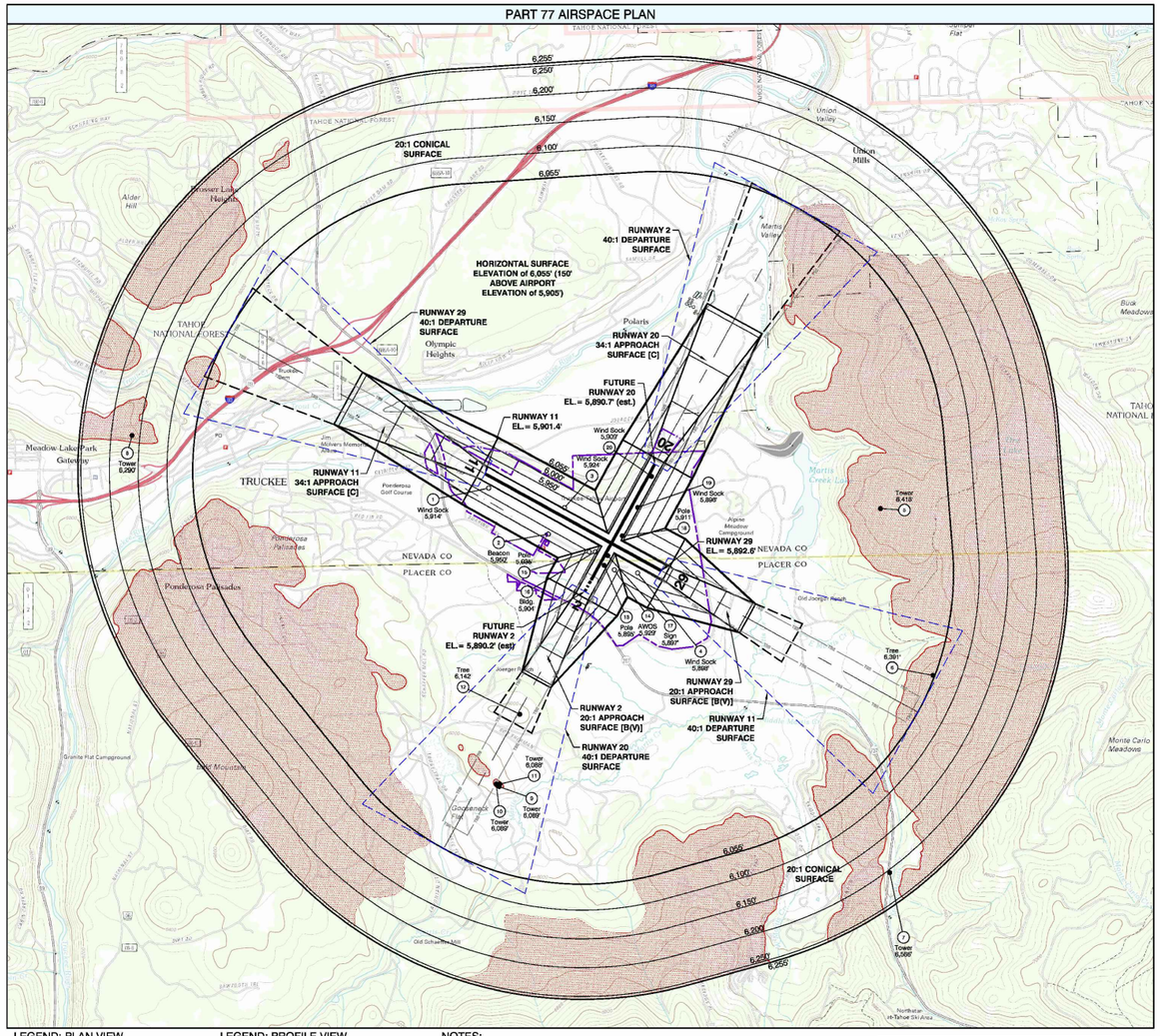
Truckee Tahoe Airport
Land Use Compatibility Plan
(Adopted October 27, 2016)

Map 2A

Compatibility Policy Map

Truckee Tahoe Airport

PART 77 AIRSPACE PLAN



LEGEND: PLAN VIEW

- Existing Runway
- Future Runway
- Airport Property Boundary
- Future Airport Property
- Part 77 Surfaces
- Part 77 Approach Surface
- Part 77 Surface Contour
- Departure Surface
- Threshold Siting Surface
- Terrain Penetrates Part 77 Surface
- Object Clear of Part 77 Surface
- Object Penetrates Part 77 Surface
- Terrain Contours
- Town of Truckee Boundary

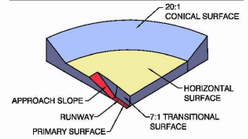
LEGEND: PROFILE VIEW

- Part 77 Approach Surface
- Threshold Siting Surface
- Departure Surface
- Object Under Approach Surface
- Object Under Transitional/ Horizontal/Conical Surface

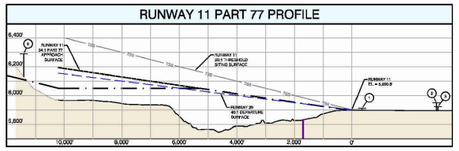
NOTES:

- Runway ends, Part 77 surface contours and obstruction elevations are shown in NAD83 and NAVD88. All elevations in feet above mean sea level (MSL).
- Only airspace surfaces associated with ultimate runway configurations are illustrated. All objects are analyzed against the ultimate airspace surfaces.
- Runway elevation data source: As built engineering documents from airport management and R.W. Brandley Engineering (2014).
- Objects elevation source: Digital Obstacle File (Nov. 12, 2013 release) and 1993 20:1 Obstacle Survey (2 objects - others recently removed). AGIS survey recommended to help document any potential obstruction to approaches.
- Basemap source: USGS Topographic maps.
- See Inner-Approach Sheets 6 and 7 for close-in obstructions in RPZ areas.
- Proposed Runway 2-20 extension and widening project will requie an Aeronautical Survey for support of amended Instrument Approach Procedures.

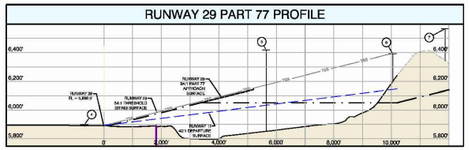
TYPICAL FAR PART 77 SURFACES



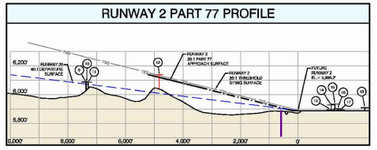
RUNWAY 11 PART 77 PROFILE



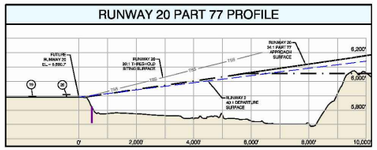
RUNWAY 29 PART 77 PROFILE



RUNWAY 2 PART 77 PROFILE



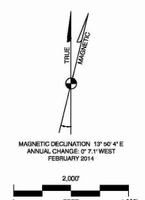
RUNWAY 20 PART 77 PROFILE



PART 77 OBJECTS

POINT #	OBJECT DESCRIPTION	OBJECT ELEVATION	AFFECTED PART 77 SURFACE	PART 77 SURFACE ELEVATION	PART 77 PENETRATION	THRESHOLD SITING SURFACE ELEVATION	THRESHOLD SITING SURFACE PENETRATION	DEPARTURE SURFACE ELEVATION	DEPARTURE SURFACE PENETRATION	DISPOSITION
1	Wind Sock	5,914'	Transitional	5,968'	-54'	Object not under surface	N/A	Object not under surface	N/A	No Action
2	Beacon	5,950'	Transitional	6,205'	-73'	Object not under surface	N/A	Object not under surface	N/A	No Action
3	Wind Sock	5,924'	Transitional	6,264'	-20'	Object not under surface	N/A	Object not under surface	N/A	No Action
4	Wind Sock	5,899'	Transitional	5,973'	-77'	Object not under surface	N/A	Object not under surface	N/A	No Action
5	Tower	6,413'	Horizontal	6,050'	364'	Object not under surface	N/A	Object not under surface	N/A	Obstruction Light
6	Tree	6,391'	Horizontal	6,050'	337'	Object not under surface	N/A	6,144'	-194'	No Action
7	Tower	6,599'	Conical	6,152'	394'	Object not under surface	N/A	Object not under surface	N/A	Obstruction Light
8	Tower	6,250'	Conical	6,154'	128'	Object not under surface	N/A	Object not under surface	N/A	Obstruction Light
9	Tower	6,089'	Horizontal	6,050'	39'	Object not under surface	N/A	6,016'	-842'	Obstruction Light
10	Tower	6,089'	Horizontal	6,050'	39'	6,289'	-200'	6,070'	18'	Obstruction Light
11	Tower	6,088'	Horizontal	6,050'	54'	Object not under surface	N/A	6,074'	18'	Obstruction Light
12	Tree	6,142'	Horiz / Rwy 2-No	6,050'	92'	6,180'	-20'	6,210'	79'	Cut / Trim
13	Pole	5,890'	Primary	5,890'	0'	Object not under surface	N/A	Object not under surface	N/A	No Action *
14	AWOS	5,929'	Transitional	5,957'	-42'	Object not under surface	N/A	Object not under surface	N/A	No Action
15	Pole	5,935'	Transitional	5,991'	-48'	Object not under surface	N/A	Object not under surface	N/A	No Action
16	Building	5,934'	Transitional	5,992'	-51'	Object not under surface	N/A	Object not under surface	N/A	No Action
17	Sign	5,897'	Primary	5,890'	7'	Object not under surface	N/A	Object not under surface	N/A	No Action *
18	Pole	5,911'	Primary	5,890'	21'	Object not under surface	N/A	Object not under surface	N/A	No Action *
19	Wind Sock	5,899'	Primary	5,890'	9'	Object not under surface	N/A	Object not under surface	N/A	No Action *

Note: A negative penetration value indicates the object is clear of the airspace surface.
^ Objects fixed by aeronautical function.



NO.	REVISION	SPONSOR	DATE
4	Airport Master Plan Update (Rwy 2-20 extension, 13A requirements)	Mead & Hunt, Inc.	2015
3	ALP Update	PBS&J	2008
2	ALP Update	PBS&J	2007
1	ALP Update	PBS&J	2005

TRUCKEE-TAHOE AIRPORT
TRUCKEE, CALIFORNIA

PART 77 AIRSPACE

Mead & Hunt
133 Aviation Boulevard, Suite 100
Santa Rosa, California 95403
(707) 526-5010
Fax (707) 526-9721
www.meadhunt.com

DESIGN: BM | DRAWN: TE/BM | DATE: JULY 2015 | SHEET 4 OF 11

The preparation of this document may have been supported, in part, through the Airport Improvement Program financial assistance from the Federal Aviation Administration (Project Number Unassigned) as provided under Title 49 U.S.C., Section 47104. The contents do not in any way constitute a commitment on the part of the United States to participate in any development depicted therein nor does it indicate that the proposed development is environmentally acceptable or would have justification in accordance with appropriate public laws.

Truckee Tahoe Airport Land Use Commission

Truckee Tahoe Airport Land Use Compatibility Plan (Adopted October 27, 2016)

Map 2B

Airport Layout Plan
Truckee Tahoe Airport

CHAPTER 3

Background Data: Truckee Tahoe Airport and Environ

3

Background Data: Truckee Tahoe Airport and Environs

INTRODUCTION

Situated in the Martis Valley at an elevation of 5,900 feet, Truckee Tahoe Airport is a regional general aviation facility serving the Town of Truckee, surrounding Sierra Nevada Mountain resort communities and ski areas, and the Lake Tahoe Basin seven miles to the south. Major facilities include two intersecting runways along with aircraft hangars, apron areas, terminal/administration building and other supporting uses. The primary runway is 7,000 feet in length and oriented northwest/southeast and the secondary runway, oriented northeast/southwest, is 4,650 feet long. In total, the airport occupies nearly 1,000 acres of land.

The airport is owned and operated by the Truckee Tahoe Airport District, a bi-county special district within the counties of Nevada and Placer. The District is governed by a five-member board elected by residents of the district and is supported by local property taxes.

The airport property straddles the boundary between Nevada and Placer counties. The Town of Truckee surrounds the airport on the north and west, but the airport property is not within the town limits. In addition to these three local land use jurisdictions, major portions of the airport environs are under the control of the federal government; specifically, the U.S. Army Corps of Engineers (Martis Creek Lake National Recreation Area) and the U.S. Forest Service (Tahoe National Forest).

When the airport was built in the early 1960s, little development existed in the surrounding area except in Truckee itself. The town remained an unincorporated community of Nevada County until 1993. Since that time, several large resort communities have been developed around the edges of the Martis Valley. Local planning documents estimate that about half of the homes in these communities are occupied year-round and the remainder seasonally. Major portions of the area consist of large land holdings, many of which are proposed for residential development.

The exhibits on the following pages of this chapter summarize information about the Truckee Tahoe Airport and surrounding communities. Together with state laws and guidelines, this information served as the basis for preparation of this *Truckee Tahoe Airport Land Use Compatibility Plan*.

Exhibits 3-1 through **3-8** focus on the airport facilities and use, including noise impacts.

- **Exhibit 3-1: Airport Features Summary.** Presents information pertaining to the airport configuration, operational characteristics and applicable planning documents.
- **Exhibit 3-2: Airport Layout Plan.** Depicts the existing and future airfield configuration and airport building areas. This drawing was approved by the Federal Aviation Administration in January 2016.
- **Exhibit 3-3. Airport Activity Data Summary.** This table summarizes the data used in the noise contour calculations conducted for the Truckee Tahoe Airport Master Plan study adopted by the Truckee Tahoe Airport District in June 2016. The Master Plan forecast of 31,139 annual operations is used as the basis of this *Compatibility Plan's* noise policies.
- **Exhibit 3-4** and **3-5: Compatibility Factors.** Depicts the extents of the four compatibility factors upon which the *Compatibility Zones* for Truckee Tahoe Airport were derived. The four compatibility factors are defined by:
  - *Noise* – Future noise contours reflecting a forecasted aircraft activity level of 31,139 annual operations (182 average day, peak season).
  - *Safety* – Generic safety zones provided in the California Airport Land Use Planning Handbook (October 2011) are applied to the existing and future runway configurations.
  - *Overflight* – Primary traffic patterns reflecting where aircraft operating at the airport routinely fly.
  - *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulation (FAR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace.
- **Exhibit 3-6: Airport Environs Information** – Summarizes information about current and planned land uses in the environs of the Truckee Tahoe Airport. The status of local general plans and airport land use compatibility policies contained in those plans are also summarized.
- **Exhibit 3-7: County General Plan Land Uses** – Shows planned land use designations as reflected in the adopted general plan land use diagrams for the Counties of Nevada and Placer.
- **Exhibit 3-8: Town of Truckee General Plan Land Uses** – Shows planned land use designations as reflected in the adopted general plan land use diagram (2006).

GENERAL INFORMATION

- *Airport Ownership:* Truckee Tahoe Airport District
- *Year Opened:* 1964
- *Property Size:* 936 acres in fee; no avigation easements
  - Open Space Land: owned in fee, ±1,529 acres; majority east of Airport
  - Conservation Easements: ±141 acres; majority east of Airport (held by third party)
- *Airport Classification:* Regional - General Aviation
- *Airport Elevation:* 5,904.5 ft. MSL

AIRPORT PLANNING DOCUMENTS

- Airport Master Plan
  - Adopted by TTAD Board of Directors, June 2016
- Airport Layout Plan Drawing
  - Approved by FAA, January 2016

RUNWAY/TAXIWAY DESIGN

Runway 11-29

- *Critical Aircraft:* Gulfstream IV
- *Airport Reference Code:* B-II
- *Dimensions:* 7,000 ft. long, 100 ft. wide
- *Pavement Strength (main landing gear configuration)*
  - 50,000 lbs (single wheel)
  - 80,000 lbs (dual wheel)
- *Average Gradient:* 0.1% (rising to northwest)
- *Runway Lighting:* Medium-intensity edge lights
- *Primary Taxiways:* Full-length parallel on southwest

Runway 2-20

- *Critical Aircraft:* Beech Baron
- *Airport Reference Code:* B-I
- *Dimensions:* 4,650 ft. long, 75 ft. wide
  - Runway 20 threshold displaced 115 ft.
- *Pavement Strength (main landing gear configuration)*
  - 35,000 lbs (single wheel)
  - 50,000 lbs (dual wheel)
- *Average Gradient:* 0.0%
- *Runway Lighting:* Medium-intensity edge lights
- *Primary Taxiways:* Full-length parallel on northwest

APPROACH PROTECTION

- *Runway Protection Zones (RPZs)*
  - Runways 11 & 29: 1,000-ft. long; all on airport property
  - Runway 2: 1,000-ft. long; 76% on airport property
  - Runway 20: 1,000-ft. long; 13% on airport property
- *Approach Obstacles*
  - Runway 11: Tree 1,470 ft. from Runway end (clear 23:1)
  - Runway 2: Tree 4,800 ft. from Runway end (clear 20:1)

TRAFFIC PATTERNS AND APPROACH PROCEDURES

- *Airplane Traffic Patterns*
  - Runway 20: Right traffic; gliders, left traffic
  - Runways 2, 11, 29: Left traffic
  - Pattern altitude: 1,100 ft. AGL (7,000 ft. MSL) light aircraft; 1,600 ft. AGL (7,500 ft. MSL) heavy aircraft
- *Instrument Approach Procedures (lowest minimums)*
  - Runway 11 GPS (LNAV)
    - Straight-in: 1¼ mile vis., 8,160 ft. MSL descent ht.
    - Circling: 1¼ mile visibility, 7,120 ft. MSL descent ht.
  - Runway 20 GPS Z (LP)
    - Straight-in: 1 mile vis., 6,420 ft. MSL descent ht.
    - Circling: 1¼ mile visibility, 7,120 ft. MSL descent ht.
  - Runway 20 GPS Y (LNAV)
    - Straight-in: 1¼ mile vis., 7,400 ft. MSL descent ht.
    - Circling: 1¼ mile visibility, 7,460 ft. MSL descent ht.
- *Standard Inst. Departure Procedures (initial course)*
  - Runway 2: Left turn to 275° heading
  - Runway 29: Right turn to 320° heading
- *Visual Approach Aids*
  - Airport: Rotating beacon
  - Runway 11: REIL
  - Runway 20: VASI 2L (3.5°)
- *Operational Restrictions / Noise Abatement Procedures*
  - Runway 29 departures: "Bypass departure" Turn right to 300° to Highway 267 bypass then turn over I-80 corridor. No turns before RR tracks.
  - Runway 20 departures: All low powered aircraft requested to turn left to 300° then join 'bypass departure'
  - Runway 2 departures: Fly direct to I-80 scales then follow I-80 corridor
  - Runway 20 and 29 arrivals: From Gateway checkpoint join Hwy 267 for left downwind for Runway 29 or enter Runway 20 right downwind.
  - Voluntary curfew on arrivals and departures 11 p.m. to 6:30 a.m.

Exhibit 3-1

Airport Features Summary

Truckee Tahoe Airport

BUILDING AREA

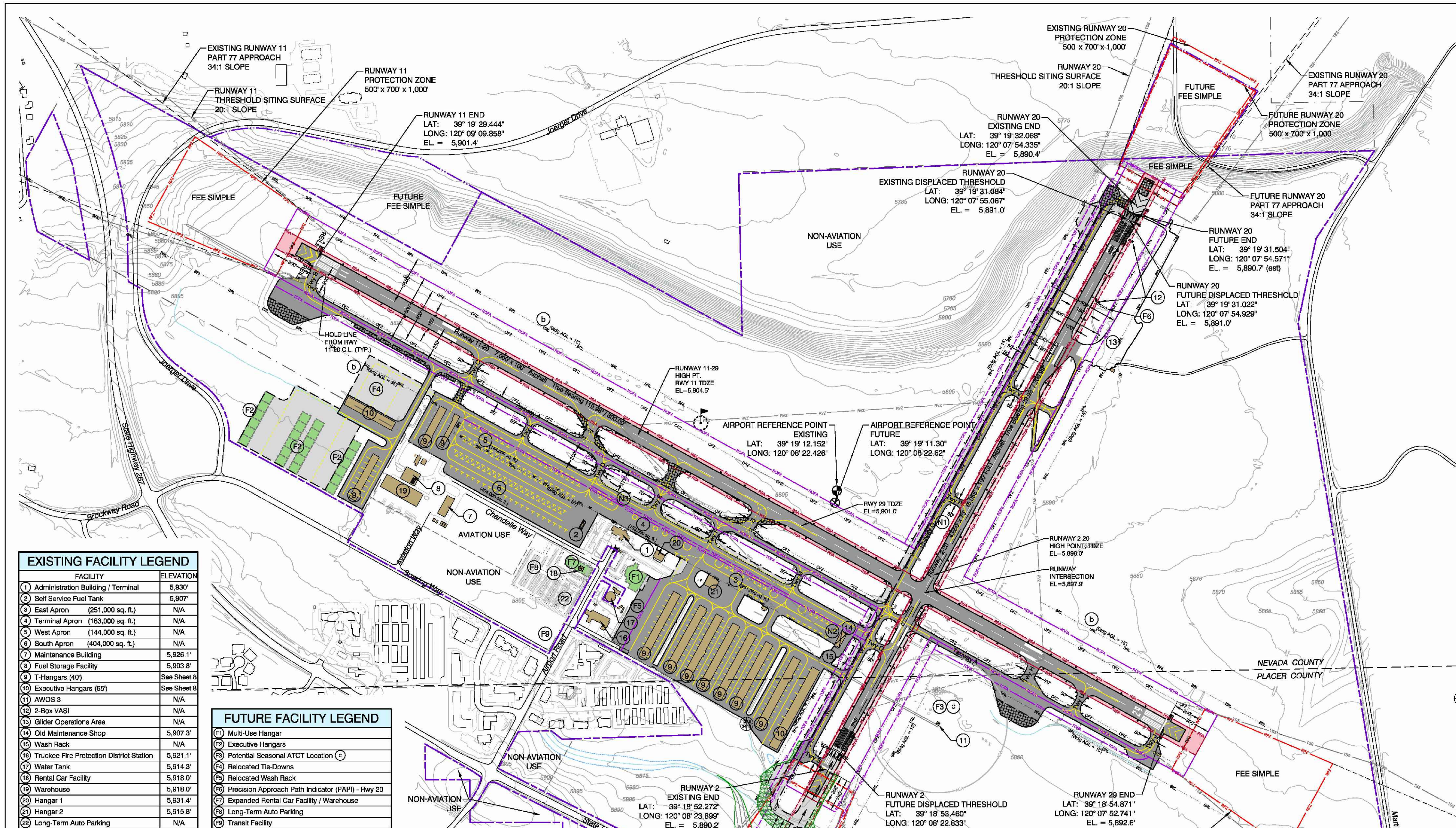
- *Location:* West quadrant of airport
- *Aircraft Parking Capacity*
  - 219 hangar spaces
  - 210± tiedowns
- *Other Major Facilities*
- Terminal/Administration Building
- *Services*
  - Fuel: Jet-A, 100LL (from truck; 7 a.m. to 7 p.m.)
  - Aircraft rental and charter; flight instruction; airframe and avionics repair
  - Glider facilities and service
  - Car rental

PLANNED FACILITY IMPROVEMENTS

- *Airfield*
  - Extend Runway 2-20 to 5,055 ft. and widen to 100 ft. with declared distances
  - Upgrade Runway 2-20 to B-II, critical aircraft: Super King Air
  - Shift Runway 2 RPZ onto Airport property with threshold shift and declared distances
- *Building Area*
  - Establish commercial and aviation use building southeast of administration building
  - Planned multi-use hangar south of administration building
  - Potential to add up to 24 executive hangars, west side of airfield
- *Property*
  - Acquire remainder of existing RPZ (Runway 20)

  Acquire property north of Runway 11 approach, for north airfield access

Exhibit 3-1, Continued



EXISTING FACILITY LEGEND

FACILITY	ELEVATION
(1) Administration Building / Terminal	5,930'
(2) Self Service Fuel Tank	5,907'
(3) East Apron (251,000 sq. ft.)	N/A
(4) Terminal Apron (183,000 sq. ft.)	N/A
(5) West Apron (144,000 sq. ft.)	N/A
(6) South Apron (404,000 sq. ft.)	N/A
(7) Maintenance Building	5,926.1'
(8) Fuel Storage Facility	5,903.8'
(9) T-Hangars (40')	See Sheet 8
(10) Executive Hangars (65')	See Sheet 8
(11) AWOS 3	N/A
(12) 2-Box VASI	N/A
(13) Glider Operations Area	N/A
(14) Old Maintenance Shop	5,907.3'
(15) Wash Rack	N/A
(16) Truckee Fire Protection District Station	5,921.1'
(17) Water Tank	5,914.3'
(18) Rental Car Facility	5,918.0'
(19) Warehouse	5,918.0'
(20) Hangar 1	5,931.4'
(21) Hangar 2	5,915.8'
(22) Long-Term Auto Parking	N/A

FUTURE FACILITY LEGEND

(F1)	Multi-Use Hangar
(F2)	Executive Hangars
(F3)	Potential Seasonal ATCT Location (c)
(F4)	Relocated Tie-Downs
(F5)	Relocated Wash Rack
(F6)	Precision Approach Path Indicator (PAPI) - Rwy 20
(F7)	Expanded Rental Car Facility / Warehouse
(F8)	Long-Term Auto Parking
(F9)	Transit Facility

LAYOUT PLAN NOTES

- ALP prepared using design criteria from FAA Advisory Circulars 150/5300-13A Change 1, "Airport Design", 150/5070-6A, "Airport Master Plans" and Part 77 of the Federal Aviation Regulations (FAR), "Safe, Efficient Use, and Preservation of the Navigable Airspace."
- All coordinates NAD83. Horizontal datum source: Airport AVN Data Sheet and 5010 Master Record.
- All elevations NAVD88. Data source: As-built engineering documents from airport management and R.W. Brandley Engineering (2014). Published runway elevation data (5010, AVN Datasheet) is NGVD29. As-built plans from 2012 runway construction on Runway 11-29 and associated survey used.

(a) Extension of Runway 2-20 to the south will require a significant amount of fill plus drainage ditch realignment. Planning level design is illustrated on this Plan. Proposed Runway 2-20 extension and widening project, along with relocation of Parallel Taxiway G will require a National Environmental Policy Act (NEPA) determination prior to design, and an Aeronautical Survey for support of amended Instrument Approach Procedures.

(b) The building restriction line (BRL) is based on a composite of airfield design setbacks, such as the runway visual zone (RVZ), taxiway object free area (TOFA) and Part 77 airspace surfaces. Allowable building elevations above ground level are noted at each line.

(c) Future seasonal ATCT location is conceptual. Further siting analysis, line-of-sight and feasibility study required before tower implementation.

NON-STANDARD CONDITIONS

EXISTING CONDITION	DISPOSITION
(N1) Runway 2-20 to parallel Taxiway G centerline separation is 180 feet. Standard runway to parallel taxiway separation for runway design code B-I is 225 feet.	Taxiway G to be realigned for taxiway centerline to runway centerline separation of 240 feet. Taxiway G will then conform to B-II standards, which Runway 2-20 is projected to become.
(N2) Structure and aircraft tie-downs on East Apron located within the runway visibility zone (RVZ), blocking line of sight between intersecting runways.	Building, wash rack and tie-downs to be relocated to account for ultimate RVZ associated with proposed Runway 2-20 extension.
(N3) Aircraft parking positions on Terminal Apron are located within the apron taxilane object free area (TOFA).	Add pavement to edge of apron to allow taxilane to shift away from parking positions and provide proper centerline to fixed / movable object separation.

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DRAWING LEGEND

	EXISTING	FUTURE
ACTIVE AIRFIELD PAVEMENT		
PAVEMENT TO BE REMOVED	N/A	
AIRPORT PROPERTY		
AIRPORT REFERENCE POINT		
COUNTY BOUNDARY		N/A
TOWN OF TRUCKEE BOUNDARY		N/A
RUNWAY SAFETY AREA (RSA)	RSA	RSA
RUNWAY PROTECTION ZONE (RPZ)	RPZ	RPZ
RUNWAY OBJECT FREE AREA (ROFA)	ROFA	ROFA
TAXIWAY OBJECT FREE AREA (TOFA)	TOFA	TOFA
OBSTACLE FREE ZONE (OFZ)	OFZ	OFZ
AWOS CRITICAL AREA (ACA)	ACA	N/A
BUILDING RESTRICTION LINE (BRL) (b)	BRL	N/A
RUNWAY VISIBILITY ZONE (RVZ)	RVZ	RVZ
FAR PART 77 APPROACH SURFACE		
THRESHOLD SITING SURFACE (TSS)	TSS	TSS
BUILDING - ON AIRPORT		
BUILDING - ON AIRPORT - TO BE RELOCATED		N/A
BUILDING - OFF AIRPORT		N/A
TAXIWAY MARKING (C.L. / TIE-DOWNS)		
BEACON	★	N/A
VISUAL APPROACH SLOPE INDICATOR (VASI)		N/A
PRECISION APPROACH PATH INDICATOR (PAPI)	N/A	
WIND CONE		N/A
RUNWAY LIGHTS (EDGE/THRESHOLD/REIL/TWY)		N/A
RUNWAY / TAXIWAY SIGN		
UTILITY / LIGHT POLE		N/A
PUBLIC ROAD / PARKING LOT		
FENCE		N/A
FILL FOR RUNWAY AND RSA EXTENSION	N/A	
CHANNEL / STREAM / DITCH		N/A
TERRAIN CONTOUR	5900	
CENTER SECTION MARKER		N/A

SUBMITTED BY:
Truckee Tahoe Airport Board

By ______________________ Date

FAA Approval Space

NO.	REVISION	SPONSOR	DATE
4	Airport Master Plan Update (Rwy 2-20 extension, 13A requirements)	Mead & Hunt, Inc.	2015
3	ALP Update	PBS&J	2009
2	ALP Update	PBS&J	2007
1	ALP Update	PBS&J	2005

TRUCKEE-TAHOE AIRPORT
TRUCKEE, CALIFORNIA

AIRPORT LAYOUT PLAN

Mead & Hunt
133 Aviation Boulevard, Suite 100
Santa Rosa, California 95403
(707) 526-5010
Fax (707) 526-9721
www.meadhunt.com

TRUCKEE TAHOE AIRPORT

DESIGN: BM	DRAWN: TE/BM	DATE: JULY 2015	SHEET 2 OF 11

The preparation of this document may have been supported, in part, through the Airport Improvement Program financial assistance from the Federal Aviation Administration (Project Number Unassigned) as provided under Title 49 U.S.C., Section 47104. The contents do not in any way constitute a commitment on the part of the United States to participate in any development depicted therein nor does it indicate that the proposed development is environmentally acceptable or would have justification in accordance with appropriate public laws.

C:\Users\870tme\appdata\local\temp\AcPublish_9528\TRK.Airport Layout Plan.dwg Nov 30, 2016 - 10:25am

Note

Approved by FAA February 2016.

Exhibit 3-2

Airport Layout Plan

Truckee Tahoe Airport

BASED AIRCRAFT

	Current [a] *2013*	*Future* [a] *2036 forecast*
Aircraft Type		
Single-Engine, Piston	156	160
Twin-Engine, Piston	12	12
Turboprop	27	41
Jets	16	32
Helicopters	6	8
Gliders [b]	4	4
Total Aircraft		
Permanently Based [b]	*149*	*171*
Seasonally Based [b]	*72*	*86*

AIRCRAFT OPERATIONS

	Current [a] *2013*	*Future* [a] *2036 forecast*
Total		
Annual	26,470	31,139
Average Day, Annual	73	85
Average Day, Peak Season	164	182
Distribution by Aircraft Type		
Single-Engine Piston	62%	60%
Twin-Engine Piston	5%	5%
Turboprop	11%	11%
Jet	6%	8%
Helicopter	6%	8%
Gliders	10%	8%
Distribution by Type of Operation		
Local (incl. touch-and-goes)	44%	40%
Itinerant	56%	60%

TIME OF DAY DISTRIBUTION

	Current *2013*	*Future* *2036 forecast*
Single-Engine Piston Airplanes – Takeoff & Landing		
Day	95%	no
Evening	4%	change
Night	1%	
Twin-Engine Airplanes & Turboprops – Takeoff & Landing		
Day	92%	no
Evening	7%	change
Night	1%	
Jets – Takeoff & Landing		
Day	95%	no
Evening	4%	change
Night	1%	

RUNWAY USE DISTRIBUTION

	Current *2013*	*Future* *2036 forecast*
Single-Engine Piston Airplanes – Day/Evening/Night		
Takeoffs		
Runway 11	4%	no change
Runway 29	77%	58%
Runway 2	8%	16%
Runway 20	11%	22%
Landings		
Runway 11	4%	no change
Runway 29	66%	47%
Runway 2	8%	16%
Runway 20	22%	33%
Twin-Engine Airplanes & Turboprops – Day/Evening/Night		
Takeoffs		
Runway 11	4%	no change
Runway 29	88%	76%
Runway 2	2%	8%
Runway 20	6%	12%
Landings		
Runway 11	4%	no change
Runway 29	82%	64%
Runway 2	2%	8%
Runway 20	12%	24%
Jets – Day/Evening/Night		
Takeoffs		
Runway 11	3%	no change
Runway 29	96%	88%
Runway 2	0.5%	6%
Runway 20	0.5%	3%
Landings		
Runway 11	3%	no change
Runway 29	94%	83%
Runway 2	1%	4%
Runway 20	2%	10%

FLIGHT TRACK USAGE
(Current and Future)

Takeoffs, Runway 29 – Piston and Turboprop Aircraft
- 80%–90% to Donner Pass
- 5%–20% to TRUCK Intersection
- 2%–3% to Tahoe

Takeoffs, Runway 29 – Jets
- 15% to Donner Pass
- 85% to TRUCK Intersection

Takeoffs, Runway 20 – Light Aircraft (excluding touch-and-go operations)
- 100% 225° left turn

Landings, Runway 29 – All Aircraft
- 100% left traffic pattern

Landings, Runway 20 – All Aircraft
- 100% right traffic pattern

Notes
[a] Source: Existing (2013) and forecast (2025) data from *Truckee Tahoe Airport Master Plan Report* (July 2015); Master Plan forecast used as this *Compatibility Plan's* 20-year forecast (2036).
[b] Gliders not included in *Master Plan* based aircraft forecasts.

Exhibit 3-3

Airport Activity Data Summary

Truckee Tahoe Airport

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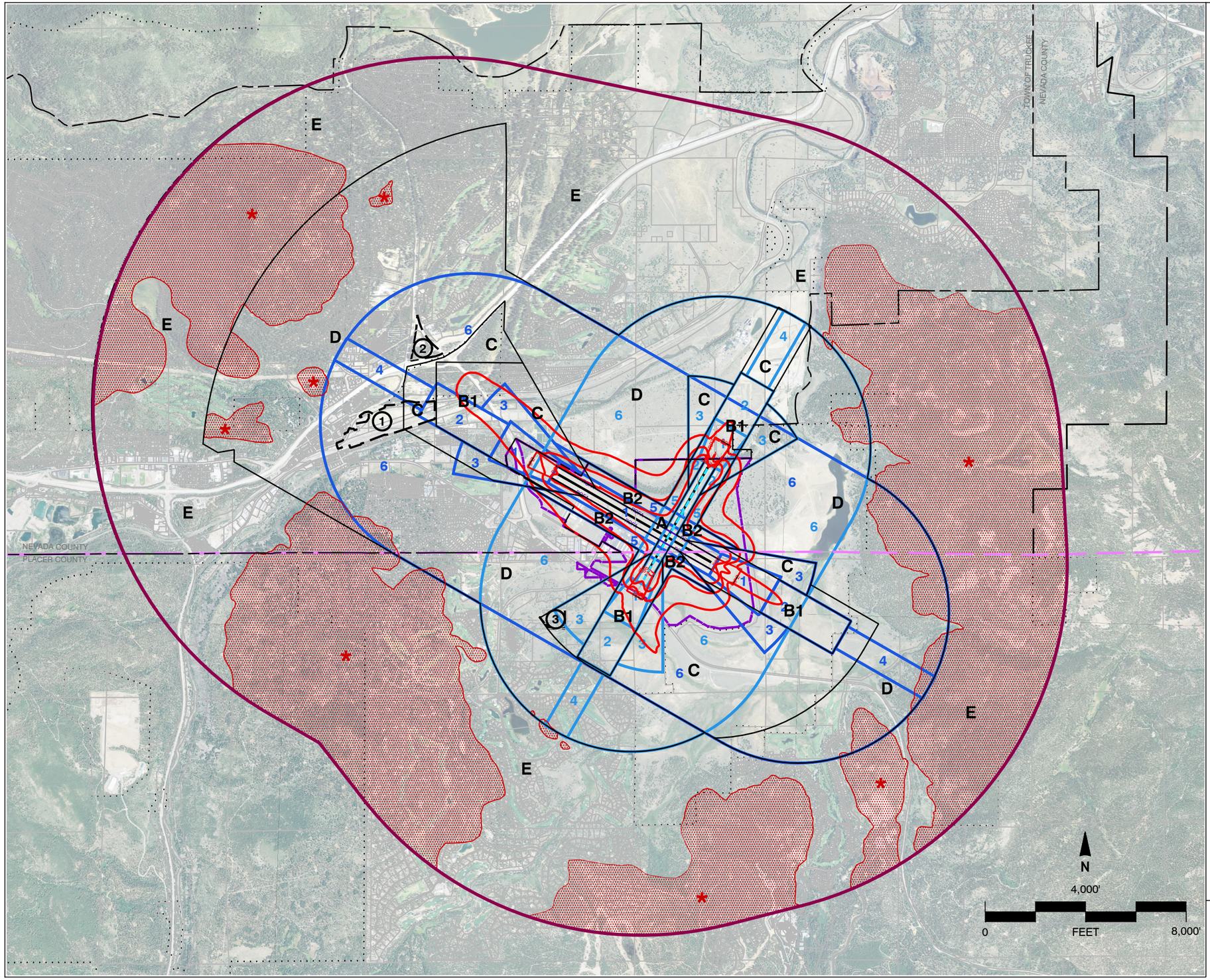


Legend

Boundary Lines

- Airport Property Line
- County Boundary Line
- Truckee Town Limits
- Truckee Sphere of Influence
- Federal Lands (USFS & Corps of Engineers)
- Existing Runway 11-29 (7,000')
- Existing Runway 2-20 (4,650')
- Future Runway 2-20 (5,055')
- Airport Influence Area
- Compatibility Zones
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C** Outer Approach/Departure Zone
  - **D** Primary Traffic Pattern Zone
  - **E** Other Airport Environs
- Height Review Overlay Zone
- (#) See Section 6.2 for site-specific exceptions at these locations

Noise Contours[1]

- 70 dB CNEL
- 65 dB CNEL
- 60 dB CNEL

Generic Safety Zones[2]

- Medium General Aviation Runway
- Long General Aviation Runway
  - **1** Runway Protection Zone
  - **2** Inner Approach/Departure Zone
  - **3** Inner Turning Zone
  - **4** Outer Approach/Departure Zone
  - **5** Sideline Zone
  - **6** Traffic Pattern Zone

Runway Factors[3]

- Runway Protection Zone

Notes

1. Source: Truckee Tahoe Airport Master Plan (June 2016). Noise contours represent 31,139 annual operations (182 avg. day, peak season).
2. Source: California Airport Land Use Planning Handbook (2011).
3. Source: Airport Layout Plan (Adopted by FAA January 2016).

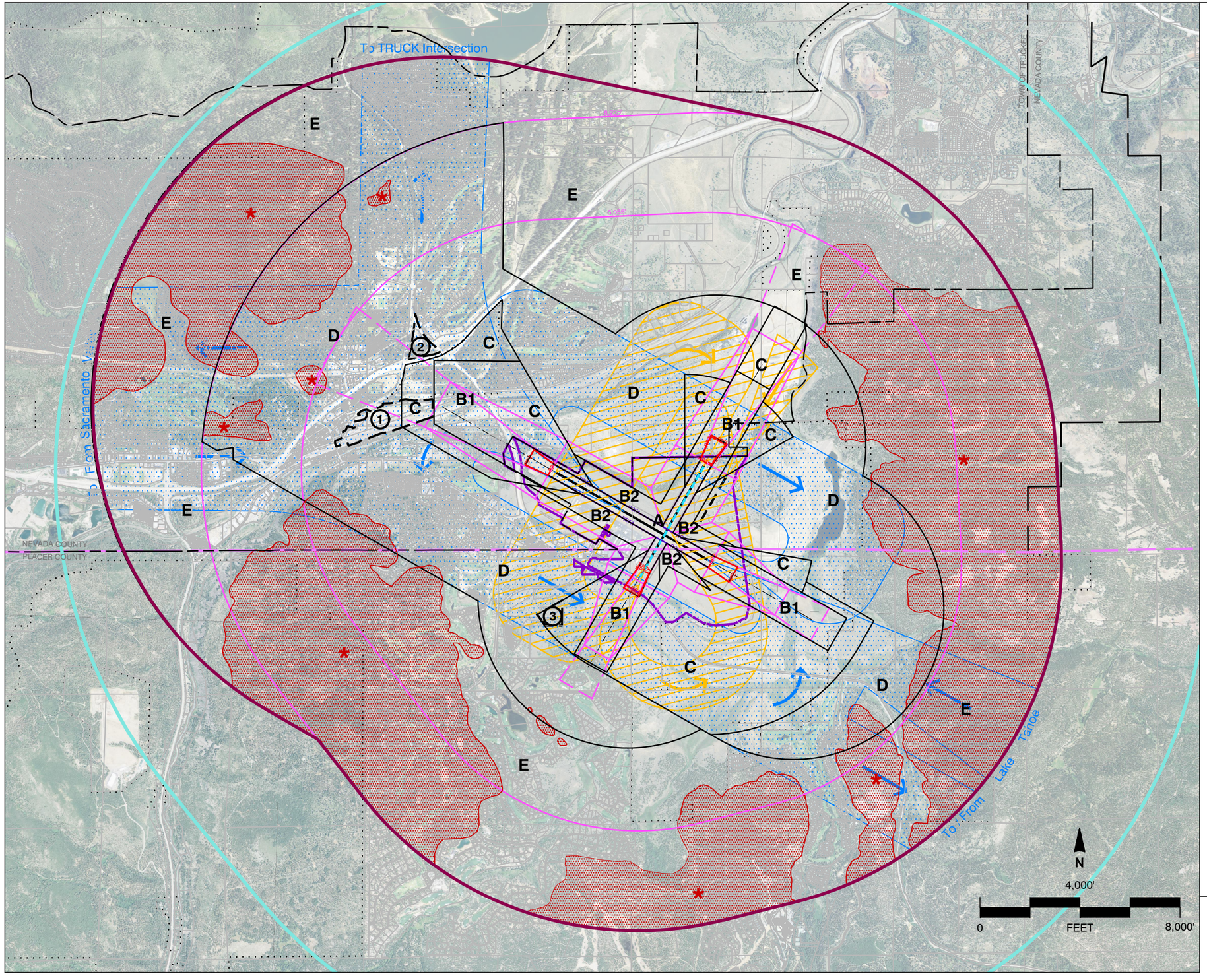
Truckee Tahoe Airport Land Use Commission

Truckee Tahoe Airport
Land Use Compatibility Plan
(Adopted October 27, 2016)

Exhibit 3-4

Compatibility Factors: Noise & Safety

Truckee Tahoe Airport



Legend

Boundary Lines

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  - **D** Primary Traffic Pattern Zone
  - **E** Other Airport Environs
- Height Review Overlay Zone
- [#] See Section 6.2 for site-specific exceptions at these locations

Airspace Factors

- FAA Obstruction Surfaces (14,000 ft.) [1]
- FAA Notification Surface [2] (20,000 ft., 100:1 slope)
- General Traffic Pattern Envelope/Primary Flight Direction (approximately 80% of aircraft overflights estimated to occur within these limits)

Notes

1. Source: Truckee Tahoe Airport Airspace Plan. (January 2016).
2. Source: Federal Aviation Regulation (FAR) Part 77, Safe and Efficient Use and Preservation of Navigable Airspace (January 2011).

Truckee Tahoe Airport Land Use Commission

Truckee Tahoe Airport
Land Use Compatibility Plan
(Adopted October 27, 2016)

Exhibit 3-5

Compatibility Factors: Overflight & Airspace

Truckee Tahoe Airport

AIRPORT LOCATION

- *Location*
  - On boundary between Nevada and Placer counties
  - Two miles southeast Truckee town center; 35 miles west of Reno, Nevada
- *Topography*
  - Situated in center of Martis Valley at 5,900 ft. elevation
  - Sierra Nevada Range surrounds valley; peaks 8,500 to 9,500 ft. within 10 miles in all directions; highest point, Mt. Rose (10,776 ft.) 10 miles east

AIRPORT ENVIRONS LAND USE JURISDICTIONS

- *County of Nevada*
  - Northern two-thirds of airport property within unincorporated Nevada County
- *County of Placer*
  - Southern third of airport property within County limits
- *Town of Truckee*
  - Town boundary adjoins north and west sides of airport property

EXISTING AIRPORT AREA LAND USES

- *General Character*
  - Urban area of Truckee west and northwest of airport
  - Residential areas to northeast and in hills to south
  - Generally open land near airport; mountainsides more forested
  - Open space/evergreen forest associated with the and Tahoe National Forest
  - Rising Terrain to the east, south, and west
- *Runway Approaches*
  - Northwest (Runway 11): Residential areas to each side of runway centerline within 1.0 mile of runway end; Hwy 267 (0.4 mi.); Truckee wastewater treatment ponds, Union Pacific rail line (0.7 mi.); Interstate 80 (1.6 mi.)
  - Southeast (Runway 29): Martis Creek Lake National Recreational Area borders airport; rising terrain beyond
  - Southwest (Runway 2): Rangelands, wetlands beyond runway end; Lahontan resort area 1.0 mile distant and 100 to 200 feet above runway end
  - Northeast (Runway 20): Largely open, undeveloped lands; Glenshire/Devonshire 2.0 miles distant
- *Traffic Pattern*
  - Southwest (Runway 29 downwind): Mixture of commercial uses and vacant land along Highway 267; golf course and residential west of Runway 11 end
  - South (Runway 29 downwind/base): Martis Creek Lake National Recreation Area

STATUS OF COMMUNITY PLANS

- *County of Nevada*
  - General Plan adopted in 1996; amended 2014
  - Martis Valley General Plan adopted in 1975
- *County of Placer*
  - General Plan adopted in 2013
  - Martis Valley General Plan adopted in 2003
- *Town of Truckee*
  - General Plan adopted in 2006

PLANNED AIRPORT AREA LAND USES

- *County of Nevada*
  - Continued open space directly east
  - Planned development 1.0 mile east including residential, estate residential, and open space
  - Large-lot (20-acre) residential 1.2 miles northeast
- *Town of Truckee*
  - Existing residential uses of various densities remain immediately to northwest; downtown area beyond
  - Planned community designation (mostly commercial and office uses, partially existing) adjacent to west side of airport
  - Existing public facility uses (wastewater ponds), planned open space recreation, open space conservation, and large lot (5-acre) residential within 2 miles north and northeast
  - Existing residential and open space recreation between railroad line and freeway to north
- *County of Placer*
  - Additional residential development in hills southwest (Hopkins Ranch, Eaglewood, Lahontan, Sillers Ranch), south (Northstar), and southeast (Waddle Ranch)
  - Other areas remain forest and open space

Exhibit 3-6

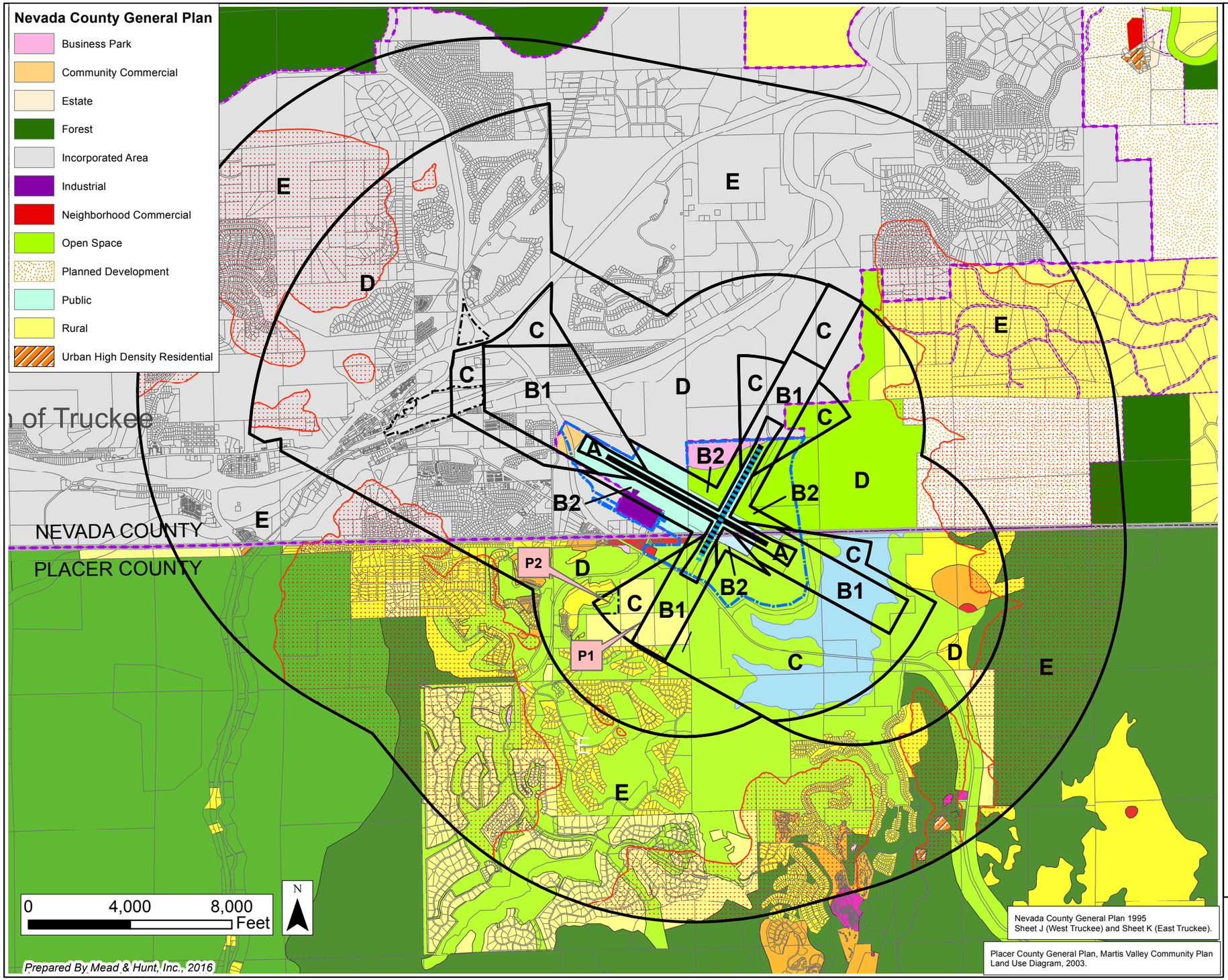
Airport Environs Information

Truckee Tahoe Airport

ESTABLISHED COMPATIBILITY MEASURES

- Nevada County General Plan (2014)
  - Implement adopted ALUCPs to maintain compatible land use development patterns within airport influence zones (Policy 1.10.1)
  - Refer all land use actions which always require TTALUC review and major land use actions affecting property within the airport influence area in accordance with ALUCP policies (Policy 1.10.2)
  - Protect safety and general welfare of people in vicinity of airports by implementing appropriate noise compatibility policies to avoid establishment of noise-sensitive land uses in areas exposed to significant levels of aircraft noise (Policy 9.1.20)
  - Ensure development of compatible land uses adjacent to airports by implementing ALUCP noise criteria (Policy 9.1.22)
  - Enforce noise criteria standards consistent with airport noise policies adopted by TTALUC (Policy 9.1.23)
  - Maintain land use and development patterns in vicinity of airports that reflect and are consistent with policies set forth by the ALUCPs (Policy 10.4.1)
  - Enforce airport ground and height safety areas, and land use compatibility standards, consistent with ALUCPs (Policy 10.4.2)
- *Nevada County Zoning Codes*
  - Airport Influence (AI) Combining District (Sec. L-II 2.7.1) serves to implement ALUCP policies
  - All proposals for development in AI district to be forwarded to ALUC for review; county will comply with ALUC findings unless a finding is made that "a hardship clearly outweighs the public health, safety, and welfare objective of ALUCP" and Board of Supervisors overrules the ALUC
  - Truckee Tahoe Airport Zoning Ordinance (Sec. L-III 2.1) sets height limits based on FAR Part 77
- *Town of Truckee General Plan (2006)*
  - Ensure consistency of General Plan with ALUCP and implement ALUCP to ensure protection of airport operations from incompatible land uses (Policy P13.3)
  - Residential development regarded as normally acceptable at noise exposure up to 60 dB CNEL and conditionally acceptable up to 65 dB CNEL (Figure N-3)
  - Enforce noise compatibility criteria and policies set forth in ALUCP (Policy P1.6)
  - Maintain land use and development pattern near airport consistent with ALUCP (Policy P6.1)
- *Town of Truckee Zoning Codes*
  - Airport Operations Overlay District (Sec. 18.20.030) and Truckee Tahoe Airport Area Restrictions (Sec. 18.64) implements compatibility criteria by setting airport-related height limits, ALUC safety zone criteria, prohibiting residential and other noise-sensitive development within 65 dB CNEL contour, and requiring avigation easement dedication for development within 55 dB CNEL contour or overflight zone
- *Placer County General Plan (2013)*
  - Requires 2,000-foot buffer between airports and new residential development (Policy 1.B.4)
  - Support continued use of the Truckee Tahoe Airport as a general purpose airport (Policy 3.F.1)
  - Work with ALUC to ensure protection of airports from urban encroachment (Policy 3.F.2)
  - Ensure that new development around airports does not create safety hazards such as lighting, smoke, electrical interference, hazardous chemicals, etc. (Policy 8.D.1)
  - Limit land uses in safety zones to those listed in ALUC plans as compatible uses (Policy 8.D.2)
  - Ensure that development within airport approach and departure zones complies with Federal Aviation Regulations Part 77 height limitations (Policy 8.D.3)
  - New development of noise-sensitive land uses not permitted in areas exposed to existing or projected noise from transportation sources, including airports, exceeding specified levels unless effective mitigation to reduce outdoor and indoor noise levels is included in the design; maximum allowable for residential uses is 60 dB CNEL outdoors and 45 dB CNEL indoors (Policy 9.A.8 and Table 9-3)
  - A noise exposure up to 65 dB CNEL may be allowed if 60 dB CNEL cannot be achieved with "practical application of the best-available noise reduction measures;" an acoustical analysis is required (Policy 9.A.10 and Table 9-3)
- *Placer County: Martis Valley Community Plan (2003)*
  - Ensure that residential land uses are separated and buffered from such major facilities as airports (Policy 1.B.3)
  - Require areas hazardous to public safety and welfare (e.g., airport safety zones) be retained as open space (Policy 1.I.1)
  - Support continued use of the Truckee Tahoe Airport as a general purpose airport (Policy 5.E.1)
  - Work with ALUC in planning of land uses around Truckee Tahoe Airport to ensure protection of airport operations from urban encroachment and establishment of compatible land uses within the overflight zones (Policy 5.E.2)
  - Consider ALUCP when evaluating high-density recreation activities (Policy 7.B.5)
  - Consider ALUCP projected noise levels in ALUCP to assure that new noise sensitive development will not be effected by airport operations (page 139)
- *Placer County Zoning Codes*
  - Aircraft Overflight (AO) Combining District (Sec. 17.52.030) sets height limit, noise, and safety development standards in accordance with FAR Part 77 and compatibility plan criteria. All discretionary land use permit must be referred to TTALUC "if the proposed use is not identified as a compatible use by the ALUCP"

Exhibit 3-6, continued



Nevada County General Plan 1995
Sheet J (West Truckee) and Sheet K (East Truckee).

Placer County General Plan, Martis Valley Community Plan
Land Use Diagram, 2003.

Legend

- Airport Property Boundary
- Draft Compatibility Zones
- Height Review Overlay Zone
- Site Exceptioon
- Community Boundary
- City Sphere Boundary
- County Boundary
- Existing Runway
- Future Runway 2-20 Configuration

Placer County General Plan

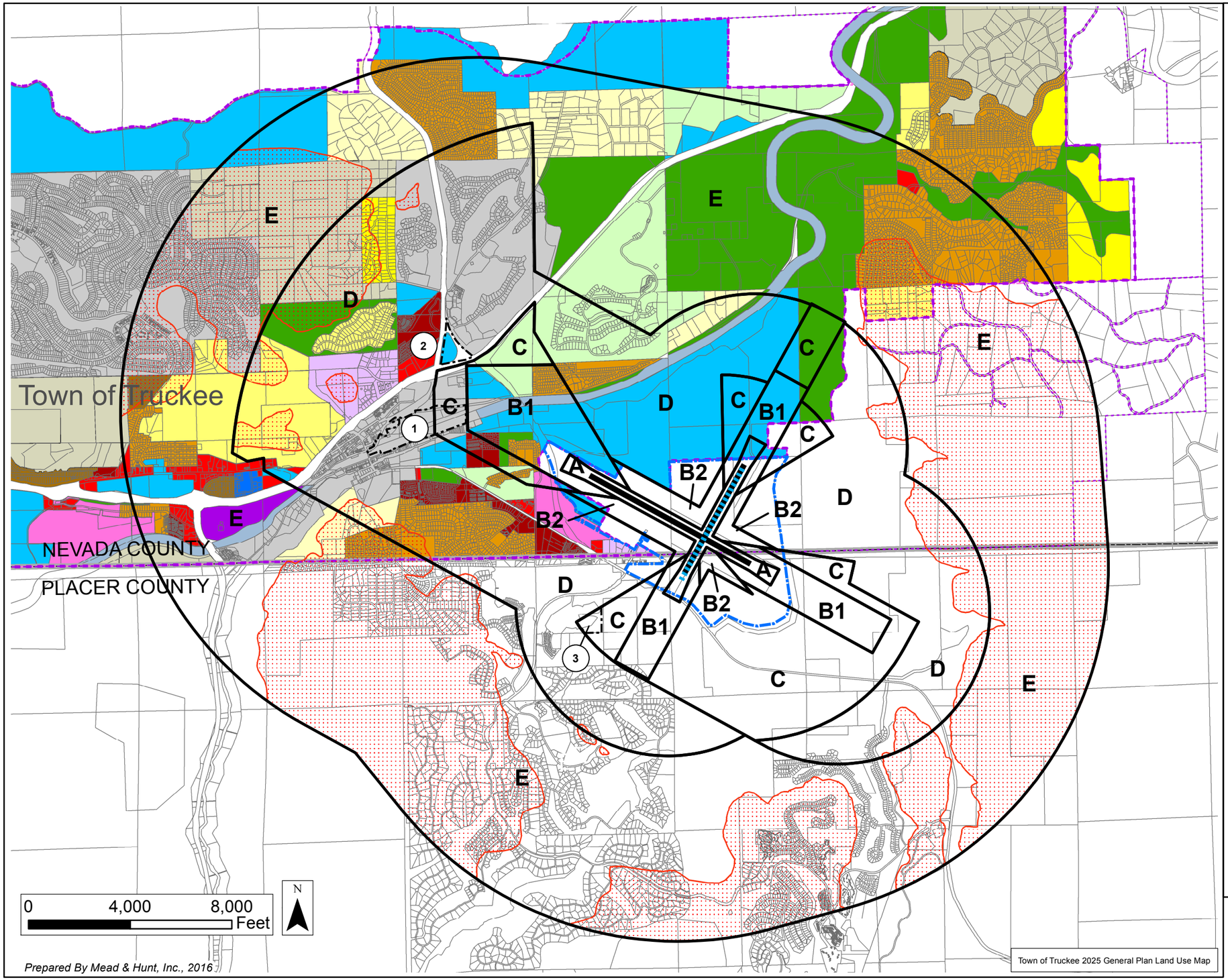
- Agriculture/Timberland - 40 Ac. Min.
- Agriculture/Timberland - 80 Ac. Min.
- Forest 40 - 640 Ac. Min.
- Forest Residential 2.5 - 10 Ac. Min.
- General Commercial
- High Density Residential 10 - 15 DU/Ac.
- High Density Residential 3,500 - 10,000 Sq. Ft. (10-21 DU)
- Low Density Residential 1 - 5 DU./Ac.
- Low Density Residential 10,000 Sq. Ft. - 1 Ac. Min. (1-5 DU)
- Medium Density Residential 5 - 10 DU./Ac.
- Open Space
- Professional Office
- Public/Quasi-Public
- Rural Residential 0.4 - 1 DU/Ac.
- Rural Residential 1 - 10 Ac. Min.
- Tourist/Resort Commercial
- Water Influence

P# See Exhibit 7 for land use summary

Truckee Tahoe Airport
Land Use Compatibility Plan
(Adopted October 27, 2016)

Exhibit 3-7

Nevada and Placer County General Plan Land Uses



Legend

- Airport Property Boundary
- Draft Compatibility Zones
- Height Review Overlay Zone
- Site Exceptioon
- CitySphereBoundary
- CommunityBoundary
- Truckee Town Limits
- AirportDistrict
- Existing Runway
- Future Runway 2-20 Configuration

Truckee General Plan Land Use Designations

- Commercial
- High Density Residential 6 - 12 du/acre
- Industrial
- Open Space Recreation
- Plan Area
- Planned Community
- Public
- Public Hospital/Office
- Rail Transportation Corridor
- Residential 0.5 - 1 du/acre
- Residential 0.5 du/acre
- Residential 1- 2 du/acre
- Residential 3 - 6 du/acre
- Residential Cluster Average Density 1 du/10 acres
- Residential Cluster Average Density 1 du/5 acres
- Resource Conservation/Open Space
- Special Study Area

Truckee Tahoe Airport Land Use Commission

Truckee Tahoe Airport
Land Use Compatibility Plan
(Adopted October 27, 2016)

Exhibit 3-8

Town of Truckee General Plan Land Uses

Appendices

APPENDIX A

State Laws Related to Airport Land Use Planning

Table of Contents

(as of January 2016)

Public Utilities Code

Sections

21670 – 21679.5 Airport Land Use Commission A–3
(complete article)

21402 – 21403 Regulation of Aeronautics A–16
(excerpts pertaining to rights of aircraft flight)

21655, 21658, 21659 Regulation of Obstructions A–17
(excerpts)

21661.5, 21664.5 Regulation of Airports A–19
(excerpts pertaining to approval of new airports and airport expansion)

Government Code

Sections

65302.3 Authority for and Scope of General Plans A–20
(excerpts pertaining to general plans consistency with airport land use plans)

65943 – 65945.7 Application for Development Projects A–21
(excerpts referenced in State Aeronautics Act)

66030 – 66031 Mediation and Resolution of Land Use Disputes A–26
(excerpts applicable to ALUC decisions)

66455.9 School Site Review A–28
(excerpts applicable to ALUCs)

Education Code

Sections

17215 School Facilities, General Provisions A–29
(excerpts pertaining to Department of Transportation review of elementary and secondary school sites)

81033 Community Colleges, School Sites A–30
(excerpts pertaining to Department of Transportation review of community college sites)

Public Resources Code

Sections

21096 California Environmental Quality Act, Airport Planning.....A–32
(excerpts pertaining to projects near airports)

Business and Professions Code

Sections

11010 Regulation of Real Estate Transactions, Subdivided Lands.....A–33
(excerpts regarding airport influence area disclosure requirements)

Civil Code

Sections

1103 – 1103.4 Disclosure of Natural Hazards upon Transfer of Residential Property A–34
1353 Common Interest Developments.....A–38
(excerpts regarding airport influence area disclosure requirements)

Legislative History Summary

Airport Land Use Commission Statutes A–39

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9—Aviation
Part 1—State Aeronautics Act
Chapter 4—Airports and Air Navigation Facilities
Article 3.5—Airport Land Use Commission

21670. Creation; Membership; Selection

(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

(2) It is the purpose of this article 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.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:

(1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.

(2) Two representing the county, appointed by the board of supervisors.

(3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(4) One representing the general public, appointed by the other six members of the commission.

(c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in

a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article that special districts, school districts and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

(a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Application to Counties Having over 4 Million in Population

(a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public

agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

21670.3 San Diego County

(a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.

(b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

21670.4. Intercounty Airports

(a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

(1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

(A) One representing the cities in each of the counties, appointed by that county's city selection committee.

(B) One representing each of the counties, appointed by the board of supervisors of each county.

(C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

(D) One representing the general public, appointed by the other six members of the commission.

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21670.6. Court and Mediation Proceedings

Any action brought in the superior court relating to this article may be subject to mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division I of Title 7 of the Government Code.

21671. Airports Owned by a City, District or County

In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. Term of Office

(a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies, shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to

charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Rules and Regulations

Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. Initiation of Proceedings for Creation by Owner of Airport

In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

21674. Powers and Duties

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

(a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of airport land use compatibility plans.

(2) The development of criteria for determining the airport influence area.

(3) The identification of essential elements that should be included in the airport land use compatibility plans.

(4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.

(5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.

(c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:

(1) By offering formal courses or training programs.

(2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.

(3) By producing and making available written information.

(4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

(a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

(b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

(a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation that reflects the anticipated growth of

the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

(b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The airport influence area shall be established by the commission after hearing and consultation with the involved agencies.

(d) The commission shall submit to the Division of Aeronautics of the department one copy of the airport land use compatibility plan and each amendment to the plan.

(e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. Adoption of Land Use Plan

(a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.

(b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing

body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. Approval or Disapproval of Actions, Regulations, or Permits

(a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.

(d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. Review of Local General Plans

(a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission

and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

21676.5. Review of Local Plans

(a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

21678. Airport Owner's Immunity

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

21679. Court Review

(a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.

(b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:

  (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.

  (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.

  (3) Rescinds the action.

  (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.

(d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.

(e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

(f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. Deferral of Court Review

(a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency,

directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.

(b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.

(c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 3—Regulation of Aeronautics
(excerpts)

21402. Ownership; Prohibited Use of Airspace

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

21403. Lawful Flight; Flight Within Airport Approach Zone

(a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:

(1) A forced landing.

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.

(3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

(c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 4—Airports and Air Navigation Facilities
Article 2.7—Regulation of Obstructions
(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

21659. Hazards Near Airports Prohibited

(a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

(b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.

(c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9, Part 1, Chapter 4
Article 3—Regulation of Airports
(excerpts)

21661.5. City Council or Board of Supervisors and ALUC Approvals

(a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by that commission in accordance with the provisions of that article.

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

21664.5. Amended Airport Permits; Airport Expansion Defined

(a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

(b) As used in this section, "airport expansion" includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

(3) The extension or realignment of an existing runway.

(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).

(c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 1—Planning and Zoning
Chapter 3—Local Planning
Article 5—Authority for and Scope of General Plans
(excerpts)

65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrence Findings

(a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

(b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.

(c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

(d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7, Division 1
Chapter 4.5—Review and Approval of Development Projects
Article 3—Application for Development Projects
(excerpts)

Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.

65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion

(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65943.5.

(a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:

(1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.

(2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.

(c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 72012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65944. Acceptance of Application as Complete; Requests for Additional Information; Restrictions; Clarification, Amplification, Correction, etc; Prior to Notice of Necessary Information

(a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. This

subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.

(2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an "urbanized area." An urbanized area is any urban location that meets the definition used by the United State Department of Commerce's Bureau of Census for "urban" and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.

(e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

(f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.

65945. Notice of Proposal to Adopt or Amend Certain Plans or Ordinances by City or County, Fee; Subscription to Periodically Updated Notice as Alternative, Fee

(a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:

(1) A general plan.

(2) A specific plan.

(3) A zoning ordinance.

(4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

(b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

65945.3. Notice of Proposal to Adopt or Amend Rules or Regulations Affecting Issuance of Permits by Local Agency other than City or County; Fee

At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65945.5. Notice of Proposal to Adopt or Amend Regulation Affecting Issuance of Permits and Which Implements Statutory Provision by State Agency

At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

65945.7. Actions, Inactions, or Recommendations Regarding Ordinances, Rules or Regulations; Invalidity or Setting Aside Ground of Error Only if Prejudicial

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 9.3—Mediation and Resolution of Land Use Disputes

(excerpts)

66030.

(a) The Legislature finds and declares all of the following:

(1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.

(2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.

(b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

(a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:

(1) The approval or denial by a public agency of any development project.

(2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).

(4) Fees determined pursuant to Chapter 6 (commencing with Section 17620) of Division 1 of Part 10.5 of the Education Code or Chapter 4.9 (commencing with Section 65995).

(5) Fees determined pursuant to the Mitigation Fee Act (Chapter 5 (commencing with Section 66000)), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section

66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

(6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).

(7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).

(8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).

(10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.

(b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.

(c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:

(1) The council of governments having jurisdiction in the county where the dispute arose.

(2) Any subregional or countywide council of governments in the county where the dispute arose.

(3) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.

(d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 2—Subdivisions
Chapter 3—Procedure
Article 3—Review of Tentative Map by Other Agencies
(excerpts)

66455.9.

Whenever there is consideration of an area within a development for a public school site, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

EDUCATION CODE
Title 1—General Education Code Provisions
Division 1—General Education Code Provisions
Part 10.5—School Facilities
Chapter 1—School Sites
Article 1—General Provisions
(excerpts)

17215.

(a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, before acquiring title to or leasing property for a new school site, the governing board of each school district, including any district governed by a city board of education or a charter school, shall give the State Department of Education written notice of the proposed acquisition or lease and shall submit any information required by the State Department of Education if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.

(b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition or lease. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition or lease for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.

(c) The Department of Transportation shall investigate the site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.

(d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.

(e) If the Department of Transportation's recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition or lease of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

(f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

EDUCATION CODE
Title 3—Postsecondary Education
Division 7—Community Colleges
Part 49—Community Colleges, Education Facilities
Chapter 1—School Sites
Article 2—School Sites
(excerpts)

81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity

(c) To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors, in lieu of notifying the Division of Aeronautics, shall notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency any information or assistance it may desire to give.

The board of governors shall investigate the proposed site and, within 35 working days after receipt of the notice, shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

(d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to that community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the

district lies shall be expended for those purposes; However, this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to those sites.

If the recommendation of the Division of Aeronautics is unfavorable, the recommendation shall not be overruled without the express approval of the board of governors and the State Allocation Board.

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES

PUBLIC RESOURCES CODE

Division 13—Environmental Quality

Chapter 2.6—General

(excerpts)

21096. Airport Planning

(a) If a lead agency prepares an environmental impact report for a project situated within airport land use compatibility plan boundaries, or, if an airport land use compatibility plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

BUSINESS AND PROFESSIONS CODE
Division 4—Real Estate
Part 2—Regulation of Transactions
Chapter 1—Subdivided Lands
Article 2—Investigation, Regulation and Report
(excerpts)

11010.

(a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Bureau of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the bureau.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

[Sub-Sections (1) through (12) omitted]

(13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is 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.

CIVIL CODE
Division 2—Property
Part 4—Acquisition of Property
Title 4—Transfer
Chapter 2—Transfer of Real Property
Article 1.7—Disclosure of Natural Hazards Upon Transfer of Residential Property
(excerpts)

1103.

(a) Except as provided in Section 1103.1, this article applies to the transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

(b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).

(c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent is required by one or more of the following to disclose the property's location within a hazard zone:

(1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.

(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(2) … is located within an area of potential flooding … shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding …

(3) … is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Government Code … shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 …

(4) … is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code … shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone …

(5) … is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code … shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone …

(6) … is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 …

(d) Any waiver of the requirements of this article is void as against public policy.

1103.1.

(a) This article does not apply to the following transfers:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one coowner to one or more other coowners.

(5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.

(6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.

(7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

(8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.

(9) Transfers or exchanges to or from any governmental entity.

(b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

1103.2.

(a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: [content omitted].

(b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor or transferor's agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

[Sub-Sections (c) through (h) omitted]

[Section 1103.3 omitted]

1103.4.

(a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.

(1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

> 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.

[Remainder of Article 1.7 omitted]

CIVIL CODE
Division 4
Part 5—Common Interest Developments
Chapter 3—Governing Documents
Article 2—Declaration
(excerpts)

4250.

(a) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes.

(b) The declaration may contain any other matters the declarant or the members consider appropriate.

4250.

(a) If property common interest development is located within an airport influence area, a declaration, recorded after January 1, 2004, shall contain the following statement:

> 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.

(b) For purposes of this section, an "airport influence area," also known as an "airport referral area," is 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.

(c) [Omitted]

(d) The statement in a declaration acknowledging that a property is located in an airport influence area … does not constitute a title defect, lien, or encumbrance.

4260.

Except to the extent that a declaration provides by its express terms that it is not amendable, in whole or in part, a declaration that fails to include provisions permitting its amendment at all times during its existence may be amended at any time.

LEGISLATIVE HISTORY SUMMARY[1]

PUBLIC UTILITIES CODE
Sections 21670 et seq.
Airport Land Use Commission Statutes
And Related Statutes

1967 Original ALUC statute enacted.

- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
- The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.

1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:

- Require ALUCs to prepare comprehensive land use plans.
- Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
- Require ALUC review of airport construction plans (Section 21661.5).
- Exempt Los Angeles County from the requirement of establishing an ALUC.

1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.

1973 ALUCs are permitted to establish compatibility plans for military airports.

1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:

- More clearly articulate the purpose of ALUCs.
- Eliminate reference to "achieve by zoning."
- Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
- Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
- Require that local agencies make findings of fact before overriding an ALUC decision.
- Change the vote required for an override from 4/5 to 2/3.

1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:

- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
- Limit amendments to compatibility plans to once per year.
- Allow individual projects to continue to be referred to the ALUC by agreement.
- Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

[1] Source: California Airport Land Use Planning Handbook (October 2011)

- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.

1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:

- Require that a designated body serving as an ALUC include two members having "expertise in aviation."
- Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
- Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.

1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—

- Sets a requirement that comprehensive land use plans be completed by June 1991.
- Establishes a method for compelling ALUCs to act on matters submitted for review.
- Allows ALUCs to charge fees for review of projects.
- Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.

1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates $3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.

1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.

1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.

1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.

1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—

- Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
- Allows ALUCs to continue to charge fees under these circumstances.
- Fees may be charged only until June 30, 1992, if plans are not completed by then.

1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)

1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that ALUCs be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.

1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.

1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.

2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.

2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority's responsibility for airport planning within San Diego County.

2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term "comprehensive land use plan" to "airport land use compatibility plan."

2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.

2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.

2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.

Adds that prior to granting building construction permits, local agencies shall be guided by the criteria established in the Airport Land Use Planning Handbook and any related federal aviation regulations to the extent that the criteria has been incorporated into their airport land use compatibility plan.

2004 Senate Bill 1223 (Committee on Transportation) Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term "comprehensive land use plan" and replacing it with "airport land use compatibility plan." Also replaces the terms "planning area" and "study area" with "airport influence area."

2005 Assembly Bill 1358 (Mullin) Chapter 29, Statutes of 2005—Requires a school district to notify the Department of Transportation before leasing property for a new school site within two miles of an airport. Also makes these provisions applicable to charter schools.

2007 Senate Bill 10 (Kehoe) Chapter 287, Statutes of 2007—The San Diego County Regional Airport Authority Reform Act of 2007. Restructures the airport authority established in 2001 by AB 93 (Wayne), with a set of goals related to governance, accountability, planning and operations at San Diego International Airport.

2009 Assembly Bill 45 (Blakeslee) Chapter 404, Statutes of 2009—Requires small wind energy systems installed near airports to comply with all applicable Federal Aviation Administration requirements, including Subpart B of Part 77. These systems are not allowed to locate in vicinity of an airport if they are prohibited by a comprehensive land use plan or any implementing regulations adopted by an Airport Land Use Commission.

2010 Senate Bill 1333 (Yee) Chapter 329, Statutes of 2010—If a local government requires dedication of an avigation easement to the owner or operator of the airport as a condition of approval of a noise-sensitive project, the avigation easement must be granted prior to the issuance of the building permit. Also requires that a termination clause be included in the avigation easement if the project is not built or the permit has expired or been revoked.

2012 Assembly Bill 805 (Torres) Chapter 180, Statutes of 2012—Recodifies the Common Interest Development Act which requires a recorded disclosure statement if a common interest development is located within an airport influence area.

2012 Assembly Bill 1486 (Lara) Chapter 690, Statutes of 2012—Exempts from CEQA the design, construction and maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System (LA-RICS). However, any new antenna would be required to comply with applicable state and federal height restrictions and any height limits established by an applicable airport land use compatibility plan.

2013 Assembly Bill 1058 (Chàvez) Chapter 83, Statutes of 2013—Modifies the process by which directors are appointed to the San Diego County Regional Airport Authority; the entity responsible for preparing, adopting and amending airport land use compatibility plans for each airport in San Diego County.

2013 Assembly Bill 758 (Block) Chapter 606, Statutes of 2013—Provides the City of Coronado with 540 days, instead of the standard 180 days, of any amendment to the airport land use compatibility plan to amend its general plan and any applicable specific plan.

APPENDIX **B**

Federal Aviation Regulations Part 77

Safe, Efficient Use and Preservation of the Navigable Airspace

Current as of June 2016

Subpart A

GENERAL

77.1 Purpose.

This part establishes:

(a) The requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures;

(b) The standards used to determine obstructions to air navigation, and navigational and communication facilities;

(c) The process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and

(d) The process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

77.3 Definitions.

For the purpose of this part:

"Non-precision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

Planned or proposed airport is an airport that is the subject of at least one of the following documents received by the FAA:

(1) Airport proposals submitted under 14 CFR Part 157.

(2) Airport Improvement Program requests for aid.

(3) Notices of existing airports where prior notice of the airport construction or alteration was not provided as required by 14 CFR Part 157.

(4) Airport layout plans.

(5) DOD proposals for airports used only by the U.S. Armed Forces.

(6) DOD proposals on joint-use (civil-military) airports.

(7) Completed airport site selection feasibility study.

"Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

"Public use airport" is an airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

"Seaplane base" is considered to be an airport only if its sea lanes are outlined by visual markers.

"Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Subpart B
NOTICE REQUIREMENTS

77.5 Applicability.

(a) If you propose any construction or alteration described in §77.9, you must provide adequate notice to the FAA of that construction or alteration.

(b) If requested by the FAA, you must also file supplemental notice before the start date and upon completion of certain construction or alterations that are described in §77.9.

(c) Notice received by the FAA under this subpart is used to:

(1) Evaluate the effect of the proposed construction or alteration on safety in air commerce and the efficient use and preservation of the navigable airspace and of airport traffic capacity at public use airports;

(2) Determine whether the effect of proposed construction or alteration is a hazard to air navigation;

(3) Determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460–1, Obstruction Marking and Lighting;

(4) Determine other appropriate measures to be applied for continued safety of air navigation; and

(5) Notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts, when necessary.

77.7 Form and time of notice.

(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460–1, Notice of Proposed Construction or Alteration. FAA Form 7460–1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460–1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

(a) Any construction or alteration that is more than 200 ft. AGL at its site.

(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

(d) Any construction or alteration on any of the following airports and heliports:

(1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;

(2) A military airport under construction, or an airport under construction that will be available for public use;

(3) An airport operated by a Federal agency or the DOD.

(4) An airport or heliport with at least one FAA-approved instrument approach procedure.

(e) You do not need to file notice for construction or alteration of:

(1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

(2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;

(3) Any construction or alteration for which notice is required by any other FAA regulation.

(4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

77.11 Supplemental notice requirements.

(a) You must file supplemental notice with the FAA when:

(1) The construction or alteration is more than 200 feet in height AGL at its site; or

(2) Requested by the FAA.

(b) You must file supplemental notice on a prescribed FAA form to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA within 5 days after the structure reaches its greatest height.

(c) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned.

(d) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Subpart C
STANDARDS FOR DETERMINING OBSTRUCTIONS TO AIR NAVIGATION OR NAVIGATIONAL AIDS OR FACILITIES

77.13 Applicability.

This subpart describes the standards used for determining obstructions to air navigation, navigational aids, or navigational facilities. These standards apply to the following:

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus.

(b) The alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein.

77.15 Scope.

(a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air navigation aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.

(b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.

(c) The FAA will apply these standards with reference to an existing airport facility, and airport proposals received by the FAA, or the appropriate military service, before it issues a final determination.

(d) For airports having defined runways with specially prepared hard surfaces, the primary surface for each runway extends 200 feet beyond each end of the runway. For airports having defined strips or pathways used regularly for aircraft takeoffs and landings, and designated runways, without specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for aircraft takeoffs and landings, a determination must be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those determined pathways must be considered runways, and an appropriate primary surface as defined in §77.19 will be considered as longitudinally centered on each such runway. Each end of that primary surface must coincide with the corresponding end of that runway.

(e) The standards in this subpart apply to construction or alteration proposals on an airport (including heliports and seaplane bases with marked lanes) if that airport is one of the following before the issuance of the final determination:

(1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications; or

(2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or,

(3) An airport operated by a Federal agency or the DOD; or,

(4) An airport that has at least one FAA-approved instrument approach.

77.17 Obstruction standards.

(a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 499 feet AGL at the site of the object.

(2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) 15 feet for any other public roadway.

(3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) 23 feet for a railroad.

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

77.19 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

(a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by Swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having non-precision instrument approaches.

(3) For other than utility runways, the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statue mile.

(iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

(iv) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is

applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;

(iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater that three-fourths of a statute mile;

(v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

77.21 Department of Defense (DoD) airport imaginary surfaces.

(a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section, a military airport is any airport operated by the DOD.

(1) Inner horizontal surface. A plane that is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) Related to runways. These surfaces apply to all military airports.

(1) Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

(2) Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

77.23 Heliport imaginary surfaces.

(a) Primary surface. The area of the primary surface coincides in size and shape with the designated take-off and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

(b) Approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(c) Transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D

AERONAUTICAL STUDIES AND DETERMINATIONS

77.25 Applicability.

(a) This subpart applies to any aeronautical study of a proposed construction or alteration for which notice to the FAA is required under §77.9.

(b) The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation.

(c) The obstruction standards in subpart C of this part are supplemented by other manuals and directives used in determining the effect on the navigable airspace of a proposed construction or alteration. When the FAA needs additional information, it may circulate a study to interested parties for comment.

77.27 Initiation of studies.

The FAA will conduct an aeronautical study when:

(a) Requested by the sponsor of any proposed construction or alteration for which a notice is submitted; or

(b) The FAA determines a study is necessary.

77.29 Evaluating aeronautical effect.

(a) The FAA conducts an aeronautical study to determine the impact of a proposed structure, an existing structure that has not yet been studied by the FAA, or an alteration of an existing structure on aeronautical operations, procedures, and the safety of flight. These studies include evaluating:

(1) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;

(2) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

(3) The impact on existing and planned public use airports;

(4) Airport traffic capacity of existing public use airports and public use airport development plans received before the issuance of the final determination;

(5) Minimum obstacle clearance altitudes, minimum instrument flight rules altitudes, approved or planned instrument approach procedures, and departure procedures;

(6) The potential effect on ATC radar, direction finders, ATC tower line-of-sight visibility, and physical or electromagnetic effects on air navigation, communication facilities, and other surveillance systems;

(7) The aeronautical effects resulting from the cumulative impact of a proposed construction or alteration of a structure when combined with the effects of other existing or proposed structures.

(b) If you withdraw the proposed construction or alteration or revise it so that it is no longer identified as an obstruction, or if no further aeronautical study is necessary, the FAA may terminate the study.

77.31 Determinations.

(a) The FAA will issue a determination stating whether the proposed construction or alteration would be a hazard to air navigation, and will advise all known interested persons.

(b) The FAA will make determinations based on the aeronautical study findings and will identify the following:

(1) The effects on VFR/IFR aeronautical departure/arrival operations, air traffic procedures, minimum flight altitudes, and existing, planned, or proposed airports listed in §77.15(e) of which the FAA has received actual notice prior to issuance of a final determination.

(2) The extent of the physical and/or electromagnetic effect on the operation of existing or proposed air navigation facilities, communication aids, or surveillance systems.

(c) The FAA will issue a Determination of Hazard to Air Navigation when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard and would have a substantial aeronautical impact.

(d) A Determination of No Hazard to Air Navigation will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard but would not have a substantial aeronautical impact to air navigation. A Determination of No Hazard to Air Navigation may include the following:

(1) Conditional provisions of a determination.

(2) Limitations necessary to minimize potential problems, such as the use of temporary construction equipment.

(3) Supplemental notice requirements, when required.

(4) Marking and lighting recommendations, as appropriate.

(e) The FAA will issue a Determination of No Hazard to Air Navigation when a proposed structure does not exceed any of the obstruction standards and would not be a hazard to air navigation.

77.33 Effective period of determinations.

(a) The effective date of a determination not subject to discretionary review under §77.37(b) is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.

(b) Unless extended, revised, or terminated, each Determination of No Hazard to Air Navigation issued under this subpart expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

(c) A Determination of Hazard to Air Navigation has no expiration date.

77.35 Extensions, terminations, revisions and corrections.

(a) You may petition the FAA official that issued the Determination of No Hazard to Air Navigation to revise or reconsider the determination based on new facts or to extend the effective period of the determination, provided that:

(1) Actual structural work of the proposed construction or alteration, such as the laying of a foundation, but not including excavation, has not been started; and

(2) The petition is submitted at least 15 days before the expiration date of the Determination of No Hazard to Air Navigation.

(b) A Determination of No Hazard to Air Navigation issued for those construction or alteration proposals not requiring an FCC construction permit may be extended by the FAA one time for a period not to exceed 18 months.

(c) A Determination of No Hazard to Air Navigation issued for a proposal requiring an FCC construction permit may be granted extensions for up to 18 months, provided that:

(1) You submit evidence that an application for a construction permit/license was filed with the FCC for the associated site within 6 months of issuance of the determination; and

(2) You submit evidence that additional time is warranted because of FCC requirements; and

(3) Where the FCC issues a construction permit, a final Determination of No Hazard to Air Navigation is effective until the date prescribed by the FCC for completion of the construction. If an extension of the original FCC completion date is needed, an extension of the FAA determination must be requested from the Obstruction Evaluation Service (OES).

(4) If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Subpart E

PETITIONS FOR DISCRETIONARY REVIEW

77.37 General.

(a) If you are the sponsor, provided a substantive aeronautical comment on a proposal in an aeronautical study, or have a substantive aeronautical comment on the proposal but were not given an opportunity to state it, you may petition the FAA for a discretionary review of a determination, revision, or extension of a determination issued by the FAA.

(b) You may not file a petition for discretionary review for a Determination of No Hazard that is issued for a temporary structure, marking and lighting recommendation, or when a proposed structure or alteration does not exceed obstruction standards contained in subpart C of this part.

77.39 Contents of a petition.

(a) You must file a petition for discretionary review in writing and it must be received by the FAA within 30 days after the issuance of a determination under §77.31, or a revision or extension of the determination under §77.35.

(b) The petition must contain a full statement of the aeronautical basis on which the petition is made, and must include new information or facts not previously considered or presented during the aeronautical study, including valid aeronautical reasons why the determination, revisions, or extension made by the FAA should be reviewed.

(c) In the event that the last day of the 30-day filing period falls on a weekend or a day the Federal government is closed, the last day of the filing period is the next day that the government is open.

(d) The FAA will inform the petitioner or sponsor (if other than the petitioner) and the FCC (whenever an FCC-related proposal is involved) of the filing of the petition and that the determination is not final pending disposition of the petition.

77.41 Discretionary review results.

(a) If discretionary review is granted, the FAA will inform the petitioner and the sponsor (if other than the petitioner) of the issues to be studied and reviewed. The review may include a request for comments and a review of all records from the initial aeronautical study.

(b) If discretionary review is denied, the FAA will notify the petitioner and the sponsor (if other than the petitioner), and the FCC, whenever a FCC-related proposal is involved, of the basis for the denial along with a statement that the determination is final.

(c) After concluding the discretionary review process, the FAA will revise, affirm, or reverse the determination.

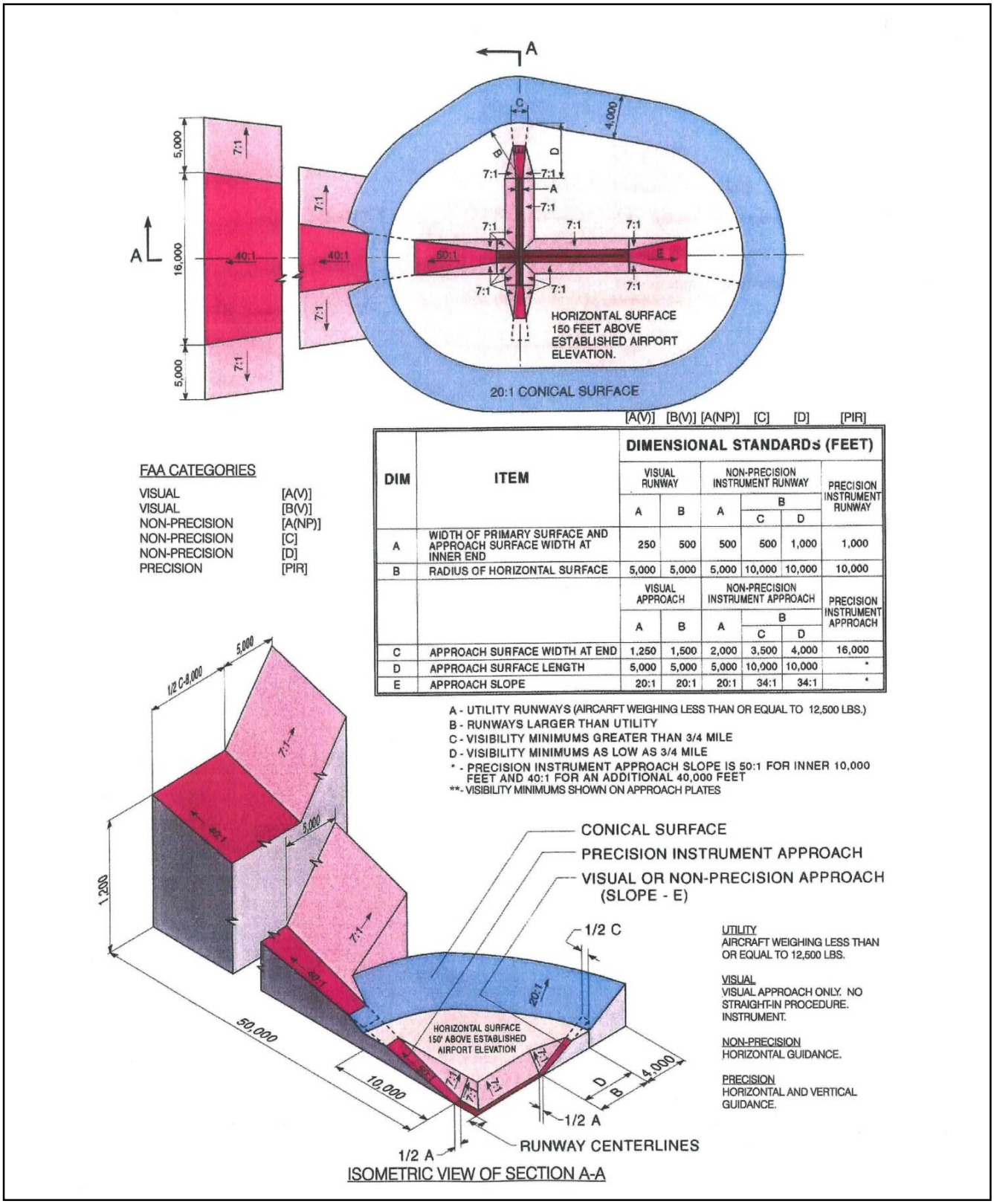


Figure B1

FAR Part 77 Imaginary Surfaces

Please Type or Print on This Form

Form Approved OMB No. 2120-0001

U.S. Department of Transportation
Federal Aviation Administration

Failure To Provide All Requested Information May Delay Processing of Your Notice

Notice of Proposed Construction or Alteration

FOR FAA USE ONLY
Aeronautical Study Number
- - -

1. Sponsor *(person, company, etc. proposing this action) :*
Attn. of: _____
Name: _____
Address: _____
_____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

2. Sponsor's Representative *(if other than #1) :*
Attn. of: _____
Name: _____
Address: _____
_____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

3. Notice of: ☐ New Construction ☐ Alteration ☐ Existing

4. Duration: ☐ Permanent ☐ Temporary (months, days)

5. Work Schedule: Beginning _____ End _____

6. Type: ☐ Antenna Tower ☐ Crane ☐ Building ☐ Power Line
☐ Landfill ☐ Water Tank ☐ Other _____

7. Marking/Painting and/or Lighting Preferred:
☐ Red Lights and Paint ☐ Dual - Red and Medium Intensity White
☐ White - Medium Intensity ☐ Dual - Red and High Intensity White
☐ White - High Intensity ☐ Other _____

8. FCC Antenna Structure Registration Number *(if applicable):*
_____

9. Latitude: ____° ____' ____. ____"

10. Longitude: ____° ____' ____. ____"

11. Datum: ☐ NAD 83 ☐ NAD 27 ☐ Other _____

12. Nearest: City: ____ State: _____

13. Nearest Public-use (not private-use) or Military Airport or Heliport:
_____

14. Distance from #13. to Structure: _____

15. Direction from #13. to Structure: _____

16. Site Elevation *(AMSL):* _____ **ft.**

17. Total Structure Height *(AGL):* _____ **ft.**

18. Overall height (#16. + #17.) *(AMSL):* _____ **ft.**

19. Previous FAA Aeronautical Study Number (if applicable):
_____ -

20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)

21. Complete Description of Proposal:

Frequency/Power (kW)	

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of $1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).

I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking and lighting standards as necessary.

Date	Typed or Printed name and Title of Person Filing Notice	Signature

FAA Form 7460-1 (2-99) Supersedes Previous Edition

NSN: 0052-00-012-0008

Figure B2

FAR Part 77 Notification

FAA Form 7460-1

Figure B3

Online Submittal of Form 7460-1: Notice of Proposed Construction or Alteration

Historically a paper form called a "7460-1" was required to be submitted to the FAA for any project proposed on airport property and certain projects near airports. Recently, the FAA has moved from paper forms to an on-line system of evaluating the effects of a proposed project on the national airspace system.

- The on-line system can be accessed at https://oeaaa.faa.gov.

This new system allows project proponents to submit and track their proposal as it progresses through the FAA evaluation process.
The purpose of this guidance is to supplement and clarify the FAA user guide for the 7460 website.

- available at: https://oeaaa.faa.gov/oeaaa/external/content/OEexternal_Guide_v3.1.pdf

We recommend that the user first read the entire guide provided by the FAA, and then use this document to clarify some of the more complicated aspects of the online 7460 system.

When a project must be submitted to the FAA

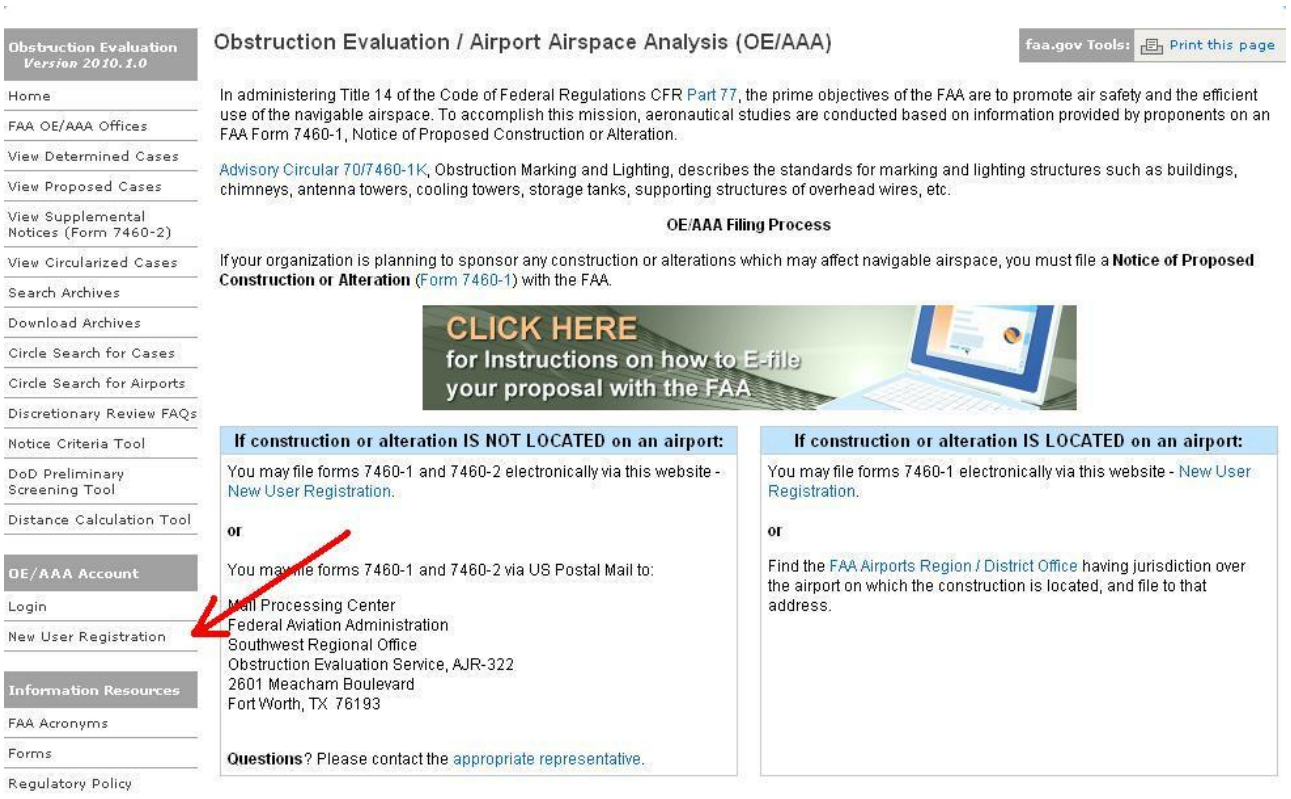
CFR Title 14 Part 77.13 states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:

- Any construction or alteration exceeding 200 ft. above ground level
- Any construction or alteration:
  - within 20,000 ft. of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft.
  - within 10,000 ft. of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft.
  - within 5,000 ft. of a public use heliport which exceeds a 25:1 surface
- Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
- When requested by the FAA
- Any construction or alteration located on a public use airport or heliport regardless of height or location.

The FAA has been continuously improving the oe/aaa website to be more user friendly and increase the on-line functionality. The look and feel of the website may change in the future, but the majority of the content should remain as is.

Create an account

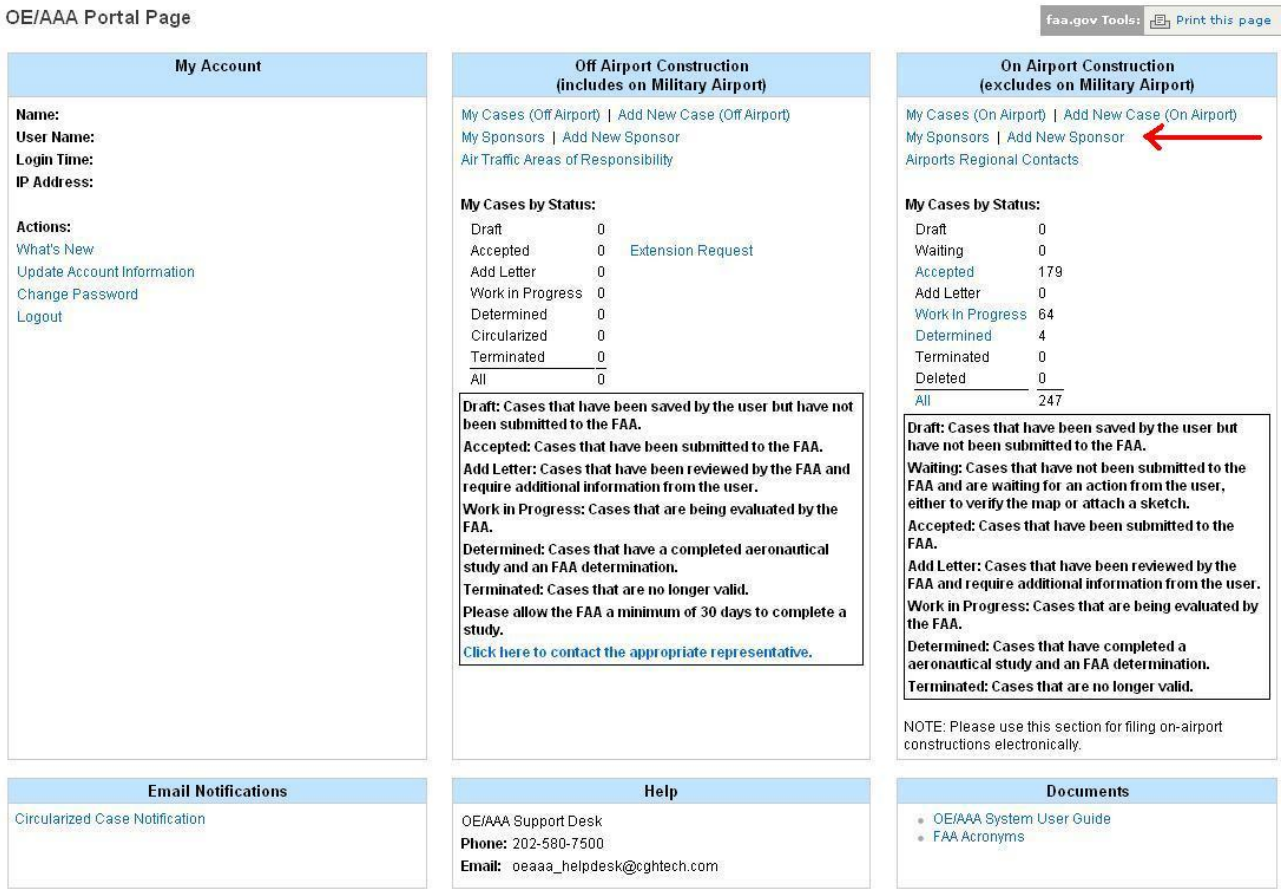
Before accessing the features of the website, the user will be required to create a username and password to access the website.



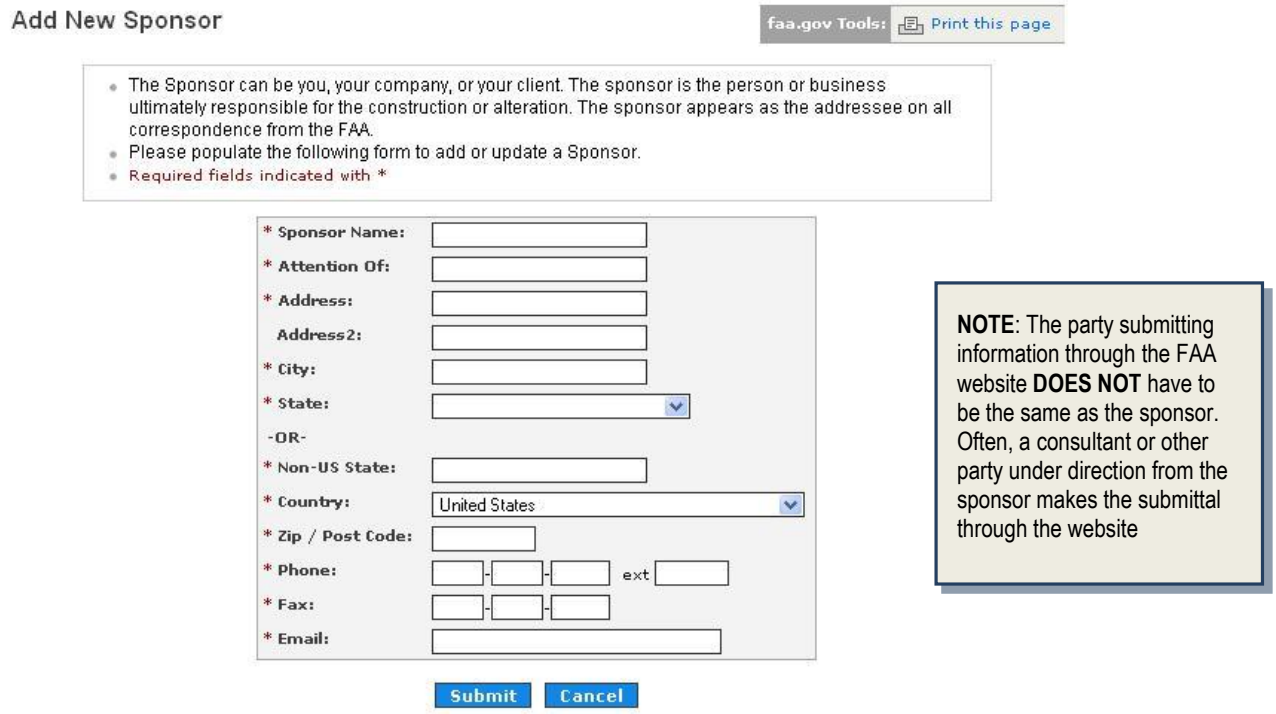
Once a user has created an account, they will be able to log in and will be directed to the OE/AAA Portal Page. This page displays a summary of any projects which have been entered into the website, categorized by off-airport and on-airport projects.

Adding a Sponsor

Before a user can enter project specific information, a project sponsor must be created. A sponsor is the person who is ultimately responsible for the construction or alteration. All FAA correspondence will be addressed to the sponsor. The sponsor could be the airport manager for projects proposed by the airport, or the developer proposing off airport construction. To create a sponsor contact, click "Add New Sponsor" on the "portal" page. From there the user can add sponsors for various projects.



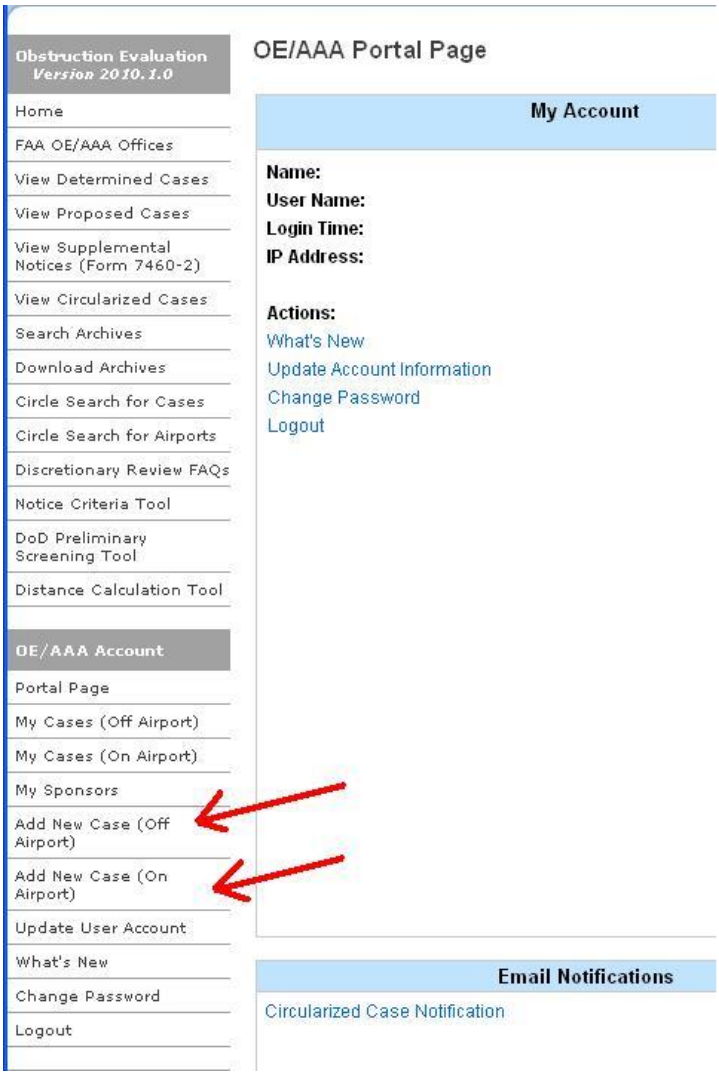
When the user selects "Add New Sponsor", they will be presented with the following screen:



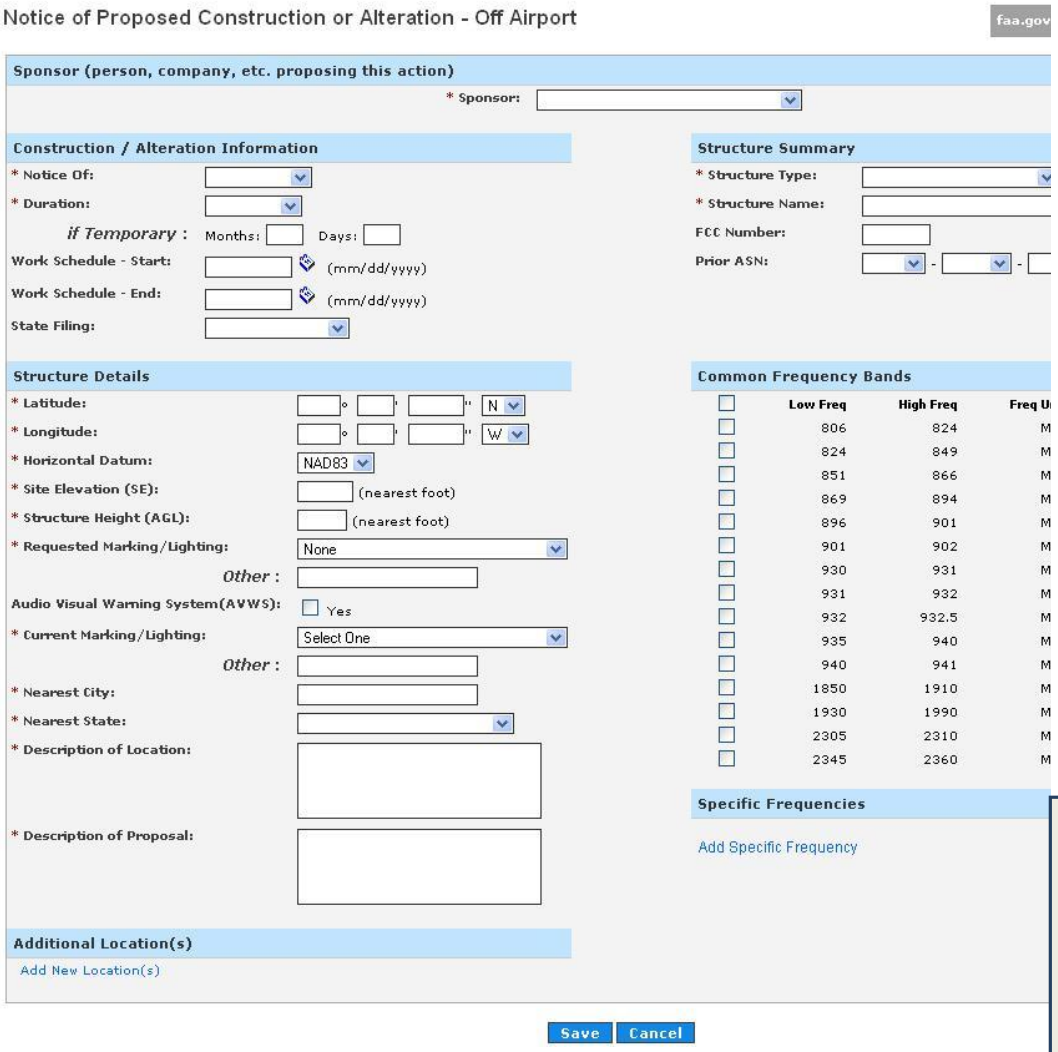
NOTE: The party submitting information through the FAA website **DOES NOT** have to be the same as the sponsor. Often, a consultant or other party under direction from the sponsor makes the submittal through the website

Creating a New Submittal

There are two options for creating a new 7460 submittal. Again on the left side, either click "Add New Case (off airport)" or "Add New Case (on airport)"



There are some differences in the required fields for "on airport" vs. "off airport" but the differences are minor and self-explanatory. One tip: for off airport submittals there is a field for "requested marking/lighting". If the user does not have a preference, select other from the pull down menu and in the "other field" state "no preference".

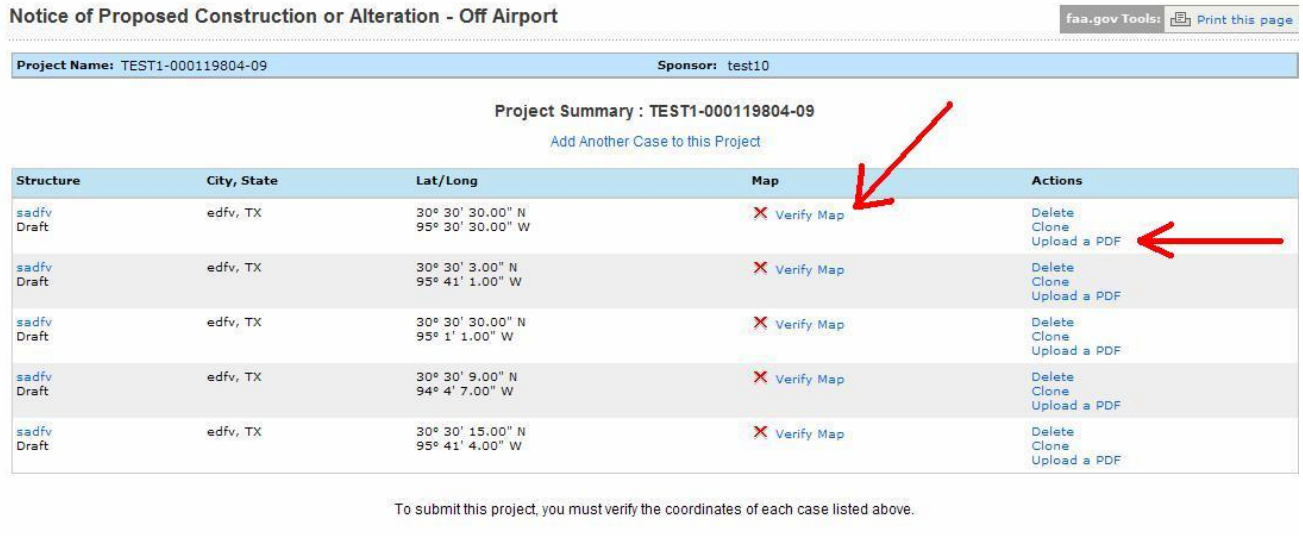


Accurate lat/long and site elevation is critical for an accurate airspace determination.

It is recommended that survey quality data be obtained from a recent survey, a GPS unit, or worst case, scaled from a topo quad.

- The most common "notice of" is construction. Select from pull down menu.
- Latitude and longitude must be entered for the structure/construction activity.
- Most 7460 submittals will require multiple points with lat/long unless the 7460 is for a pole/tower/ or other single point object. Buildings and construction areas all require points indicating the extents of the building or area. More information is provided below on how to add additional points to a submittal.
- There is a field to describe the activity taking place. In some complex activities the field does not provide enough room for the required text. An additional explanatory letter can be attached. Additional information is provided in this section on how to add a letter or document to the submittal.
- Red asterisks indicate the required fields.
- Unless there has been a previous aeronautical study for this submittal leave the "prior study" fields blank.
- Only select "common frequency bands" if the proposed structure will transmit a signal.

If the submittal is a building or construction area that is more than a single lat/long point the user must save the data first. Click save at the bottom of the page. This will bring up a summary screen of the case. To add more points click "clone" under the heading "actions".

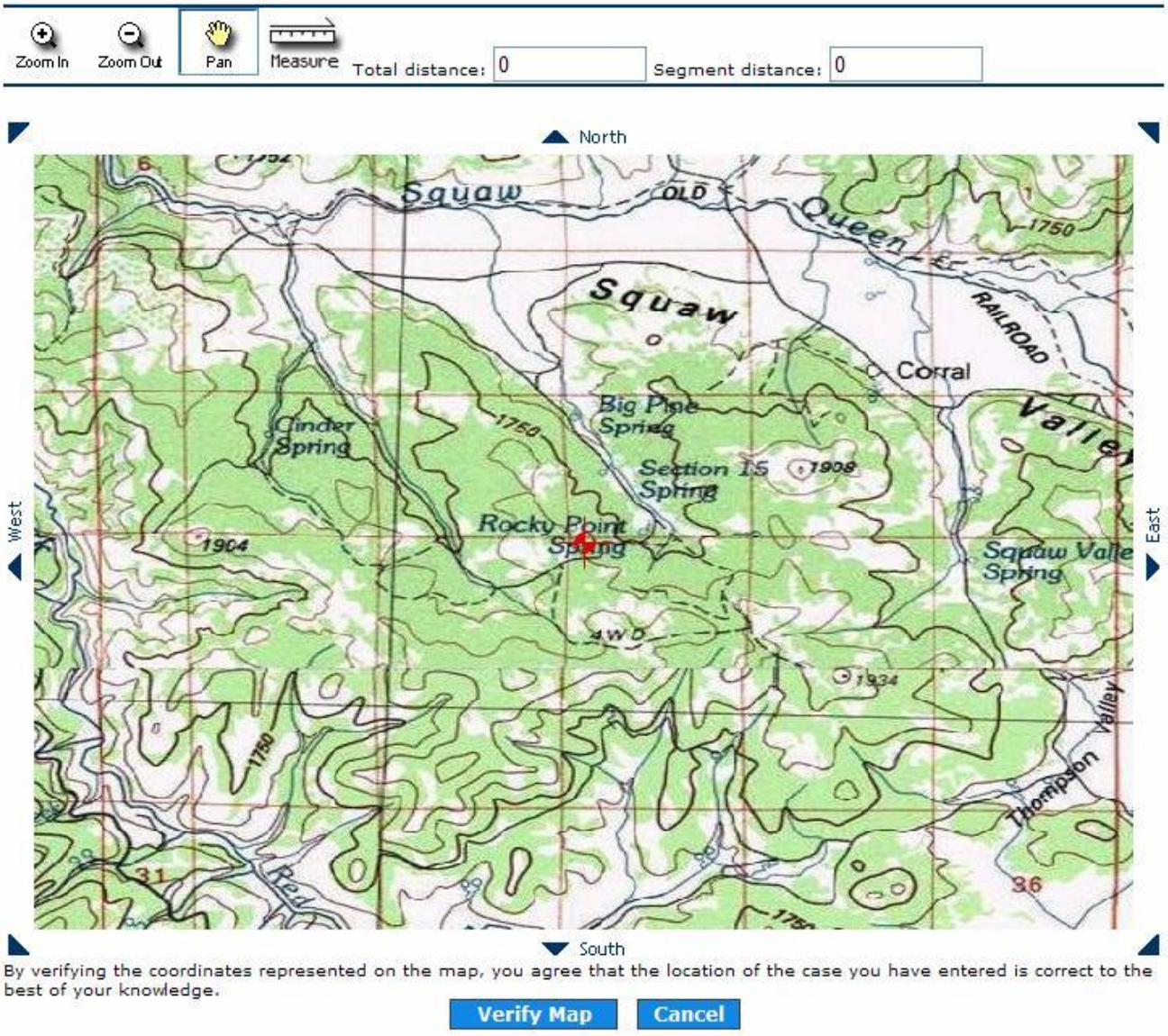


The clone tool copies all the relevant information to a new page where an additional lat/long and elevation can be entered. However, the clone process does not number the various points of a proposed project. When entering the details for a point (see Image 5) it is helpful if the user assigns a number to the point and references the total number of points for the project (e.g. point 2 of 20). The numbering can be included in the project "description/remarks" field for each point.

It should be noted that each individual point associated with a project (e.g. each corner of a building) is evaluated individually, thus the importance of including a numbering system (2 of 20) in the text/description box.

Once done, click "save" again. Now the user will see two records under the "project summary" heading. Continue this process of cloning for all the remaining points.

Once all the points have been entered, each point must be verified. There is a red X with the words "verify map" indicating the user has not verified the location. Click Verify Map, a popup will display the lat/long point on a topo map and the user must verify that it is in the correct location. After clicking "verify map" on the popup, the red X will become a blue checkmark. It seems to be more efficient to enter all of the points associated with a project and then return to verify each point on the map at one time.



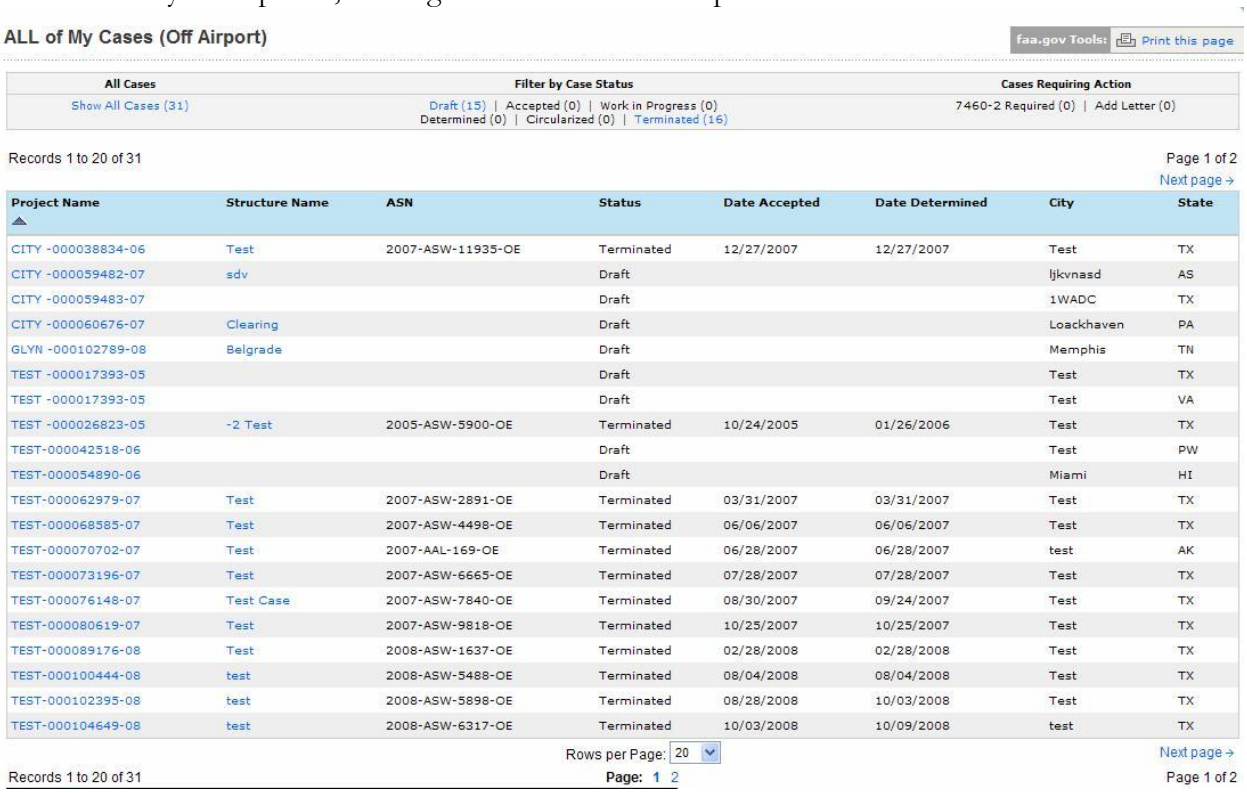
All on-airport project submittals must have a "project sketch" included. Under the "actions" column select "upload a PDF". Once you have uploaded a sketch for all the points associated with the project the red X under "sketch" will turn to a green check mark. Off-airport projects do not require a "project sketch", but the user can still upload one for informational purposes.

If the user needs to add any other information such as an explanatory letter, clicking on "upload a PDF" will allow the user to upload more documents, although only one at a time. Keep in mind that if additional PDFs or information are being provided, like the project sketch it must be uploaded to every point associated with the project.

Once the maps have been verified and sketches uploaded for all points associated with the case, the user will be able to submit the 7460 to the FAA for review.

Status of Submitted Projects

To check the status of a submittal, click on either "my cases (off airport)" or "my cases (on airport)" to see a list of what has been submitted. Each of the multiple points associated with one project will be listed as if they are separate, although still associated. The points will have a status:



ALL of My Cases (Off Airport)

faa.gov Tools: Print this page

All Cases	Filter by Case Status	Cases Requiring Action
Show All Cases (31)	Draft (15) | Accepted (0) | Work in Progress (0) Determined (0) | Circularized (0) | Terminated (16)	7460-2 Required (0) | Add Letter (0)

Records 1 to 20 of 31 — Page 1 of 2 — Next page →

Project Name	Structure Name	ASN	Status	Date Accepted	Date Determined	City	State
CITY -000038834-06	Test	2007-ASW-11935-OE	Terminated	12/27/2007	12/27/2007	Test	TX
CITY -000059482-07	sdv		Draft			ljkvnasd	AS
CITY -000059483-07			Draft			1WADC	TX
CITY -000060676-07	Clearing		Draft			Loackhaven	PA
GLYN -000102789-08	Belgrade		Draft			Memphis	TN
TEST -000017393-05			Draft			Test	TX
TEST -000017393-05			Draft			Test	VA
TEST -000026823-05	-2 Test	2005-ASW-5900-OE	Terminated	10/24/2005	01/26/2006	Test	TX
TEST-000042518-06			Draft			Test	PW
TEST-000054890-06			Draft			Miami	HI
TEST-000062979-07	Test	2007-ASW-2891-OE	Terminated	03/31/2007	03/31/2007	Test	TX
TEST-000068585-07	Test	2007-ASW-4498-OE	Terminated	06/06/2007	06/06/2007	Test	TX
TEST-000070702-07	Test	2007-AAL-169-OE	Terminated	06/28/2007	06/28/2007	test	AK
TEST-000073196-07	Test	2007-ASW-6665-OE	Terminated	07/28/2007	07/28/2007	Test	TX
TEST-000076148-07	Test Case	2007-ASW-7840-OE	Terminated	08/30/2007	09/24/2007	Test	TX
TEST-000080619-07	Test	2007-ASW-9818-OE	Terminated	10/25/2007	10/25/2007	Test	TX
TEST-000089176-08	Test	2008-ASW-1637-OE	Terminated	02/28/2008	02/28/2008	Test	TX
TEST-000100444-08	test	2008-ASW-5488-OE	Terminated	08/04/2008	08/04/2008	Test	TX
TEST-000102395-08	test	2008-ASW-5898-OE	Terminated	08/28/2008	10/03/2008	Test	TX
TEST-000104649-08	test	2008-ASW-6317-OE	Terminated	10/03/2008	10/09/2008	test	TX

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Records 1 to 20 of 31 — Page: 1 2 — Page 1 of 2

Project Status Definitions:

Draft: Cases that have been saved by the user but have not been submitted to the FAA.

Waiting: Cases that have not been submitted to the FAA and are waiting for an action from the user, either to verify the map or attach a sketch.

Accepted: Cases that have been submitted to the FAA.

Add Letter: Cases that have been reviewed by the FAA and require additional information from the user.

Work in Progress: Cases that are being evaluated by the FAA.

Determined: Cases that have a completed aeronautical study and an FAA determination.

Terminated: Cases that are no longer valid.

These definitions are also shown at the bottom of the summary screen.

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APPENDIX C

Methods for Determining Concentrations of People

INTRODUCTION

The underlying safety compatibility criterion employed in this *Compatibility Plan* is "usage intensity"—the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum intensity, it is considered incompatible and thus inconsistent with compatibility planning policies. The usage intensity concept is identified in the *California Airport Land Use Planning Handbook* as the measure best suited for assessment of land use safety compatibility with airports. The *Handbook* is published by the California Department of Transportation, Division of Aeronautics is required under state law to be used as a guide in preparation of airport land use compatibility plans.

COUNTING PEOPLE

The most difficult part about calculating a use's intensity is estimating the number of people expected to use a particular facility under normal circumstances. All people—not just employees, but also customers and visitors—who may be on the property at a single point in time, whether indoors or outside, must be counted. The only exceptions are for rare special events, such as an air show at an airport or golf tournament, for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

Ideally, the actual number of people for which the facility is designed would be known. For example, the number of seats in a proposed movie theater can be determined with high accuracy once the theater size is decided. Other buildings, though, may be built as a shell and the eventual number of occupants not known until a specific tenant is found. Furthermore, even then, the number of occupants can change in the future as tenants change. Even greater uncertainty is involved with relatively open uses not having fixed seating—retail stores or sports parks, for example.

Absent clearly measurable occupancy numbers, other sources must be relied upon to estimate the number of people in a proposed development.

Survey of Similar Uses

A survey of similar uses already in existence is one option. Gathering data in this manner can be time-consuming and costly, however. Also, unless the survey sample is sufficiently large and conducted at various times, inconsistent numbers may result. Except for uncommon uses for which occupancy levels cannot be estimated through other means, surveys are most appropriate as supplemental information.

Maximum Occupancy

A second option for estimating the number of people who will be on a site is to rely upon data indicating the maximum occupancy of a building measured in terms of Occupancy Load Factor—the number of

square feet per occupant. The number of people on the site, assuming limited outdoor or peripheral uses, can be calculated by dividing the total floor area of a proposed use by the Occupancy Load Factor. The challenge of this methodology lies in establishing realistic figures for square feet per occupant. The number varies greatly from one use to another and, for some uses, has changed over time as well.

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table C1 indicates the Occupancy Load Factors for various types of uses. The CBC, though, is intended primarily for purposes of structural design and fire safety and represents a legal maximum occupancy in most jurisdictions. A CBC-based methodology consequently results in occupancy numbers that are higher than normal maximum usage in most instances. The numbers also are based upon usable floor area and do not take into account corridors, stairs, building equipment rooms, and other functions that are part of a building's gross square footage. Surveys of actual Occupancy Load Factors conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the *Handbook* indicates that the number of people calculated for office and retail uses can usually be divided in half to reflect the actual occupancy levels before making the final people-per-acre determination. Even with this adjustment, the CBC-based methodology typically produces intensities at the high end of the likely range.

Another source of data on square footage per occupant comes from the facility management industry. The data is used to help businesses determine how much building space they need to build or lease and thus tends to be more generous than the CBC standards. The numbers vary not only by the type of facility, as with the CBC, but also by type of industry. The following are selected examples of square footage per *employee* gathered from a variety of sources.

Land Use Category	Square Feet per Employee
Call centers	150 – 175
Typical offices	180 – 250
Law, finance, real estate offices	300 – 325
Research & development, light industry	300 – 500
Health services	500

The numbers above do not take into account the customers who may also be present for certain uses. For retail business, dining establishments, theaters, and other uses where customers outnumber employees, either direct measures of occupancy—the number of seats, for example—or other methodologies must be used to estimate the potential number of people on the site.

Parking Space Requirements

For many jurisdictions and a wide variety of uses, the number of people present on a site can be calculated based upon the number of automobile parking spaces that are required. Certain limitations and assumptions must be considered when applying this methodology, however. An obvious limitation is that parking space requirements can be correlated with occupancy numbers only where nearly all users arrive by private vehicle rather than by public transportation, walking, or other method. Secondly, the jurisdiction needs to have a well-defined parking ordinance that lists parking space requirements for a wide range of

land uses. For most uses, these requirements are typically stated in terms of the number of parking spaces that must be provided per 1,000 square feet of gross building size or a similar ratio. Lastly, assumptions must be made with regard to the average number of people who will arrive in each car.

Both of the critical ratios associated with this methodology—parking spaces to building size and occupants to vehicles—vary from one jurisdiction to another even for the same types of uses. Research of local ordinances and other sources, though, indicates that the following ratios are typical.

- **Parking Space Ratios**—These examples of required parking space requirements are typical of those found in ordinances adopted by urban and suburban jurisdictions. The numbers are ratios of spaces required per 1,000 square feet of gross floor area. Gross floor area is normally measured to the outside surfaces of a building and includes all floor levels as well as stairways, elevators, storage, and mechanical rooms.

Land Use Category	Parking Space per 1,000 Square Feet
Small Restaurants	10.0
Medical Offices	4.0 – 5.7
Shopping Centers	4.0 – 5.0
Health Clubs	3.3 – 5.0
Business Professional Offices	3.3 – 4.0
Retail Stores	3.0 – 3.5
Research & Development	2.5 – 4.0
Manufacturing	2.0 – 2.5
Furniture, Building Supply Stores	0.7 – 1.0

- **Vehicle Occupancy**—Data indicating the average number of people occupying each vehicle parking at a particular business or other land use can be found in various transportation surveys. The numbers vary both from one community or region to another and over time, thus current local data is best if available. The following data represent typical vehicle occupancy for different trip purposes.

Vehicle Trip Purpose	Vehicle Occupancy (People per Vehicle)
Work	1.05 – 1.2
Education	1.2 – 2.0
Medical	1.5 – 1.7
Shopping	1.5 – 1.8
Dining, Social, Recreational	1.7 – 2.3

USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

Calculating Usage Intensities

Once the number of people expected in a particular development—both over the entire site and within individual buildings—has been estimated, the usage intensity can be calculated. The criteria in Chapter 2 of this *Compatibility Plan* are measured in terms of the average intensity over the entire project site.

The average intensity is calculated by dividing the total number of people on the site by the site size. A 10-acre site expected to be occupied by as many as 1,000 people at a time, thus would have an average intensity of 100 people per acre. The site size equals the total size of the parcel or parcels to be developed.

Having calculated the usage intensities of a proposed development, a comparison can be made with the criteria set forth in the *Compatibility Plan* to determine whether the proposal is consistent or inconsistent with the policies. Table C2 shows sample calculations.

Comparison with Parking Space Requirements

As discussed above, many jurisdictions have adopted parking space requirements that vary from one land use type to another. Factoring in an estimated vehicle occupancy rate for various land uses as described earlier, the Occupancy Load Factor can be calculated. For example, a typical parking space requirement for office uses is 4.0 spaces per 1,000 square feet or 1 space per 250 square feet. If each vehicle is assumed to be occupied by 1.1 persons, the equivalent Occupancy Load Factor would be 1 person per 227 square feet. This number falls squarely within the range noted above that was found through separate research of norms used by the facility management industry.

As an added note, the Occupancy Load Factor of 215 square feet per person for office uses indicated in Appendix D, *Compatibility Guidelines for Specific Land Uses*, is slightly more conservative than the above calculation produces. This means that, for a given usage intensity standard, the FAR limit in Appendix D is slightly more restrictive than would result from a higher Occupancy Load Factor.

Comparison with Floor Area Ratio

Usage intensity or "people per acre" used in compatibility planning is not a common metric in other facets of land use planning. Floor area ratio or FAR—the gross square footage of the buildings on a site divided by the site size—is a more common measure in land use planning. Some counties and cities adopt explicit FAR limits in their zoning ordinance or other policies. Those that do not set FAR limits often have other requirements such as, a maximum number of floors a building can have, minimum setback distances from the property line, and minimum number of parking spaces. These requirements effectively limit the floor area ratio as well.

From a safety compatibility standpoint, a major shortcoming of FAR is that it does not directly correlate with risks to people because different types of buildings with the same FAR can have vastly different numbers of people inside—a low-intensity warehouse versus a high-intensity restaurant, for example. For FAR to be applied as a factor in setting development limitations, assumptions must be made as to how much space each person (employees and others) in the building will occupy.

Appendix D, which provides compatibility evaluations for specific types of land uses, utilizes the more common measure of floor area ratio (FAR) as a means of implementing the usage intensity criteria on

the local level. Appendix D indicates the assumed Occupancy Load Factor for various land uses. Mathematically, the relationship between usage intensity and FAR is:

$$\text{FAR} = \frac{\text{(allowable usage intensity) x (Occupancy Load Factor)}}{43{,}560}$$

where *usage intensity* is measured in terms of people per acre and Occupancy Load Factor as square feet per person.

For single-use projects (e.g., industrial facility), a project may be tested for compliance by directly comparing the proposed floor area ratio of the project with the maximum floor area ratio limit indicated for the land use category and compatibility zone. If the proposed floor area ratio exceeds the floor area ratio limit, the project is incompatible unless modified to ensure compliance with the intensity criteria.

For projects involving multiple nonresidential land use categories (e.g., office and retail), each component use must be assigned a share of the overall project site. Typically, this share is assumed to be the same as the component use's share of the total project floor area. Then, each component floor area ratio is compared with the maximum floor area ratio limit indicated for the land use category and compatibility zone.

Function of Space	Floor area per occupant (sq. ft.)
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Assembly with fixed seats	See Section 1004.7
Assembly without fixed seats	
Concentrated (chairs only-not fixed)	15 net
Standing space	5 net
Unconcentrated (tables and chairs)	7 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms-other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient treatment areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Laboratory	
Educational	50 net
Laboratories, non-educational	100 net
Laboratory suite	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross
Mercantile	
Areas on other floors	60 gross
Basement and grade floor areas	30 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross

Source: California Building Code (2007), Table 1004.1.1

Table C1

Occupancy Load Factors

California Building Code

Example 1

Proposed Development: Two office buildings, each two stories and containing 20,000 square feet of floor area per building. Site size is 3.0 net acres. Counting a portion of the adjacent road, the gross area of the site is 3.5± acres.

A. Calculation Based on Parking Space Requirements

For office uses, assume that a county or city parking ordinance requires 1 parking space for every 300 square feet of floor area. Data from traffic studies or other sources can be used to estimate the average vehicle occupancy. For the purposes of this example, the typical vehicle occupancy is assumed to equal 1.5 people per vehicle.

The average usage intensity would therefore be calculated as follows:

1) 40,000 sq. ft. floor area x 1.0 parking space per 300 sq. ft. = 134 required parking spaces
2) 134 parking spaces x 1.5 people per space = 201 people maximum on site
3) 201 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

B. Calculation Based on Uniform Building Code

Using the UBC (Table C1) as the basis for estimating building occupancy yields the following results for the above example:

1) 40,000 sq. ft. bldg. ÷ 100 sq. ft./occupant = 400 people max. bldg. occupancy (under UBC)
2) 400 max. bldg. occupancy x 50% adjustment = 200 people maximum on site
3) 200 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

C. Calculation of Single Acre Intensity

Assuming that occupancy of each building is relatively equal throughout, but that there is some separation between the buildings and outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

1) 20,000 sq. ft. bldg. ÷ 2 stories = 10,000 sq. ft. bldg. footprint
2) 10,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.23 acre bldg. footprint
3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 100 people per single acre (i.e., 200 people max. on site ÷ 2 bldgs.)

Conclusions: In this instance, both methodologies yield the same results. For different uses and/or different assumptions, the two methodologies are likely to produce different numbers. In most such cases, the UBC methodology will indicate a higher intensity.

The 57 people per average acre and the 100 people per single acre results must be compared with the intensity limits provided in the Basic Compatibility Criteria table in Chapter 2. For example, the proposed use would meet the maximum and single-acre intensity criteria for all *Compatibility Zones,* except *Zone A* (0 people per acre) and *Zone B1* (40 people per acre on average; 80 people per single-acre).

Table C2

Sample People-Per-Acre Calculations

Example 2

Proposed Development: Single-floor furniture store containing 24,000 square feet of floor area on a site of 2.0 gross acres and the net acreage (less internal roadways) is 1.7 acres.

A. Calculation Based on Parking Space Requirements

For furniture stores, assume that a county or city parking ordinance requires 1 parking space per 1,500 square feet of use area. Assuming 1.5 people per automobile results in the following intensity estimates:

The average usage intensity would be:

1) 24,000 sq. ft. bldg. x 1.0 parking space per 1,500 sq. ft. = 16 required parking spaces
2) 16 parking spaces x 1.5 people per space = 24 people maximum on site
3) 24 people ÷ 2.0 acres gross site size = 12 people per acre average for the site

B. Calculation Based on Uniform Building Code

For the purposes of the UBC-based methodology, the furniture store is assumed to consist of 50% retail sales floor (at 30 square feet per occupant) and 50% warehouse (at 500 square feet per occupant). Usage intensities would therefore be estimated as follows:

1) 12,000 sq. ft. retail floor area ÷ 30 sq. ft./occupant = 400 people max. occupancy in retail area
2) 12,000 sq. ft. warehouse floor area ÷ 500 sq. ft./occupant = 24 people max. occupancy in warehouse area
3) Maximum occupancy under UBC assumptions = 400 + 24 = 424 people
4) Assuming typical peak occupancy is 50% of UBC numbers = 212 people maximum on site
5) 212 people ÷ 2.0 acres = 106 people per acre average for the site

C. Calculation for Single Acre Intensity

With respect to the single-acre intensity criteria, the entire building occupancy would again be within less than 1.0 acre, thus yielding the same intensity of 24 or 212 people per single acre.

Again assuming a relatively balanced occupancy throughout the building and that outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

1) 24,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.55 acre bldg. footprint
3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 24 or 212 people per single acre under parking space or UBC methodology, respectively

Conclusions: In this instance, the two methods produce very different results. The occupancy estimate of 30 square feet per person is undoubtedly low for a furniture store even after the 50% adjustment. On the other hand, the 12 people-per-acre estimate using the parking requirement methodology appears low, but is probably closer to being realistic. Unless better data is available from surveys of similar uses, this proposal should reasonably be considered compatible within most *Compatibility Zones*, except *Zone A* and possibly *Zones B1* and *C.*

Table C2, continued

APPENDIX D

Compatibility Guidelines for Specific Land Uses

The compatibility evaluations listed below for specific types of land uses can be used by affected jurisdictions as guidelines in implementation of the basic compatibility criteria listed in Table 2A. These evaluations are not regarded as adopted ALUC policies or criteria. If conflicts exist between these evaluations of specific land uses and the policies and criteria in Chapter 2 of this document, the contents of Chapter 2 shall prevail.

Land Use Category [1] ➤ Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table	**Compatibility Zone**						**Suggested Criteria for Conditional Uses** [2] ➤ Intensity limits applicable to all nonresidential uses including ones shown as "Normally Compatible" (green) ➤ Nonresidential development must satisfy both forms of intensity limits in (see *Policy 5.2.7)* ➤ Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone ➤ Up to 10% of total floor area may be devoted to an ancillary use
	A	**B1**	**B2**	**C**	**D**	**E**	
Max. Sitewide Average Intensity (people/acre)[3] **Max. Single-Acre Intensity (people/acre)** *applicable to all nonresidential development*	**0** **0**	**40** **80**	**100** **300**	**75** **225**	**150** **600**	**no limit**	
Open Land Requirement (see *Policy 5.2.9*)	**all remain-ing**	**30%**	**no req't**	**20%**	**10%**	**no req't**	
General Characteristics							
Any use having more than 1 habitable floor							B1, B2: Limited to no more than 2 habitable floors C: Limited to no more than 3 habitable floors
Any use having structures or trees 35 to 100 feet in height							B1, B2, Height Review Overlay: Ensure airspace obstruction does not occur (see Airspace Protection Plan)
Any use having structures or trees more than 100 feet in height							B1, B2, C, D, E: Ensure airspace obstruction does not occur
Any use having the potential to cause an increase in the attraction of birds or other wildlife							B1, B2, C, D, E: Mitigation must be provided consistent with FAA rules and regulations [4]
Any use creating visual or electronic hazards to flight [5]							
Outdoor Uses (limited or no activities in buildings)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA [6]
Water: flood plains, wetlands, lakes, reservoirs							A: Objects above runway elevation not allowed in OFA [6] All: Avoid new features that attract birds [4]
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land							A: Not allowed in OFA [6] A, B1, B2, C: ensure airspace obstruction does not occur All: Avoid crops that attract birds [4]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables							B1, B2, C, D, E: Avoid uses that attract birds [4]
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos							
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas							B1, B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met

Table D-1

Land Use Compatibility Matrix

Land Use Category [1] ➤ Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table	**Compatibility Zone**						**Suggested Criteria for Conditional Uses** [2] ➤ Intensity limits applicable to all nonresidential uses including ones shown as "Normally Compatible" (green) ➤ Nonresidential development must satisfy both forms of intensity limits in (see *Policy 5.2.7)* ➤ Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone ➤ Up to 10% of total floor area may be devoted to an ancillary use
	A	**B1**	**B2**	**C**	**D**	**E**	
Max. Sitewide Average Intensity (people/acre)[3] **Max. Single-Acre Intensity (people/acre)** *applicable to all nonresidential development*	**0** **0**	**40** **80**	**100** **300**	**75** **225**	**150** **600**	**no limit**	
Open Land Requirement (see *Policy 5.2.9*)	**all remaining**	**30%**	**no req't**	**20%**	**10%**	**no req't**	
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges							B1, B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds							B2, C: Allowed only if alternative site outside zone would not serve intended function, ensure intensity criteria met
Camping: campgrounds, recreational vehicle/ motor home parks							B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Cemeteries (except chapels)							
Residential and Lodging Uses							
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns							B1, B2: Maximum 1 d.u./20 acres C: Maximum 1 d.u./5 acres D: See Policy 3.1.3(b)
Multi-Family Residential							D: See Policy 3.1.3(b)
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories							D: Ensure intensity criteria met
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]			0.46	0.34	0.69		B2, C, D: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities							D: Avoid unless no feasible alternative site outside zone is available; ensure intensity criteria met
Educational and Institutional Uses							
Family day care homes (≤14 children)							B1, B2, C: Allowed in residential dwelling
Children's Schools: K-12, day care centers (>14 children); school libraries							C: Limited expansion of existing uses allowed (see Policy 6.1.2)
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]		0.04	0.09	0.07	0.14		B1, B2, C, D: Ensure intensity criteria met
Community Libraries [approx. 100 s.f./person]				0.17	0.34		C, D: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas							
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.03	0.05		C, D: Ensure intensity criteria met
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]			0.14	0.10	0.34		B2, C, D: Ensure intensity criteria met
In-Patient Medical: hospitals, mental hospitals							D: Avoid unless no feasible alternative site outside zone is available; ensure intensity criteria met

Land Use Category [1] ➤ Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table	**Compatibility Zone**						**Suggested Criteria for Conditional Uses** [2] ➤ Intensity limits applicable to all nonresidential uses including ones shown as "Normally Compatible" (green) ➤ Nonresidential development must satisfy both forms of intensity limits in (see *Policy 5.2.7)* ➤ Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone ➤ Up to 10% of total floor area may be devoted to an ancillary use
	A	**B1**	**B2**	**C**	**D**	**E**	
Max. Sitewide Average Intensity (people/acre)[3] **Max. Single-Acre Intensity (people/acre)** *applicable to all nonresidential development*	**0** **0**	**40** **80**	**100** **300**	**75** **225**	**150** **600**	**no limit**	
Open Land Requirement (see *Policy 5.2.9*)	**all remaining**	**30%**	**no req't**	**20%**	**10%**	**no req't**	
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]				0.41	0.83		C, D: Ensure intensity criteria met
Penal Institutions: prisons, reformatories							D: Avoid unless no feasible alternative site outside zone is available; ensure intensity criteria met
Public Safety Facilities: police, fire stations							B2: Allowed only if airport serving C: Allowed only if alternative site outside zone would not serve intended public function
Commercial, Office, and Service Uses							
Major Retail: regional shopping centers, 'big box' retail [approx. 110 s.f./person]				0.19	0.38		C, D: Ensure intensity criteria met; evaluate eating/drinking areas separately if >10% of total floor area
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.29	0.59		B2, C, D: Ensure intensity criteria met; evaluate eating/drinking areas separately if >10% of total floor area
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]			0.14	0.10	0.21		B2, C, D: Ensure intensity criteria met
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]		0.23	0.57	0.43	.86		B1: Design site to place parking inside and bldgs outside of zone if possible B1, B2, C, D: Ensure intensity criteria met
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space related to other listed uses [approx. 215 s.f./person]		0.20	0.49	0.37	0.74		B1, B2, C, D: Ensure intensity criteria met
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.18	0.46	0.34	0.69		B1, B2, C, D: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking & transportation terminals							B1, B2, C: Ensure intensity criteria met; see Policy 5.2.8(c) regarding storage of hazardous materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production: oil refineries, chemical plants							C, D: Ensure intensity criteria met; see Policy 5.2.8(c) regarding storage of hazardous materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Heavy Industrial							C, D: Ensure intensity criteria met; see Policy 5.2.8(c) regarding storage of hazardous materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

Land Use Category [1] ➢ Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table	**Compatibility Zone**						**Suggested Criteria for Conditional Uses** [2] ➢ Intensity limits applicable to all nonresidential uses including ones shown as "Normally Compatible" (green) ➢ Nonresidential development must satisfy both forms of intensity limits in (see *Policy 5.2.7)* ➢ Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone ➢ Up to 10% of total floor area may be devoted to an ancillary use
	A	**B1**	**B2**	**C**	**D**	**E**	
Max. Sitewide Average Intensity (people/acre)[3] **Max. Single-Acre Intensity (people/acre)** *applicable to all nonresidential development*	**0** **0**	**40** **80**	**100** **300**	**75** **225**	**150** **600**	**no limit**	
Open Land Requirement (see *Policy 5.2.9*)	**all remaining**	**30%**	**no req't**	**20%**	**10%**	**no req't**	
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]		0.18	0.46	0.34	0.69		B1, B2, C, D: Ensure intensity criteria met; see Policy 5.2.8(c) regarding storage of hazardous materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.32	0.80	0.60	1.21		B1, B2, C, D: Ensure intensity criteria met; see Policy 5.2.8(c) regarding storage of hazardous materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research & Development [approx. 300 s.f./person]		0.28	0.69	0.52	1.03		B1, B2, C, D: Ensure intensity criteria met; see Policy 5.2.8(c) regarding storage of hazardous materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		0.92					B1: Ensure intensity criteria are met
Outdoor Storage: public works yards, automobile dismantling							
Mining & Extraction							
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Rail & Bus Stations							B1, B2: Allowed only if site outside zone would not serve intended public function; ensure intensity criteria met
Transportation Routes: road & rail rights-of-way, bus stops							A: Not allowed in OFA [6]; avoid road intersections if traffic congestion occurs
Auto Parking: surface lots, structures							A: Not allowed in OFA [6]; allowed only if site outside zone would not serve intended function
Communications Facilities: emergency communications, broadcast & cell towers							B1, B2: Allowed only if site outside zone would not serve intended public function
Power Plants							B1, B2: Allowed only if site outside zone would not serve intended public function
Electrical Substations							B1, B2: Allowed only if site outside zone would not serve intended public function
Wastewater Facilities: treatment, disposal							C, D, E: Avoid new features that may attract birds [4]
Solid Waste Disposal Facilities: landfill, incineration							E: Allowed only if site outside zone would not serve intended public function
Solid Waste Transfer Facilities, Recycle Centers							E: Avoid new features that may attract birds [4]

Land Use Acceptability		Interpretation/Comments
	Normally Compatible	Normal examples of the use are compatible with noise, safety, and airspace protection criteria. Atypical examples may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.
	Conditional	Use is compatible if indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.
	Incompatible	Use should not be permitted under any circumstances.

Notes

1 Land uses not specifically listed may be evaluated using the criteria for similar uses. Assumed occupancy levels (square feet / person) cited for many listed uses can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use. Multiple land use categories and compatibility criteria may apply to a project.

2 Dedication of an avigation easement should be required as a condition for approval of any proposed development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following: Compatibility Zones A, B1, B2 or Height Review Overlay Zone. Recorded overflight notification should be required for all residential development in the remainder of the airport influence area.

3 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. Local agencies may make exceptions for rare special events (e.g., 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.

4 No proposed use should be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites on or Near Airports, and Advisory Circular 150/5200-33, Hazardous Wildlife Attractants On or Near Airports. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

5 Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation.

6 Object Free Area (OFA): Shown on the Airport Layout Plan and the airport's Compatibility Policy Map; dimensions are established by FAA airport design standards for the runway.

Project Referral Form

TRUCKEE TAHOE AIRPORT INFLUENCE AREA
APPLICATION FOR MAJOR LAND USE ACTION REVIEW
TRUCKEE TAHOE AIRPORT LAND USE COMMISSION

ALUC Identification No.

PROJECT PROPONENT (TO BE COMPLETED BY APPLICANT)

Date of Application _____

Property Owner _____ Phone Number _____

Mailing Address _____

_____

_____

Agent (if any) _____ Phone Number _____

Mailing Address _____

_____

_____

PROJECT LOCATION (TO BE COMPLETED BY APPLICANT)

Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways

Street Address _____

_____

Assessor's Parcel No. _____ Parcel Size _____

Subdivision Name _____ Zoning Classification _____

Lot Number _____

PROJECT DESCRIPTION (TO BE COMPLETED BY APPLICANT)

If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed

Existing Land Use (describe) _____

_____

_____

Proposed Land Use (describe) _____

_____

_____

For Residential Uses — Number of Parcels or Units on Site (include secondary units) _____

For Other Land Uses — Hours of Use _____

Number of People On Site… — Maximum Number _____

Method of Calculation _____

Height Data — Height above Ground or Tallest Object (including antennas and trees) _____ ft.

Highest Elevation (above sea level) of Any Object or Terrain on Site _____ ft.

Flight Hazards — Does the project involve any characteristics which could create electrical Interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight? O Yes O No

If yes, describe _____

_____

REFERRING AGENCY (TO BE COMPLETED BY AGENCY STAFF)

Date Received _____

Agency Name _____

_____

Staff Contact _____

Phone Number _____

Agency's Project No. _____

_____

Type of Project

- O General Plan Amendment
- O Zoning Amendment or Variance
- O Subdivision Approval
- O Use Permit
- O Public Facility
- O Other _____

ALUC SECRETARY'S REVIEW (TO BE COMPLETED BY ALUC SECRETARY)

Application Receipt

Date Received _____ By _____

Is Application Complete? O Yes O No

If no, cite reasons _____

Primary Criteria Review

Compatibility Zone(s) O A O B1 O B2 O C O D O E

Allowable (not prohibited) Use?	O Yes	O No	_____
Density/Intensity Acceptable?	O Yes	O No	_____
Open Land Requirement Met?	O Yes	O No	_____
Height Acceptable?	O Yes	O No	_____
Easement/Deed Notice Provided?	O Yes	O No	_____

Special Conditions

Describe: _____

_____

Supplemental Criteria Review

Noise _____

_____

Safety _____

_____

Airspace Protection _____

_____

Overflight _____

_____

_____

ACTIONS TAKEN (TO BE COMPLETED BY ALUC SECRETARY)

ALUC Secretary's Action

- O Approve — Date _____
- O Refer to ALUC

ALUC Action

- O Consistent — Date _____
- O Consistent with Conditions (list conditions/attach additional pages if needed)

_____

_____

- O Inconsistent (list reasons/attach additional pages if needed)

_____

APPENDIX F

General Plan Consistency Checklist

Compatibility planning issues can be reflected in a general plan in any, or a combination, of 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 procedural 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 ALUCP as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *ALUCP*. Changes to the community's existing general plan would be minimal. Policy reference to the separate *ALUCP* 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 *ALUCP* 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.

This checklist is intended to assist counties and cities with modifications necessary to make their local general plans and other local policies consistent with the ALUC's compatibility plan. It is also designed to facilitate ALUC reviews of these local plans and policies.

COMPATIBILITY CRITERIA

General Plan Document

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the compatibility plan.

- **Land Use Map**—No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the ALUC land use compatibility criteria.
  - Residential densities (dwelling units per acre) should not exceed the set limits. Differences between gross and net densities and the potential for secondary dwellings on single parcels (see below) may need to be taken into account.
  - Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).
  - No new land uses of a type listed as specifically prohibited should be shown within affected areas.
- **Noise Element**—General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent compatibility plan criteria. Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is sometimes judged to be more objectionable than other types of equally loud noises).

Zoning or Other Policy Documents

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance. If a separate policy document is adopted, modification of the general plan to achieve consistency with the compatibility plan may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document.

- **Secondary Dwellings**—Detached secondary dwellings on the same parcel should be counted as additional swellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.

Zoning or Other Policy Documents, Continued

- **Intensity Limitations on Nonresidential Uses**—Local policies must establish limits on the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre—indicated in the compatibility plan. Alternatively, local jurisdictions may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.
- **Identification of Prohibited Uses**—Compatibility plans may prohibit schools, day care centers, assisted living centers, hospitals, and certain other uses within much of an airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.
- **Open Land Requirements**—*ALUCP* requirements, if any, for assuring that a minimum amount of open land is preserved in the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land should also be established
- **Infill Development**—If an *ALUCP* contains infill policies and a jurisdiction wishes to take advantage of them, the lands that meet the qualifications must be shown on a map.

Zoning or Other Policy Documents, Continued

- **Height Limitations and Other Hazards to Flight**—To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon FAR Part 77. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
- **Buyer Awareness Measures**—Besides disclosure rules already required by state law, as a condition for approval of development within certain compatibility zones, some *ALUCP*s require either dedication of an avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local agency policies must contain similar requirements.
- **Nonconforming Uses and Reconstruction**—Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the *ALUCP*, if any.

REVIEW PROCEDURES

In addition to incorporation of *ALUC* compatibility criteria, local agency implementing documents must specify the manner in which development proposals will be reviewed for consistency with the compatibility criteria.

- **Actions Always Required to be Submitted for ALUC Review**—PUC Section 21676 identifies the types of actions that must be submitted for airport land use commission review. Local policies should either list these actions or, at a minimum, note the local agency's intent to comply with the state statute.
- **Other Land Use Actions Potentially Subject to ALUC Review**—In addition to the above actions, *ALUCP*s may identify certain major land use actions for which referral to the *ALUC* is dependent upon agreement between the local agency and *ALUC*. If the local agency fully complies with all of the items in this general plan consistency checklist or has taken the necessary steps to overrule the *ALUC*, then referral of the additional actions is voluntary. On the other hand, a local agency may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the *ALUC* is mandatory. Local policies should indicate the local agency's intentions in this regard.
- **Process for Compatibility Reviews by Local Jurisdictions**—If a local agency chooses to submit only the mandatory actions for *ALUC* review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.
- **Variance Procedures**—Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance that involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the *ALUCP* must be referred to the *ALUC* for review.
- **Enforcement**—Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of trees. An airport combining district zoning ordinance is one means of implementing enforcement requirements.

Source: California Airport Land Use Planning Handbook (October 2011)

APPENDIX **G**

Sample Implementation Documents

The responsibility for implementation of the compatibility criteria set forth in the *Truckee Tahoe Airport Land Use Compatibility Plan* rests largely with the Counties of Nevada and Placer and the Town of Truckee. As described in Appendix F, modification of general plans and specific plans for consistency with applicable compatibility plans is the major step in this process. However, not all of the measures necessary for achievement of airport land use compatibility are necessarily included in general plans and specific plans. Other types of documents also serve to implement the *Compatibility Plan* policies. Samples of such implementation documents are included in this appendix.

Airport Combining Zone Ordinance

As noted in Chapter 1 of this document, one option that the affected local jurisdictions can utilize to implement airport land use compatibility criteria and associated policies is adoption of an airport combining zone ordinance. An airport combining zone ordinance is a way of collecting various airport-related development conditions into one local policy document. Adoption of a combining zone is not required, but is suggested as an option. Table G–1 describes some of the potential components of an airport combining zone ordinance.

Buyer Awareness Measures

Buyer awareness is an umbrella category for several types of implementation documents all of which have the objective of ensuring that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. The *Truckee Tahoe Airport Land Use Compatibility Plan* policies include each of these measures.

- **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not authorized to accept avigation easements). This *Compatibility Plan* requires avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Specifically, the easement dedication requirement applies to development within *Compatibility Zones A*, *B1*, and *B2* and the *Height Review Overlay Zone*. A sample of a standard avigation easement is included in Table G–2.

- **Recorded Overflight Notification**—An overflight notification informs property owners that the property is subject to aircraft overflight and generation of noise and other impacts. No restrictions on the heights of objects, requirements for marking or lighting of objects, or access to the property for these purposes are included. An overflight notification serves only as buyer acceptance of overflight conditions. Table G–3 outlines typical language of an overflight easement. Unlike an avigation easement, an overflight notification is not a conveyance of property rights. They merely memorialize the right of aircraft to overfly a property near an airport and to cause noise and other impacts associated with normal flight. However, like an easement, an overflight notification is recorded on the property deed and therefore remains in effect with the sale of the property to subsequent owners.

- **Real Estate Disclosure**—A less definitive, but more all-encompassing, form of buyer awareness measure is for the ALUC and local jurisdictions to establish a policy indicating that information about and airport's influence area should be disclosed to prospective buyers of all airport-vicinity properties prior to transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. The requirement for disclosure of information about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see Appendix A for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property's location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

  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.

An airport compatibility combining zoning ordinance might include some or all of the following components:

- **Airspace Protection**—A combining district can establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of the Federal Aviation Regulations (FAR) Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, Subpart C. Additions or adjustment to take into account instrument approach (TERPS) surfaces should be made as necessary. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.

- **FAA Notification Requirements**—Combining districts also can be used to ensure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations requires that the proponent of any project which exceeds a specified set of height criteria submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.

- **State Regulation of Obstructions**—State law prohibits anyone from constructing or altering a structure or altering a structure or permitting an object of natural growth to exceed the heights established by FAR Part 77, Subpart C, unless the FAA has determined the object would or does not constitute a hazard to air navigation (Public Utilities Code, Section 21659). Additionally, a permit from the Department of Transportation is required for any structure taller than 500 feet above the ground unless the height is reviewed and approved by the Federal Communications Commission or the FAA (Section 21656).

- **Designation of High Noise-Impact Areas**—California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. A combining district could be used to indicate the locations where special construction techniques may be necessary in order to ensure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.

- **Maximum Densities/Intensities**—Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in a combining zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the method of calculating the intensity limitations needs to be defined. Alternatively, a matrix can be established indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories need to be more detailed than typically provided by general plan or zoning ordinance land use designations.

- **Open Areas for Emergency Landing of Aircraft**—In most circumstances in which an accident involving a small aircraft occurs near an airport, the aircraft is under control as it descends. When forced to make an off-airport emergency landing, pilots will usually attempt to do so in the most open areas readily available. To enhance safety both for people on the ground and the occupants of the aircraft, airport compatibility plans often contain criteria requiring a certain amount of open land near airports. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be included in a combining district so that they will be applied to development of large parcels. Adequate open areas can often be provided by clustering of development on adjacent land.

- **Areas of Special Compatibility Concern**—A significant drawback of standard general plan and zoning ordinance land use designations is that they can be changed. Uses that are currently compatible are not assured of staying that way in the future. Designation of areas of special compatibility concern would serve as a reminder that airport impacts should be carefully considered in any decision to change the existing land use designation. [A legal consideration which supports the value of this concept is that down-zoning of a property to a less intensive use is becoming more difficult. It is much better not to have inappropriately up-zoned the property in the first place.]

- **Real Estate Disclosure Policies**—The geographic extent and specific language of recommended real estate disclosure statements can be described in an airport combining zone ordinance.

Source: California Airport Land Use Planning Handbook (October 2011)

Table G–1

Sample Airport Combining Zone Components

TYPICAL AVIGATION EASEMENT

Truckee Tahoe Airport

This indenture made this _____ day of _____, 20__, between _____ hereinafter referred to as Grantor, and the Truckee Tahoe Airport District, a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the Truckee Tahoe Airport official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by [Insert Name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

(1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

(3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

(4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

Table G–2

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the Truckee Tahoe Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the Truckee Tahoe Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the Truckee Tahoe Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said Truckee Tahoe Airport is the dominant tenement.

DATED:

_____ _____

_____

STATE OF }

ss

COUNTY OF }

On _____, before me, the undersigned, a Notary Public in and for said County and State personally appeared _____, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

_____

Notary Public

Source: Modified from California Airport Land Use Planning Handbook (October 2011)

Table G–2, continued

RECORDED OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the County of _____ and the City of _____, State of California, described as _____[APN No.:_].

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, CALIFORNIA BUSINESS & PROFESSIONS CODE Section 11010 and CALIFORNIA CIVIL CODE Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with policies of the Truckee Tahoe Airport Land Use Commission for the overflight notification provided in the Truckee Tahoe Airport Land Use Compatibility Plan.

The Truckee Tahoe Airport Land Use Compatibility Plan and [Insert County / City Name] Ordinance (Ordinance No.) identify the Truckee Tahoe Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to population and economic growth in the County of _____. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at Truckee Tahoe Airport. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of aircraft.

The airport operator, the Truckee Tahoe Airport District, maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport specific operational issues including hours of operation.

This *Overflight Notification* shall be duly recorded with the _____ County Assessor's Office, shall run with the Property, and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date:_____, 20__

Source: Modified from California Airport Land Use Planning Handbook (October 2011)

Table G–3

Sample Recorded Overflight Notification

APPENDIX **H**

Glossary of Terms

Above Ground Level (AGL): An elevation datum given in feet above ground level.

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- Except as provided below, *substantial damage* means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and that would normally require major repair or replacement of the affected component.
- Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal nor serious injuries nor substantial damage to the aircraft occurs.

Aircraft Mishap: The collective term for an aircraft accident or an incident.

Aircraft Operation: The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

Airport: An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities if any. (FAR 1)

Airport Elevation: The highest point of an airport's useable runways, measured in feet above mean sea level. (AIM)

Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

Airport Layout Plan (ALP): A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

Airport Master Plan (AMP): A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

Airport Reference Code (ARC): A coding system used to relate airport design criteria to the operation and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

Airports, Classes of: For the purposes of issuing a Site Approval Permit, The California Department of Transportation, Division of Aeronautics classifies airports into the following categories: (CCR)

- *Agricultural Airport or Heliport:* An airport restricted to use only be agricultural aerial applicator aircraft (FAR Part 137 operators).
- *Emergency Medical Services (EMS) Landing Site:* A site used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near a medical facility and
  (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and
  (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and
  (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and
  (4) is used only for emergency medical purposes.
- *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock or breakwater, used in the support of petroleum exploration or production.
- *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and occasional invited guests.
- *Public-Use Airport:* An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
- *Seaplane Landing Site:* An area of water used, or intended for use, for landing and takeoff of seaplanes.
- *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations, and/or personal use.
- *Temporary Helicopter Landing Site:* A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and
  (1) is used or intended to be used for less than one year, except for recurrent annual events and
  (2) is not marked or lighted to be distinguishable as a heliport and
  (3) is not used exclusively for helicopter operations.

Ambient Noise Level: The level of noise that is all encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

Approach Protection Easement: A form of easement that both conveys all of the rights of an avigation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

Approach Speed: The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.

Avigation Easement: A type of easement that typically conveys the following rights:

- A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
- A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

Based Aircraft: Aircraft stationed at an airport on a long-term basis.

California Environmental Quality Act (CEQA): Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines that may adversely affect the environment.

Ceiling: Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

Circling Approach/Circle-to-Land Maneuver: A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

Combining District: A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

Commercial Activities: Airport-related activities that may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

Commercial Operator: A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission that sets forth policies for promoting compatibility between airports and the land uses that surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

Controlled Airspace: Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn}.

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Dwelling Unit: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. (HUD)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound that, in the given situation and time period, has the same average sound energy as does a time-varying sound.

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 that exceed the Part 77 height limits constitute airspace obstructions. FAR Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. A copy of the regulations is available at www.ecfr.gov.

FAR Part 77 Surfaces: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

Federal Aviation Administration (FAA): The U.S. government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

Federal Aviation Regulations (FAR): Regulations formally issued by the FAA to regulate air commerce.

Findings: Legally relevant subconclusions that expose a government agency's mode of analysis of facts, regulations, and policies, and that bridge the analytical gap between raw data and ultimate decision.

Fixed Base Operator (FBO): A business that operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

General Aviation: That portion of civil aviation that encompasses all facets of aviation except air carriers. (FAA Stats)

Glide Slope: An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

Global Positioning System (GPS): A navigational system that utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

Helipad: A small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. (AIM)

Heliport: A facility used for operating, basing, housing, and maintaining helicopters. (HAI)

Infill: Development that takes place on vacant property largely surrounded by existing development, especially development that is similar in character.

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

Instrument Landing System (ILS): A precision instrument approach system that normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

Instrument Operation: An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

Instrument Runway: A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is

a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

Land Use Density: A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Land Use Intensity: A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Large Airplane: An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

Localizer (LOC): The component of an ILS that provides course guidance to the runway. (AIM)

Mean Sea Level (MSL): An elevation datum given in feet from mean sea level.

Minimum Descent Altitude (MDA): The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

Missed Approach: A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

National Transportation Safety Board (NTSB): The U.S. government agency responsible for investigating transportation accidents and incidents.

Navigational Aid (Navaid): Any visual or electronic device airborne or on the surface that provides point-to-point guidance information or position data to aircraft in flight. (AIM)

Noise Contours: Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

Noise Level Reduction (NLR): A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

Nonconforming Use: An existing land use that does not conform to subsequently adopted or amended zoning or other land use development standards.

Nonprecision Approach Procedure: A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

Nonprecision Instrument Runway: A runway with an approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure. (Airport Design AC)

Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceed the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

Overflight: Any distinctly visible and/or audible passage of an aircraft in flight, not necessarily directly overhead.

Overflight Easement: An easement that describes the right to overfly the property above a specified surface and includes the right to subject the property to noise, vibrations, fumes, and emissions. An overflight easement is used primarily as a form of buyer notification.

Overflight Zone: The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

Overlay Zone: See *Combining District*.

Planning Area Boundary: An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

Precision Approach Procedure: A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

Precision Instrument Runway: A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

Referral Area: The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

Runway Protection Zone (RPZ): An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (Airport Design AC)

Safety Zone: For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

Secondary Dwelling Unit: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. (California Department of Housing and Community Development)

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

Site Approval Permit: A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) that quantifies the total energy in the A-weighted sound level measured during a transient noise event.

The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

Structure: Something that is constructed or erected.

Taking: Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

Terminal Instrument Procedures (TERPS): Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

Threshold: The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

Traffic Pattern: The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum-generally, a 1,000-foot ceiling and 3-mile visibility.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

FAR 1: Federal Aviation Regulations Part 1, Definitions and Abbreviations

AIM: Aeronautical Information Manual

Airport Design AC: Federal Aviation Administration, *Airport Design* Advisory Circular 150/5300-13

CCR: California Code of Regulations, Title 21, Section 3525 et seq., *Division of Aeronautics*

FAA ATA: Federal Aviation Administration, *Air Traffic Activity*

FAA Stats: Federal Aviation Administration, *Statistical Handbook of Aviation*

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board