



COUNTY OF HUMBOLDT

For the meeting of: 6/16/2020

File #: 20-684

To: Board of Supervisors

From: Public Works

Agenda Section: Departmental

SUBJECT:

Introduction of an Ordinance Repealing and Replacing Chapter 3, Division 3, of Title III of the Humboldt County Code Relating to Airport Approach Zone Building Height Regulations

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached ordinance by title and waive the first reading;
2. Set the ordinance for adoption on June 23, 2020, or at least one (1) week away;
3. Direct the Clerk of the Board to publish the pre-adoption summary (Attachment 2) of the attached ordinance and to post a certified copy of the full text of the proposed ordinance in the office of the Clerk of the Board of Supervisors, both publication and posting to be done at least five (5) days prior to the Board of Supervisors meeting at which the ordinance will be adopted (Government Code Section 25124(b)(1));
4. Direct the Clerk of the Board to publish a summary of the ordinance within 15 days after adoption by the Board, along with the names of those Supervisors voting for and against the ordinance and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance (Government Code Section 25124(b)(1)); and
5. Direct Public Works staff to file the attached Notice of Exemption from California Environmental Quality Act (CEQA) as a Class 1 and Class 5, Categorical Exemption (14 CCR Section 15301; 15305), in accordance with CEQA Guidelines Section 15062.

SOURCE OF FUNDING:

General Fund (1100)
Aviation Fund (3530)

DISCUSSION:

This item involves the repeal and replacement of the Airport Approach Zone Building Height Regulations (Humboldt County Code Section 333-1 *et seq.*). The proposed ordinance (Attachment 1)

will address three specific issues:

Issue 1: The current County Code sections were adopted on Aug. 29, 1955, and does not align with the current Federal Aviation Administration's airspace protection standards set forth in Code of Federal Regulation Title 14 Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace. The proposed ordinance will make County Code consistent with the airspace surfaces defined in federal code. The differences in the horizontal layout between current County Code and 14 CFR 77 are shown in Attachment 2.

Issue 2: Current County Code Section 333-8 has a requirement that any penetration of the airspace surfaces requires a variance to be approved by the Board of Supervisors. In many areas of the county, the existing ground surrounding the airports penetrates both current County Code and 14 CFR 77 surfaces. This is particularly noticeable at the Shelter Cove Airport, Dinsmore Airport, and somewhat noticeable at the California Redwood Coast - Humboldt County Airport. See Attachment 3 for diagrams showing the areas of terrain that currently penetrate 14 CFR 77 surfaces.

The proposed ordinance will allow structures to be erected in the airport protected airspace, subject to Federal Aviation Administration (FAA) determination that the structure does not pose a hazard to flight. This will require an applicant to file FAA Form 7460-1 with the FAA. This exception will greatly reduce the quantity of variances that the Board of Supervisors will need to consider. Any project that proposes penetrating the airport protected airspace where the FAA objects will require a variance to be approved by the Board of Supervisors.

Issue 3: The proposed ordinance moves responsibility from the Department of Public Works to the Department of Aviation.

On May 19, 2020, the Airport Land Use Commission determined that the proposed changes to County Code are consistent with the Airport Land Use Compatibility Plan. After the Airport Land Use Commission hearing, staff made a minor change to Section 333-8 Variances to ensure that the airspace is adequately protected:

333-8 (b) as presented to the ALUC: When portions of a Structure or a Tree penetrate the Airport Protected Airspace, and the Federal Aviation Administration has determined that such penetration is not a hazard to flight, no variance is required.

333-8 (b) as being presented to the Board of Supervisors: When portions of a Structure or a Tree penetrate the Airport Protected Airspace, and the Federal Aviation Administration has determined that such penetration is not a hazard to flight, a variance may be administratively approved by the Director of the Department of Aviation.

Properties in the vicinity of the airports will benefit by reducing the number of properties that would require a variance from the Board of Supervisors to construct structures on their properties. Those property owners receive reduced bureaucracy, quicker permitting, as well as a cost savings of not needing to pay fees for a variance.

FINANCIAL IMPACT:

Adoption of the above-referenced ordinance will have minimal impact associated with staff time to

implement. Historically, there have been very few variances so any loss of revenue resulting from less variances would be negligible. There is no impact to the General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by supporting business, workforce development and creation of private-sector jobs and creating opportunities for improved safety and health, and enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

Humboldt County Aviation Department
Humboldt County Planning & Building Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to adopt the ordinance.

ATTACHMENTS:

Attachment 1 - Proposed Chapter 3, Division 3 of Title III of Humboldt County Code.
Attachment 2 - Pre-adoption Summary.
Attachment 3 - Post-adoption Summary.
Attachment 4 - Differences in the horizontal layout between current County Code and 14 CFR 77 at each county airport.
Attachment 5 - Diagrams showing penetration areas of 14 CFR 77 at each county airport.
Attachment 6 - CEQA document

PREVIOUS ACTION/REFERRAL:

Board Order No.: H-2
Meeting of: May 19, 2020
File No.: 20-591