



# COUNTY OF HUMBOLDT

## Legislation Text

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File #: 21-1407, Version: 1

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Public Hearing

**SUBJECT:**

Airport Land Use Compatibility Plan Consistency Determination for the Humboldt Bay Trail South Project near Murray Field Airport

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adjourns as the Humboldt County Board of Supervisors;
2. Convenes as the Governing Board of the Humboldt County Airport Land Use Commission and considers the following agenda:
  - a. Public comment on items not on the Airport Land Use Commission Agenda;
  - b. Public hearing to consider if the Humboldt Bay Trail South Project is consistent with the 1993 Airport Land Use Compatibility Plan; and
  - c. Determination that the Humboldt Bay Trail South is inconsistent with the Airport Land Use Compatibility Plan.
3. Adjourns as the Governing Board of the Humboldt County Airport Land Use Commission;
4. Reconvenes as the Humboldt County Board of Supervisors; and
5. Directs Public Works to return to the Board of Supervisors at a future meeting to consider overruling the determination of inconsistency with the Airport Land Use Compatibility Plan and directing the Project to proceed.

**SOURCE OF FUNDING:**

Forest Resources and Recreation Fund (1710)

**DISCUSSION:**

**Overview**

Humboldt County is implementing the Humboldt Bay Trail South Project (“Project”) to complete the Humboldt Bay Trail between Eureka and Arcata. The Project is located along the Highway 101 and railroad transportation corridor between Eureka Slough and Brainard Slough, for a total length of approximately 4.25 miles (Attachment 1 - Figure 1). The Project will connect the existing Eureka Waterfront Trail located within the City of Eureka near the Target store with the southern terminus of the City of Arcata’s Humboldt Bay Trail North located near Bracut Industrial Park. The majority of the

trail will be situated between Highway 101 and the railroad by widening the railroad prism, with a portion proposed on the perimeter levee around the Brainard mill site property. Public Works is working to obtain all permits and complete all right-of-way acquisitions to enable construction to begin in 2022. A lease agreement with the North Coast Railroad Authority was executed in July 2021. Completion of the link between the two largest cities in Humboldt County would be a major step forward for regional trail connectivity and non-motorized transportation around Humboldt Bay. Murray Field is one of Humboldt County's airfields used for general aviation (non-commercial service) operations. Murray Field is surrounded by Highway 101 and Humboldt Bay to the west and northwest, car dealerships and Fay Slough Wildlife Area to the northeast, agricultural land and sloughs to the east and south, and commercial businesses to the west (along Jacobs Avenue). The Brainard mill site is located northwest of Murray Field on the west side of Highway 101.

The Humboldt County Board of Supervisors is designated as the Airport Land Use Commission for Humboldt County. The first Airport Land Use Compatibility Plan for Humboldt County Airports was completed in March 1993 ("1993 ALUCP"). The ALUCP designates a planning area for each airport comprised of a set of compatibility zones (also known as safety zones) with designated compatibility criteria. The compatibility criteria from the 1993 ALUCP are incorporated into Table 14-1 of the Humboldt County General Plan, which was adopted by the Board of Supervisors in 2017. The trail alignment for the Project passes through three compatibility zones for Murray Field (Attachment 1 - Figure 2).

On July 31, 2018, the Humboldt County Board of Supervisors adopted Resolution No. 18-79 which adopted the Initial Study and Mitigated Negative Declaration of environmental impacts for the Project in conformance with the California Environmental Quality Act ("CEQA"). Also, through this resolution, the Board of Supervisors approved the Project as currently designed and directed Public Works to carry out the next phases of the Project. The CEQA Initial Study concluded that the Project would have no potential safety hazards associated with airports (Pages 3-53) and no inconsistencies were identified with the Humboldt County General Plan (Pages 3-63). However, Public Works has concluded that formal review of the Project by the Airport Land Use Commission is warranted to determine whether the Project is compatible with the policies and criteria of the ALUCP.

The 1993 ALUCP was in effect during the preparation of the CEQA Initial Study for the Project and is referenced in the Initial Study. On April 13, 2021, the Airport Land Use Commission adopted Resolution No. 21-36 which adopted the 2021 Airport Land Use Compatibility Plan for various airports including Murray Field ("2021 ALUCP"). Pursuant to General Policy GP-3 of the 2021 ALUCP, the Project should be evaluated using the 1993 ALUCP which was in effect when the Project was approved by the Board of Supervisors. The compatibility zones and associated criteria in the 1993 ALUCP and 2021 ALUCP are comparable (Attachment 1 - Figures 2 and 3).

#### Airport Land Use Commission Responsibilities

The statutory authority for establishment of the Airport Land Use Commission and the adoption of an ALUCP is provided in California Public Utility Code sections 21670 et seq. (Chapter 4, Article 3.5). Section 21670(a)(2) of the Public Utility Code establishes the purpose of this statutory authority as follows:

“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.”

Section 1.3.3(h) of the 1993 ALUCP specifies that the Airport Land Use Commission shall review “any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.” The scope of review is limited to potential impacts related to aircraft noise, land use safety (with respect to both people on the ground and the occupants of aircraft), airspace protection, and aircraft overflights (Section 1.2). The Commission has a choice of either finding a plan consistent or inconsistent with the ALUCP (Section 1.4.2). If a plan is determined to be inconsistent with the ALUCP, the local agency shall be notified (Public Utility Code Section 21676). Public Utility Code Section 21676 states that the local agency may 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 purpose of the Commission’s statutory authority. With respect to evaluating the consistency of the Project with the ALUCP, the Board of Supervisors serves as both the Airport Land Use Commission and the governing body of the local agency implementing the Project.

The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing (Section 3.2.1). The principal means of reducing risks to people on the ground is to restrict land uses in order to limit the number of people who might gather in areas susceptible to aircraft accidents (Section 3.2.2). Land uses of particular concern are ones in which the occupants have reduced effective mobility, such as schools, hospitals, nursing homes (Section 3.2.3). In the event that an aircraft is forced to land away from an airport, risks can be minimized by providing as much open land area as possible within the airport vicinity for a pilot to attempt a controlled emergency landing away from the runway. Open land is defined as land free of structures and other major obstacles such as walls, large trees, and overhead wires and with minimum dimensions of 75 feet by 300 feet. Clustering of development is encouraged to increase the size of open land areas (Section 3.2.5). The criteria to evaluate compatibility within the various compatibility zones are listed in Table 2A of the 1993 ALUCP (Attachment 2).

### Discussion

As shown in Figures 2 and 4 of Attachment 1, portions of the Project pass through compatibility zones A, B1, and C of the 1993 ALUCP. Highway 101 also passes through these zones. The Project does not conflict with any of the prohibited uses listed in Table 2A for zones B1 and C. According to Table 2A, prohibited uses within zone A include all structures except those with location set by aeronautical function. The term “structure” is not defined in the 1993 ALUCP and is interpreted broadly to mean any object constructed with multiple components and having a fixed location on the ground. The portion of the Project within zone A includes placement of aggregate base and asphalt and construction of a 48-foot-long trail bridge. The bridge railings will have a height of approximately five (5) to six (6) feet above the elevation of the railroad prism. Alternative alignments for the trail outside zone A are not feasible due to the constraints of Humboldt Bay and Highway 101. Because the trail is not required for aeronautical purposes, the portion of the Project located within Zone A conflicts with the

compatibility criteria in Table 2a. Therefore, based on a strict interpretation of the compatibility criteria, it follows that the Project is not consistent with the ALUCP.

Public Works recommends that the Airport Land Use Commission determine that the Project is not consistent with the 1993 ALUCP because a portion of the Project is situated within compatibility zone A and Table 2a of the ALUCP prohibits all non-aeronautical structures within this zone.

Public Works further recommends that the Board of Supervisors direct Public Works to return at a future meeting to consider overruling the determination of inconsistency with the Airport Land Use Compatibility Plan and directing the Project to proceed. Public Works expects to present evidence that proceeding with the Project is consistent with the purpose of the Airport Land Use Commission regulations. A similar action was taken by the Board of Supervisors in June 2020 with respect to the proposed construction of hospital buildings on Sprowl Creek Road near Garberville Airport.

#### FINANCIAL IMPACT:

Public Works has expended approximately Two Million Six Hundred Thousand Dollars (\$2,600,000) for planning, engineering, environmental studies, and right-of-way acquisition associated with the Project through June 30, 2021. A total of Sixteen Million Five Hundred and Fifty Thousand Dollars (\$16,550,000) has been secured from the California Transportation Commission, California Department of Transportation, and State Coastal Conservancy for the construction phase. Reviewing the consistency of the Project with respect to the ALUCP will not impact the Humboldt County General Fund.

#### STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents and providing for and maintaining infrastructure.

#### OTHER AGENCY INVOLVEMENT:

Aviation Department

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Airport Land Use Commission could determine that the Humboldt Bay Trail South Project is consistent with the ALUCP. This alternative is not recommended because it does not appear to be supported by Table 2a of the 1993 ALUCP.

The Board of Supervisors could choose not to direct Public Works to return at a future meeting to discuss overriding the determination that the Project is inconsistent with the ALUCP. This alternative is not recommended because it would preclude completion of the Humboldt Bay Trail South Project. If the Project is not completed, Humboldt County would need to return the funds already expended on the Project to the California Transportation Commission.

#### ATTACHMENTS:

1 - Figures

2 - Table 2a from the 1993 Airport Land Use Compatibility Plan

PREVIOUS ACTION/REFERRAL:

Board Order No.: F-1

Meeting of: July 31, 2018

File No.: N/A