



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 21-1649 **Version:** 1 **Name:**
Type: Informational Report **Status:** Passed
File created: 10/29/2021 **In control:** Public Works
On agenda: 1/11/2022 **Final action:** 1/11/2022
Title: Public Hearing to Consider Overruling the Airport Land Use Compatibility Plan Inconsistency Determination for the Humboldt Bay Trail South Project near Murray Field Airport (4/5 vote required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1 - Figures 1-3, 3. Attachment 2 - 45-Day Notice, 4. Attachment 3 - Caltrans Aeronautics Response Letter, 5. Public Comment on I-2.pdf

Date	Ver.	Action By	Action	Result
1/11/2022	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Public Works

Agenda Section: Public Hearing

SUBJECT:

Public Hearing to Consider Overruling the Airport Land Use Compatibility Plan Inconsistency Determination for the Humboldt Bay Trail South Project near Murray Field Airport (4/5 vote required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open a public hearing to consider overruling the Airport Land Use Compatibility Plan inconsistency determination for the Humboldt Bay Trail South Project near Murray Field Airport;
2. Find that the Humboldt Bay Trail South Project is consistent with the purpose of the Humboldt County Airport Land Use Commission's statutory authority;
3. Close the public hearing; and
4. Overrule the inconsistency determination and direct the Humboldt Bay Trail South Project to proceed (4/5 vote required).

SOURCE OF FUNDING:

Forest Resources and Recreation Fund (1710)

DISCUSSION:

The Humboldt County Board of Supervisors serves as the Governing Board of the Humboldt County

Airport Land Use Commission (“Humboldt County ALUC”). On Oct. 5, 2021, the Humboldt County ALUC determined that the Humboldt Bay Trail South Project (“Project”) is not consistent with the 1993 Airport Land Use Compatibility Plan (“ALUCP”) because a portion of the Project is situated within compatibility zone A associated with Murray Field airport and Table 2a of the ALUCP prohibits all non-aeronautical structures within this zone. The term “structure” is not defined in the 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. 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 Utility Code Section 21676 and Section 21676.5 state that a local agency may overrule an airport land use 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. Here, the Board of Supervisors serves as the governing body of the local agency implementing the Project in addition to serving as the governing board of the Humboldt County ALUC. The purpose of an airport land use commission’s statutory authority 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” [Public Utility Code Section 21670(a)(2)].

The following considerations support a finding that approving the Project is consistent with the purpose of the Humboldt County ALUC’s statutory authority:

- Portions of Highway 101 and the Northwest Pacific railroad are situated within compatibility zone A for Murray Field. The segment of Highway 101 between Eureka and Arcata has the highest average daily traffic within Humboldt County. Highway 101 was initially developed in 1923 and Murray Field was developed in the late 1930s and early 1940s. The first ALUCP for Humboldt County was adopted in 1979. Therefore, the transportation corridor was already devoted to uses incompatible with the ALUCP when the ALUCP was adopted. The Project will improve the transportation corridor by providing a paved path separated from the roadway of Highway 101 for use by pedestrians and bicyclists. The paved path will be situated on the opposite side of Highway 101 from Murray Field, thus enabling pedestrians and bicyclists to be further away from Murray Field than they would otherwise be if traveling along Highway 101.
- The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing (ALUCP 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, and nursing homes (Section 3.2.3). The Project does not involve an occupied structure and will not create a gathering point resulting in a high concentration of people. The portion of the Project within compatibility zone A does not include amenities such as benches,

kiosks, or viewing areas that would encourage gathering.

- 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 location of the proposed path is in a very marginal location for a pilot to attempt a controlled emergency landing due to the presence of Highway 101, Eucalyptus trees, and the waters of Humboldt Bay. Locating the path within the transportation corridor and along the levee of the Brainard Mill site meets the intent of clustering development around airports and leaves the adjacent tidelands unobstructed.
- The portion of the Project within compatibility zone A will generally be at ground level except for the pedestrian bridge. The bridge railings will have a height of approximately five to six feet above ground level and will not penetrate airspace protection surfaces or create an airspace obstruction.

In summary, the Project will be situated in an area already devoted to uses incompatible with compatibility zone A in the ALUCP, and the Project will serve to partially mitigate safety hazards by allowing pedestrians and bicyclists to travel further away from Murray Field. The Project will not create an occupied structure or airspace obstruction within zone A and will not encroach on open land suitable for emergency aircraft landings.

On Nov. 15, 2021, Public Works submitted 45-day notice (Attachment 2) to the California Department of Transportation, Division of Aeronautics (“Caltrans Aeronautics”) and the Humboldt County ALUC pursuant to California Public Utility Code Section 21676 and Section 21676.5, regarding the proposal to overrule the Humboldt County ALUC’s finding that the Project is not consistent with the 1993 ALUCP. The response letter from Caltrans Aeronautics (Attachment 3) does not state any objections to the proposed overrule.

Based on the information provided herein, Public Works recommends that the Board find that the Project is consistent with the purpose of the Humboldt County ALUC’s statutory authority, overrule the determination of inconsistency with the ALUCP, and direct the Humboldt Bay Trail South Project to proceed.

FINANCIAL IMPACT:

Public Works has expended approximately \$2,600,000 for planning, engineering, environmental studies, and right-of-way acquisition associated with the Project through June 30, 2021. A total of \$16,550,000 has been secured from the California Transportation Commission, California Department of Transportation, and State Coastal Conservancy for the construction phase. Consideration of overruling the inconsistency determination will not impact the Humboldt County General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by creating opportunities for improved safety

and health and providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

Aviation Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could choose not to overrule the Humboldt County ALUC's determination that the Project is inconsistent with the ALUCP. This alternative is not recommended because it is not supported by the facts of the situation.

ATTACHMENTS:

- 1 Figures
- 2 45-day Notice
- 3 Caltrans Aeronautics Response Letter (December 8, 2021)

PREVIOUS ACTION/REFERRAL:

Board Order No.: J-2

Meeting of: October 5, 2021

File No.: 21-1407