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Agenda Date: 6/23/2021

Agenda Placement: 8B

Airport Land Use Commission Board Agenda Letter

TO: Airport Land Use Commission

FROM: John McDowell for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: John McDowell, Supervising Planner - 299-1354

SUBJECT: Napa County Telecommunications Facilities in Public ROW Ordinance #P21-00132-ALUC

RECOMMENDATION

TELECOMMUNICATION FACILITIES IN PUBLIC RIGHT OF WAY ORDINANCE / COUNTY OF NAPA - AIRPORT LAND USE CONSISTENCY DETERMINATION #P21-00132-ALUC

Request: Airport Land Use Compatibility Plan Consistency Determination for the County of Napa's proposed Telecommunication Facilities within Public Rights-of-Way Ordinance, which would establish regulations and approval processes for the placement of telecommunication facilities along County maintained roads. The ordinance implements requirements of the Federal Communications Commission (FCC) which mandate that 'small cell' wireless facilities be permitted within public rights-of-way. The proposed ordinance is subject to Airport Land Use Commission review because it will enable telecommunication facilities along public roads throughout Napa County including within the Airport Influence Areas of Napa County Airport and Angwin Airport, Parrett Field. The proposed ordinance includes standards limiting uses within airport safety zones.

Staff Recommendation: That the Commission find the project consistent with the Airport Land Use Compatibility Plan.

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Applicant Representative: Steve Lederer, Public Works Director, (707) 259-8228 or steve.lederer@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

1. That the Airport Land Use Commission finds the proposed Telecommunications Facilities in Public Right of Way Ordinance (#P21-00132-ALUC) consistent with the Napa County Airport Land Use Compatibility Plan.

Discussion:

State Aeronautics Law (Public Utilities Code 21676) mandates that the Airport Land Use Commission (ALUC) must review the proposed Telecommunications Facilities in Public Right of Way Ordinance prior to its adoption by the Board of Supervisors since the proposal involves development regulations that affect land within Airport Influence Areas (AIA). In its independent capacity, the ALUC is only reviewing the proposal for airport land use compatibility.

The ordinance will apply requirements on 'small cell' telecommunication facilities occurring within County public rights of way. FCC regulations mandate that small cell wireless facilities must be permitted within public rights of way, but allows the local agencies who own and/or maintain those public rights of way to adopt regulations concerning the placement and design of the facilities. However, the FCC limits the extent of local agency regulations to site placement, environmental constraints and aesthetics and mandate that the regulations cannot be overly burdensome so as to effectively prohibit such facilities.

These regulations will apply to all County roads which includes several roadways located within the AIAs of Napa County Airport and Angwin Airport, Parrett Field. The proposed ordinance has ostensibly no potential to result in airport land use compatibility conflicts, because FCC regulations already permit the facilities and the proposed County regulations simply place additional minor local requirements addressing design and placement, and facilities are limited to 50 ft. in height. Although there are miles of County roads located within AIAs of both airports, there are only a few areas where those roads lie within sensitivity airport protection zones where the potential for 50 ft. towers would necessitate special attention, which are discussed in the following section. Given that small cell facilities are currently permissible in these sensitive areas under Federal Law, the County's proposed ordinance establishes local regulations to address these situations where an airport land use compatibility conflict could potentially occur. Therefore, ALUC Staff is recommending that the proposed ordinance be found consistent with the ALUCP.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

The ALUC's Consistency Determination does not meet the definition of a "project" as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and, therefore, CEQA is not applicable. The ALUC is only making a finding of consistency with airport compatibility regulations and is not responsible for approving or undertaking the project. The County of Napa Board of Supervisors is the Lead Agency responsible for carrying out the project.

BACKGROUND AND DISCUSSION

Airport Land Use Compatibility Factors:

1. Location - The proposed ordinance pertains to telecommunication facilities locating within any County public road right of way. There are several miles of County roads that lie with the AIAs of both Napa County Airport and Angwin Airport, Parrett Field, thus triggering ALUC review of the ordinance. The vast majority of these roads are located well outside of airport safety zones and well below navigable airspace where new towers with heights of 50 ft. or lower are clearly acceptable, which is the height limit for new small cell wireless facilities. Therefore, evaluation of ordinance's consistency with the ALUCP focuses on identifying locations where County roads are within airport safety zones (Compatibility Zones A, B and C), and/or within areas where land features penetrate navigable airspace. Those locations are as follows:

Napa County Airport

Green Island Road - Two sections of Green Island Road near its western terminus are located within Compatibility Zone B, which are areas that have 50:1 and 34:1 approach surface height limit ratios based on distance from the runway thresholds. Ratios apply one foot of height above the height of the runway, or 33 ft. Mean Sea Level (MSL), for every 50 ft. or 34 ft. of horizontal distance the structure is from the runway threshold. The section of Green Island Road located off of the end of Runway 6 has been closed to vehicular traffic for several years, but it is still theoretically possible a telecommunication facility could be proposed there. This portion of the roadway ranges from approximately 2,900 ft. to 3,400 ft. to the end of the runway. The other section of Green Island Road within Zone B is located from 3,300 ft. to 4,100 ft. (approximately) south southwest of the end of Runway 1R and 1L. Despite being within an airport safety zone, it is possible telecommunication facilities could comply with FAA FAR Part 77 obstruction requirements in these two areas. Notice under FAA FAR Part 77 would need to be filed the FAA for any structures proposed in these locations. Based on the 50:1 ratio, a structure at 2,900 ft. from the runway threshold would need to be 58 ft. in height above the runway height (or 91 ft. MSL - 33 ft. MSL plus 58 ft.) before penetrating navigable airspace. However, since the County Public Works Department, who also manages the Napa County Airport, would be the entity issuing an encroachment permit for a telecommunication facility, they have the ability to adjust the placement of the facility so as to not interfere with airport operations. Generally, there is considerable localized flexibility on where telecommunications facilities can be placed to provide coverage to an area such that shifting a facility several hundred feet along a roadway to avoid runway protection zones would not impact that viability of the facility.

Tower and Devlin Roads - Similar to Green Island, most of Tower Road and approximately 1,200 lineal ft. of Devlin Road lie with Compatibility Zone B for Runway 24. A small portion of Tower Road also lies within Compatibility Zone A. The runway protection zone in this area has a 34:1 height limit ratio. At its closest point, Tower Road is approximately 1,575 ft. from the end of Runway 24. Navigable Airspace in this area would be as low as 46 ft. above the height of the runway, and thus this area has more restrictive height limits than an other public roadway area surrounding Napa County Airport. Again, since these roads are controlled by the County Public Works Department, the County has the ability to mandate that any telecommunication facilities utilizing the ordinance be shifted north or south along Devlin Road, or to the eastern edge of Tower Road so as to avoid airport protection zones.

Soscol Ferry Road and Devlin Road - North northeast of the airport in the vicinity of the intersection of State Routes 29, 121 are sections of Soscol Ferry Road and Devlin Road that lie within Compatibility Zone C, and range from approximately 6,300 ft. to 7,000 ft. from threshold to Runway 19R. This area has a 34:1 approach surface height ratio, and being over 6,000 ft. from the runways provides significant height before reaching navigable airspace.

Angwin Airport, Parrett Field

Las Posadas Road - The only County road located within an airport safety zone for Angwin Airport is an approximately 500 ft. section of Las Posadas Road approximately 4,000 ft. south of the threshold for Runway 34. In this location, Las Posadas Road is located approximately 150 ft. below the runway height and therefore is below the 20:1 approach surface threshold as well as the FAA FAR Part 77 Notice of Construction 100:1 threshold.

There are no County roads located within areas where natural terrain features (hills, mountains) penetrate navigable airspace.

2. Land Use - Telecommunication facilities, as a land use, have minimal to no potential to result in conflicts with airport operations. The greatest potential for conflict relates solely to the height of the structures in relation to their proximity to navigable airspace, which are discussed under Items 1 and 4. Other compatibility factors, such as aviation-related safety, noise and annoyance to persons on the ground are not a factor on these facilities. Therefore, as a land use, the ordinance is consistent with ALUCP land use requirements.

3. Concentration of People – This ordinance will not result in changes to population densities on properties within AIAs. These telecommunication facilities do not generate employees that will occupy a site, other than occasional visits for maintenance.

4. Building Height – See Item 1, Location.

6. Lighting and Glare – The ordinance applies discretionary approval authority to the Public Works Director for new facilities. The County has previously permitted several of these facilities within public right of way working with applicants on project design to ensure muted colors and applying "faux tree" camouflage, often referred to as a "mono pine" or "mono cypress" etc. These projects do not typically include lighting, but if they do it would be limited to security lighting that is shielded and downlit. Projects allowed under this ordinance effectively have no potential to result in glare impacts to pilots. The proposed ordinance is consistent with the ALUCP in this regard.

7. Communications – Electronic/radio frequency output of telecommunication facilities are regulated by the FCC. FCC regulations do not enable local agencies to regulate electronic/radio frequency aspects of these projects. The FCC is responsible for ensuring that all communication facilities subject to their regulations do not substantively impact FAA communication regulations for aviation. The proposed County ordinance has no potential to result in a change aviation-related communications because it is regulated at a Federal level.

8. Building Materials – As noted in item #6 above, the ordinance includes design criteria addressing aesthetics that will ensure facilities do not result in glare impacts. The proposed ordinance is consistent with the ALUCP in this regard.

8. Overflight Easement – The County requires overflight easements for all projects located within the AIA. No changes to this long-established requirement will occur as part of this amendment. County regulations would remain consistent with the ALUCP.

10. Caltrans Aeronautics – The draft ordinance was provided to California Department of Transportation, Division of Aeronautics (Caltrans Aeronautics). To date, no comments have been received regarding the project.

11. Processing – ALUCP Policy 1.3.2 requires any amendment to land use regulations affecting the ALUC's geographic area of concern to have an airport land use consistency determination prior to approval by the local jurisdiction. The project is scheduled for a first reading hearing before the Board of Supervisors on June 22, 2021, a day prior to the ALUC's scheduled hearing. If the Board of Supervisors takes action on June 22nd to adopt the ordinance, a second reading hearing will occur subsequent to the ALUC's review most likely in July. At the subsequent hearing the Board of Supervisors must consider the ALUC determination on the ordinance before taking final action to adopt the ordinance. If the Board of Supervisors substantively modifies the ordinance after ALUC review has occurred, the project would be subject to re-referral to the ALUC for a subsequent review. As matters currently stand, the project complies with ALUCP Policy 1.3.2.

SUPPORTING DOCUMENTS

- A . Board of Supervisors June 15, 2021 Staff Report
- B . Draft County Ordinance

Airport Land Use Commission: Approve

Reviewed By: John McDowell