



COUNTY OF HUMBOLDT

For the meeting of: 9/19/2024

File #: 24-1287

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Caltrans Boyd Draw Bike Path Coastal Development Permit and Conditional Use Permit
Assessor Parcel Numbers (APN): Portion of 507-283-009, County Right of Way, State Highway 101
Right of Way
Record No.: PLN-2024-18945
Arcata area

A Coastal Development Permit (CDP) for the construction of an approximately eight-foot-wide bike path to connect Heindon Road with Wymore Road at the Boyd Draw Bridge. The planned bike path is approximately 470 feet long and will provide a safe crossing under U.S. 101. The project would require right of way acquisition of approximately 0.28 acres of APN 507-283-009 along the west side of U.S. 101. Per the California Coastal Act, land divisions or lot splits brought about in connection with the purchase of land by a public agency for public recreational use is not considered development, and therefore the acquisition of the right of way does not require a Coastal Development Permit. Construction of the path would involve vegetation and rock slope protection removal, fence installation, grading work, and placement of imported borrow, aggregate base, and hot mix asphalt. In addition to the bike path, a new permanent gravel access road, approximately 380 feet long and 12 feet wide, would be constructed on the property affected by right of way acquisition. A Conditional Use Permit is also required for a proposed use not directly a part of agricultural production of food or fiber on the acquired portion of APN 507-283-009. The California Department of Transportation (Caltrans) is the lead agency under CEQA. Caltrans' determination is that the project is exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-___), (Attachment 1) which does the following:
 - a. Finds the Planning Commission has determined that the project is exempt from environmental review pursuant to Section 15061 (b) 3 of the State CEQA Guidelines, and as a Responsible

Agency, agrees with the lead agency's findings; and

- b. Makes all of the required findings for approval of the Coastal Development Permit and Conditional Use Permit; and
- c. Approves the Caltrans Boyd Draw Bike Path Coastal Development Permit and Conditional Use Permit as recommended by staff subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project site is located along both sides of Highway 101 and under the Boyd Draw Bridge on Highway 101, approximately 1,300 feet southeast of the Mad River Bridge crossing along Highway 101.

Present General Plan Land Use Designation: Agriculture Exclusive, 60-acre minimum parcel size (AE), Natural Resources (NR), Humboldt Bay Area Plan.

Present Zoning: Agriculture Exclusive, minimum lot size 60 acres (AE-60), Archaeological Resource Area Outside Shelter Cove (A), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R).

Environmental Review: The California Department of Transportation (Caltrans) is the lead agency under CEQA. Caltrans' determination is that the project is exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) applies to projects that can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Caltrans prepared a Notice of Exemption (SCH #20230801770) (Attachment 2A), and the County as a Responsible Agency concurs with Caltrans' findings of exemption.

State Appeal: The project is appealable to the California Coastal Commission.

Major Issues: None.

Executive Summary: A Coastal Development Permit (CDP) for the construction of an approximately eight-foot-wide bike path to connect Heindon Road with Wymore Road at the Boyd Draw Bridge. The planned bike path is approximately 470 feet long and will provide a safe crossing under U.S. 101. The project would require right of way acquisition of approximately 0.28 acres of APN 507-283-009 along the west side of U.S. 101. Per the California Coastal Act, land divisions or lot splits brought about in connection with the purchase of land by a public agency for public recreational use is not considered development, and therefore the acquisition of the right of way does not require a Coastal Development Permit. Construction of the path would involve vegetation and rock slope protection removal, fence installation, grading work, and placement of imported borrow, aggregate base, and hot mix asphalt. In addition to the bike path, a new permanent gravel access road, approximately 380 feet long and 12 feet wide, would be constructed on the property affected by right of way acquisition. A Conditional Use Permit is also required for a proposed use not directly a part of agricultural

production of food or fiber on the parcel. The proposed development will not lower the economic viability of the agricultural land, as the bike path will be constructed over an existing privately maintained access road, and a replacement gravel road will be constructed to allow for the continued use of the existing development on the property.

Biological Resources: The applicant submitted a Biological Resources Evaluation Memo for the project (Attachment 2B). The Memo documented database queries and a field survey to determine the presence or potential habitat of sensitive species and natural communities. The Memo also included standard measures and Best Management Practices (BMPs) included as part of the project. The Memo concluded that the project location has no suitable habitat present for federally or state endangered, threatened, candidate, or proposed species, and no wetlands or jurisdictional water features are present in or adjacent to the project location. The project has been conditioned to adhere to the BMPs and standard measures described in the Biological Resources Evaluation Memo.

Air Quality, Noise, and Greenhouse Gas: Humboldt County is designated as attainment or is unclassified for all current National Ambient Air Quality Standards. Therefore, air quality conformity requirements do not apply. An Air Quality, Traffic Noise, and Greenhouse Gas Environmental Impact Evaluation was completed for the project (Attachment 2C). The project would not increase vehicle miles traveled and would not increase long-term operational greenhouse gas (GHG) emissions. The project would result in short-term generation of construction-related GHG emissions and short-term degradation of air quality as a result on-site construction equipment and construction-related activity. These impacts would be temporary and limited to the immediate area surrounding the construction site.

Water Quality: No water quality impacts are anticipated, and less than one acre of soil would be disturbed for the proposed project; therefore, it is determined that the project would be exempt from a Water Quality Assessment (Attachment 2D). A Stormwater Plan would be prepared by the contractor and appropriate construction site BMPs would be deployed to avoid and minimize water quality impacts.

Visual Resources: There are no coastal zone scenic views or coastal zone scenic areas within or adjacent to the project area. A Visual Impact Assessment (Attachment 2E) was completed for the proposed bike path. It was determined that the project would lead to minor visual changes; however, it is not anticipated to result in negative visual impacts.

Hazardous Waste: The Initial Site Assessment (ISA) prepared for the project (Attachment 2F) found that Aerially Deposited Lead, which is commonly found in all highway shoulders, may be at a level that requires special handling of any excess material. Based on historical data and the anticipated work and minimal disturbance of soil associated with this project, this issue will be addressed with a Lead Compliance Plan and contract specifications for handling earth materials containing lead. The ISA found that the project would not impact sites on the Hazardous Waste and Substances Site List

(Cortese List).

Tribal Consultation: The project was referred to the Northwest Information Center, and Caltrans contacted Tribal Historic Preservation Officers for the Wiyot Tribe, Blue Lake Rancheria, and Bear River Band of the Rohnerville Rancheria. Each tribe requested Caltrans follow inadvertent discovery protocols should anything be uncovered or disturbed, and to immediately notify them. This has been made a condition of project approval.

Utilities: Pacific Gas and Electric (PG&E) has both gas and electric distribution facilities covered by easements in the project plan area and has requested that conditions be added to the project to protect these facilities and allow for continued PG&E access. These have been made conditions of project approval.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 3)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff concludes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit and Conditional Use Permit. Staff recommends that the Planning Commission find the project exempt from further environmental review pursuant to Section 15061(b)(3) of the State CEQA Guidelines, as there is no substantial evidence that the project will have a significant effect on the environment.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Project Description
 - C. Project Plans
2. Applicant's Evidence in Support of the Required Findings
 - A. Caltrans Notice of Exemption
 - B. Biological Resources Evaluation Memo

- C. Air Quality, Traffic Noise, and Greenhouse Gas Environmental Impact Evaluation
 - D. Water Quality Assessment
 - E. Visual Impact Assessment
 - F. Initial Site Assessment
3. Referral Agency Comments and Recommendations

Applicant

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