




COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C14

For the meeting of: March 27, 2018


Date: March 12, 2018
To: Board of Supervisors
From:  Thomas K. Mattson, Public Works Director

SUBJECT: Proposed Vacation of a Portion of Mad River Road (County Road No. 4L680) Within Mad River County Park, Arcata Area


RECOMMENDATIONS:

That the Board of Supervisors:

1. Adopt and authorize the Chairperson of the Board of Supervisors to execute the attached Resolution of Intention. (Attachment 1)
2. Direct the Clerk of the Board to publish the Resolution of Intention and Notice of Public Hearing (Attachment 2), pursuant to Streets and Highways Code section 8322, and arrange for the posting of the Resolution of Intention and Notice of Public Hearing in three conspicuous places, such as: Humboldt County Courthouse, Humboldt County Public Works headquarters, and Arcata City Hall.
3. Direct the Land Use Division to post the Resolution of Intention and Notice of Public Hearing along the portion of Mad River Road proposed for vacation pursuant to Streets and Highways Code sections 8320 and 8323.
4. Set the matter for public hearing in the Board Chambers on April 17, 2018 at 9:00 a.m., or as soon thereafter as the matter can be heard.

Prepared by Hank Seemann, Deputy-Director 
Deb Vining, Senior Real Property Agent

CAO Approval 

REVIEW: Auditor _____ County Counsel  Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____


BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Wilson Seconded by Supervisor Bass
Ayes Bass, Fennell, Sundberg, Bohn, Wilson
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. C-21

Meeting of: 3/1/2016

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 3/27/18
By: 
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

Measure Z; General Fund – Parks & Recreation (713)

DISCUSSION:

Mad River County Park is owned in fee by the County of Humboldt by a deed recorded on December 18, 1968, in Volume 985, page 431, of Official Records, in the Office of the Humboldt County Recorder. A portion of Mad River Road (County Road No. 4L680), which is included in the Humboldt County Maintained Road System, runs through and eventually dead ends in Mad River County Park, Assessor Parcel Number (APN) 506-341-015. A map of the area is attached. (Attachment 3.) It is not necessary for the portion of Mad River Road that is within Mad River County Park to be part of the Humboldt County Maintained Road System in order to provide public access to the park and the beach. Maintenance of that portion of Mad River Road within Mad River County Park, and maintenance of any vehicular or non-vehicular trails to be used by the public in, upon, over, and across that portion of Mad River Road, can be funded by the Humboldt County Parks budget instead of the Humboldt County Maintained Road System budget.

The California Streets and Highways Code sets forth procedures for the general and summary vacation of streets and highways as defined in Streets and Highways Code section 8308. Streets and Highways Code section 8340(d) provides that a public entity may reserve and except from the vacation, or may grant to another state or local public agency, an easement and right, at any time or from time to time, to construct, maintain, operate, replace, remove, and renew vehicular or non-vehicular trails for use by the public in, upon, over, and across a street or highway proposed to be vacated. The Department of Public Works is proposing the vacation of a portion of Mad River Road within Mad River County Park, with the reservation of an easement for such public use, as part of a plan to address ongoing serious problems in Mad River County Park.

For many years, inappropriate conduct at Mad River County Park during nighttime hours has been a recurring and severe problem. Adjacent landowners and residents along Mad River Road brought their public safety and nuisance concerns forward in 2011. Regular incidents have included discharging of fireworks, shooting of firearms, unauthorized camping, uncontrolled dogs, discarding of bottles and other garbage, burning of pallets and garbage, burglary, vandalism, and speeding vehicles. Incidents of discharging fireworks and shooting firearms have caused livestock on adjacent private property to stampede through fences onto the public road at night, creating a safety hazard. Adjacent pasture fences have been damaged by reckless driving. Some of the fireworks are like mortars, causing heavy shaking of the nearby residences. Adjacent residents have expressed strong concern for their own safety and the safety of motorists and park visitors. In addition, the large quantities of trash and dangerous debris in the sand create a safety risk and are time-consuming, expensive, and hazardous to clean up. Mad River County Park has developed an “anything goes” reputation that is impacting neighbors, staff, coastal resources, and the recreating public.

Currently the park has no formal entrance and no facilities for access control. This condition inhibits the ability of the Sheriff’s Office and County Parks staff to enforce park hours and regulations. The park is open to the public from 5:00 a.m. to midnight and is situated at the end of a low-traffic rural road, with areas that are secluded and beyond direct observation.

The Public Works Department, Environmental Services Division, has developed a plan to decrease problems of public safety and nuisance at Mad River County Park which includes closing the park to vehicles from one hour after sunset until sunrise and placing gates and associated signage at two locations to enforce this restriction, while accommodating exceptions for commercial fishermen, persons with disabilities and senior citizens. Restrictions on nighttime vehicle use will provide a deterrent from bringing pallets, guns, fireworks, coolers, garbage, and camping supplies into secluded areas of the park. These restrictions may have a negative impact on visitors who desire to drive into the park at night for appropriate, non-damaging and non-disruptive recreational use, but Public Works has not been able to identify a feasible alternative that would effectively curtail the ongoing nighttime problems.

On March 1, 2016, the Board approved Resolution 16-28 (Attachment 4) which specified that Mad River County Park would be open to the public for day use only, from sunrise to sunset. This proposal did not go into effect because California Coastal Commission staff indicated they would recommend denial of a coastal development permit. Public Works modified its proposal so that the nighttime restriction applies

only to vehicles, and the vehicle closure would take effect one hour after sunset. No change in pedestrian or bicycle access to the park is proposed.

In order to restrict access to vehicles at night, a locked gate on Mad River Road would need to be constructed. A second locked gate would be constructed outside of the Mad River Road right of way on County park property to restrict nighttime access to the boat ramp area. A turn around area would be constructed in front of the two gates. A map with the location of the proposed gates is attached. (Attachment 5) While researching the county property, staff discovered that the public right of way for Mad River Road extends through the county park to serve one undeveloped privately held property (APN 506-341-013) owned by Paul Giuntoli. Installing a lockable gate across a public right of way is not permissible. Therefore, in order to install a lockable gate, a portion of Mad River Road within the county park would need to be vacated. This could be accomplished through a summary vacation if the road did not serve as access for APN 506-341-013, but in this case a general vacation is the correct process. A general vacation requires a public hearing. Pursuant to Streets and Highways Code section 8320, the Board of Supervisors may initiate a proceeding to vacate Mad River Road.

Staff discussed the proposed vacation with Paul Giuntoli and he is agreeable to the vacation if the County provides a non-exclusive access easement that connects APN 506-341-013 to Mad River Road. Staff also discussed the proposed vacation with the owners of an adjoining property (APN 506-341-014), Fred and Sandra Hanks. The proposed vacation will not affect any developed driveways from APN 506-341-014 connecting to Mad River Road. However, the owners have requested that they also be provided with a non-exclusive access easement across that portion of Mad River Road that is proposed to be vacated and is adjacent to APN 506-341-014. Both property owners have been notified in writing and have responded with their approval to the proposed vacation in writing. (Attachment 6)

There are no public utilities located within the area proposed for vacation. Notices of the proposed vacation were provided to Pacific Gas and Electric (PG&E), Suddenlink Communications, American Telephone and Telegraph (AT&T), Verizon, City of Arcata Public Works, and Arcata Fire Department. Written responses were received from Suddenlink Communications, AT&T, and Verizon. (Attachment 6)

The proposed vacation has been reviewed by the Environmental Services Division for compliance with the California Environmental Quality Act, and has been determined to be exempt from further review of environmental impacts. (Attachment 7)

The California Coastal Commission issued a Coastal Development Permit covering the Mad River Park Project on June 8, 2017. (Attachment 8)

The Planning Commission conducted a General Plan Conformance Review on July 13, 2017, pursuant to Government Code section 65402(a). A Notice of Planning Commission Decision, dated July 14, 2017, approved the vacation of a portion of Mad River Road and the installation of gates within the driveway entrance of the boat ramp parking lot and on Mad River Road west of the entrance to the boat ramp parking lot. (Attachment 9)

The Department requests the Board take the recommended actions.

FINANCIAL IMPACT: The Board approved \$9,200 of Measure Z funds in the FY 2017-18 budget for installation of gates, posts, boulders, and speed humps. The administrative costs to obtain permits and approvals, fabricate signs, and process the road vacation are being absorbed by the FY 2017-18 Parks and Roads division budgets. The Parks budget is based on fee revenue and an allocation from the General Fund. The proposed action will affect the Parks budget by creating a new commitment for Parks staff. Managing the gates on a daily basis and responding to situations when vehicles remain in the park at nighttime will be time-consuming, and this responsibility will divert staff from performing duties at other parks. These new staff time demands may be partially offset by a reduction in the time needed for garbage clean-up and responding to incidents. The proposed action is also expected to reduce the number of call-outs to the Sheriff's Office.

This item conforms to the Board of Supervisors' Core Roles to enforce laws and regulations to protect residents, to provide for and maintain infrastructure, and to create opportunities for improved safety and health.

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board could choose to take no action and leave the current conditions in effect. Other alternatives such as increased staffing would require additional funds. Changes to the proposed timing for vehicular closure would require approval from the Coastal Commission.

ATTACHMENTS:

1. Resolution of Intention to Vacate a Portion of Mad River Road (County Road No. 4L680) within Mad River County Park, Arcata Area
2. Notice of Public Hearing
3. Maps of the Area
4. Resolution 16-28
5. Map of the Gate Location
6. Response Letters: Suddenlink Communications, AT&T, and Verizon and adjoining property owners.
7. Notice of Exemption
8. Coastal Commission Permit
9. Notice of Planning Commission Decision

ATTACHMENT 1

Resolution of Intention to Vacate a Portion of Mad River Road

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of March 27, 2018

RESOLUTION NO. 18-23

**RESOLUTION OF INTENTION TO VACATE A PORTION OF MAD RIVER ROAD
(COUNTY ROAD NO. 4L680) WITHIN MAD RIVER COUNTY PARK, ARCATA AREA**

WHEREAS, the Board of Supervisors may initiate a proceeding to vacate or partially vacate a County street, highway or road pursuant to Streets and Highways Code Section 8320 et seq.; and

WHEREAS, it is the intent of the Board of Supervisors to vacate a portion of Mad River Road (County Road No. 4L680) within Mad River County Park, while reserving an easement for vehicular and non-vehicular trails for use by the public; and

WHEREAS, the general vacation is made pursuant to the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That all of the recitations contained hereinabove are true and correct.
2. The county street, highway or road to be vacated is commonly known as Mad River Road and is more particularly described in Exhibit A and shown on Exhibit B, both of which are attached hereto and made a part hereof by this reference.
3. A public hearing on the proposed vacation shall be held on April 17th, 2018 at 9:00 a.m., or as soon thereafter, in the Board of Supervisors Chambers.

Dated: March 27, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Bohn, Sundberg, Bass, Wilson, Fennell
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of March 27, 2018

RESOLUTION NO. 18-23

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT A

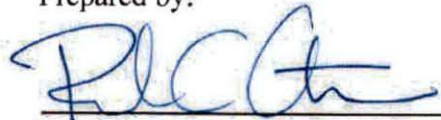
LEGAL DESCRIPTION

A STRIP OF LAND 40 FEET IN WIDTH LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 40 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED DECEMBER 18, 1968 IN VOLUME 985, AT PAGE 431, OF OFFICIAL RECORDS OF THE COUNTY OF HUMBOLDT, AND BEING ADJACENT TO AND PARALLEL WITH THE SOUTHERLY LINE OF MAD RIVER ROAD AS DESCRIBED THEREIN.

END OF DESCRIPTION

Prepared by:



Ronald C. Garton, PLS 7717
Humboldt County Surveyor

11/16/17

Date



Exhibit B
(Not a Part of Legal Description)



Postigo
APN 508-011-003

Humboldt County
APN 506-341-015

Portion of Mad River
Road to be Vacated

Pacific Ocean

Mad River

Humboldt County
APN 506-341-001

Giuntoli
APN 506-341-013

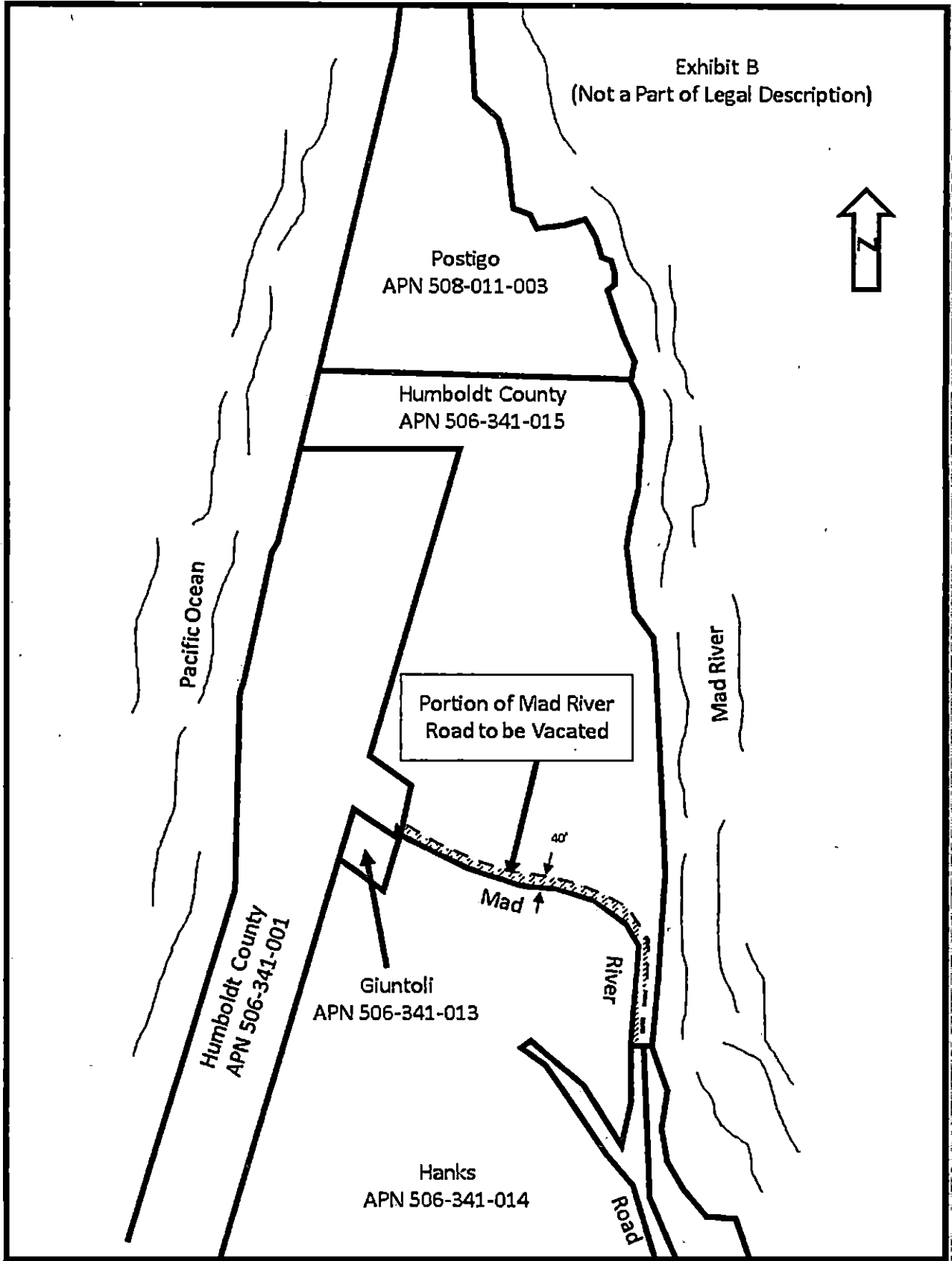
Hanks
APN 506-341-014

Mad ↑

River

Road

40'



ATTACHMENT 2

Notice of Public Hearing

1

PUBLIC NOTICE
HUMBOLDT COUNTY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING FOR GENERAL VACATION OF A PORTION OF MAD RIVER ROAD THROUGH
MAD RIVER COUNTY PARK AND NIGHTTIME CLOSURE OF MAD RIVER COUNTY PARK TO VEHICLES

NOTICE IS HEREBY GIVEN, pursuant to California Streets and Highways Code sections 8320(b), 8322 and 8323 that on **Tuesday, April 17, 2018 at 9:00 a.m.**, or as soon thereafter as the matter can be heard, the Humboldt County Board of Supervisors will hold a public hearing in the Board of Supervisors Chambers, Humboldt County Courthouse, 825 Fifth Street, Eureka, California for the following purpose:

TO CONSIDER ADOPTING RESOLUTIONS TO VACATE A PORTION OF MAD RIVER ROAD THROUGH MAD RIVER COUNTY PARK AND TO APPROVE NIGHTTIME CLOSURE OF MAD RIVER COUNTY PARK TO VEHICLES.

The portion of Mad River Road proposed for vacation is described and depicted in the exhibits below. The general vacation is conducted pursuant to Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code.

ALL INTERESTED PERSONS are invited to attend the public hearing and express opinions or submit evidence for or against the proposed vacation and nighttime closure. If you challenge the County's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. Please direct your written communications to the Clerk of the Board of Supervisors, Kathy Hayes, County of Humboldt, Humboldt County Courthouse, 825 Fifth Street, Room 111, Eureka, CA 95501, (707)476-2390 or email khayes@co.humboldt.ca.us.

Specific questions regarding the proposed vacation and nighttime closure may be directed to Hank Seemann, Deputy Public Works Director, Environmental Services Division, (707) 445-7741, or Bob Bronkall, Deputy Public Works Director, Land Use Division, (707) 445-7205.

The staff report will be available on the County's web site
<https://humboldt.legistar.com/Calendar.aspx> on Friday, April 13, 2018.

Kathy Hayes, Clerk
Humboldt County Board of Supervisors

EXHIBIT A
LEGAL DESCRIPTION

A STRIP OF LAND 40 FEET IN WIDTH LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 1 WEST, HUMBOLDT MERIDIAN, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 40 FEET OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED DECEMBER 18, 1968 IN VOLUME 985, AT PAGE 431, OF OFFICIAL RECORDS OF THE COUNTY OF HUMBOLDT, AND BEING ADJACENT TO AND PARALLEL WITH THE SOUTHERLY LINE OF MAD RIVER ROAD AS DESCRIBED THEREIN.

END OF DESCRIPTION

Prepared by:



Ronald C. Garton, PLS 7717
Humboldt County Surveyor

11/16/17

Date



Exhibit B
(Not a Part of Legal Description)



Postigo
APN 508-011-003

Humboldt County
APN 506-341-015

Portion of Mad River
Road to be Vacated

Pacific Ocean

Mad River

Humboldt County
APN 506-341-001

Giuntoli
APN 506-341-013

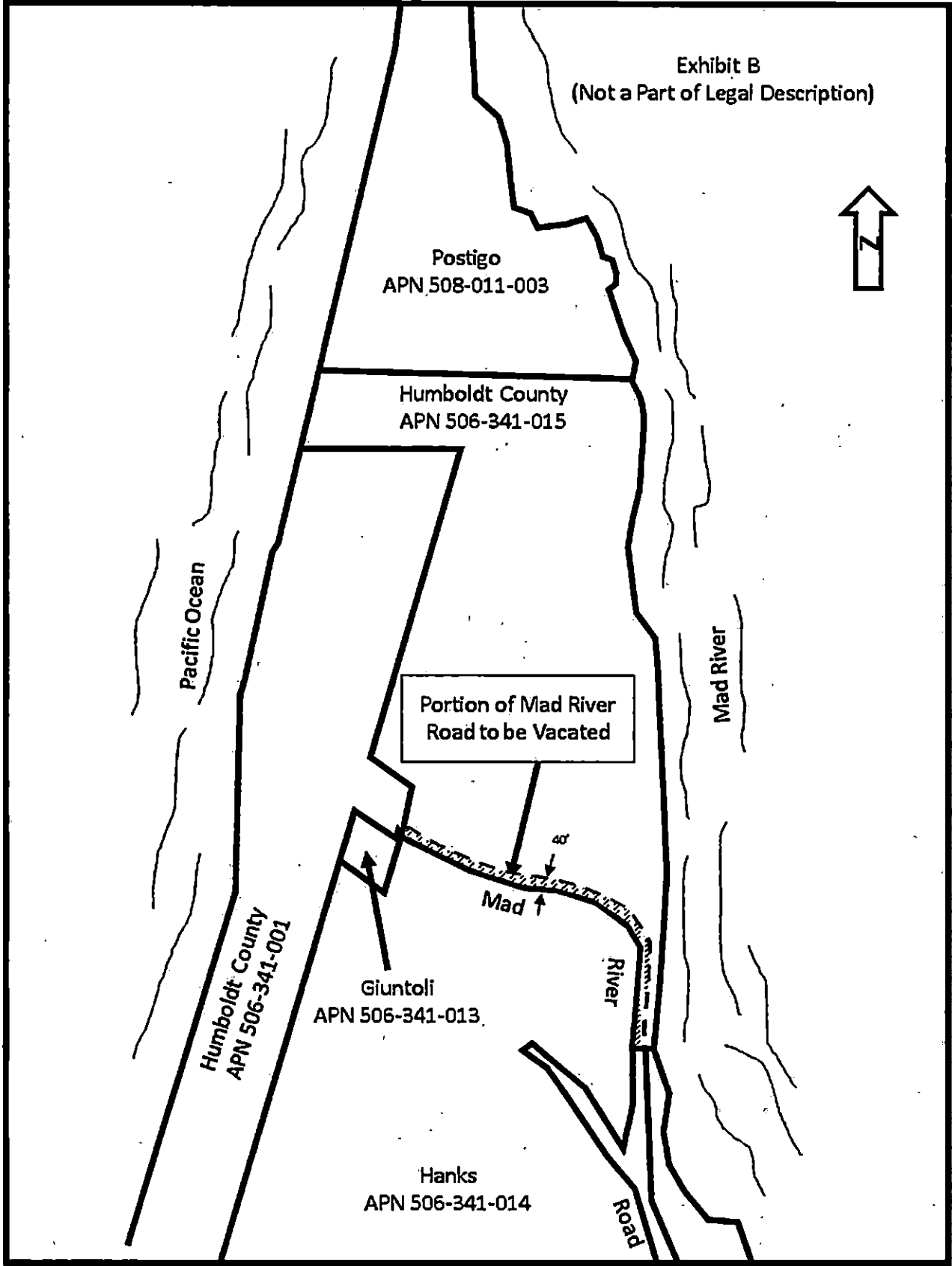
Hanks
APN 506-341-014

Mad ↑

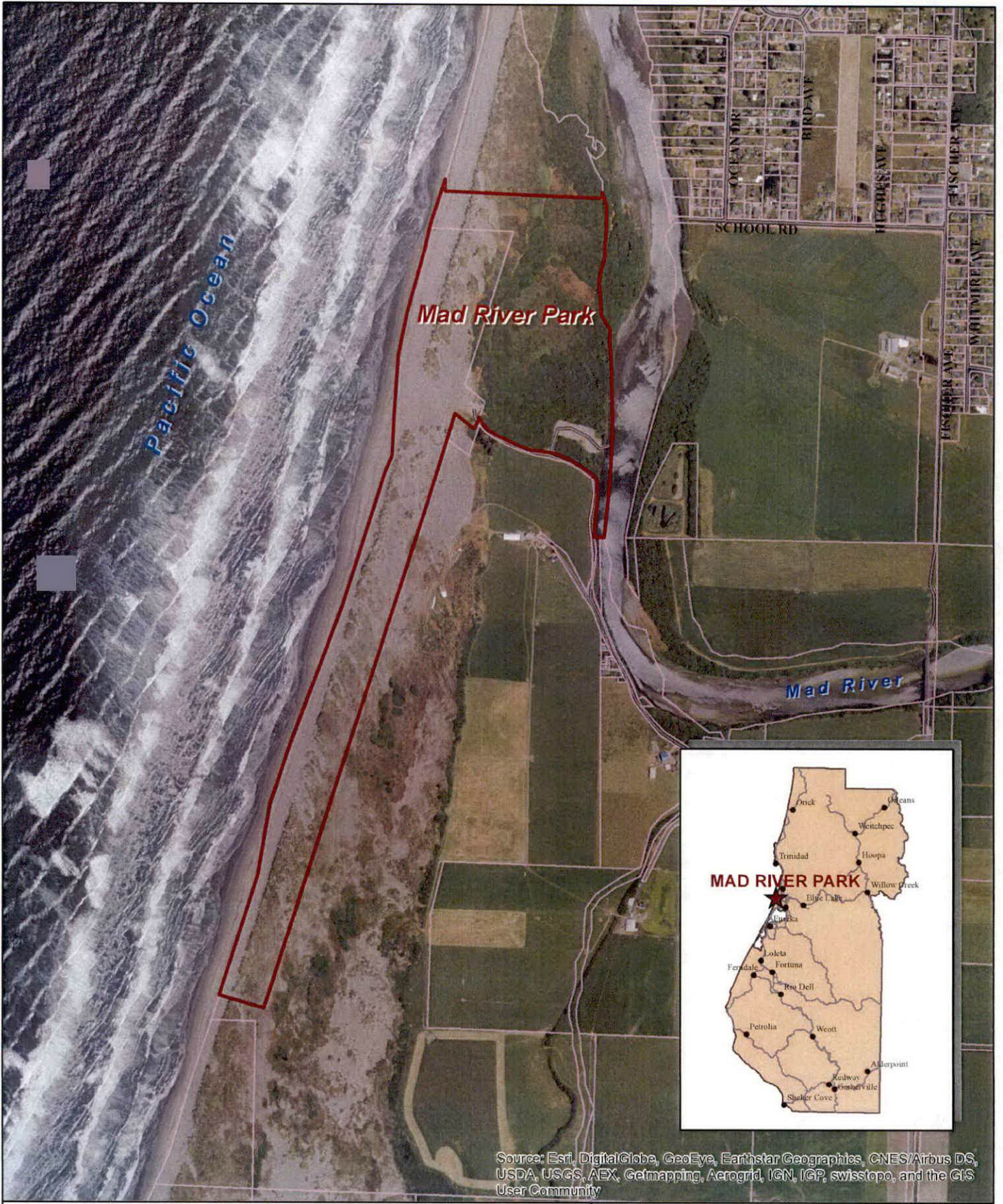
River

Road

40'



ATTACHMENT 3
Map of the Area



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

SITE MAP

FIGURE 1

Mad River County Park



Imagery: ESRI Basemap
 Created: March 9, 2016
 Humboldt County Public Works



0 500 1,000 Feet
 1 inch = 1,000 feet

ATTACHMENT 4

Resolution 16-28

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of March 1, 2016

RESOLUTION NO. 16-28

RESOLUTION AMENDING RESOLUTION NO. 03-56 BY ADOPTING REGULATIONS OF THE PUBLIC WORKS DEPARTMENT SPECIFYING THE HOURS THAT MAD RIVER COUNTY PARK IS OPEN TO THE PUBLIC

WHEREAS, on March 5, 2002, the Humboldt County Board of Supervisors adopted Title 2, Division 7, Chapter 1 of the Humboldt County Code governing activities in County Parks; and

WHEREAS, Section 271-9(a) provides that the hours that various County Parks are open to the public are set by resolution adopted by the Board of Supervisors; and

WHEREAS, on May 20, 2003, the Humboldt County Board of Supervisors adopted Resolution No. 03-56 which specifies that day-use parks and day-use park areas (other than Freshwater County Park and Table Bluff County Park) are open from 5:00 a.m. to midnight; and

WHEREAS, Section 271-22 authorizes the Director to issue such rules and regulations as he deems necessary and appropriate, subject to adoption by Resolution of the Board of Supervisors; and

WHEREAS, the Board of Supervisors has reviewed the proposed regulations and finds that they are consistent with the intent and purpose of Chapter 1, of Division 7, of Title II of the Humboldt County Code.

NOW, THEREFORE, BE IT RESOLVED by the Humboldt County Board of Supervisors that :

1. Mad River County Park shall be open to the public for day-use only from sunrise to sunset.
2. Exceptions to the hours of operation at Mad River County Park are permitted only by obtaining written permission from the Director of Public Works.

Dated: March 1, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

AYES:	Supervisors	Sundberg, Fennell, Lovelace, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--


BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of March 1, 2016

RESOLUTION NO. 16-28

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.


By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT 5

Map of Gate Locations



Proposed Park Entrance Improvements

Mad River County Park



Imagery: ESRI
 Created: March 28, 2017
 Humboldt County Public Works



0 25 50 Feet
 1 inch = 50 feet

Figure 3

ATTACHMENT 6

Response Letters: Suddenlink Communications, AT&T, Verizon and Adjoining Property Owners



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-8540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

445-7741
267-8540
445-7651
445-7421

LAND USE 445-7205

March 22, 2017

Mark Larsen
Suddenlink Communications
911 West Wabash Avenue
Eureka, CA 95501

ACKNOWLEDGMENT	
of no objection to the proposed vacation	
By:	JASON WELCH
Print name	JASON WELCH
Title:	CONSTRUCTION COORDINATOR
Date:	4/4/17

**RE: PROPOSED VACATION OF A PORTION OF MAD RIVER ROAD (COUNTY ROAD No. 4L680)
NEAR MAD RIVER COUNTY PARK (APN 506-341-015)**

The Department of Public Works is preparing documents for the proposed vacation of a portion of Mad River Road (County Road No. 4L680) near Mad River County Park (APN 506-341-015) and the beach parking area. The public road easement will be replaced with a public access easement associated with the County Park. The replacement easement will be identical in size, shape and location as the public road easement being vacated. The portion of the road to be vacated is shown on the attached "Exhibit A".

Please review the attached map and advise the Department if Suddenlink Communications has any facilities that would be affected by the proposed vacation. Please note that there are existing overhead utility lines in the area of the proposed vacation.

- If Suddenlink Communications has facilities that need a public utility easement to be reserved, please advise me of location and the width of the easement necessary.
- If Suddenlink Communications has *no facilities* that would be affected by the proposed vacation then please execute the acknowledgment above indicating that Suddenlink Communications does not object to the proposed vacation. You may return the acknowledgement by mail; fax to 707.445.7388; or by e-mail to dvining@co.humboldt.ca.us.

If you need additional information or if you have any questions, please feel free to call me at 707-268-3768

Sincerely,

Deb Vining
Sr. Real Property Agent
Land Use Division
3033 "H" Street, Room 16
Eureka, CA 95501



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & I ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-6540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

March 22, 2017

Brian Johnson
AT&T
1818 F Street
Eureka, CA 95501

ACKNOWLEDGMENT	
of no objection to the proposed vacation	
By:	<i>[Signature]</i>
Print name	CORT C. SCHREIBER
Title:	R/W MANAGER
Date:	3/30/17

RE: PROPOSED VACATION OF A PORTION OF MAD RIVER ROAD (COUNTY ROAD No. 4L680) NEAR MAD RIVER COUNTY PARK (APN 506-341-015)

The Department of Public Works is preparing documents for the proposed vacation of a portion of Mad River Road (County Road No. 4L680) near Mad River County Park (APN 506-341-015) and the beach parking area. The public road easement will be replaced with a public access easement associated with the County Park. The replacement easement will be identical in size, shape and location as the public road easement being vacated. The portion of the road to be vacated is shown on the attached "Exhibit A".

Please review the attached map and advise the Department if AT&T has any facilities that would be affected by the proposed vacation.

- If AT&T has facilities that need a public utility easement to be reserved, please advise me of location and the width of the easement necessary. I will then have the easement prepared. I will then follow up with you to ensure that the proposed public utility easement will be acceptable to you.
- If AT&T has *no facilities* that would be affected by the proposed vacation then please execute the acknowledgment above indicating that AT&T does not object to the proposed vacation. You may return the acknowledgement by mail; fax to 707.445.7388; or by e-mail to dvining@co.humboldt.ca.us.

If you need additional information or if you have any questions, please feel free to call me at 707-268-3768.

Sincerely,

[Signature]
 Deb Vining
 Sr. Real Property Agent
 Land Use Division
 3033 "H" Street, Room 17
 Eureka, CA 95501



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 838-3586

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7408

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7483	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

March 22, 2017

Dennis Harman
Verizon
PO Box 1218
Weaverville, CA 96093-1218

ACKNOWLEDGMENT of no objection to the proposed vacation	
By:	_____
Print name	_____
Title:	_____
Date:	_____

**RE: PROPOSED VACATION OF A PORTION OF MAD RIVER ROAD (COUNTY ROAD No. 4L680)
NEAR MAD RIVER COUNTY PARK (APN 506-341-015)**


The Department of Public Works is preparing documents for the proposed vacation of a portion of Mad River Road (County Road No. 4L680) near Mad River County Park (APN 506-341-015) and the beach parking area. The public road easement will be replaced with a public access easement associated with the County Park. The replacement easement will be identical in size, shape and location as the public road easement being vacated. The portion of the road to be vacated is shown on the attached "Exhibit A".

Please review the attached map and advise the Department if Verizon has any facilities that would be affected by the proposed vacation. Please note that there are existing overhead utility lines in the area of the proposed vacation.


- If Verizon has facilities that need a public utility easement to be reserved, please advise me of location and the width of the easement necessary. I will then have the easement prepared. I will then follow up with you to ensure that the proposed public utility easement will be acceptable to you.
- If Verizon has *no facilities* that would be affected by the proposed vacation then please execute the acknowledgment above indicating that Verizon does not object to the proposed vacation. You may return the acknowledgment by mail: fax to 707.445.7388; or by e-mail to dvining@co.humboldt.ca.us.

If you need additional information or if you have any questions, please feel free to call me at 707-268-3768.

Sincerely,


Deb Vining
Sr. Real Property Agent
Land Use Division
3033 "H" Street, Room 17
Eureka, CA 95501

FYI
I COULD SIGN ABOVE, HOWEVER THIS
IS NOT A VERIZON/FRONTIER AREA
PLEASE FORWARD TO AT&T FOR
REVIEW.


Dennis Harman
530 623 5546
530 771 7036



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

PUBLIC WORKS BUILDING
 SECOND & L ST., EUREKA
 FAX 445-7409

CLARK COMPLEX
 HARRIS & H ST., EUREKA
 FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
 BUSINESS 445-7652
 ENGINEERING 445-7377
 FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
 NATURAL RESOURCES PLANNING 267-9540
 PARKS 445-7651
 ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

March 22, 2017

Paul Giuntoli
 1264 Warren Creek Rd.
 Arcata, CA 95521

RE: PROPOSED VACATION OF A PORTION OF MAD RIVER ROAD (COUNTY ROAD No. 4L680) NEAR MAD RIVER COUNTY PARK (APN 506-341-015)

Dear Mr. Giuntoli,

The Department of Public Works is preparing documents for the proposed vacation of a portion of Mad River Road (County Road No. 4L680) near Mad River County Park (APN 506-341-015) and the beach parking area. The public road easement will be replaced with a public access easement associated with the County Park. The replacement easement will be identical in size, shape and location as the public road easement being vacated. As part of the park, the access can include amenities that are not typically found on a public road right of way such as lighting, gates, speed bumps and pedestrian paths. The portion of the road to be vacated is shown on the attached "Exhibit A".

The existing public road right of way is an easement; the proposed vacation of the public road right of way does not affect fee title to the properties in the area. A formal ingress/egress easement may be needed between you and the County since ownership in fee is to the centerline of the road for parcels abutting the road.

Please review the attached map and advise the Department if you have any comments regarding the proposed vacation. If you do not have any comments, then please execute the acknowledgment below indicating that you do not object to the proposed vacation. You may return this acknowledgement or any comments that you may have by mail; by fax to 707.445.7388; or by e-mail to dvining@co.humboldt.ca.us.

If you need additional information or if you have any questions, please feel free to call me at 707-268-3768.

Sincerely,


Deb Vining
 Sr. Real Property Agent
 Land Use Division
 3033 "H" Street, Room 16
 Eureka, CA 95501
dvining@co.humboldt.ca.us

ACKNOWLEDGMENT	
of no objection to the proposed vacation	
By:	<u>Paul Giuntoli</u>
Print name:	<u>PAUL GIUNTOLI</u>
Title:	<u>LAND OWNER</u>
Date:	<u>3-27-17</u>



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

March 22, 2017

Fred and Sandra Hanks
580 Mad River Road
Arcata, CA 95521

RE: PROPOSED VACATION OF A PORTION OF MAD RIVER ROAD (COUNTY ROAD No. 4L680) NEAR MAD RIVER COUNTY PARK (APN 506-341-015)

Dear Mr. and Mrs. Hanks,

The Department of Public Works is preparing documents for the proposed vacation of a portion of Mad River Road (County Road No. 4L680) near Mad River County Park (APN 506-341-015) and the beach parking area. The public road easement will be replaced with a public access easement associated with the County Park. The replacement easement will be identical in size, shape and location as the public road easement being vacated. As part of the park, the access can include amenities that are not typically found on a public road right of way such as lighting, gates, speed bumps and pedestrian paths. . The portion of the road to be vacated is shown on the attached "Exhibit A".

The existing public road right of way is an easement; the proposed vacation of the public road right of way does not affect fee title to the properties in the area. Formal ingress/egress easements may be needed between you and the County, the County and Paul Giuntoli, and you and Mr. Giuntoli.

Please review the attached map and advise the Department if you have any comments regarding the proposed vacation. If you do not have any comments, then please execute the acknowledgment below indicating that you do not object to the proposed vacation. You may return this acknowledgement or any comments that you may have by mail; by fax to 707.445.7388; or by e-mail to dvining@co.humboldt.ca.us.

If you need additional information or if you have any questions, please feel free to call me at 707-268-3768.

Sincerely,

Deb Vining
Sr. Real Property Agent
Land Use Division
3033 "H" Street, Room 16
Eureka, CA 95501
dvining@co.humboldt.ca.us

ACKNOWLEDGMENT	
of no objection to the proposed vacation	
By:	<u>Sandra Hanks</u>
Print name:	<u>SANDRA HANKS</u>
Title:	<u>property owner</u>
Date:	<u>3-29-17</u>

ATTACHMENT 7
Notice of Exemption

**HUMBOLDT COUNTY
NOTICE OF EXEMPTION**

To: Humboldt County Clerk/Recorder
825 5th Street, 5th Floor
Eureka, CA 95501
707-445-7593



From: Humboldt County Public Works
1106 Second St.
Eureka, CA 95501
707-445-7741

Project Title: Mad River Road right of way vacation and Mad River County Park nighttime vehicle closure

Project Location - Specific: An approximately 0.2 mile long segment of Mad River Road adjacent to
APN 506-341-015 and Mad River County Park

GPS Coordinates: Latitude 40.928743

Longitude -124.131342

Description of Nature, Purpose, and Beneficiaries of Project:

The project is a general vacation of a segment of county road, placement of entrance gates, and implementation of a nighttime closure to vehicles within the park. The purpose of the project is to improve public safety and reduce inappropriate conduct. Beneficiaries include adjacent landowners and the recreating public.

Name of Public Agency Approving Project: Humboldt County Public Works Department

Name of Person or Agency Carrying Out Project: Humboldt County Public Works Department

Exempt Status: Categorical Exemption: Section(s) 15305 **Type(s):** Minor Alterations in Land

Reason why project is exempt:

Use Limitations

The project will have no adverse impacts to the environment. The project will have environmental benefits by reducing dumping, burning of pallets and garbage, and other damaging activities within the park.

Contact Person: Hank Seemann

Email: hseemann@co.humboldt.ca.us

Telephone: 707-445-7741

NOE Received / Posted Through (Stamp Below)

Hank Seemann Digitally signed by Hank Seemann
Date: 2017.09.19 16:36:40 -07'00'

Signature of Humboldt County Representative

Hank Seemann

Printed Name

Title Deputy-Director

Date Signed September 19, 2017

ATTACHMENT 8

Coastal Development Permit

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CALIFORNIA 95521-5967
PH (707) 826-8950 FAX (707) 826-8960
WWW.COASTAL.CA.GOV



Page 1 of 3

June 9, 2017

Permit Application No.: 1-16-0238

COASTAL DEVELOPMENT PERMIT

On June 8, 2017, the California Coastal Commission granted to **Hank Seemann, Humboldt County Dept. Of Public Works** this permit subject to the attached Standard and Special conditions, for development consisting of **Disallow public parking available at Mad River Beach County Park from one hour after sunset to sunrise daily and install associated gates and signage. Effectively, vehicles would not be able to park at the County Park during nighttime hours beginning at approximately 6:00 p.m. PST to 10:00 p.m. PDT (depending on season) until approximately 5:45 a.m. PDT to 7:30 a.m. PST (depending on season). The County DPW also proposes to install manually operated barrier gates, boulders, signage, and speed tables on the park access road to control vehicular access to the parking lots during the proposed closure hours and to inform park visitors of park rules and hours of available parking use (the closing time would be displayed on a park sign that can be adjusted).**, more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at west end of Mad River Road near Arcata, Humboldt County (APN(s): 506-341-01, 506-341-15)

Issued on behalf of the California Coastal Commission by

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Melissa Kraemer".

Melissa Kraemer
Supervising Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

June 9, 2017

Permit Application No.: 1-16-0238

COASTAL DEVELOPMENT PERMIT

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: 6-26-2017

Signature Harold Selman

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Revised Hours of Gate Closure and Submittal of Final Plans.** PRIOR TO INSTALLATION OF THE AUTHORIZED DEVELOPMENT (new signs, gates, boulders, etc.), the Applicant shall submit final plans for vehicular access restrictions to the Executive Director for review and written approval. Said plans shall be in substantial conformance with the plans attached as Exhibit 3 to this staff report and the draft resolution dated May 12, 2017 (Exhibit 4), but shall be revised as follows and shall include the following:

COASTAL DEVELOPMENT PERMIT

- A. A revised resolution adopted by the Humboldt County Board of Supervisors that supersedes and replaces Resolution 16-28 (which imposed a sunset to sunrise closure of all lands of Mad River Beach County Park, Exhibit 5) and that establishes that (i) any access restrictions at Mad River Beach County Park shall be no more restrictive than one hour after sunset to sunrise daily and shall only apply to vehicular access; and (ii) special accommodations shall be provided for commercial fisherman with vehicular waveslope access permits from the County to retain such vehicular access to the waveslope during daily gate closure periods;
- B. Final signage plans for the project that substantially conform with the plans submitted with the CDP application in terms of size, design, and location of new signage, except the signage plans shall be revised to display the revised restricted access hours per subsection (A) above; and
- C. Final barrier (gates and boulders) plans that substantially conform with the plans submitted with the CDP application and which demonstrate (i) gate style and design shall be similar to similar existing gates in the area (e.g., metal tubular) and (ii) barrier arrangement shall provide sufficient space for passage through/around barriers by pedestrians and bicyclists.
- The permittee shall undertake development in conformance with the approved final plans and in accordance with the approved hours of operation, unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.
2. **Future Permit for Additional Parking Restrictions.** This permit is only for the development described in Coastal Development Permit (CDP) Application No. 1-16-0238. Any additional parking restrictions at Mad River Beach County Park or along the latter end of Mad River Road near the park entrance will require an amendment to CDP No. 1-16-0238. Such a permit amendment application shall be accompanied by written evidence and analysis demonstrating that the amended development will remain consistent with all applicable Chapter 3 policies of the Coastal Act, including, but not limited to, the public access and recreation policies of the Coastal Act.
3. **Archaeological Resources.** If an area of cultural deposits or human remains is discovered during the course of the project, all construction shall cease and shall not re-commence until a qualified cultural resource specialist, in consultation with the Tribal Historic Preservation Officers of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (a) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, or (b) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not de minimis, and the permittee has thereafter obtained an amendment to CDP 1-16-0238.

ATTACHMENT 9

Notice of Planning Commission Decision



CURRENT PLANNING DIVISION
PLANNING AND BUILDING DEPARTMENT
COUNTY OF HUMBOLDT

3015 H Street, Eureka, CA 95501
Phone (707) 445-7541 • Fax (707) 268-3792
<http://www.humboldt.gov.org/156>

Applicant	Owner	Agent
Humboldt County Public Works Land Use Division Attn: Deb Vining 1106 Second Street Eureka, CA 95501	Humboldt County Public Works Land Use Division	

Notice of Planning Commission Decision

Date: July 14, 2017

Assessor Parcel Number: (adjacent to 506-341-015-000)
County Road No. 4L680 (near Mad River
County Park)

Apps Number: 13575

Permit: GPC 17-003

Contact: Tricia Shortridge – 268-3704

Description

A General Plan Conformance review initiated by the Humboldt County Public Works Department Land Use Division, for the proposed vacation of a portion of Mad River Road. The purpose of this partial road vacation is for alleviating night-time problems at Mad River County Park by installing gates within the driveway entrance to the boat ramp parking lot and on Mad River Road, just west of the entrance to the boat ramp parking lot. A permanent gate is not allowed on a county highway, therefore a segment of Mad River road needs to be vacated so it can become part of the County park roadway system rather than the County road system.

Decision

The project was approved by the Planning Commission on July 13, 2017 by
Record of Action.

Effective Date

This approval is effective immediately.

Appeals

This action is not appealable.