



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 13, 2017

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **County of Humboldt General Plan Conformance Review**
Application Number 13575
Case Number GPC-17-003
Assessor Parcel Number (adjacent to 506-341-015-000)
County Road No. 4L680 (near Mad River County Park)

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Please contact Tricia Shortridge, Planner, at (707) 268-3704 or email at tshortridge@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date July 13, 2017	Subject General Plan Conformance Review	Contact Tricia Shortridge
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Project 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.

Project Location: The portion of Mad River Road proposed for vacation traverses in an east-west direction along the southern border of Mad River County Park and terminates at the parking area of Mad River beach, in an area otherwise known as Tye City. The proposed road vacation is located within the Coastal Zone.

Present Plan Land Use Designations: Public Recreation (PR), Humboldt Bay Area Plan (HBAP); Slope Stability: Relatively Stable (0).

Present Zoning: Public Recreation/Beach and Dune Area, Flood Hazard Area, Streams and Riparian Corridor Protection; Natural Resources/Streams and Riparian Corridor Protection (PR/B,F,R;NR/R).

Case Number: GPC 17-003

Application Number: 13575

Assessor Parcel Number: n/a (adjacent to 506-341-015-000)

Applicant

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

Owner

Humboldt County Public Works
Land Use Division

Agent

None

Environmental Review: General Plan conformance review pursuant to Government Code Section 65402(a) and Humboldt County Framework General Plan Policy 4920.1 is not a project pursuant to the California Environmental Quality Act.

Major Issues: None

State Appeal Status: Project is appealable to the California Coastal Commission.

**COUNTY OF HUMBOLDT PUBLIC WORKS LAND USE DIVISION
GENERAL PLAN CONFORMANCE REVIEW**

Case No. GPC-17-003

Assessor Parcel Number 000-000-000-000 (adjacent to 506-341-015-000)

A report on conformance with the general plan is required under California Government Code Section 65402 when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. The applicable code is included as Attachment 3 to this staff report.

Executive Summary: A General Plan Conformance review for the Humboldt County Public Works Department Land Use Division, for the proposed vacation of a portion of Mad River Road adjacent along the southern boundary of Mad River County Park and terminating at Mad River beach parking area. The purpose of this road vacation is to alleviate night-time problems at Mad River County Park and Beach by installing two gates to prevent vehicular access between sunset and sunrise. A permanent gate is not allowed on a county highway right-of-way; therefore a segment of Mad River road needs to be vacated so it can become part of the County park road system which allows for gates to control vehicular access.

Two gates are proposed - one gate is located within the driveway entrance to the boat launch parking lot, and another gate is to be located on the vacated portion of Mad River Road just west of the entrance into the boat launch parking lot. The gates will be open for vehicle access from sunrise to sunset and after the gates close, pedestrians will still have access to the beach through a small opening between some k-rail and the gate. The gate that will be placed in the driveway entrance to the parking lot will be placed so there is enough room for the driveway to serve as a turnaround for vehicular traffic during the night-time hours when the gates are closed.

This portion of Mad River Road serves two publicly owned properties zoned for Public Recreation. Both parcels are located within the jurisdiction of the California Coastal Commission and Public Works has secured a Coastal Development Permit (CDP 16-0238). Under the CDP, findings that the proposed vacation complies with Government Code §53036 are required:

Section 53036 of the Government Code states that a local agency may not "...sell, lease or otherwise transfer real property owned by it and lying between the high water line of the Pacific Ocean and the public street or highway nearest the Pacific Ocean without reserving a public right of access over such real property, unless such local agency or its grantee shall make available to the public an alternate route which, in the judgment of the local agency, gives equal or greater public access to the Pacific Ocean in the same immediate vicinity."

Findings have been made for Government Code §53036, which essentially demonstrate how the proposed vacation is the optimal alternative that will allow pedestrians to continue to have access to the beach after sunset when the gate is closed.

In addition to allowing continuous pedestrian access to the beach, reclassifying the vacated portion of Mad River road to be a part of the Humboldt County Parks roadway system will allow the road to be maintained to standards appropriate for a park; versus those standards required for a public road. Having the ability to design, construct and maintain improvements based upon public park standards affords the public with greater access than is afforded with a public road right of way. These can include, but are not limited to, lower speed limits and flexible design standards. As part of the park, the access can include amenities that are not typically found on a public road right of way. These can include, but are not limited to, speed bumps and interpretive signage. The ability to have these amenities enhances the public's coastal access use of by providing context appropriate facilities.

**RECORD OF ACTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Case Number GPC-17-003

Assessor Parcel Number: 000-000-000-000 (adjacent to 506-341-015-000)

A General Plan Conformance review for the Humboldt County Public Works Land Use Division vacation of a portion of Mad River Road, located west of McKinleyville, adjacent to the southern boundary of Mad River County Park and ending at the Mad River beach parking area, in an area otherwise known as Tye City.

Recommendation

- Find project to be in conformance with the General Plan based on findings in the staff report.
- Adopt finding that project does not conform with the General Plan for the reasons specified in the staff report.

Record of Action

- Adopt Planning Division's recommendation.
- Adopt Planning Division's recommendation with revisions as made by the Planning Commission.

Adopted after review and consideration of all the evidence on July 13, 2017.

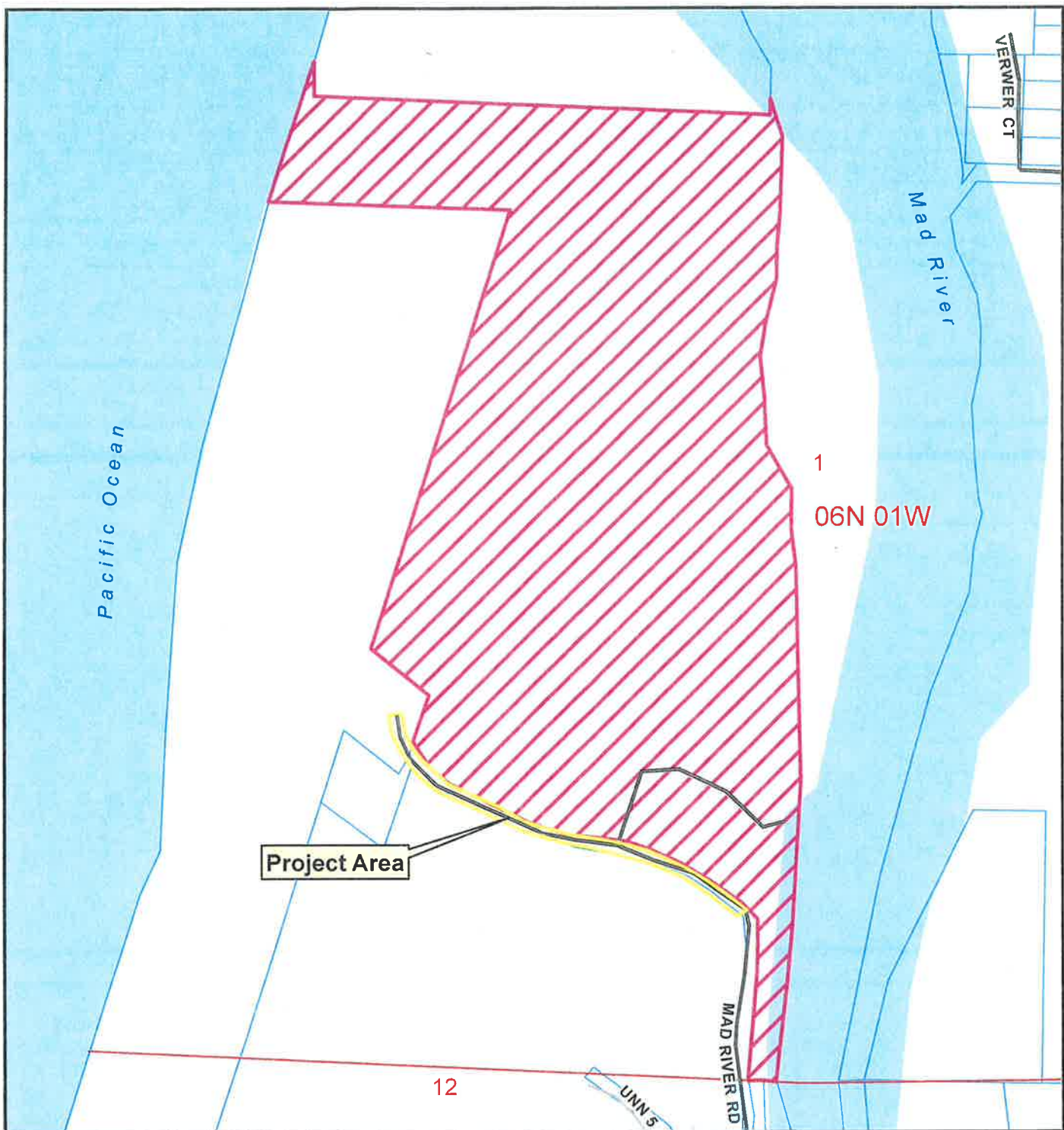
The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

I, Suzanne Lippre, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Suzanne Lippre, Clerk



LOCATION MAP

**PROPOSED HUMBOLDT COUNTY PUBLIC WORKS
GENERAL PLAN CONFORMANCE REVIEW
MAD RIVER COUNTY PARK AREA**

GPC-17-003

APN: 506-341-015

T06N R01W S01 HB&M (Tye City)

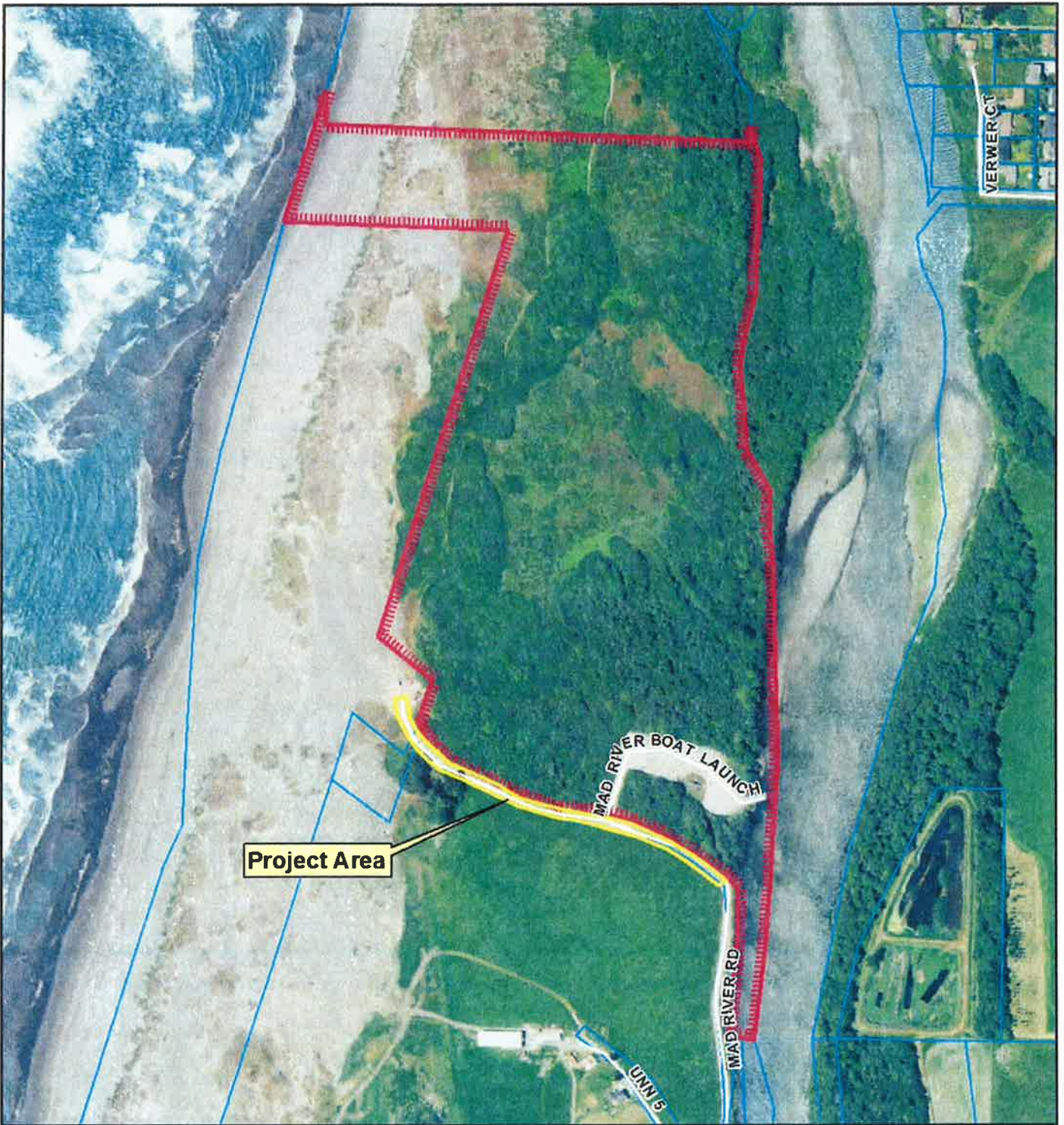
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250
Feet





AERIAL MAP

**PROPOSED HUMBOLDT COUNTY PUBLIC WORKS
GENERAL PLAN CONFORMANCE REVIEW
MAD RIVER COUNTY PARK AREA**

GPC-17-003

APN: 506-341-015

T06N R01W S01 HB&M (Tyee City)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



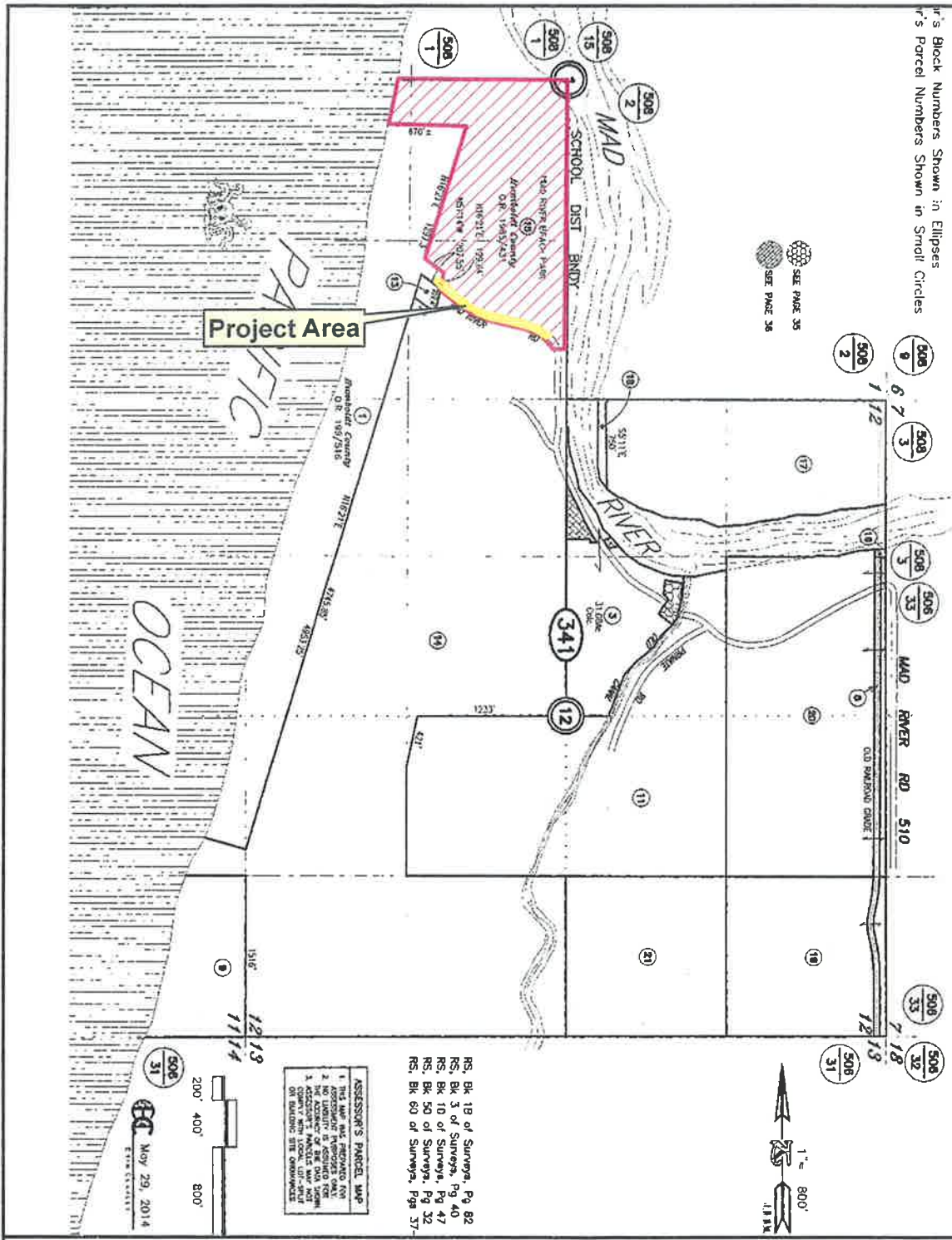
0 250
 Feet

Map Bk. 506, Pg. 34
 of Humboldt, CA.

PTNS SEC 1,11 & 12 T6N R1W H.B.& M.

506-34

Block Numbers Shown in Ellipses
 Parcel Numbers Shown in Small Circles



- RS, Bk. 19 of Surveys, Pg. 82
- RS, Bk. 3 of Surveys, Pg. 40
- RS, Bk. 10 of Surveys, Pg. 47
- RS, Bk. 50 of Surveys, Pg. 32
- RS, Bk. 60 of Surveys, Pg. 37

ASSESSOR'S PARCEL MAP
 1. THIS MAP HAS BEEN PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
 2. NO WARRANTY IS EXTENDED FOR THIS MAP.
 3. ACCURACY OF THIS MAP IS NOT GUARANTEED.
 4. COUNTY WITH LOCAL, UTILITY, STATE OR FEDERAL BILL CHANGES.

BC May 29, 2014
 ETHEL CREEK

Project Area

ASSESSOR PARCEL MAP

**PROPOSED HUMBOLDT COUNTY PUBLIC WORKS
 GENERAL PLAN CONFORMANCE REVIEW**

MAD RIVER COUNTY PARK AREA

GPC-17-003

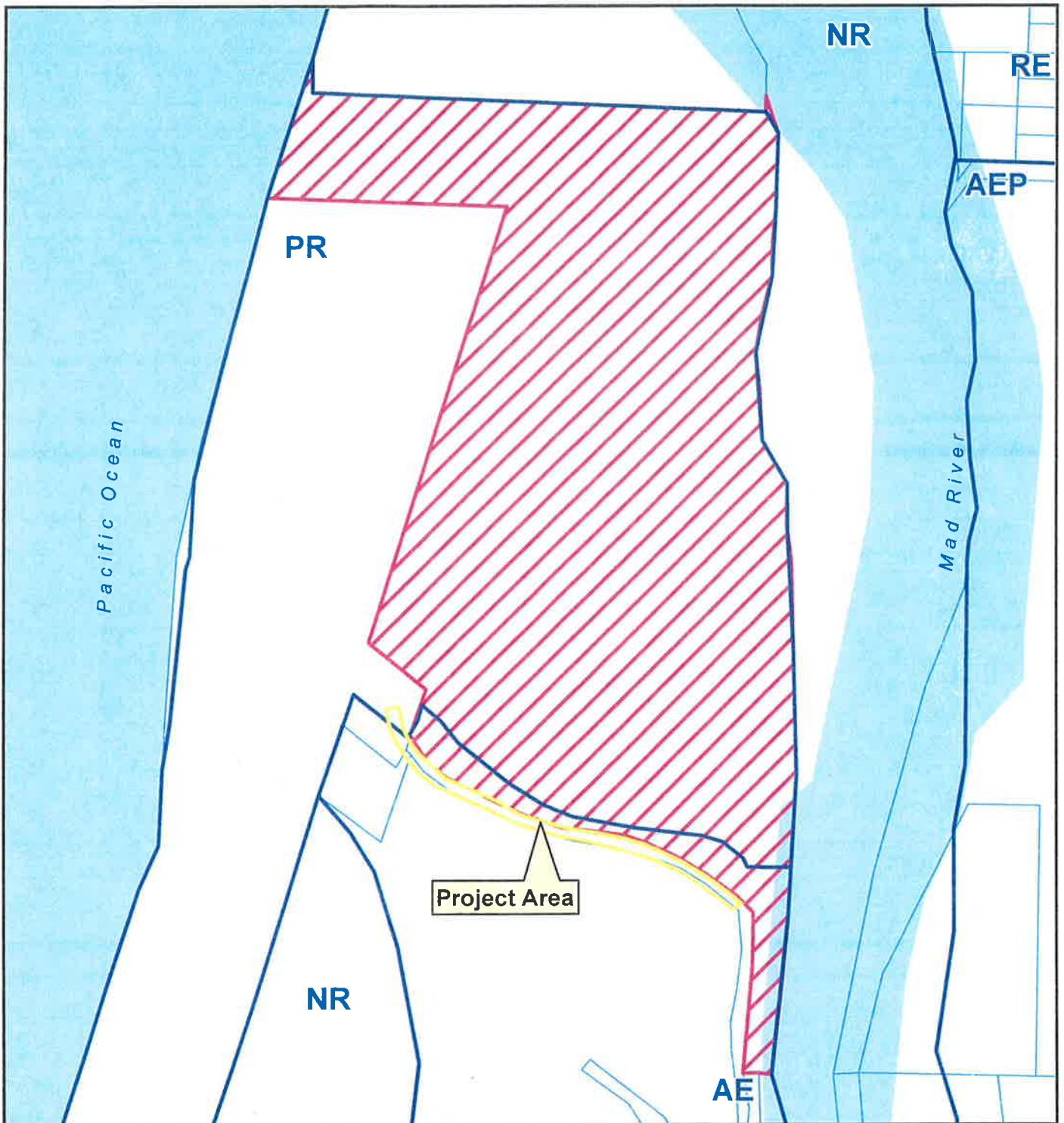
APN: 506-341-015

T06N R01W S01 HB&M (Tye City)

Project Area =

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE



LAND USE MAP DETAIL

**PROPOSED HUMBOLDT COUNTY PUBLIC WORKS
GENERAL PLAN CONFORMANCE REVIEW
MAD RIVER COUNTY PARK AREA**

GPC-17-003

APN: 506-341-015

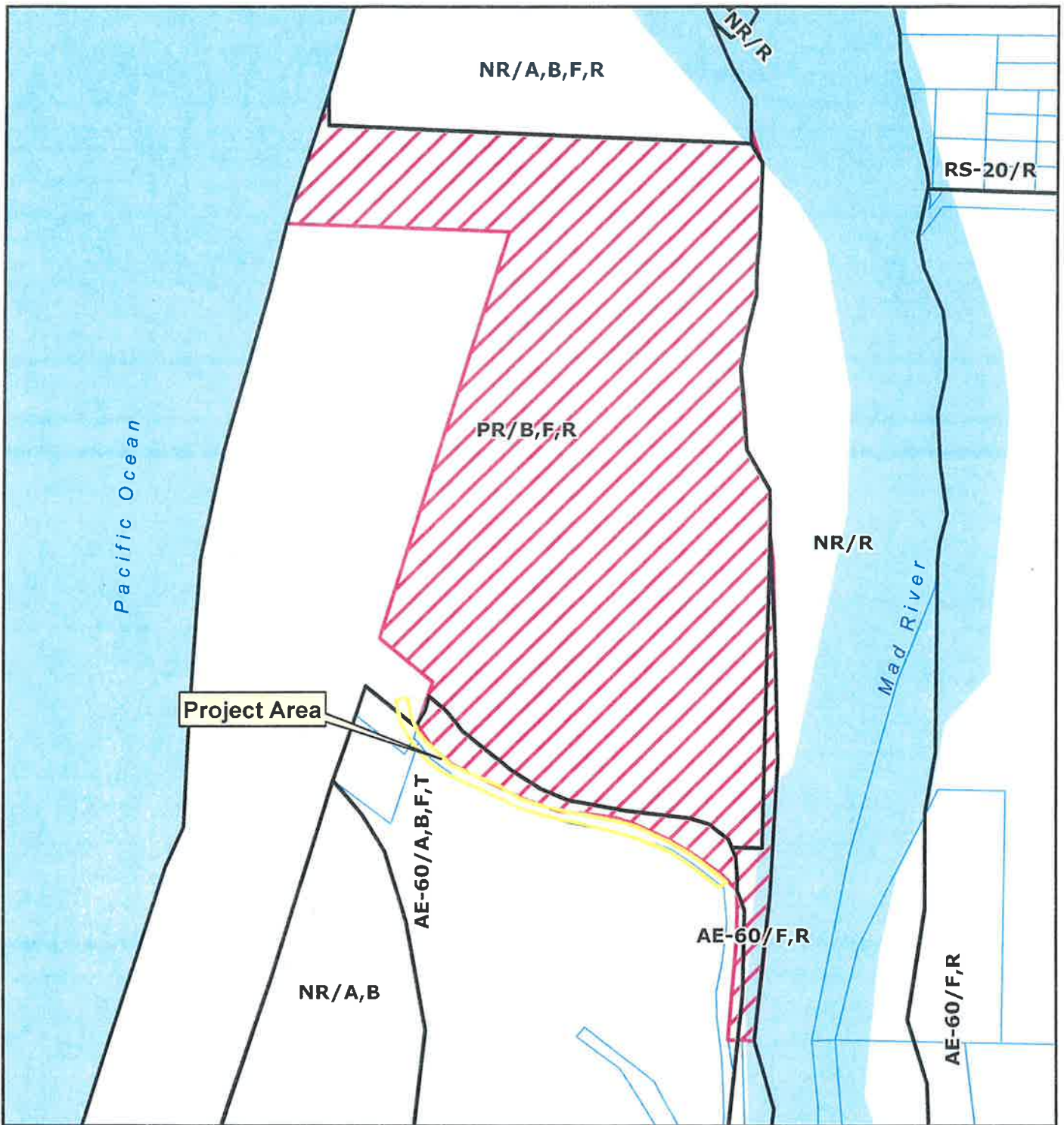
T06N R01W S01 HB&M (Tyee City)

Project Area = 

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MAP NOT TO SCALE



ZONING MAP

**PROPOSED HUMBOLDT COUNTY PUBLIC WORKS
GENERAL PLAN CONFORMANCE REVIEW
MAD RIVER COUNTY PARK AREA**

GPC-17-003

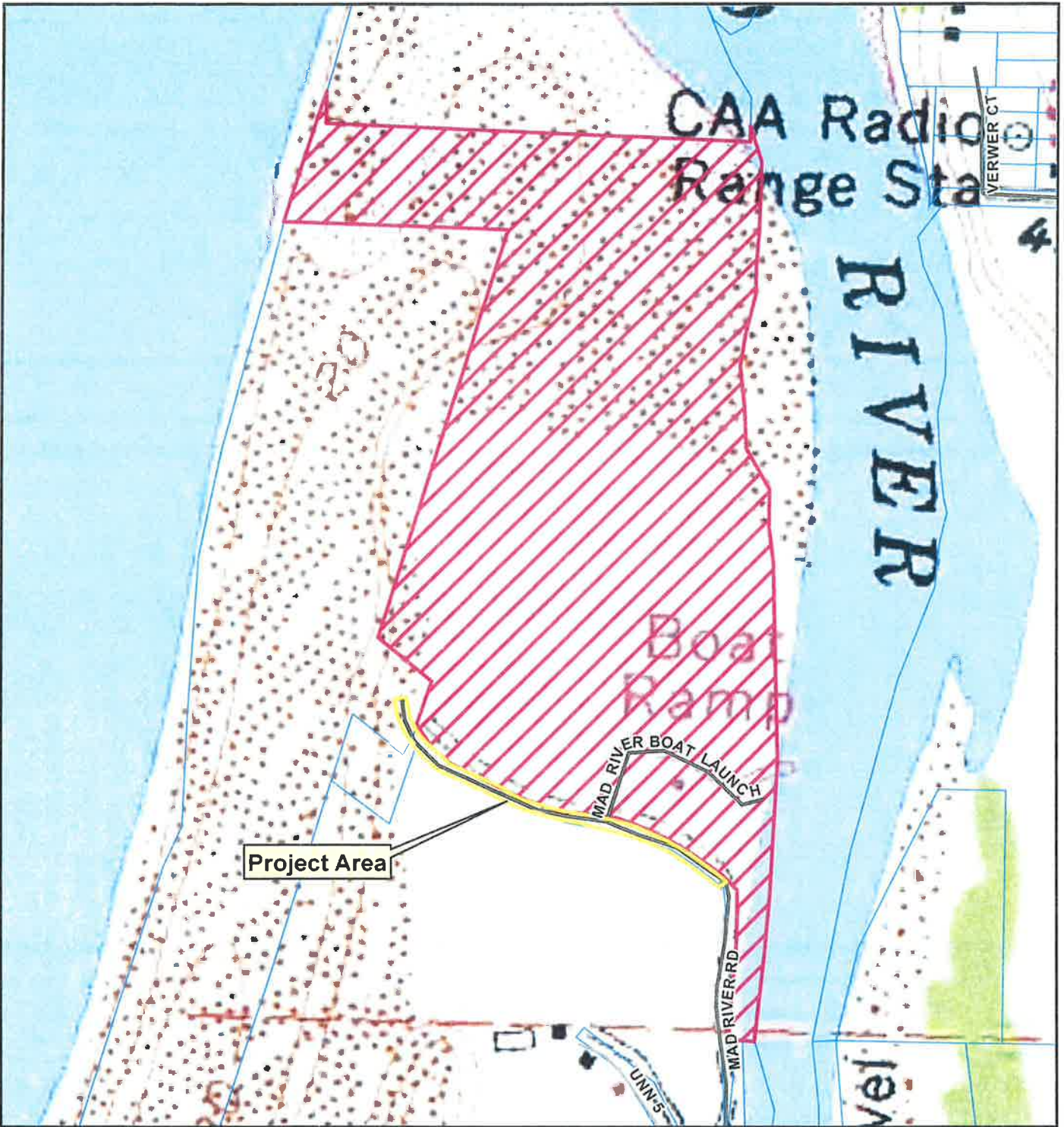
APN: 506-341-015

T06N R01W S01 HB&M (Tye City)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





TOPO MAP

**PROPOSED HUMBOLDT COUNTY PUBLIC WORKS
GENERAL PLAN CONFORMANCE REVIEW**

MAD RIVER COUNTY PARK AREA

GPC-17-003

APN: 506-341-015

T06N R01W S01 HB&M (Tye City)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





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

Mad River County Park New Entrance Gates

Details:



Imagery: ESRI
 Created: 7/13/2017
 Humboldt County Public Works



0 130 260 Feet
 1 inch = 250 feet

Note:



Mad River County Park New Entrance Gates

Details:



Image # 17-003 County of Humboldt
 Created: February 3, 2017
 Humboldt County Public Works



0 25 50 Feet
 1 inch = 50 feet

Note:

ATTACHMENT 1

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Staff believes that the Planning Commission can find that the proposed project is consistent with the Humboldt County Framework General Plan and the Humboldt Bay Area Plan based on the following:

- A. The road vacation will re-classify this portion of Mad River Road as part of the County Park system of roads which will allow for the road to be maintained to standards appropriate for a park; versus those standards required for a public road. Having the ability to design, construct and maintain improvements based upon public park standards affords the public with greater access than is afforded with a public road right of way. These can include, but are not limited to, lower speed limits and flexible design standards. As part of the park, the access can include amenities that are not typically found on a public road right of way. These can include, but are not limited to, speed bumps and interpretive signage. The ability to have these amenities enhances the public's coastal access use by providing context appropriate facilities.
- B. The vacated portion of Mad River Road will be reclassified from public right-of-way to a County park road. The park roadway system allows for the installation of gates that will open at sunrise and close at sunset, versus a public right-of-way road which does not allow for gates to control vehicular traffic. Closing off night-time vehicular access to the parking lots at the boat ramp and Mad River beach will mitigate for public health, welfare, and safety issues that have occurred due to night-time loitering associated with the vehicular traffic.
- C. Public coastal access will not be impeded by the gates. Pedestrian access to the beach via the vacated portion of Mad River Road will continue after the gate is closed from sunset to sunrise.
- D. The placement of the gate in the driveway to the boat launch parking lot affords vehicular traffic enough room to turn around when the gate is closed during night-time hours.
- E. The Humboldt County Public Works Department, acting as lead agency found the project exempt from CEQA pursuant to Section 15325(f) of the CEQA guidelines.
- F. All applicable goals and policies of the Humboldt Bay Area Plan and Framework Plan remain in full force.

The following table identifies the evidence which supports findings that the road vacation is in conformance with all applicable policies and standards in the Framework Plan (FRWK) and the Humboldt Bay Area Plan (HBAP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §4.10 (HBAP)	Public Recreation (PR) land use designations have been applied to publicly-owned property at Mad River Beach County Park. Public recreation areas provide sufficient access to Humboldt Bay and the ocean for recreational use.	The partial vacation of Mad River Road is consistent with the overarching goals and policies of the Framework Plan and the Humboldt Bay Area Plan because the purpose of the road vacation is to "protect the public health, safety, and welfare", through the use of gates to block night-time vehicular traffic while preserving pedestrian access to the beach, demonstrating continuous conformance with the goals and policies of the HBAP and Section 53036 of the Government Code as required by the California Coastal Commission.
Hazards §3.29 (HBAP)	New development shall minimize risks to life and property and assure stability and structural integrity of the natural landforms found on-site.	The parcel is in an area with a slope stability rating of relatively stable and low wildland fire hazards. The property is located in Flood Zone A, an area within the 100 year flood zone per FIRM Map 950. No major or habitable structural development is proposed as part of this project.
Resource Protection §3.30 (HBAP)	Protect designated sensitive and critical resource habitats.	According to the National Wetland Inventory, there are mapped wetland areas in the vicinity, however, as the road is existing and no improvements off of the roadway and within the wetlands are proposed, no impacts to these sensitive areas are anticipated.
Cultural Resource §3.18 (HBAP)	Protect cultural, archeological and paleontological resources.	No development off of the roadway is proposed, no potential impacts to cultural resources are anticipated.
Visual Resource §3.40 (HBAP)	Protect and conserve scenic and visual qualities of coastal areas.	The site is not located within a mapped Coastal Scenic view area, and no structural development is proposed and no visual impacts are anticipated.
Access §3.50 (HBAP)	Provide public access where appropriate	The portion of Mad River Road proposed for vacation serves the Mad River Beach by providing public access. The project to vacate the road will not affect the use of the public, as pedestrian access to the beach will continue to be allowed between sunset and sunrise when the gate is closed.

Recommendation

Planning Staff recommends the Planning Commission find that the vacation of a portion of Mad River Road to be in conformance with the General Plan.

ATTACHMENT 2

PUBLIC WORKS MEMO REQUESTING GENERAL PLAN CONFORMANCE REVIEW



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	ENVIRONMENTAL SERVICES	445-7741	LAND USE	445-7205
		BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
		ENGINEERING	445-7377	PARKS & TRAILS	445-7741		
		FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421		

LAND USE DIVISION MEMORANDUM

TO: Steve Werner, Building and Planning Department

FROM: Deb Vining, Land Use 

DATE: April 27, 2017

RE: **PROPOSED VACATION OF A PORTION OF MAD RIVER ROAD
LOCATED ON PROPERTY OWNED IN FEE BY THE COUNTY.**

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 road is the access to the County Park and will be maintained as such by the County. Having the ability to design, construct and maintain improvements based upon public park standards affords the public with greater access than is afforded with a public road right of way. As part of the park, the access can include amenities that are not typically found on a public road right of way. The ability to have these amenities enhances the public's use of the access easement by providing context appropriate facilities. The portion of the road to be vacated is shown on the attached "Exhibit A".

The vacation is being processed under General Vacation procedures per Streets and Highways Code §8320(a)(1).

The Land Use Division is requesting the Planning and Building Department schedule a Planning Commission conformance review to ensure that the vacation will not be in conflict with the current general plan, as required by Government Code Section 65402. The proposed vacation is preliminarily set to be heard by the Coastal Commission in June.

If there are any questions please contact me at 268-3768.

// END //

ATTACHMENT 3

GOVERNMENT CODE SECTION 65402

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonment for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonment for street widening, or alignment projects are of a minor nature.
- (b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.
- (c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.