

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 24-**

**Record Number PLN-2024-18945**

**Assessor Parcel Numbers: Portion of 507-283-009, County Right of Way, State Highway  
101 Right of Way**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Caltrans Boyd Draw Bike Path Coastal Development Permit and Conditional Use Permit.**

**WHEREAS**, The California Department of Transportation (Caltrans) submitted an application and evidence in support of approving a Coastal Development Permit and Conditional Use Permit for the construction of the Boyd Draw Bike Path Project; and

**WHEREAS**, Caltrans as the lead agency under CEQA has determined that the project is exempt from CEQA review pursuant to section 15061(b)(3) of the CEQA Guidelines, and the County of Humboldt as a Responsible Agency concurs with the findings of exemption; and

**WHEREAS**, the Humboldt County Planning Commission held a duly noticed public hearing on September 19, 2024; reviewed, considered, and discussed the application for a Coastal Development Permit and Conditional Use Permit; and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** 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.

**EVIDENCE:** a) Project File: PLN-2024-18945

**2. FINDING:** **CEQA:** The requirements of the California Environmental Quality Act have been met.

**EVIDENCE:** a) Caltrans as the Lead Agency under CEQA has determined 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. The project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity would have a significant effect on the environment. The project consists of the creation of a bicycle lane which would not result in a serious or major disturbance to an environmental resource. Caltrans prepared a Notice of Exemption (SCH #20230801770), and the County as a Responsible Agency concurs with Caltrans' findings of exemption.

#### **FINDINGS FOR COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT**

**3. FINDING:** The proposed development is in conformance with the Humboldt Bay Area Plan.

**EVIDENCE:** a) The Boyd Draw Bike Path Project will be constructed within the Caltrans and County right of ways. Coastal access facilities such as the proposed bike path project are

principally permitted and require a Coastal Development Permit. 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. The acquisition will not affect density. The acquisition of the right of way is not considered development under the California Coastal Act or the Humboldt Bay Area Plan and does not therefore require a Coastal Development Permit. The applicant is requesting a Conditional Use Permit for a proposed use not directly a part of agricultural production of food or fiber on the acquired portion of APN 507-283-009.

- b) The project complies with the County's Housing Element as it will not add to nor subtract from the County Housing Inventory.
- c) The applicant has provided a Biological Resources Evaluation Memo, prepared by Caltrans biologists Dominic Moore and Ben Lardiere, dated June 5, 2023. 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 will not degrade environmentally sensitive habitat or coastal scenic areas.
- d) The project site is in an area of relatively stable geologic instability and outside of any fire hazard severity zone. The project area located within the 100-year flood zone and mapped floodway; however, no development that is prohibited within floodways or flood plains is proposed. Development is limited to a bike path on an existing privately maintained road, vegetation removal, and fencing. The project is outside any mapped tsunami hazard area. The project will implement BMPs throughout construction to prevent erosion and the work is not

expected to affect flood hazards. The property is in the Local Responsibility Area and is serviced by the Arcata Fire Protection District who responds to structural fires and medical emergencies. The project is outside any mapped earthquake faults or fault hazard zones. Recreational bike paths are not a building type or land use listed in the Natural Hazards/Land Use Risk Rating Matrix. Based on this information, the proposed development does not increase risks to hazards. All referral agencies have recommended approval or conditional approval of the proposed project.

- e) 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.
- f) 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. A Stormwater Plan would be prepared by the contractor and appropriate construction site BMPs would be deployed to avoid and minimize water quality impacts.
- g) The Initial Site Assessment (ISA) prepared for the project 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).

- h) 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.
- i) There are no coastal zone scenic views or coastal zone scenic areas within or adjacent to the project area. A Visual Impact Assessment 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.
- j) 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.

**4. FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located, and the proposed development conforms to all applicable standards and requirements of these regulations.

**EVIDENCE:** a) The project area encompasses lands within Caltrans and Humboldt County road right of ways, and within a portion of APN 507-283-009 to be acquired by Caltrans. The project will provide for public access facilities which are principally permitted in the State and County right of ways. The development on the portion of APN 507-283-009 zoned Agriculture Exclusive for which the Conditional Use Permit is requested 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 for landowner use will be constructed to allow for the continued use of the existing agricultural development on the property. The parcel is currently less than the minimum 60-acre parcel size. The acquisition of the right of way, while resulting in

a parcel 0.28 acres smaller in size, will not result in a change from a compliant parcel to a noncompliant parcel.

- b) The property is within the Archaeological Resource Area Outside of Shelter Cove combining zone. 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.
- c) The property is within the Flood Hazard Areas combining zone. No development that is prohibited within floodways or flood plains is proposed. Development is limited to a bike path on an existing privately maintained road, vegetation removal, and fencing. The project will implement BMPs throughout construction to prevent erosion and the work is not expected to affect flood hazards
- d) The property is within the Streams and Riparian Corridor Protection combining zone. The project will occur outside of any stream or riparian corridor.

**5. FINDING:** The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

**EVIDENCE:** a) All reviewing referral agencies have approved or conditionally approved the proposed development. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.

**6. FINDING:** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** a) The project does not include any residential development and will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

### **Decision**

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Approve the Caltrans Boyd Draw Bike Path Coastal Development Permit and Conditional Use Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **September 19, 2024.**

The motion was made by COMMISSIONER \_\_\_\_\_ and seconded by COMMISSIONER \_\_\_\_\_ and the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John Ford, Secretary 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.

---

John H. Ford, Director  
Planning and Building Department