RESOLUTION OF THE PLANNING COMMSSION OF THE COUNTY OF HUMBOLDT

Resolution Number 24-070

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:

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.
- The applicant has provided a Biological Resources c) 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.

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.
- b) Conditions of approval are included requiring lighting and proper maintenance of fencing for the proposed bike path to ensure that there is no adverse impact to public safety or improvements in the vicinity.

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 IVER SKAVDAL and second by COMMISSIONER SARAH WEST and the following vote:

AYES:

COMMISSIONERS: Iver Skavdal, Sarah West, Jerome Qiriazi, Thomas Mulder,

Peggy O'Neill,

NOES:

COMMISSIONERS:

ABSENT:

COMMISSIONERS: Noah Levy

RECUSED: COMMISSIONERS: Lorna McFarlane

DECISION: Motion carried 5/0

I, John H. 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

CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions

- The project shall be developed in accordance with the Project Description and Project Plans. Minor deviations shall be permitted as provided by Humboldt County Code Section 312-11; however, all other changes shall require modification of this permit.
- 2. The applicant is responsible for receiving all necessary permits and/or approvals from other State and local agencies.
- 3. The applicant shall apply for and obtain an encroachment permit from the Department of Public Works Land Use Division (PW) for traffic control during construction and the encroachment onto Wymore Road. [reference: County Code §411-11 (a)(b)]
- 4. Encroachment Permit will require that during construction, roadways shall be periodically cleaned of mud, soil, rock, and debris. California Storm Water Quality Association (CASQA) Best Management Practices (BMPs) shall be used to prevent the tracking of material onto County roads. The following BMPs shall be used at a minimum: stone wash pad; rumble racks; sweeping roads on a daily basis.
- 5. All bollards shall be relocated outside the County road right of way.
- 6. The applicant shall be responsible to correct any involved drainage problems to the County road as a direct result of the project to the satisfaction of PW. Applicant shall minimize the transport of sediment to drainage courses during construction. County Inspector shall be notified by applicant for review and approval of installed erosion control measures within County right of way.
- 7. No construction materials or debris shall be placed within the County road right of way during the project, unless permitted through an encroachment permit. All fueling, equipment maintenance, staging, and construction management shall be located outside the County road right of way.
- 8. The applicant shall adhere to the BMPs and standard measures described in the Biological Resources Evaluation Memo prepared for the project.
- 9. PG&E has the following requests while working in the gas easement:

- A. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas. Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments). No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.
- B. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
- C. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

10. PG&E has the following requests while working in the electric easement:

- A. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
- B. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety **Orders** of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)

and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed. Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers). Plans for protection barriers must be approved by PG&E prior to construction.

- 11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 12. The facilities and all improvements, including fencing shall be maintained in a manner as to not be a public nuisance. If these facilities are not properly maintained, the bike path may be declared a public nuisance and this permit may be subject to revocation.
- 13. Lighting shall be installed within the Boyd Draw tunnel to ensure that the bicycle path within the tunnel is properly lighted during both the day and nightime.

Informational Notes:

- 1. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date") except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.
- As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of two working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.
- 3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.



BOYD DRAW BIKE PATH PROJECT

Humboldt County Planning and Building Department Local Coastal Development Permit Application

ATTACHMENT A-PROJECT DESCRIPTION

1. Boyd Draw Bike Path Project

Purpose and Need

The purpose of the proposed project is to provide connectivity for bicyclists using the local road system paralleling U.S Highway 101 (U.S. 101).

The project is needed because bicyclists using the barrier-separated, two-way side path located on the northbound span (east side) of the U.S. 101 Mad River Bridge currently must negotiate two roundabouts at Giuntoli Lane to cross the highway south of the Mad River. The next crossing to the south is West End Road, which requires out of direction travel for commuters needing to access the west side of U.S. 101. Construction of a bike path through Boyd Draw would enhance connectivity between the communities of Arcata and McKinleyville, for both bicyclists and pedestrians, by shortening out of direction travel and avoiding the negotiation of two, single-lane roundabouts at the Giuntoli Lane overcrossing.

Caltrans' Complete Streets Directive promotes a multimodal transportation system that accommodates pedestrians, bicyclists, transit, and vehicular users. This project would provide a complete streets enhancement by connecting Wymore Road and Heindon Road and would connect the Arcata Bottoms and the existing multi-use path across the northbound span of the U.S. 101 Mad River Bridge.

Location

The proposed project is in Humboldt County under and adjacent to U.S. 101 at Post Mile 89.4.

Project Description

The project would require right of way acquisition of approximately 0.28 acres along the west side of U.S. 101 to connect Heindon Road with State right of way at the Boyd Draw Bridge. The planned bike path is approximately 470 feet long. The width of the bike path would be eight feet of asphalt with two feet of shoulder backing on either side and an additional four feet at the beginning and end of the path to accommodate bollards. Construction of the path would involve vegetation and RSP 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.

Schedule

Construction is scheduled to begin in 2025 and would take approximately 30 working days to complete.

2. Supplemental Project Information

2.1. Biological Resources

The Biological Memo (Attachment B) provides information about the existing environment within the project area. The project location has no suitable habitat present for federally or state endangered, threatened, candidate, or proposed species. No wetlands and jurisdictional water features are present within or adjacent to the project location.

2.2. 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 qualify conformity requirements do not apply. An Air Quality, Traffic Noise, and Greenhouse Gas Environmental Impact Evaluation was completed for the project (Attachment C). 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.

2.3. Hazardous Waste

The Initial Site Assessment (Attachment D) found that Aerially Deposited Lead (ADL), 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).

2.4. Visual Resources

A Visual Impact Assessment (Attachment E) 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.

2.5. Cultural Resources

A Cultural Resources Screening Memo (Attachment F) was prepared for the proposed project which documents compliance with historic preservation procedures and is consistent with regulatory responsibilities under Section 106 of the National Historic Preservation Act.

2.6. Water Quality

No water quality impacts are anticipated and less than 1 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 G). A Stormwater Plan would be prepared by the contractor and appropriate construction site Best Management Practices (BMPs) would be deployed to avoid and minimize water quality impacts.

CEQA

A CEQA Notice of Exemption (Attachment H) was filed with the State Office of Planning and Research (Common Sense Exemption 14 CCR 1506[b][3]) on August 8, 2023 (State Clearinghouse #20230801770).

4. Required Permits and Agreements

The proposed project would require a Local Coastal Development Permit from the County of Humboldt and an agreement for right of way acquisition from the owners of Humboldt County Assessor's Parcel 507-283-009.

5. Project Plan Sheets

Project plans are provided in Attachment I. The plan cover page shows the project location at U.S. Highway 101 just south of the Mad River Bridge and approximately 0.65 miles north of Giuntoli Lane. State and County right of way lines, proposed right of way acquisition, temporary construction easement locations, the proposed bike path location, and proposed replacement gravel access road for APN 507-283-009 are illustrated in layout sheet L-1. Chain link fence would be installed adjacent to the bike path.

6. Avoidance and Minimization Measures

Standard Best Management Practices (BMPs) would be followed to avoid and minimize impacts at the project location. BMPs would include, but are not limited to, the following activities:

- The contractor would be required to develop and follow an approved Stormwater Plan.
- A Lead Compliance Plan would be required for soil disturbance or removal.
- To protect migratory and nongame birds, vegetation removal would occur between September 16 and January 31, outside the bird breeding season.
- Standard erosion control measures would be utilized.
- Any environmentally sensitive areas would be identified in the project plans and protected during construction.
- Project design would minimize visual changes to the project area.
- To avoid introducing invasive species, all equipment would be cleaned prior to entering the job site.





