

ATTACHMENT 4

Ordinance No. _____

Ordinance No. ____ Approving the Development Agreement between Kramer Properties Inc.
and the County of Humboldt.

Exhibit A: Development Agreement

ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN
KRAMER PROPERTIES, INC., AND THE COUNTY OF HUMBOLDT
(PLN-9902-GPA; NORTH McKAY RANCH SUBDIVISION PROJECT)

ORDINANCE NO. _____

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 et seq. (The “Development Agreement Statute”) which authorizes counties to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, in accordance with the Development Agreement Statute, the County of Humboldt (the “County”) has enacted regulations (the “Development Agreement Regulations”) to implement procedures for the processing and approval of development agreements in accordance with the Development Agreement Statute; and

WHEREAS, Developer has a legal interest in those certain parcels of land making up the Project site and encompassing approximately 81 acres. Developer represents that it has an equitable and legal interest in the Project Site and that all other persons holding legal or equitable interests in the Project Site are to be bound by the Development Agreement. The subject of the Development Agreement is the development of those certain parcels of land within the Project Site; and

WHEREAS, Planning for the Project began in 2015. Thereafter, the County Planning Division released a Draft EIR in May 2020 prepared pursuant to CEQA for public review and comment (State Clearinghouse No. 2019049166). A Partial Recirculation Draft EIR was prepared to address new transportation impact assessment metrics mandated by the State that was released for public review and comment in November 2021; and

WHEREAS, in December 2021 a Final EIR was prepared and on January 6, 2022 the County Planning Commission held a public hearing on the Project at which the Planning Commission adopted a resolution recommending the Board of Supervisors certify the Final EIR, and approve the proposed Project and related entitlements; and

WHEREAS, on February 3, 2022, the County Planning Commission held a public hearing on the draft Development Agreement at which the Commission received public testimony, reviewed and discussed the Development Agreement, and adopted a resolution recommending the Board of Supervisors approve the Development Agreement; and

WHEREAS, on March 22, 2022, the Board held a public hearing and approved a motion of intent to certify the Final EIR for the Project and conditionally approve the proposed the Project and directed staff to bring the project back on the next consent agenda; and

NOW, THEREFORE, The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. This Ordinance incorporates, and by this reference makes a part hereof, the Development Agreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

SECTION 2. This Ordinance is adopted under the authority of Government Code Section 65864 et seq., and pursuant to “Development Agreement Regulations.”

SECTION 3. In accordance with the Development Agreement Regulations, the Board of Supervisors hereby finds and determines, as follows:

- (a) The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, as amended, in that it establishes certain development rights, obligations and conditions for the implementation of the Humboldt County General Plan – Eureka Community Plan;
- (b) The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the general plan designations, as amended, which apply to the Humboldt County General Plan – Eureka Community Plan;
- (c) The Development Agreement is in conformity with public convenience, general welfare and good land use practice;
- (d) The Development Agreement will not be detrimental to the public health, safety and general welfare;
- (e) The Development Agreement will not adversely affect the orderly development of property or the preservation of property values;
- (f) The Development Agreement is within the scope of the Final EIR certified by the Board of Supervisors on March 22, 2022.

SECTION 4. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;

- (b) Resolution No. _____, adopted by the Board of Supervisors on March 22, 2022, making findings as to the Final EIR for North McKay Ranch Subdivision Project,
- (c) All County staff reports (and all other public reports and documents) prepared for the Planning Commission, Board of Supervisors, or others relating to the Final EIR, the Development Agreement, and other actions relating to the Property;
- (d) All documentary and oral evidence received at public hearings or submitted to the Planning Commission, or County during the comment period relating to the Final EIR, the Development Agreement, and other actions relating to the Property;
- (e) All other matters of common knowledge to the Board of Supervisors, including but not limited to the County's fiscal and financial status, County general ordinances, policies and regulations.

SECTION 5. The Board of Supervisors hereby approves the Development Agreement, attached hereto as Exhibit A and subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the Planning Director, in consultation with County Counsel prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, as approved by the Board of Supervisors.

SECTION 6. Upon the effective date of this Ordinance as provided in Section 8 hereof, the Board of Supervisors and Clerk of the Board are hereby authorized and directed to execute the Development Agreement on behalf of the County of Humboldt.

SECTION 7. The Planning Director is hereby authorized and directed to perform all acts authorized to be performed by the Planning Director in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: _____
Ryan Sharp, Deputy Clerk

Date:

EXHIBIT A

Development Agreement