

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 7, 2023

Resolution No. 23-\_\_\_ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS FOR CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF STATEMENTS OF OVERRIDING CONSIDERATIONS PREPARED FOR THE NORTH MCKAY RANCH SUBDIVISION PROJECT, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, RECORD NO. PLN-9902-GPA.

**WHEREAS**, Kramer Properties submitted an application for a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement and Special Permit for a mixed-use development with 320 residential units and approximately 22,000 square feet of commercial development. The Tentative Subdivision Map would create 146 single-family lots, 6 lots to support construction of up to 174 multi-family residential units, 2 commercial parcels supporting up to approximately 22,000 square feet of commercial space and 6 parcels totaling 21.73 acres to be dedicated to the County for future trail management and open space; and

**WHEREAS**, on January 6, 2022 the Planning Commission considered the Environmental Impact Report for the North McKay Ranch Subdivision Project and adopted a resolution which recommended that the Board of Supervisors do the following:

1. Certify that the Final Environmental Impact Report for the North McKay Ranch Subdivision Project (SCH#: 2019049166) has been completed in compliance with CEQA, that the Final EIR was presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the FEIR before recommending approval of the project to the Board of Supervisors, and that the FEIR reflects the County's independent judgment and analysis; and
2. Adopt the Statement of Overriding Considerations; and
3. Adopt the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the Board of Supervisors held public hearings, *de-novo*, on March 8 and March 22, 2022 and reviewed, considered, and discussed the application and Environmental Impact Report, and considered all public testimony and evidence presented at the hearing; and

**WHEREAS**, the Board of Supervisors closed the public hearing on March 22, 2022 and approved a motion of intent to certify the EIR and approve the Project with direction for staff to bring a revised finding and condition of approval relative to intersection improvements back on April 5, 2022; and

**WHEREAS**, following the Board of Supervisor's March 22, 2022 public hearing, in consultation with the Applicant, a Supplement to the Final EIR was prepared, and the revised finding and condition of approval relative to intersection improvements, and an amended mitigation measure, were brought back to the Board of Supervisors' advertised public hearing on March 7, 2023; and

**Now, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

**1. FINDING:**                   **CEQA (EIR)** - The County of Humboldt has completed an Environmental Impact Report (EIR) in compliance with CEQA.

- EVIDENCE:**
- a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
  - b) A Notice of Preparation (NOP) was prepared on March 28, 2019, in accordance with CEQA Guidelines Section 15082 to inform interested parties of the County's determination that an EIR would be required for the project, solicit input about the desired content and scope of the DEIR, announce the date and time of a public scoping meeting, and provide information on where documents about the project were available for review and where comments could be sent on the project. The NOP was posted at the County Recorder's office; mailed to property owners and tenants of parcels within project area and parcels adjacent to/just outside of the project area boundary, and to relevant agencies within the region; circulated through State Clearinghouse (SCH#2019049166); and published in the Times Standard on May 23, 2019. The NOP was circulated for a period of 30 days, ending on June 22, 2019.
  - c) Pursuant to CEQA Guidelines Section 15083, prior to completing the Draft EIR, the County of Humboldt held a scoping meeting on June 13, 2019 at Cutten Elementary School to solicit input from the regulatory agencies and public. Appendix A of the Draft EIR includes the NOP, written comments in response to the NOP, and a summary of the comments received in writing and during the scoping meetings.

Areas of potential controversy known to the County include the following:

- Concern about low-income housing in the Cutten neighborhood possibly increasing crime and drug use;
- Traffic on Walnut;
- Parking on Fern Street during large events;
- Traffic on Hemlock and Dolbeer;
- Access to the McKay Community Forest;

- Proximity of the development to Ryan Creek and potential impacts to natural resources there;
- Increased draw on public services;
- Impact of high-density housing adjacent to Winship School;
- Need for stand of trees to be preserved to protect the viewshed.

These issues were considered during preparation of the Draft EIR and the Partial Recirculation Draft EIR and, where appropriate, are addressed in the environmental impact analyses of the Draft EIR and/or the Partial Recirculation Draft EIR.

- d) The Draft Environmental Impact Report (“DEIR”) for North McKay Ranch Subdivision Project was prepared in accordance with CEQA and circulated for public review from May 15, 2020 through June 29, 2020 (SCH#: 2019049166), a 45-day review period, in compliance with CEQA Guidelines Section 15105; a Notice of Availability of the Draft EIR was posted at the County Recorder’s office; mailed to property owners and tenants of parcels within the project area and parcels adjacent to/just outside of the project boundary, and to relevant agencies within the region, and published in the Times Standard on May 15, 2020.
- e) On July 1, 2020, the provisions of new CEQA Guidelines Section 15064.3 Determining the Significance of Transportation Impacts became effective, which required that impacts of development projects be measured according to the overall distance that people drive, known as vehicle miles travelled (VMT) and no longer measured by level-of-service (LOS).
- f) A VMT analysis of the North McKay Ranch Subdivision Project was prepared, and two Draft EIR sections that were affected by CEQA’s change from LOS to VMT, the Transportation Section and the Land Use and Planning Section, were revised, as well as an update to the project description.
- g) In accordance with CEQA Guidelines Section 15088.5 for recirculating portions of an EIR, the North McKay Ranch Subdivision Project Partial Recirculation Draft EIR was prepared which included only the sections that were changed, and circulated to the State Clearinghouse (SCH#2019049166) for a 45-day review period from October 18, 2021 through December 1, 2021. A Notice of Availability of the Partially Recirculated Draft EIR was posted at the County Recorder’s office; mailed to property owners and tenants of parcels within the project area and parcels adjacent to/just outside of the project boundary, and to relevant agencies within the region, published in the Times Standard, and a copy of the Partially Recirculated Draft EIR placed at the Planning Division front counter, on October 18, 2021.
- h) Issues that were analyzed in the Draft EIR and Partial Recirculation Draft EIR include aesthetic resources, agricultural and forestry resources, air

quality, biological resources, cultural and tribal resources, geology and soils, energy, greenhouse gas emissions and climate change, hazards hazardous materials, land use and planning, mineral resources, hydrology/water quality, noise, paleontological resources, population and housing, public services, recreation, transportation and traffic, utilities and service systems, wildfire and cumulative impacts.

- i) The Draft EIR and Partial Recirculation Draft EIR found that the following areas would not have significant impacts: Agricultural Resources (Farmland to Non-Agricultural Use), Agricultural Resources (Agricultural Zoning or Williamson Act Contract), Agricultural Resources (Pressures to Convert Farmland to Non-Agricultural Use), Geology, Soils, Seismicity (Septic or Alternative Wastewater Disposal Systems), Hazards and Hazardous Materials (Airports), Hydrology and Water Quality (Seiches, Tsunamis, or Mudflows), Mineral Resources (Mineral Resources of Statewide or Local Importance), Noise (Aviation Noise), Population and Housing (Displacement of Persons or Housing), Transportation (Air Traffic Patterns).
- j) The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, utilities and service systems, transportation and traffic, and wildfire.
- k) The Draft EIR and Partial Recirculation Draft EIR identified significant impacts on greenhouse gas emissions and climate change, and wildfire, that cannot be mitigated to less than significant levels.
- l) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Mitigation Monitoring and Reporting Plan has been prepared in accordance with Humboldt County regulations and is designed to ensure compliance during project implementation and is recommended to be adopted in conjunction with project approval. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and Reporting Plan” as a condition of project approval (Condition of Approval No. 2).
- m) Evidence that has been received and considered includes: the application, technical studies/reports that have been peer reviewed and reflect the County’s independent judgment and the FEIR, and information and testimony presented during public hearings before the Planning Commission and Board of Supervisors. These documents are on file in the Planning and Building Department (PLN-9902-GPA) and are hereby incorporated herein by reference.
- n) The County received comments from 36 agencies, organizations, and individual on the Draft EIR and the Partial Recirculation Draft EIR. The

FEIR considered the comments received during the public review periods for the Draft EIR and Partial Recirculation Draft EIR and provided appropriate responses. In order to better address repetitive comments, the FEIR used Master Responses to address different topics. The Master Comment allows a more complete response to the comments made rather than individually responding to all the comments. The FEIR also included a refined project description to clearly identify where changes had been made to more clearly demonstrate how impacts were being addressed. Together, the Draft EIR, the Partial Recirculated Draft EIR, the Responses to Comments, the Revisions to the DEIR, the References, the FEIR Errata, the Appendices, and the Supplement to the Final EIR, constitute the Final EIR on the project.

- o) FINAL EIR -- RESPONSES TO COMMENTS.  
The County prepared a Final EIR including responses to comments on the North McKay Ranch Subdivision Project Draft EIR and the Partial Recirculation Draft EIR. The Responses to Comments respond to comments that were received during the circulation periods for both documents. The Responses to Comments document (FEIR) was released to the public on December 20, 2021 and responded to all environmental points raised by persons and organizations that commented on the Draft EIR and the Partial Recirculation Draft EIR.
- p) FINAL EIR - The County responded to all comments on the Draft EIR and o the Partial Recirculation Draft EIR. The County received comments on the Draft EIR and the partially recirculated Draft EIR from public agencies, organizations, and individuals, and provided responses to all of the comment in the Final EIR.
- q) Electronic copies of the FEIR were provided to all agencies that provided comments on either the Draft EIR or the Partial Recirculation Draft EIR, and were provided a minimum of 10 days to review the document (December 21, 2021 to December 30, 2021) prior to action by the Planning Commission on January 6, 2022.
- r) The Humboldt County Planning and Building Department, located at 3015 H Street, Eureka, CA 95501 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

**2. FINDING:**

The EIR was presented to the Board of Supervisors in its entirety and the Board of Supervisors reviewed and considered it before taking action to certify the Final EIR in its entirety and approve the project.

**EVIDENCE**

- a) The Board of Supervisors considered the EIR at public hearings on March 8 and March 22, 2022, and at the March 22, 2022 public hearing approved a motion of intent to approve the project with direction to staff to bring back a revised circulation element finding and condition of approval to allow for pedestrian and bicycle improvements as an alternative to traffic signals at two intersections.

- b) Following the March 22, 2022 Board of Supervisor’s hearing, in response to an additional comment received from the public, the County prepared a Supplement to the Final EIR assessing the impact of the Project on greenhouse gas emissions and climate change if conditioned to disallow the use of natural gas utilities. The Supplement to the Final EIR found that limiting the project to electric utilities only is feasible, and modified a mitigation measure to disallow natural gas utilities in the Project. The Supplement to the Final EIR and amended mitigation measure make not changes in the conclusion of the analysis.
- c) The Board of Supervisors reviewed and considered the Greenhouse Gas Emissions and Climate Change Supplement to the Final EIR, and the revised circulation element finding and condition of approval to allow for pedestrian and bicycle improvements as an alternative to traffic signals at two intersections, on March 7, 2023, where the Board of Supervisors considered the contents of the EIR in its entirety and received public comments prior to taking final action on the Final EIR.

**3. FINDING**

The Final EIR reflects the County of Humboldt’s independent judgment and analysis.

**EVIDENCE**

- a) The EIR (DEIR/FEIR) was prepared by Stantec under contract to the County of Humboldt. Technical studies were provided by the applicant and by Stantec which were incorporated into the environmental analysis.
- b) The Board of Supervisors considered the information presented in the record relative to the FEIR and considered the public comments on the FEIR prior to taking action. The Board of Supervisors considered all public comments, including those made by subject matter experts. Based on the evidence in the public record, the Board of Supervisors finds that the FEIR adequately addresses all potential environmental impacts and presents adequate feasible mitigation to reduce impacts to a less than significant level.

**4. FINDING:**

**EIR – ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT.** The Draft EIR and Partial Recirculation Draft EIR identified potential significant impacts that can be mitigated to less than significant levels on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions and climate change, hydrology/ water quality, noise, public services, recreation, transportation, utilities and service systems, and wildfire.

**EVIDENCE**

- a) Potentially significant impacts to aesthetics have been mitigated to a less than significant level with incorporation of mitigation measures that require final design and lighting plan approval by the County prior to filing of each phase of the subdivision map.
- b) Potentially significant impacts to air quality have been mitigated to a less than significant level with incorporation of mitigation measures that require implementation of construction emissions minimization measures.

- c) Potentially significant impacts to biological resources have been mitigated to a less than significant level with incorporation of mitigation measures that require nesting bird and amphibian surveys prior to any clearing activities, replanting of riparian vegetation and creation of wetlands, enhancement of existing wetlands, utilizing appropriate culverts and recontouring an existing logging road.
- d) Potentially significant impacts to cultural resources have been mitigated to a less than significant level with incorporation of mitigation measures that require pre-construction worker awareness training and requirements in the event of inadvertent discovery of potential resources.
- e) Potentially significant impacts to geology and soils have been mitigated to a less than significant level with incorporation of mitigation measures that require site specific geotechnical investigations prior to filing each map, pre-construction worker awareness training for paleontological resources and requirements in the event of inadvertent discovery of potential resources.
- f) Potentially significant impacts to hydrology and water quality have been mitigated to a less than significant level with incorporation of mitigation measures that require stormwater pollution and prevention plans, drainage and stormwater quality management plans and a low impact development plan.
- g) Potentially significant impacts from noise have been mitigated to a less than significant level with incorporation of mitigation measures that require compliance with specific maximum noise limits for all mechanical equipment, measures to reduce noise from construction activity and traffic and construction vibration.
- h) Potentially significant impacts on public services have been mitigated to a less than significant level with incorporation of a mitigation measure that requires applicable school development fees to be paid prior to issuance of building permits.
- i) Potentially significant impacts on recreation have been mitigated to a less than significant level with incorporation of a mitigation measure that requires preparation of trail and open space plans and recordation in permanent easements prior to approval of the final improvement plans for each phase of the subdivision map.
- j) Potentially significant impacts on transportation have been mitigated to a less than significant level with incorporation of mitigation measures that require a specific traffic management plan to be submitted and approved prior to construction for each phase and the construction of adequate ADA sidewalks, curb ramps and crosswalks.
- k) Potentially significant impacts on utilities and service systems have been mitigated to a less than significant level with incorporation of mitigation measures that require the applicant to prepare and submit an approved Water Supply, Pressure, and Storage Study to the Humboldt County Public Works to demonstrate that adequate water supplies are available for the

proposed development including water for fire suppression and the installation of on-site recycling collection facilities.

**5. FINDING:**

**EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The proposed project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in the evidence below. There are specific economic, legal, social, technological or other considerations which make infeasible mitigating these impacts to a less than significant level. (15091(a)(3))

- EVIDENCE:**
- a) The DEIR and the Supplement to the Final EIR found that project will have potentially significant impacts to greenhouse gas emissions and climate change that cannot be avoided. Because there are no CEQA significance thresholds developed by the local air quality district, the North Coast Air Quality Management District, the significance thresholds from the Sacramento Metro Air Quality Management District were utilized. The project would contribute annual greenhouse gas emissions that exceed these levels of significance and would therefore generate greenhouse gases that may have a significant impact on the environment. Mitigation measures have been included which require a carbon offset agreement with the City of Arcata which has verified forest carbon offsets from the Arcata Community Forest and EPA certified woodburning fireplaces, as well as a prohibition on woodburning devices in all residential units, and to disallow the use of natural gas utilities. However, these measures do not fully mitigate for the impact and no other feasible mitigation is available to reduce the emissions below this significance threshold. This was confirmed by the Greenhouse Gas Emissions and Climate Change Supplement to the Final EIR, which did not alter the conclusions of the analysis. Therefore, this impact was found to be significant and unavoidable.
  - b) The DEIR found that the project which have potentially significant impacts from wildfires that cannot be avoided. Because the project as currently designed would not provide for the 100 foot defensible space required by Cal-Fire and the Humboldt Bay Fire Protection District the project would potential expose project occupants to pollutant concentrations from a wildfire, would require the installation of infrastructure that may exacerbate fire risk and would expose people or structures to significant risks associated with post-fire impacts. Mitigation measures have been included which a fire safety management plan to be implemented throughout the lifetime of the project and that the applicant either 1) revise the site plan to provide a 100 foot defensible space buffer on-site or 2) enter into a Memorandum of Agreement (MOA) with the County for provision of 70 feet of defensible space off-site (or as determined by the County but minimum of 100-foot total) on the County owned McKay Community Forest. Either of these measures would reduce the level of significance however as there is uncertainty over the actual implementation of the



measure requiring 100 feet of defensible space this is identified as a significant and unavoidable impact.

6. **FINDING:** **EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT** - In compliance with CEQA Guidelines section 15126.6, the DEIR considered several alternatives to the 320 unit subdivision project originally proposed. The EIR considered the alternatives described below which are more fully described in the DEIR. There are specific economic, legal, social, technological or other considerations which make infeasible the project alternatives identified in the EIR for reasons discussed below

**EVIDENCE:** a) Alternative No. 1: No Project Alternative.

The No Project Alternative assumes that the proposed project would not be implemented and that the project site would remain in its existing condition and used primarily for timber production. If Alternative 1 were selected, no change from existing conditions would occur.

The No Project Alternative would not meet any of the basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.
- Support the County's economic development strategy and other efforts to retain and create living-wage job opportunities.
- Support individual rights to live in urban, suburban, rural or remote areas of the County while using a balanced approach to protect natural resources, especially open space, water resources, fisheries habitat and water quality in cooperation with state and federal agencies.
- Facilitate a more walkable and sustainable community and reduces traffic to major commercial centers.

The no project alternative would not support Humboldt County General Plan policies which encourage increased housing opportunities and walkable communities.

b) Alternative 2- Site Redesign.

The site redesign alternative would increase the size of lots located along the boundary adjacent to the North McKay Forest to provide 100 feet of defensible space for wildfire protection. This alternative would result in reduction of 10 single family dwelling units and 14 small lot single family dwelling units, for a total reduction of 24 single family lots.

The Site Redesign Alternative would not meet important basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.

The removal of 24 single family homes from the project would reduce the number of units would result in a significant increase in the purchase price of the smaller lots which would reduce affordable housing opportunities and would also reduce the housing options provided by the proposed project and would therefore not support the County General Plan goals and policies.

c) Alternative 3- Reduced Density Alternative

The reduced density alternative would eliminate specific lots and result in a smaller overall development footprint. While the 22,000 square feet of commercial development could remain, the reduction would accommodate 150 multi-family units and 130 single family homes.

The reduced density alternative would not meet important basic project objectives:

- Facilitate the creation of affordable housing opportunities to meet current and future demands for all housing levels.
- Assist the County in meeting it's required housing inventory per State requirements.

Given the significant investment costs associated with bringing utilities and other infrastructure to the site, the reduced density alternative would potentially render the project economically infeasible. Were the project with a reduced density to remain economically viable it would reduce affordable housing opportunities reduce the housing options provided by the proposed project and would therefore not support the County General Plan goals and policies.

Additionally, as this project site is identified in the county's certified housing element as critical for meeting the County's regional housing needs, reducing the density would render the County out of compliance with its certified Housing Element.

d) Alternative Location CEQA Guidelines section 15126.6(2)(A) discusses that the key question in an alternative location analysis is whether any of

the significant effects of the proposed project would be avoided or substantially lessened by placing it in an alternative location need be considered for inclusion in the EIR. If the lead agency concludes that no feasible alternative location exists it must disclose the reasons for this conclusion. Three specific alternative locations were analyzed in the DEIR, all three southwest of the project site with similar zoning. Two of the sites were 320 to 360 acres and one site 72 acres and all theoretically large enough to accommodate the proposed project. All of these sites however are heavily timbered and significantly constrained with streams and gulch areas. Development of these alternative sites would result in similar or more significant impacts on air quality, biological resources, hydrology, aesthetics, transportation and greenhouse gases and would therefore not meet CEQA's objective of avoiding or substantially lessening a project's significant impacts and were therefore rejected from further consideration.

- e) Environmentally Superior Alternative. Each of the alternatives either avoided or minimized to a greater extent the impacts associated with the proposed project. When all the alternatives were considered, Alternative 3- Reduced Density- is considered to be the Environmentally Superior Alternative in the EIR. As noted above this alternative is not feasible.

The Environmentally Superior Alternative would have incrementally less environmental impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and traffic and transportation. Although there may be incremental reduction to many impacts only significant impacts to Wildfire would be fully avoided. All other impacts would still require the proposed mitigation.

This alternative would fail to meet the project objective to facilitate the creation of affordable housing across all income levels and to assist the county in meeting its regional housing needs.

**7. FINDING**

Mitigation Measure GHG-2 as amended is equivalent or more effective in mitigating or avoiding potential significant effects than the original mitigation measure. The amended mitigation measure will not, in itself, cause any potentially significant effect on the environment.

**EVIDENCE**

- a) The original mitigation measure required that if wood burning heating is used for the residential development, the project shall install wood burning stoves with catalytic converters and/or EPA certified woodburning fireplaces. Woodburning devices shall be prohibited in the multifamily residential.
- b) The revised mitigation measure requires that only electric fireplaces shall be used. The project shall be conditioned to prohibit the extension of natural gas utilities and shall utilize electricity only in providing air conditioning, heating water heating, lighting, plumbing, and any other utilities that are typically powered by natural gas. The project applicant may achieve the

same practical effect as the removal of woodburning devices or electrification through alternative building technologies (or methods) that can be demonstrated through an independent third-party consultant to result in a minimum reduction of 852 MTCO<sub>2</sub>e in area source emissions and 87 MTCO<sub>2</sub>e in energy emissions per year. Should such technologies or methods result in an equivalent reduction in area or energy emissions, wood burning devices and/or natural gas appliances may be used. The project applicant shall be responsible for costs associated with hiring the independent third-party consultant on behalf of the County of Humboldt to verify the emission reductions achieved by alternative building technologies or methods.

- c) The revised mitigation measure prohibits all woodburning stoves, all woodburning fireplaces and all woodburning devices in all residential units. Additionally, the project would be required to develop MM GHG-2 was applied to the CalEEMod modeling and represents approximately 528 852 MTCO<sub>2</sub>e per year reduction in area source emissions. As required by Title 24, the project would install solar panels on the residential units and pursuant to MM GHG-2, the project would be required to develop as an all-electric development through the prohibition of the extension natural gas utilities. The all-electric measure results in a 66 percent reduction in GHG emissions from energy, a total of 87 MTCO<sub>2</sub>e). The revised mitigation measure is superior to the original mitigation measure, and is more effective in mitigating or avoiding potential significant effects. The mitigation measure will not cause any potentially significant effect on the environment.

## 8. FINDING

### **EIR-STATEMENT OF OVERRIDING CONSIDERATIONS**

In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) may be considered acceptable. The proposed project will provide benefits described herein to the surrounding community and the County as a whole. Each benefit set forth below constitutes a separate, independent, and severable overriding consideration warranting approval of the project, despite the unavoidable impacts. Substantial evidence in the record demonstrates that the County would derive the following benefits from the project:

#### **EVIDENCE** a) HOUSING NEEDS

There is a critical need for new housing opportunities in Humboldt County. The County has not seen housing developed at the rate needed to meet it

regional housing obligation. The Regional Housing Needs Allocation (RHNA) indicates that the County is expected to accommodate 3,390 new housing units within the four income levels between December 31, 2018, and August 31, 2027. RHNA shows that forty percent of the total housing units will need to be within the unincorporated areas of the County. This project would develop 320 units over a 15–20-year period and over the 8.7 year period the first six phases of this project would generate approximately 16 percent of the County’s RHNA obligation. Approval of the project is important for meeting the County’s housing needs and for complying with state housing law.

b) ECONOMIC BENEFITS

Potential economic impacts that could be generated from the project would extend into numerous areas of the economy, including significant employment gains in the immediate term from construction, increased income generated and spent in the local economy and increased tax revenue directed towards local and state entities. Approval of the project would provide important economic growth.

c) RECREATIONAL BENEFITS

The project would function as an extension of the Cutten community to the east and would provide substantial additional open space to the County’s residents. Approximately 21.3 acres of forest lands would be preserved and dedicated to the County and access points will be provided within the development to connect to the existing McKay Community Forest. Approval of this project will contribute to a logical and orderly expansion of public recreational purposes to serve the surrounding community.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt Board of Supervisors:

1. Adopt the finding set forth in this resolution; and
2. Certify that the Final Environmental Impact Report for the North McKay Ranch Subdivision Project (SCH#: 2019049166) has been completed in compliance with CEQA, that the Final EIR, which includes the Supplement to the Final EIR, was presented to the Board of Supervisors, and that the Board of Supervisors has reviewed and considered the information contained in the FEIR before certification, and that the FEIR reflects the County’s independent judgment and analysis; and
3. Adopt the Statement of Overriding Considerations; and
4. Adopt the Mitigation Monitoring and Reporting Program.

Adopted after review and consideration of all the evidence on March 7, 2023.

Adopted on motion by Supervisor  
and the following vote:

, seconded by Supervisor

AYES: Supervisors--  
NOES: Supervisors--  
ABSENT: Supervisors--  
ABSTAIN: Supervisors--

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 a full, true and correct copy of the original made in the above entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

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

KATHY HAYES  
Clerk of the Board of Supervisors of  
the County of Humboldt, State of California