

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF
CALIFORNIA

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

Resolution No. 23-37

Resolution of the Board of Supervisors of the County of Humboldt ADOPTING AN ORDINANCE RECLASSIFYING THE ZONING OF PROPERTY ASSOCIATED WITH THE NORTH MCKAY RANCH SUBDIVISION PROJECT, RECORD NO. PLN-9902-GPA.

WHEREAS, Kramer Properties submitted an application to reclassify approximately 18.5 acres of land currently zoned Residential One Family (R-1) as Apartment-Professional (R-4) and approximately 2.2 acres of land currently zoned Residential One Family as Neighborhood Commercial (C-1); and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on January 6, 2022 the Planning Commission considered the application, and adopted a Resolution which recommended that the Board of Supervisors approve the Zone Reclassification as proposed; and

WHEREAS, the Board of Supervisors held a public hearing, *de-novo*, on March 8, 2022 and March 22, 2022 and reviewed, considered, and discussed the application and evidence 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 with intent to approve the North McKay Ranch Subdivision Project with the direction for staff to bring the project back on the consent agenda of 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 brought back to the Board of Supervisors for the 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:** **PROJECT DESCRIPTION**

Amending section 311-7 of the Humboldt County Code by reclassifying the property described in the Attached Exhibit A as follows: approximately 18.5 acres of R-1 Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), to Apartment Professional (R-4) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), and 2.2 acres of Residential One Family with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO) to Neighborhood Commercial (C-1) with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO).

- EVIDENCE:**
- a) Evidence in File (PLN-9902-GPA)
 - b) The project description is based on the information submitted as part of the application package, and all subsequent technical documents and information used to evaluate the project.
 - c) These documents are on file in the Planning Department and are hereby incorporated herein by reference.

2. **FINDING: THE ZONING MAP AMENDMENT IS IN THE PUBLIC INTEREST**

- EVIDENCE:**
- a) The zone reclassification provides an increased range of densities which is needed to provide housing opportunities across a range of income ranges.
 - b) The Humboldt County Housing Element identified that this project site could provide 323 units as part of the housing opportunity inventory. The County is significantly behind in providing housing to meet its regional housing obligations. The county's projected housing needs for the current period (2019-2027) is 1,413 units spread across all housing income categories. These amendments allow for the project to provide for 320 units over a variety of different housing income categories.
 - c) As demonstrated by the significant deficit in available housing, there is a significant need for housing in Humboldt County and it is in the public interest to facilitate housing development.
 - d) The project results in a portion of the property being developed for neighborhood commercial facilities which will serve the needs of the residents of the development and result in less vehicle miles traveled for convenience items. .
 - e) Lastly, the amendment facilitates the transfer of approximately 21.73 acres to the County for future trails and open space which will serve the public.

3. **FINDING: THE AMENDMENT IS CONSISTENT WITH THE HUMBOLDT COUNTY GENERAL PLAN**

- EVIDENCE:**
- a) The Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character. The allowable density is 7-30 units per acre. The land use designation of approximately 18.5 acres of RL designated

property will be redesignated as RM to accommodate 174 multi-family units, at an average of 9 units per acre which is within the range specified in the RM designation.

- b) The Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs. A total of 2.2 acres of RL designated land will be redesignated as CG to accommodate 22,000 square feet of office and neighborhood commercial space that will serve the development and surrounding community.
- c) In accordance with UL-P1 Urban Development Areas, the County shall plan Urban Development Areas and implement land use regulations to support business expansion, housing opportunities and investments in infrastructure. The project site is located within the Urban Development Area and within an adopted housing opportunity zone intended to facilitate additional housing development. The project will add 320 housing units, expansion of business through the additional 22,000 square feet of commercial space and will result in additional public infrastructure.
- d) Policy IS-P9. District Boundaries, Spheres of Influence, and Community Plans requires district boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services. The proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project
- e) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The zone reclassification facilitates a mixed-use development which would include 146 single-family houses and 174 multi-family units providing for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.
- f) Goal H-G3: Workforce Housing calls for an adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.
The zone reclassification facilitates a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.
- g) Policy H-P21: Siting of Multifamily Housing Developments assures that

the County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.

The reclassification facilitates a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- h) Policy H-P22: Allowances for a Mixture of Housing Sizes and Types states the County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.

The reclassification results in a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.

- i) Goal ED-G6: Competitive Quality of Life calls for maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.

The proposed project associated with the reclassification includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.

- j) Policy BR-P1: Compatible Land Uses ensures areas containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.

The project site contains combining zones for the protection of habitat and open space through the Eureka "GO" Greenway and Open Space combining zone and the reclassification will retain this important combining zone to ensure the long-term sustainability of the habitat.

- k) Policy CU-P2: Native American Tribal Consultation

Native American Tribes shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural resources located in project areas within their respective tribal geographical

area of concern.

The following Tribes were contacted regarding the project:

- Wiyot Tribe
- Bear River Band of the Rohnerville Rancheria
- Blue Lake Rancheria

The above Tribes were contacted as part of the referral process as soon as the project was submitted to the County. Formal consultation pursuant to SB 18 and AB 52 occurred. Representatives of all three tribes responded that no further consultation was desired.

- 1) Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations requires development shall conform to Humboldt County SRA Fire Safe Regulations.

The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.

The Zone Reclassification is consistent with the Eureka Community Plan.

4. **FINDING:**
EVIDENCE:

- a) Goal 2510.1: To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.

Although the rezone area consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.

- b) **Policy 2620.1. Residential Density and Lot Sizes:**

- a. *The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.*
- b. *The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre.*
- c. *The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps.*

The zone reclassification facilitates a project that would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.

- c) Policy 2620.8. North McKay Tract requires development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of

Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.

The reclassification facilitates a project that would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space, and the open space. Fern Street would provide secondary access to two lots because it currently terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.

The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.

The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.

The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.

5. **FINDING:** **THE ZONE RECLASSIFICATION 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 (THE MID-POINT OF THE DENSITY RANGE SPECIFIED IN THE PLAN DESIGNATION).**

- EVIDENCE:** a) This property was identified in the 2019 Humboldt County Regional Housing Needs Assessment (RHNA) Plan as critical to fulfill the County's mandated requirement to provide a "fair share" of the County's projected housing needs for the current RHNA cycle of December 31, 2018 through August 31, 2027. In this assessment the parcel was determined to be available for adding 323 residential units to the County's housing inventory/ This assessment was based on an estimated property size of 87 acres however the actual assessed size of the property is 81 acres. Accordingly, the project that this zone reclassification facilitates will provide a higher density than that which was utilized for the Regional Housing Needs Assessment.

6. **FINDING:** **CEQA** – The County has complied with the California Environmental Quality Act.

EVIDENCE: a) An Environmental impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines. As part of the review of this project the Humboldt County Board of Supervisors adopted Resolution No. 23- __ certifying the Final Environmental Impact Report prepared for the project, adopting Statements of Overriding Considerations, making the required CEQA findings prior to approving the project, and adopting the Mitigation Monitoring and Reporting Plan for implementation of the mitigation measures contained in the EIR.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors do hereby:

- Adopt the findings set forth in this resolution; and
- Adopt the Zone Reclassification Ordinance included as Attachment 2b-i to the Agenda Item.

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


Steve Madrone, Chair
Humboldt County Board of Supervisor

Adopted on motion by Supervisor Bohn, seconded by Supervisor Arroyo and the following vote:

AYES: Supervisors-- Bushnell, Bohn, Madrone, Wilson, Arroyo
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



NIKKI TURNER

Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California