

North McKay Ranch Subdivision Project Development Agreement
Case Number PLN-9902-GPA
Assessor Parcel Numbers 017-032-003, 017-071-004, 017-071-009,
017-072-002, 017-072-003, 017-073-007, 017-073-009 and 303-012-020

Recommended Planning Commission Action

1. Describe the application as a Public Hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony;
4. Close the hearing and take the following action:

Make all the required findings for approval of the Development Agreement based on evidence in the staff report and public testimony, and adopt the Resolution recommending the Board of Supervisors approve the North McKay Ranch Subdivision Project Development Agreement.

Executive Summary:

The North McKay Ranch Subdivision project applications came before the Planning Commission January 6, 2022, and the Commission adopted resolutions recommending the Board of Supervisors certify the EIR and approve the project. The applicant requests at this time that the County proceed with action on a Development Agreement which outlines mutual and respective obligations between the developer and the County. Section 65864 et seq. of the California Government Code, Planning and Zoning, allows for development agreements for this purpose. All development will comply with the Eureka Community Plan requirements and the development standards.

Pursuant to Section 65864 et seq. of the Government Code and Section 2171-1 et seq. of the Humboldt County Code, the applicant is seeking to enter into a Development Agreement with the County. Development agreements are contracts negotiated between project applicants and public agencies that govern allowable land uses for development consistent with zoning and land use policies. These agreements are intended to serve as a tool to strengthen a community's commitment to comprehensive land use planning. The appropriate use of development agreements can provide the County with public benefits by requiring the developer to provide certain public improvements and benefits that would not otherwise be obtained through applicable development approval processes. The development agreement provides a developer with greater certainty in the development approval process by vesting certain development rights.

The applicant and the Planning Director have entered into negotiations and have reached a tentative agreement on the terms of the North McKay Ranch Project Development Agreement. In return for recognizing certain vested rights and avoiding future conflicting enactments for a period of 20 years that would limit or reduce density, expand developers' obligations, alter the development standards for roads and improvements, among other terms, the developer has committed to certain public benefits including the approximately 22 acres to remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee, the placement of an off-site water storage tank that would be dedicated to and managed by the Humboldt Community Services District (HCSD), and adding to the supply of both multi-family and single-family housing in the County, as well as retail and office commercial space in close proximity, at least 25 bicycle storage racks, four bicycle lockers, a transit stop, and other improvements and dedications described in the conditions of approval.

The Planning Commission is charged with reviewing the proposed Development Agreement for consistency with findings in Section 2171-14 of County Code and making a recommendation on its adoption to the Board of Supervisors. The findings require: 1) consistency with the General Plan and Local Coastal Plans, 2) consistency with the zoning regulations; 3) conformity with the public interest and general welfare; 4) not being detrimental to public health, safety or welfare of persons residing the vicinity; 5) not adversely affecting the orderly development of the property; and consistency with state law governing Development Agreements. Staff believes that the findings can be made based on the Applicant's submitted evidence (Attachment 1 of the staff report) and that the Planning Commission should recommend that the Board of Supervisors approve the Development Agreement.

Alternative: The Planning Commission could recommend denial of the proposed Development Agreement if the Commission finds that the submitted evidence does not support making all of the required findings. However, based on this staff report, planning staff believes the submitted evidence does support making all of the required findings and does not recommend further consideration of this alternative.