



COUNTY OF HUMBOLDT

For the meeting of: 3/22/2022

File #: 22-306

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

North McKay Ranch Subdivision Project

General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement, and Special Permit

APNs: 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

Record No.: PLN-9902-GPA

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce by title Ordinance No. ___ (Attachment 2b-i) Amending Section 311-7 of the Humboldt County Code by Rezoning Property in the Cutten Area (PLN-9902-GPA (Fairhaven Cottages, LLC)), reclassifying 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); and
2. Introduce by title Ordinance No. ___ (Attachment 3) Approving the Development Agreement between Kramer Properties Inc. and the County of Humboldt for the North McKay Ranch Subdivision Project, and waive the first reading; and
3. Set Ordinance No. ___ (Attachment 3) Approving the Development Agreement between Kramer Properties Inc. and the County of Humboldt for the North McKay Ranch Subdivision Project for adoption on April 5, 2022, or at least 1 week away from the date of the Board of Supervisors meeting at which the Ordinance is first introduced; and
4. Direct the Clerk of the Board to publish the pre-adoption summary of the Ordinance (Attachment 3C), and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both publication and posting to be done at least 5 days prior to

- the Board meeting at which the Ordinance will be adopted. [Government Code Section 25124 (b)(1)]; and
5. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance, to publish a post-adoption summary of the ordinance (Attachment 3D) with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance. [Government Code Section 25124 (b)(1)]; and
 6. Open the public hearing and receive the staff report, testimony by the applicant and public; and
 7. Close the public hearing; and
 8. Adopt the Resolution 22- ____ (Attachment 1) Adopting Findings for Certification of the Final Environmental Impact Report, Certifying the Final Environmental Impact Report, Adopting the Statement of Overriding Considerations, and Adopting the Mitigation and Monitoring and Reporting Program for the project, pursuant to the California Environmental Quality Act; and
 9. Adopt the Resolution 22- ____ (Attachment 2a) adopting findings in support of the General Plan Amendment and approving the General Plan Amendment to change 18.5 acres of land designated as Residential low Density to residential Medium Density and 2.2 acres of land designated as Residential Low Density to Commercial General; and
 10. Adopt the Resolution 22- ____ (Attachment 2b) adopting findings in support of the Zone Reclassification; and
 11. Adopt Ordinance No. ____ (Attachment 2b-i) redesignating zone districts within the project boundary; and
 12. Adopt the Resolution 22- ____ (Attachment 2) adopting findings in support of the Tentative Subdivision Map, Planned Unit Development and Special Permit and approving the Tentative Subdivision Map, Planned Unit Development and Special Permit; and
 13. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance redesignating zone districts within the project boundary (Attachment 2b-i), to publish a post-adoption summary of the ordinance (Attachment 2b-ii) with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance.

SOURCE OF FUNDING:

Applicant fees.

DISCUSSION:

The Humboldt County Planning and Building Department, Planning Division received applications requesting 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, six lots to support construction of up to 174 multi-family residential units, two commercial parcels supporting up to approximately 22,000 square feet of commercial space, and six parcels totaling 21.73 acres to be dedicated to the county for future trail management and open space. A development agreement is included that will permit the project to

be developed in nine phases over a period of 20 years. The proposed project would require annexation into Humboldt Community Services District for the provision of utilities.

The project includes an amendment to the Eureka Community Plan land use map to change the land use designation from Residential Low Density (1-7) to Commercial General (CG) and Residential Medium Density (RM) and to reclassify the zoning district from One Family Residential (R-1) with overlays for Planned Development, Recreation and Greenway and Open Space to Neighborhood Commercial (C-1) and Apartment-Professional (R-4) zoning. The project will be a Planned Development. A Special Permit is required for work within Streamside Management Areas for two isolated wetlands in the northern part of the project, a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street.

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.

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.

At their Jan. 6, 2022 meeting, the Planning Commission passed resolutions recommending that the Board certify the proposed project's environmental impact report and approve the project; at their Feb. 3, 2022 meeting the Planning Commission passed a resolution recommending that the Board approved the Development Agreement.

Regarding indemnification, the Board may add a condition of approval to the project requiring the applicant to enter into an indemnification agreement with the county that would cover the project approvals and associated challenges (including a challenge based on the California Environmental Quality Act). The applicant previously indicated he would not enter into such an agreement. While the development agreement does include indemnification provisions, it is advisable to also obtain an indemnification agreement on the project. Staff will be ready to provide the Board with suggested language if the Board wishes to add this condition.

Resolutions are attached here for Board consideration to:

1. Make the appropriate environmental findings and certify the Final EIR, adopt the Statement of Overriding Considerations and adopt the Mitigation, Monitoring, and Reporting Program (Attachment 1);
2. Make the project findings and approve the requested entitlements - a General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development and Special Permit (Attachment 2); and

The development agreement and the associated ordinance are attached for the Board's consideration. The department will bring back a resolution regarding the development agreement at the Board meeting when the development agreement will be agendized for adoption (Attachment 3). Also attached for Board consideration is a draft ordinance reclassifying zoning districts within the project site.

FINANCIAL IMPACT:

There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved.

STRATEGIC FRAMEWORK:

This action supports the Board's Strategic Framework by retaining existing and facilitating new living-wage private sector jobs and housing .

OTHER AGENCY INVOLVEMENT:

The Development Agreement was reviewed by County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could determine that the environmental project findings cannot be made, and/or that Final EIR should not be certified, and/or the entitlements or Development Agreement should not be approved and and/or the zone reclassification ordinance should not be adopted. Staff believes the necessary findings may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

- Attachment 1: Resolution No. 22- _____, CEQA
- Attachment 1A: Draft EIR
- Attachment 1B: Partially Recirculated DEIR
- Attachment 1C: Final EIR
- Attachment 1D: FEIR Errata
- Attachment 1E: Mitigation, Monitoring and Reporting Program
- Attachment 2: Resolution No. 22- _____, Resolution Adopting Subd Findings and Approval
- Attachment 2A: Resolution No. 22- _____, Resolution Adopting the General Plan Amendment
- Attachment 2B: Resolution No. 22- _____, Resolution Adopting the Zone Reclassification
- Attachment 2B-i: Ordinance No. _____, Zone District Reclassification
- Attachment 2B-ii: Post adoption summary for the Zone District Reclassification

- Attachment 3: Ordinance No. _____, Development Agreement
- Attachment 3A: Development Agreement
- Attachment 3B: Development Agreement Exhibits
- Attachment 3C: Pre-Adoption Summary for the Development Agreement Ordinance
- Attachment 3D: Post-Adoption Summary for the Development Agreement Ordinance
- Attachment 4: Planning Commission Staff Report from January 6, 2022 (EIR and Entitlements)
- Attachment 4a: Supplemental #1 for PC 1.06.22
- Attachment 4b: Public Comments submitted for PC 1.06.22
- Attachment 5: Planning Commission Staff Report from February 3, 2022 (Development Agreement)
- Attachment 6: Planning Commission Resolutions
- Attachment 7: Public Comments received after the February 3, 2022 Planning Commission hearing.
- Attachment 8: Board Report from the 3/08/22 BOS meeting

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-1
Meeting of: March 8, 2022
File No.: 22-267