



COUNTY OF HUMBOLDT

For the meeting of: 3/7/2023

File #: 23-189

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

North McKay Ranch Subdivision Project

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 Ordinance No. _____, Ordinance Approving the Development Agreement Between Kramer Properties, Inc. and the County of Humboldt (PLN-9902-GPA; North McKay Ranch Subdivision Project (Attachment 3), and waive the first reading;
2. Open the public hearing and receive the staff report, testimony by the applicant and public;
3. Close the public hearing;
4. Adopt the Resolution 23- ____ (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 directing Planning Staff to file a Notice of Determination; and
5. Adopt the Resolution 23- ____ (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
6. Adopt the Resolution 23- ____ (Attachment 2B) adopting findings in support of the Zone Reclassification; and

7. Adopt the Resolution 23- ____ (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
 8. Adopt 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 Recommendation: Development (P), Recreation (R), and Greenway and Open Space (GO); and
 9. 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; and
10. Actions Re: Development Agreement
- a. Set the Ordinance Approving the Development Agreement for adoption March 14, 2023, or at least one week away from the date of the Board of Supervisors meeting at which the Ordinance is first introduced; and
 - b. 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 March 10, 2023 (at least five (5) days prior to the Board meeting at which the Ordinance will be adopted). [Government Code Section 25124 (b)(1)]; and
 - c. 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)].

SOURCE OF FUNDING:

Applicant fees

DISCUSSION:

On March 22, 2022, your Board held a public hearing on the North McKay Ranch General Plan Amendment, Zone Reclassification, Tentative Subdivision Map, Planned Unit Development, Development Agreement, and Special Permit and unanimously approved a motion of intent to approve the project (5-0) with the direction for staff to bring 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. The Board also set an ordinance (Attachment 3A) approving the Development Agreement between Kramer Properties Inc. and the County of Humboldt for the North McKay Ranch Subdivision Project for adoption in April 2022.

Following the March 22, 2022 Board hearing, the Environmental Protection Information Center (EPIC) expressed strong disagreement with Final EIR's conclusion that it is infeasible to require mitigation limiting the development to the use of electricity for appliances, and disallowing natural gas, to reduce the significant impact of project operational greenhouse gas (GHG) emissions. The Final EIR had determined that generation of GHG from natural gas appliances would be a relatively small proportion of project-generated GHG, and that half of the electricity produced in the County is generated by the PG&E station which is gas-fired anyway, such that eliminating use of gas did not seem proportional to the impact. Subsequently, Stantec Consulting was asked to revisit the GHG analysis, including the feasibility of not allowing the use of natural gas in the project. Stantec found, in the Supplement to the Final EIR that following preparation of the Final EIR, the California Air Resources Board (CARB) made increased commitments to transition the electric grid away from fossil fuels. Both PG&E and the Redwood Coast Energy Authority policies also reflect CARB goals, and they intend to decarbonize all their electricity production. This now makes the requirement to develop an all-electric project technologically feasible, instead of merely transferring the impact of natural gas generated GHG emissions to another entity. This can be accommodated with a minor revision to the EIR, including modifying Mitigation Measure GHG-2 to disallow the extension of natural gas utilities as well as wood-burning stoves, which does not alter the conclusions of the analysis. Total project operational GHG emissions remain a significant impact that require the Statement of Overriding Considerations, but the impact is nonetheless reduced. The project applicant has agreed to this mitigation. This is addressed in Attachment 1F Supplement to the FEIR which modifies the FEIR.

The revised findings and condition of approval for pedestrian and bicycle improvements are included in Attachment 2 to this staff report. The condition specifically revises condition of approval 2.7(a) and 2.7(c) of the Public Works Conditions to allow an alternative set of improvements in-lieu of traffic signalization to enhance or improve pedestrian and bicycle connectivity including a with a complete streets program subject to agreement of county staff and the developer. This is addressed in the findings through the general plan support for ensuring that automobile level of service improvements do not adversely affect level of service and/or quality of service for other modes of transportation (General Plan Policy C-P4). The revised findings and mitigation measure are included in Attachment 1, CEQA BOS Resolution, Attachment 1A, Mitigation Monitoring and Reporting Program, Attachment 1E, the Supplement to the Final EIR, and Attachment 2, Entitlement BOS Resolution.

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 your Board's Strategic Framework priority of supporting business, workforce development and creation of private-sector jobs and housing.

OTHER AGENCY INVOLVEMENT:

The Development Agreement was reviewed by County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion

ATTACHMENTS:

- Attachment 1: Resolution No. 23- , CEQA
- Attachment 1A: Mitigation, Monitoring and Reporting Program
- Attachment 1B: Draft EIR North McKay Ranch subdivision project
- Attachment 1C: McKay Ranch Partial Recirc DEIR OCR
- Attachment 1D: N McKay Ranch Subdivision FEIR
- Attachment 1E: FEIR Errata 1
- Attachment 1F: Supplement to the FEIR
- Attachment 2: Resolution No. 23- , Resolution Adopting Subd Findings and Approval
- Attachment 2: Exhibit A - Public Works Conditions
- Attachment 2A: Resolution No. 23- , Resolution Adopting the General Plan Amendment
- Attachment 2B: Resolution No. 23- , 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: March 22, 2022 BOS Staff Report
- Attachment 4A: Chandler email

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-1

Meeting of: April 16, 2019, March 8, 2022, March 22, 2022, February 3, 2022, January 6, 2022

File No.: 19-473, 22-267, 22-306, 9902DA, 9902