



COUNTY OF HUMBOLDT

For the meeting of: 12/8/2020

File #: 20-1523

To: Board of Supervisors
From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Samoa Pacific Group Development Agreement
APNs: 401-031-055, 401-031-070
Case No.: DA-17-001; Application No. 13646

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce by title (Attachment 2), Ordinance No. _____, Relating to the Samoa Pacific Group Development Agreement, 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 (Resolution 20-__) (Attachment 1) which does the following:
 - a. Makes the findings that the Development Agreement is within the scope of the Supplemental Master Environmental Impact Report (EIR) adopted by the Planning Commission on October 3, 2019; and
 - b. Makes the findings that the Development Agreement is consistent with County Code Section 2171-14 and applicable provisions of state law; and
 - c. Directs the Planning and Building Department to file a Notice of Determination for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines; and
 - d. Directs the Clerk of the Board to record with the county recorder a copy of the Development Agreement no later than 10 days after the Board enters into the Agreement.
5. Set the attached Ordinance for adoption on December 15, 2020, or at least one week away from the date of the Board of Supervisors meeting at which the Ordinance is first introduced;
6. Direct the Clerk of the Board to publish the pre-adoption summary of the Ordinance (Attachment 3), 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 five (5) days prior to the Board meeting at which the Ordinance will be adopted. [Government Code Section 25124 (b)(1)]; and
7. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance, to publish a post-adoption summary of the ordinance (Attachment 4) 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:

The Humboldt County Planning and Building Department, Planning Division received a request to negotiate and approve a Development Agreement pursuant to Section 65864 et seq. of the Government Code between the Samoa Pacific Group and the County of Humboldt for the development consistent with the Samoa Town Master Plan (STMP). 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 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 sale of approximately 35 acres of coastal dune property to a non-profit land trust to be preserved in perpetuity as open space; the construction of additional parking and trail improvements to facilitate and encourage public coastal access; the formation of a the Peninsula Community Services District to provide for the provision of utilities, emergency medical services, road maintenance, storm drainage, parks, recreation and open space; the construction of additional affordable housing units within the Coastal Zone and project area; and the expansion of Tsunami evacuation education, signage and protocols to include areas outside of the STMP. The Development Agreement was negotiated with the participation of the Applicant, the Planning Department, and the Office of County Counsel.

At their July 9, 2020, meeting, the Planning Commission found that the proposed Development Agreement was consistent with the findings in Section 2171-14 of County Code and made 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 6) consistency with state law governing Development Agreements. Staff believes that the findings can be made based on the submitted evidence.

FINANCIAL IMPACT:

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

STRATEGIC FRAMEWORK:

This action supports your 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 deny the Development Agreement if it believes the required findings cannot be made. Staff believes the necessary findings may be made, so staff does not recommend further consideration of this alternative.

ATTACHMENTS:

Attachment 1: Resolution No. _____

Attachment 2: Ordinance No. _____

Attachment 3: Summary for Publication before Adoption of the Ordinance

Attachment 4: Summary for Publication after Adoption of the Ordinance

Attachment 5: Planning Commission Staff Report from July 9, 2020

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A