



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

3015 H Street • Eureka CA 95501
Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **COUNTY OF HUMBOLDT General Plan Conformance Review**
Case Number PLN-2021-17386
Assessor's Parcel Number 509-021-045 & 46
McKinleyville Area

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Please contact Michael Richardson, Supervising Planner, at (707) 268-3723 or email at mrichardson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 4, 2021	Subject General Plan Conformance Review	Contact Michael Richardson
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Project Description: General Plan Conformance Review for McKinleyville Community Services District to expand the existing water storage capacity from 2.5 million gallons to 7 million gallons to increase resilience in the case of a natural disaster or loss of connection from Humboldt Bay Municipal Water District (increase of 4.5 million gallons). The purpose for this is to increase capacity for the water tank reservoir project. The new proposal will be on a portion of APN 509-021-045. MCSD is to acquire a portion of this parcel, which will be merged with APN 509-021-046, the existing MCSD water tank site. The project is being funded in part by FEMA, administered through California Office of Emergency Services. An initial study is being undertaken as part of the preliminary design studies and related environmental and cultural resource surveys for the project at this time.

Project Location: The project is located in Humboldt County, in the McKinleyville area, on the south side of Cochran Road, approximately 1,360 feet west from the intersection of Cochran Road and Bella Vista Drive, on the property adjacent to 2100 Cochran Road to the north.

Present Plan Land Use Designations: Residential Low Density, McKinleyville Community Plan. Slope stability: Low Instability (1).

Present Zoning: Residential Suburban (RS).

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Assessor's Parcel Number: 509-021-045 & 509-021-046

Applicant McKinleyville Community Services District Attn: Pat Kaspari, Executive Director PO Box 2037 McKinleyville, CA 95519	Owner American Hospital Management Corp PO Box 1116 Arcata, CA 95521	Agent None
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Environmental Review: General Plan conformance review pursuant to Government Code Section 65402(a) is not a project pursuant to the California Environmental Quality Act.

Major Issues: None

State Appeal Status: Project is NOT appealable to the California Coastal Commission

**COUNTY OF HUMBOLDT
GENERAL PLAN CONFORMANCE REVIEW**

Case No. 2021-PLN-17386
Assessor's Parcel Number 509-021-045 & 509-021-046

Executive Summary: A report on conformance with the general plan is required under California Government Code Section 65402 when a public agency acquires or disposes of real property or intends to construct a new public building or structure. Also, review of public works projects is required by Chapter 3 of the General Plan, Governance Policy G-P19 and Implementation Measure G-IM8. The referenced section of the Government Code section is included as Attachment 3 to this staff report.

The Department of McKinleyville Community Services District has requested a General Plan Conformance review of the proposed purchase of 6.5 acres to construct an additional water storage tank, expanding the existing water storage tank site immediately to the east. The subject parcel, Assessor's Parcel Number 509-021-045, is vacant and owned by the American Hospital Management Corporation.

Findings and Recommendations:

The proposed use is consistent with the provision of expanded and redundant public services for the McKinleyville community. This project will supplement MCSD's existing water storage capabilities, increasing existing storage from 2.5 million gallons by an additional 4.5 million gallons to increase system resiliency in the event of a loss of the connection to the Humboldt Bay Municipal Water District water supply by earthquake or other circumstance. This project is being funded in part by FEMA as administered through the California Office of Emergency Services. The proposed uses conform to the primary or compatible uses described in the affected land use designations.

Staff believes that the Planning Commission may report that the proposed acquisition of 6.5 acres conforms to the McKinleyville Community Plan and the General Plan based on the analysis in Attachment 1. Alternatively, your Commission may make such modifications to the report as deemed appropriate.

**RECORD OF ACTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Case Number 2021-PLN-17386
Assessor's Parcel Number: 509-021-045 & 509-021-046**

County of Humboldt, McKinleyville area. A General Plan Conformance review for the McKinleyville Community Services District to purchase 6.5 acres of vacant property to expand the existing water storage tank site.

Recommendation

- Find project to be in conformance with the General Plan based on findings in the staff report.
- Adopt finding that project does not conform with the General Plan for the reasons specified in the staff report.

Record of Action

- Adopt Planning Division's recommendation.
- Adopt Planning Division's recommendation with revisions as made by the Planning Commission.

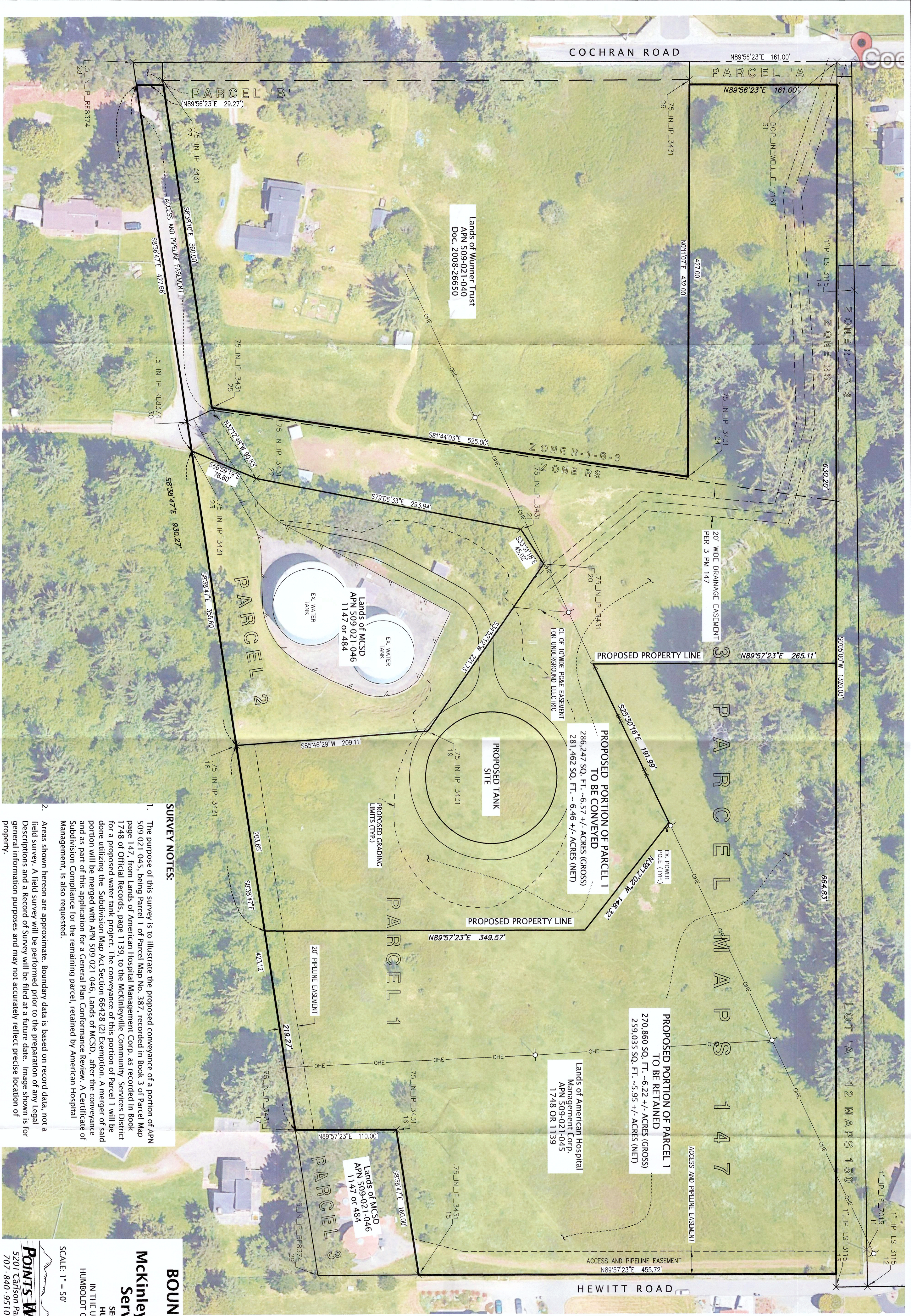
Adopted after review and consideration of all the evidence on November 4, 2021.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department



BOUNDARY EXHIBIT

for
McKinleyville Community Services District

SECTION 8, T6N, R1E,
HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF
HUMBOLDT COUNTY, STATE OF CALIFORNIA
Date: May 2021

SCALE: 1" = 50'

SHEET 1 OF 1

POINTS WEST SURVEYING CO.
5201 Catson Park Dr., Suite 3 - Arcata, CA 95521
707-840-9510 - Phone 707-840-9542 - Fax

GRAPHIC SCALE

1 inch = 50 ft.
17" x 11" PRINTS ARE 1/2 SCALE

RECEIVED
JUL 30 2021
Humboldt County
Planning Division

7/30/21

SURVEY NOTES:

1. The purpose of this survey is to illustrate the proposed conveyance of a portion of APN 509-021-045, being Parcel 1 of Parcel Map No. 387, recorded in Book 3 of Parcel Map page 147, from Lands of American Hospital Management Corp. as recorded in Book 1748 of Official Records, page 1139, to the McKinleyville Community Services District for a proposed water tank project. The conveyance of this portion of Parcel 1 will be done utilizing the Subdivision Map Act Section 65428 (2) Exemption. A merger of said portion will be merged with APN 509-021-046, Lands of MCSD, after the conveyance and as part of this application for a General Plan Conformance Review. A Certificate of Subdivision Compliance for the remaining parcel, retained by American Hospital Management, is also requested.
2. Areas shown hereon are approximate. Boundary data is based on record data, not a field survey. A field survey will be performed prior to the preparation of any Legal Descriptions and a Record of Survey will be filed at a future date. Image shown is for general information purposes and may not accurately reflect precise location of property.

PROPOSED PORTION OF PARCEL 1 TO BE RETAINED
270,860 SQ. FT. ~6.22 +/- ACRES (GROSS)
259,035 SQ. FT. ~5.95 +/- ACRES (NET)

Lands of American Hospital Management Corp.
APN 509-021-045
1748 OR 1139

PROPOSED PORTION OF PARCEL 1 TO BE CONVEYED
286,247 SQ. FT. ~6.57 +/- ACRES (GROSS)
281,462 SQ. FT. ~6.46 +/- ACRES (NET)

Lands of Wurner Trust
APN 509-021-040
Doc. 2008-26550

Lands of MCSD
APN 509-021-046
1147 or 484

Lands of MCSD
APN 509-021-046
1147 or 484



ATTACHMENT 1

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Staff believes that the Planning Commission can find that the proposed project is consistent with the 2017 Humboldt County General Plan based on the following:

- A. All applicable goals, policies, standards, and implementation measures of the Eureka Community Plan and General Plan remain in full force.
- B. The applicant will be responsible for obtaining all necessary Federal, State, and local permits, including necessary Building Permits from Humboldt County Planning and Building Department as applicable.

The following table identifies the evidence which supports finding that the McKinleyville Community Services District's acquisition of 6.5 acres of APN 509-021-045 is in conformance with all applicable policies and standards in the 2002 McKinleyville Community Plan (MCP), the General Plan adopted in 2017, and the 2019 Housing Element.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
General Plan Land Use Chapter 4, §4.8.1	Residential Uses are allowed where urban services are available.	The proposed acquisition is intended to expand the existing water storage capacity from 2.5 million gallons to 7 million gallons to increase resilience in the case of a natural disaster or loss of connection from Humboldt Bay Municipal Water District. The acquisition will improve urban services to the nearby RL plan designated areas.
General Plan Community Infrastructure and Services Chapter 5 Law Enforcement Fire Protection Services Water and Wastewater Systems Parks and Recreation	Goals and Policies contained in this chapter relate to adequate public infrastructure and services as a foundation for growth and area essential for community health, safety and quality of life.	<p>The project will help ensure continued public access to water in the case of a natural disaster or loss of connection from Humboldt Bay Municipal Water District. This activity does not involve development that would create demand for new levels of service for public infrastructure.</p> <p>The subject parcel is in the State Responsibility Area meaning that CALFire will be the lead emergency responder. There exists an internal road network that provides access for fire-fighting and emergency response to the site.</p> <p>For all the above reasons the proposed acquisition is consistent with the Community Infrastructure and Services goals, policies and standards of the General Plan.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>General Plan 2019 Housing Element</p> <p>Chapter 8</p> <p>Statutory Findings: Gov't Code § 65863, also referenced as No-Net Loss</p>	<p>Policies, Standards, and Implementation Measures for achieving target residential densities, incentivizing affordable housing production, promoting infill development, providing an adequate supply.</p> <p>Gov't Code § 65863: Each jurisdiction shall ensure that its housing element inventory sites can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated.¹</p>	<p>The subject parcel is not included in the 2019 Housing Element Inventory (Appendix G). As such, the proposed acquisition will not affect the County's ability to meet its 6th cycle Regional Housing Needs Allocation (RHNA). Moreover, because the parcel is not a 2019 Housing Element inventory site, the proposed acquisition will not permit or cause a reduction of the residential density with either fewer units or a different income category. The acquisition is consistent with the 2019 Housing Element and Gov't Code § 65863.</p>
<p>General Plan Conservation and Open Space, Chapter 10</p> <p>Open Space and Parks Lands</p> <p>§ 10.2</p>	<p>To provide and adequately maintain an accessible park and recreation offering a range of recreation opportunities where such uses do not reduce the agricultural capability, timber productivity and ecological services on open space lands.</p>	<p>The site is presently vacant, surrounded on three sides by single family residential uses, and adjacent to an existing water storage tank site. The property is less than 20 acres in size, and not of sufficient size for public recreation.</p> <p>The acquisition is consistent with the Conservation and Open Space goals, policies and standards of the General Plan for open space and parks.</p>
<p>General Plan Conservation and Open Space, Chapter 10</p> <p>Biological Resources, Sensitive and Critical Habitats § 10.3</p> <p>Also ECP Chapter 3 § 3400</p>	<p>The protection of sensitive or critical habitat</p>	<p>The proposed I acquisition does not involve site disturbing activities. Formal biological resource review will be performed as part of any subsequent development proposal on the property including biological resource protections.</p> <p>The acquisition is consistent with the Conservation and Open Space goals, policies and standards of the General Plan for protection of biological resources.</p>

¹ The "planning period" refers to the RHNA planning period, which is 2019 to 2027.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>General Plan Conservation and Open Space, Chapter 10</p> <p>Cultural Resources § 10.6</p>	<p>Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p>The proposed acquisition does not involve site disturbing activities. Formal cultural resource review will be performed as part of any subsequent development proposal on the property.</p> <p>The acquisition is consistent with the Conservation and Open Space goals, policies and standards of the General Plan for cultural resources.</p>
<p>General Plan Water Resources</p> <p>Chapter 11, § 11.4</p>	<p>Maintain or enhance the quality of the County's water supply and water resources and the fish and wildlife habitat utilizing those resources.</p>	<p>The acquisition of 6,5 acres does not involve site disturbing activities that could affect water quality or quantity. Water used to fill the water storage tanks will come from the Humboldt Bay Municipal Water District which has an abundance of capacity.</p>
<p>Safety Element</p> <p>Chapter 14</p> <p>Airport Safety</p> <p>Geologic and Seismic</p> <p>Flooding</p> <p>Fire Hazards</p>	<p>Goals and Policies contained in this Chapter identify hazards and hazard risk reduction policies to guide local decisions related to airport, geologic, flooding, and fire hazards.</p> <p>The principal airport/airspace/land use compatibility issues at most airports are noise, airspace, safety.</p>	<p>The proposed acquisition of 6.5 acres to be added to the existing water storage site does not involve development that would permanently place people in potentially hazardous areas.</p> <p>The parcel has a moderate fire hazard severity rating. The property is located in the State Responsibility Area and CALFire provides wildland fire services.</p> <p>The site's seismic safety and slope stability ratings reflect the relatively flat topography of the site. The slope stability rating is "low instability". The parcel is not within the Alquist-Priolo Fault Hazard Zone.</p> <p>The site is outside areas subject to flooding and tsunami hazards. The parcel is not located in an area subject to restrictions associated with a proximate airport.</p> <p>The proposed project is not incompatible with measures for protection people and property from hazards related to airport safety, geologic instability, flooding, and fire hazard.</p>

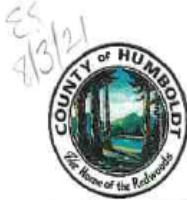
Recommendation

Planning Staff recommends the Planning Commission find the proposed acquisition of 6.5 acres of the existing parcel to be incorporated into the adjacent water storage tank site to be in conformance with the McKinleyville Community Plan and the General Plan.

ATTACHMENT 2

APPLICATION REQUESTING GENERAL PLAN CONFORMANCE REVIEW

PLN-2021-17300



PLANNING APPLICATION FORM
Humboldt County Planning Department

Current Planning Division 3015 H Street Eureka, CA 95501-4484
Phone (707) 445-7541 Fax (707) 268-3792

INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit **all** items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable.)

Business Name: McKinleyville Community Services District
 Contact Person: Pat Kaspari, PE General Manager
 Mailing Address: P.O. Box 2037
 City, St, Zip: McKinleyville, CA. 95519
 Telephone: (707) 839-3251 Alt. Tel: _____
 Email: pkaspari@mckinleyvillecsd.com

AGENT (Communications from Department will be directed to agent)

Business Name: Points West Surveying Co.
 Contact Person: David A. Crivelli
 Mailing Address: 5201 Carlson Park Dr. #3
 City, St, Zip: Arcata CA 95519
 Telephone: (707) 840-9510 Alt. Tel: _____
 Email: crivelli@pointswestsurveying.com

OWNER(S) OF RECORD (If different from applicant)

Owner's Name: American Hospital Management c/o Doug Shaw
 Mailing Address: 3800 Janes Rd.
 City, St, Zip: Arcata CA 95521
 Telephone: (707) 822-3681 Alt. Tel: _____

Owner's Name: _____
 Mailing Address: _____
 City, St, Zip: _____
 Telephone: _____ Alt. Tel: _____

LOCATION OF PROJECT

Site Address: 2195 Hewitt Rd., McKinleyville, CA.
 Community Area: McKinleyville

Assessor's Parcel No(s): 509-021-045 & 046
 Parcel Size (acres or sq. ft.): 12.67 ac. +/-

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons? YES NO

SECTION II

PROJECT DESCRIPTION

Describe the proposed project (attach additional sheets as necessary):

(see Project Description attached) *GP conformance review*



**McKinleyville Community Services District
Cochran Water Reservoir Project Description**

The purpose of this application is to apply for a General Plan Conformance Review for a proposed new water tank reservoir project. The proposed new reservoir will be on a portion of APN 509-021-045, being Parcel 1 of Parcel Map No. 387, recorded in Book 3 of Parcel Map page 147. McKinleyville Community Services District (MCSD) is to acquire a portion this parcel, the Lands of American Hospital Management Corp. as recorded in Book 1748 of Official Records, page 1139, for the proposed water tank project. The conveyance of this portion of Parcel 1 will be done utilizing the Subdivision Map Act Section 66428 (2) Exemption for conveyances to or from a governmental agency. A merger of said portion will be merged with APN 509-021-046, existing Lands of MCSD, after the conveyance. A Certificate of Subdivision Compliance for the remaining parcel, retained by American Hospital Management, will be recorded after the conveyance.

This project is being undertaken to supplement MCSD's existing water storage capabilities, increasing existing storage from 2.5 million gallons by an additional 4.5 million gallons. This will increase system resiliency in the event of a loss of the connection to the Humboldt Bay Municipal Water District water supply by earthquake or other circumstance. This project is being funded in part by FEMA as administered through the California Office of Emergency Services. An Initial Study under the California Environmental Quality Act (CEQA) is being undertaken as part of the preliminary design studies and related environmental and cultural resources surveys for this project at this time.

ATTACHMENT 3

GOVERNMENT CODE SECTION 65402

- (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonment for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonment for street widening, or alignment projects are of a minor nature.
- (b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.
- (c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.