



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

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**Title:** Supplemental Budget in the Amount of \$100,000 to Complete the Titlow Hill General Plan Amendment (GPA), Rezone associated Conditional Certificates of Compliance and Environmental Impact Report (EIR) (4/5 Vote Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. GPP-17-001 Titlow Hill General Plan Amendment 8.10.17, 3. Titlow Hill Supplemental Budget.pdf, 4. Public Comment.pdf

Date	Ver.	Action By	Action	Result
2/7/2023	1	Board of Supervisors	approved as amended	Pass

**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Consent

### SUBJECT:

Supplemental Budget in the Amount of \$100,000 to Complete the Titlow Hill General Plan Amendment (GPA), Rezone associated Conditional Certificates of Compliance and Environmental Impact Report (EIR) (4/5 Vote Required)

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve the supplemental budget (Attachment 2), transferring \$100,000 from Fund 3575 to the Planning Building Advanced Planning Division (1100-277) to complete the work on the Titlow Hill GPA, Rezone, EIR Conditional Certificates of Compliance applications (4/5 vote required).

### SOURCE OF FUNDING:

Fund 3575 - EIR Contractors

### DISCUSSION:

This supplemental budget request is to complete the necessary environmental analysis, General Plan Amendment, rezone and issuance of Conditional Certificates of Compliance to address lots that were illegally created in the Titlow Hill area. The Planning and Building Department is requesting approval

to transfer \$100,000 from Fund No. 3575 - EIR Contractors to cover expenses associated with this project.

**Background:**

The Titlow Hill project involves a 6,244-acre area south of Highway 299 and west of Titlow Hill Road. Within this larger area, a checkerboard of approximately 2,600 acres that was designated Agricultural Grazing in the County Framework Plan, as well as in the 2017 Humboldt County General Plan, was divided into a total of 62 parcels and conveyed to new owners without going through the process of creating a legal subdivision. This first came to the attention of the county in 2007. The District Attorney's Office filed proceedings against the subdivider, asking that the subdivider be responsible for taking the necessary steps to create legal parcels. As a result, the Titlow Hill GPA project's objective is to process the necessary entitlements to deem the parcels created outside of the Subdivision Map Act as legal parcels.

The court required the subdivider to contribute \$150,000 toward the cost of taking the necessary steps to create legal parcels. This is not sufficient funds to prepare an EIR and process the necessary entitlements.

In the litigation that awarded the \$150,000 for preparation of the EIR it was the determination of the court that the county was not the victim in this situation and was not eligible for restitution. The court awarded the \$150,000 based on a cost estimate from the Planning and Building Director for the cost of preparation of an EIR. The county asked for compensation to complete the GPA, rezone and permitting and also to address the environmental damages in the amount of \$2.1 million but the court did not award funding for this work. It was not clear whether the court recognized that ultimately these costs would need to be borne by somebody to complete the legalization of these parcels.

In 2017 the county started a process with the current property owners who wanted to participate to contribute to the work of preparing an EIR, modifying the General Plan, rezoning the property and preparing Conditional Certificates of Compliance. Initially 42 property owner each contributed \$3,000 to pay for this work. An Administrative Draft of the EIR has been prepared, but work has been stymied due to the lack of an engineering design for the internal road improvements. The EIR cannot be completed without some level of detail assessing the environmental effects of improving the ranch roads to comply with Fire Safe Standards. Currently the budget is expended and there are no funds to hire an engineer or biologist to complete this work.

Approximately \$1,000 remains in the trust fund. Staff proposes to complete the Draft EIR in-house using county funds and resources, and with contractors for the engineering and the biological technical documents to support the EIR.

County staff time to complete the non-technical sections of the DEIR; formatting and publication for 45-day review; response to comments and preparation of the Final EIR; staff reports to the Planning Commission and Board of Supervisors; CEQA compliance documentation and project management would cost up to \$55,000. The total cost to finish this project would be:

Estimated Costs:	Engineering Assessment -	\$30,000
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Biological Resources Assessment -	\$15,000
County Staff and other cost -	\$55,000
Total Cost -	\$100,000

The proposal covers costs of completing the CEQA assessment and documentation, processing the General Plan Amendment, Zone Reclassification, and Special Permit applications through to action by the Board for intended EIR certification and project approval, and subsequent ministerial Subdivision Certification by staff. These costs do not include the cost of implementing required mitigation measures that are expected to arise from the EIR analyses, such as road improvements.

The result of this work will be the issuance of Conditional Certificates of Compliance for the participating property owners. This will allow the properties to be legally bought and sold but will not allow the properties to have building permits issued until the conditions are complied with. The biggest condition will be the improvements to the ranch roads to make them fire safe. Satisfying the conditions will be the responsibility of the property owners. This is likely to be very expensive and may be out of reach for the current property owners. Once all the conditions have been complied with, the parcels will be deemed legal parcels and the structures on site can be permitted.

#### FINANCIAL IMPACT:

Revenue related to this request are recommended to come from Fund 3575 - EIR Contractors. County records indicate that this fund currently holds \$2.1 million, however, some transactions may still be in process that could affect this balance.

Expenditures associated with this request were not included in the adopted budget for FY 2022-23. This supplement budget request includes increased professional services expenditures in the amount of \$100,000 for Planning & Building - Current Planning budget unit 1100-277. There is no request for General Fund.

#### STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents .

#### OTHER AGENCY INVOLVEMENT:

There are no other agencies involved in the request for funding. Department of Environmental Health, and Public Works will be involved in preparation of the Conditions associated with preparation of the Conditional Certificates of Compliance.

#### ALTERNATIVES TO STAFF RECOMMENDATIONS:

The alternative action for the Board to consider is to decline funding for this request in which case work cannot progress on the effort to legalize the parcels in the Titlow Hill area unless the property owners pay for the needed work

#### ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

Attachment 1: GPP-17-001 Titlow Hill General Plan Amendment 8.10.17

Attachment 2: Supplemental budget

PREVIOUS ACTION/REFERRAL:

Board Order No.: .

Meeting of: 9/5/2017

File No.: 17-2308