

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF
CALIFORNIA

Certified copy of portion of proceedings; Meeting on March 7, 2023

Resolution No. 23-38

Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS FOR APPROVING A TENTATIVE SUBDIVISION MAP, PLANNED UNIT DEVELOPMENT, AND SPECIAL PERMIT FOR THE NORTH MCKAY RANCH SUBDIVISION PROJECT, RECORD NO. PLN-9902-GPA.

WHEREAS, Kramer Properties submitted an application for a 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, 6 lots to support construction of up to 174 multi-family residential units, 2 commercial parcels supporting up to approximately 22,000 square feet of commercial space and 6 parcels totaling 21.73 acres to be dedicated to the County for future trail management and open space; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on January 6, 2022 the Planning Commission considered the application, and adopted a Resolution which recommended that the Board of Supervisors conditionally approve the Tentative Subdivision Map, Planned Unit Development, and Special Permit for the North McKay Ranch project; and

WHEREAS, the Board of Supervisors held public hearings, *de-novo*, on March 8, 2022 and March 22, 2022 and reviewed, considered, and discussed the application and evidence and considered all public testimony and evidence presented at the hearing; and

WHEREAS, the Board of Supervisors closed the public hearing on March 22, 2022 and approved a motion to approve the Tentative Subdivision Map, Planned Unit Development and Special Permit for the North McKay Ranch Subdivision Project with the direction for staff to bring a revised finding and condition of approval relative to intersection improvements back on the consent agenda of April 5, 2022; and

WHEREAS, following the Board of Supervisor's March 22, 2022 public hearing, in consultation with the Applicant, a Supplement to the Final EIR was prepared, and the

revised finding and condition of approval relative to intersection improvements, and an amended mitigation measure, were brought back to the Board of Supervisors' advertised public hearing on March 7, 2023; and

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. FINDING:

PROJECT DESCRIPTION

The proposed project would be constructed on approximately 81 acres and would involve a mixed-use development with 320 residential units, approximately 22,000 square feet of commercial development, an off-site sewer line, and an off-site water storage tank. The proposed land uses would include single-family dwellings, multi-family dwellings, and neighborhood commercial. The residential mix could include 146 single-family houses and 174 multi-family units. Two proposed commercial parcels would contain approximately 22,000 square feet of commercial space. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. The off-site water storage tank would be owned and managed by the Humboldt Community Services District (HCSD) and would support the proposed development. The proposed project is anticipated to be developed in nine phases over a period of 20 years, but a final phasing plan would be based on market conditions. The proposed project would require annexation into HCSD for the provision of utilities. 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. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project.

EVIDENCE:

- a) Evidence in File (PLN-9902-GPA)
- b) The project description is based on the information submitted as part of the application package, and all subsequent technical documents and information used to evaluate the project.
- c) These documents are on file in the Planning Department and are hereby incorporated herein by reference.

2. FINDING:

CONFORMANCE WITH 2017 HUMBOLDT COUNTY GENERAL PLAN, OPEN SPACE PLAN, AND THE OPEN SPACE ACTION PROGRAM (CO-IM5) As conditioned, the project is in conformance with the Humboldt County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE:

- a) The Residential Low Density (RL) Land Use Designation is used for areas suitable for residential use where urban services are available or are anticipated to be available. Single family units on individual lots are the dominant use, but

the designation can accommodate a mix of housing types including townhouses and common-wall clustered units. The allowable density is 1-7 units per acre. A total of 146 single family lots will be developed within the areas planned RL, all to be connected to urban services and within the density range of 1-7 units per acre.

- b) The Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments. Design review can be used to ensure compatibility with neighborhood character. The allowable density is 7-30 units per acre. The land use designation of approximately 18.5 acres of RL designated property will be redesignated as RM to accommodate 174 multi-family units, at an average of 9 units per acre which is within the range specified in the RM designation.
- c) The Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs. A total of 2.2 acres of RL designated land will be redesignated as CG to accommodate 22,000 square feet of office and neighborhood commercial space that will serve the development and surrounding community.
- d) In accordance with UL-P1 Urban Development Areas, the County shall plan Urban Development Areas and implement land use regulations to support business expansion, housing opportunities and investments in infrastructure. The project site is located within the Urban Development Area and within an adopted housing opportunity zone intended to facilitate additional housing development. The project will add 320 housing units, expansion of business through the additional 22,000 square feet of commercial space and will result in additional public infrastructure.
- e) The Timberland (T) Land Use Designation is utilized to classify land that is primarily suitable for the growing, harvesting, and production of timber. Prairie and grazing land may be intermixed. Density range is 40-160 acres/unit.
The new water tank to serve this site will be on land designated T. It is an existing tank site used by Humboldt Community Services District. As provided in the General Plan, Utilities, such as the water storage tank, is considered an allowable use type within the T land use designation
- f) Policy FR-P16. Public Utilities on TPZ Lands indicates where feasible avoid locating federal, state, or local public improvements and utilities in TPZ where the project or land acquisition will have a significant adverse effect on the production of timber or ecosystem services. The new water tank to serve this site will be on land zoned TPZ. The water storage tank will be located on land that is already owned by a public utility and managed for water distribution purposes. The installation of an additional water storage tank on this site that is already utilized for public services will not have a significant adverse impact on the production of timber or ecosystem services.

- g) Policy FR-P20: Fire Safety Hazards requires the County to continue to implement the State Responsibility Area Fire Safe Standards and Wildland-Urban Interface Building Codes for new development and support voluntary programs for fuels reduction, dwelling fire protection and creation of defensible space for existing development. The project site is within a High Fire Hazard area. The project site is within the jurisdiction of the Humboldt #1 Fire Protection District (with the exception of the water tank site) and within State Responsibility Areas (SRA), which are served by CAL FIRE. The project EIR examined the hazards of potential wildfire. The project will comply with all of the required measures in the state's Fire Safe regulations. Mitigation measures have been included to reduce the potential impacts of adding additional development within the high fire hazard area. MM-WF-1 requires the development of a fire safety management plan and MM-WF-2 requires revisions for 100 feet of defensible space as recommended by Cal-Fire and Humboldt #1 Fire Protection District to be included or an agreement in place with the County to ensure the same practical effect through management of the adjacent open space lands which are managed or proposed to be managed by Humboldt County after completion of this project.
- h) Policy IS-P3 – Requirements for Discretionary Development requires the adequacy of public infrastructure and services for discretionary development greater than a single-family residence and/or second unit shall be assessed relative to service standards adopted by the Board of Supervisors, local service providers, and state and federal agencies. The proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A new off-site water tank would be constructed as part of the proposed project, expanding HCSD's service capacities. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.
- i) Policy IS-P9. District Boundaries, Spheres of Influence, and Community Plans requires district boundaries, spheres of influence, municipal service reviews, and community plans shall be mutually compatible and support the orderly development and timing of infrastructure and services. The proposed project includes annexing to HCSD and extending and installing necessary infrastructure to serve the project. A sewer line will also be extended to Hemlock Street and Walnut Drive to provide sanitary sewer facilities to the proposed project.
- j) Policy IS-P25: Fire Service Impacts from New Development. During review of discretionary permits within fire related district boundaries or identified response areas, utilize recommendations from the appropriate local fire chief as feasible mitigation measures to reduce impacts to emergency response and fire suppression services from new development.

The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. Consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire

safety. MM PS-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations.

- k) Policy T-P13: Subdivision Improvement Requirements requires *new residential and commercial development projects to include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment and flexible telephone conduit to allow for easy retrofit for high-speed data systems.* The proposed project would include adequate telecommunications and broadband service capability as a condition of approval.
- l) Policy C-P5: Level of Service Criteria requires the County to strive to maintain Level of Service C operation on all roadway segments and intersections, except for U.S. 101, where Level of Service D shall be acceptable. Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible.
 - i. A Traffic Study for the McKay Ranch Subdivision was prepared in May 2018 by TJKM found Coordination between the Humboldt County Department of Public Works and the City of Eureka determined that 12 intersections had the potential to be impacted and needed to be analyzed for level of service conditions to determine consistency with this Humboldt County General Plan policy.
 - ii. The Study found 9 of these intersections would be functioning below LOS C under both Future (2040) with no project and Future (2040) plus Project conditions. The traffic study identified improvements to all intersections operating at LOS D or worse in the future condition with Project, except for the Harris and Harrison intersection where a traffic signal is already in place.
 - iii. The study calculated the project's contribution to LOS delay at these intersections as a percentage of the Future plus Project conditions.
 - iv. The project is not responsible for pre-existing conditions but is responsible for its proportionate share of the traffic contributed to the intersections. The county may only require development conditions which are proportional to the project's impacts (Dolan v. City of Tigard, 512 U.S. 374).
 - v. The project's cumulative fair share is 197%, which is roughly two intersections. County Public Works has identified two intersections that are priority needs for signalization based on circulation patterns, and which may serve an equivalent share of the total of improvement costs for intersections that fall below LOS C. The County has identified that pedestrian and bicycle improvements in-lieu of intersection signalization would improve level of service overall including improving quality of service for multi-modal transportation. Allowing multi-modal improvements in-lieu of signalization improvements would also ensure that level and quality of service for multi-modal transportation was not

- adversely affected through the level of service improvements.
- vi. Signalization of these intersections or an equivalent expenditure towards pedestrian and bicycle improvements at these intersections is a condition of approval of the subdivision map. The various intersection improvements would help minimize traffic congestion and encourage multi-modal use in the vicinity of the proposed project.
 - vii. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project.
- m) Policy C-P11: Transportation Demand Management Programs require residential subdivisions and multifamily development that would result in fifteen or more dwelling units, and non-residential development that would employ greater than ten persons, and that require a discretionary permit, to comply with County transportation demand management programs. The project is conditioned to signalize two priority intersections identified by the County Public Works that will facilitate implementation of the County's transportation demand management program. The project is conditioned to provide a bus stop in the vicinity of the multi-family and commercial development and bicycle facilities.
 - n) Policy C-P34: Traffic Calming requires use of traffic calming measures, where feasible and appropriate, as a means of improving safety for all users. Traffic calming measures may include, but are not limited to, roundabouts, chicanes, curb extensions, and traffic circles. The proposed project has been designed to incorporate intersection improvements. These intersection improvements would help minimize traffic congestion in the vicinity of the proposed project. Additional traffic calming facilities such as roundabouts, chicanes and traffic circles would necessitate a reduction in off-street parking for existing residents and a reduction in available space for the proposed residential development and is not feasible for this project.
 - o) Policy C-P38: Develop a Regional Trails System calls for support of efforts to establish and connect regional trails, particularly in the greater Humboldt Bay and lower Mad River areas, the Eel River Valley, along the Avenue of the Giants and in the Klamath-Trinity area. The System should include the California Coastal Trail system and consist of multi-use trails where feasible. The proposed project would include 20-foot-wide trail easements and would construct trail connection to the future public trails to access the McKay Community Forest, consistent with efforts to establish a regional trail system.
 - p) Policy C-P39: Encourage Bicycle and Pedestrian-Friendly Development incentives to be given to developers who provide non-motorized facilities that connect neighborhoods in a design appropriate to the character of those neighborhoods. The proposed project would include pedestrian pathways and 20-foot-wide trail easements, which would connect the new development to the existing community and surrounding recreational opportunities. The project would include the construction of the McKay Community Forest trail segments that are within the project boundary. The project is conditioned to provide for

a bus stop in the vicinity of the commercial development, and to provide for bike racks and bike lockers adjacent to the bus stop and the commercial development. The proposed connector roads will provide for bike lanes within the public rights-of-way. A condition of approval requires intersection improvements which could include pedestrian and bicycle oriented improvements at two intersections in-lieu of traffic signals.

- q) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.
- r) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.
- s) Goal H-G2: Housing Diversity calls for an adequate supply of all types of housing affordable for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas. The proposed project consists of a mixed-use development which would include 146 single-family houses and 174 multi-family units. The development would provide for a range of income levels, with 18 affordable units, 50 smaller (less than 5,000 square feet) single-family lots, and 96 larger lots measuring 6,600 square feet or more.
- t) Goal H-G3: Workforce Housing calls for an adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.

The proposed project consists of a mixed-use development that would place residences and new commercial uses near existing residential, business, and community services. The range of unit types, including multi-family and single-family residential, would provide for ownership and rental opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- u) Policy H-P21: Siting of Multifamily Housing Developments assures that the County shall plan, prioritize, and support development proposals that locate multifamily uses along major transportation corridors, near transit stops, public services, recreation areas, neighborhood commercial centers and work opportunities.

The proposed project includes a mixed-use development located approximately 0.3 mile from the neighborhood commercial area at Maple Avenue and Fern

Avenue, and adjacent to existing recreational opportunities. The nearest transit stop is approximately 0.2 mile to the west, the nearest elementary school is adjacent to the site, and more extensive employment, commercial, health and other services and opportunities are approximately 1 mile to the north.

- v) Policy H-P22: Allowances for a Mixture of Housing Sizes and Types states the County shall allow a variety of housing types and sizes in all residential areas served by public sewer to encourage a mix of housing opportunities for all income categories.

The proposed project includes a variety of housing types, including 96 larger single-family lots (6,600 square feet or greater), 50 smaller single-family lots (less than 5,000 square feet), and 174 multi-family units; 18 housing units would be affordable. The residences would be served by public sewer through HCSD.

- w) Goal ED-G6: Competitive Quality of Life calls for maintained and enhanced natural resources, recreational opportunities, quality education, vibrant town centers, access to employment, housing, retail, health care, childcare, safety, multimodal transportation, advanced telecommunications, and cultural and natural amenities.

The proposed project includes trails to provide access to adjacent recreational and open space opportunities and proposed commercial spaces and would be located within one mile of retail, childcare, transportation, employment and retail opportunities.

- x) Goal CO-G4: Parks and Recreation calls for maintained and accessible parks offering a range of popular recreation opportunities and a regional trail system that meets future recreational and non-motorized transportation demands.

The proposed project includes designating and preserving 21.73 acres of permanent open space through a permanent easement dedicated to the County. In addition, 20-foot wide trail easements and trail connections would be provided on-site to connect to the future public trails to the McKay Community Forest.

- y) Goal CO-G5: Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.

The project site is currently zoned to allow 320 residential dwelling units. The project location is adjacent to developed lands, including community playfields at Redwood Fields Park, and would be provided with public water and sewer from HCSD, as outlined in the approved MSR. The Eureka Community Plan calls for the site's development, and the Housing Element identifies 5 of the 7 APNs as available for residential development in the Residential Land Inventory. As noted earlier, 21.73 acres of permanent open space would be preserved and dedicated to the County through an easement or conveyed in fee. Additionally, 20-foot-wide trail easements and constructed trail connections would connect the future public trails to the McKay Community Forest.

- z) Goal BR-G2: Sensitive and Critical Habitat calls for mapped inventory of

sensitive and critical habitat where biological resource protection policies apply. Numerous biological resource surveys have been prepared and utilized to support project planning. Based on the results of the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR and refined in the Final EIR.

- aa) Goal BR-G3: Benefits of Biological Resources calls for Fish and wildlife habitats protected on a sustainable basis to generate long-term public, economic, and environmental benefits. Mitigation measures are included in the DEIR in order to minimize potential impacts on fish and wildlife habitats. These mitigations measures are primarily found in the biological resources section and hydrology and water quality section. No significant and unavoidable impacts to biological resources were identified in the environmental review.
- bb) Policy BR-P1: Compatible Land Uses ensures areas containing sensitive habitats shall be planned and zoned for uses compatible with the long-term sustainability of the habitat. Discretionary land uses and building activity in proximity to sensitive habitats shall be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat, to the extent feasible consistent with California Department of Fish and Wildlife guidelines or recovery strategies.

The project site contains combining zones for the protection of habitat and open space through the Eureka "GO" Greenway and Open Space combining zone and is designed to comply with all of the provisions of this combining zone. Through mitigation measures the project is conditioned to prevent significant degradation of sensitive habitats. With implementation of Mitigation Measures MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7 and MM-BIO-8 impacts on sensitive natural communities and riparian habitat either would be avoided or would be compensated at a 1:1 ratio. Mitigation and conditions are also in place to prevent project related erosion and runoff to receiving waters and to protect and facilitate wildlife movement (MM-BIO-8). Through mitigation and conditions, the project will not degrade sensitive habitats.

- cc) Policy BR-P2: Critical Habitat states discretionary projects which use federal permits or federal funds on private lands that have the potential to impact critical habitat shall be conditioned to avoid significant habitat modification or destruction consistent with federally adopted Habitat Recovery Plans or interim recovery strategies. The project is anticipated to require federal permits. A Clean Water Act Section 404 Nationwide Permit for wetland fill and work within riparian areas may likely be required. No critical habitat wildlife species will be impacted. Development within the stream channels and wetland areas have been minimized through project refinements and mitigation measures. The project as designed will not be inconsistent with adopted habitat recovery plans or interim recovery strategies.
- dd) Policy BR-P4: Development within Stream Channels states Development

within stream channels shall be permitted when there is no lesser environmentally damaging feasible alternative, and where the best feasible mitigation measures have been provided to minimize adverse environmental effects. Development shall be limited to essential, non-disruptive projects which include road crossings where erosion control measures are implemented. Development within stream channels will be limited to road crossings, a permitted development activity in stream channels. The crossings will be required to be designed to minimize impacts to the streams and to facilitate wildlife movement and to mitigate for all impacts to riparian habitat (Mitigation Measures MM-BIO-4 and MM-BIO-8)

- ee) Policy BR-P5: Streamside Management Areas is to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and interference with surface water flows, the County shall maintain Streamside Management Areas, along streams including intermittent streams that exhibit in-channel wetland characteristics and off-channel riparian vegetation. The EIR has identified a total of 0.168 acres of wetlands that would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Project construction activities occurring within riparian habitat would be limited to the stream crossings for public road extensions, and all riparian habitat will be mitigated at a 1:1 ratio (MM-BIO-4). Wetland impacts are limited to two small isolated wetlands and to a larger wetland required to be impacted for the extension of a public road. Wetland impacts will be mitigated at a 1:1 ratio (MM-BIO-5) and existing wetlands not impacted will be enhanced (MM-BIO-6). The project will adhere to the prescribed Streamside Management Areas (SMAs) buffers of 100 and 50-feet from the edge of riparian vegetation or top of bank for perennial and intermittent streams, whichever is greater for all other development related activities.
- ff) Policy BR-P6: Development within Streamside Management Areas states that Development within Streamside Management Areas shall only be permitted where mitigation measures (Standards BR-S8 – Required Mitigation Measures, BR-S9 – Erosion Control, and BR-S10 – Development Standards for Wetlands) have been provided to minimize any adverse environmental effects and shall be limited to uses as described in Standard BR-S7 – Development within Streamside Management Areas.

The EIR has identified a total of 0.168 acres of wetlands that would be impacted, and 0.050 acres of riparian habitat will be impacted as a result of the project. Project construction activities occurring within riparian habitat would be limited to the stream crossings for public road extensions, and all riparian habitats will be mitigated at a 1:1 ratio (MM-BIO-4). Wetland impacts are limited to two small isolated wetlands and to a larger wetland required to be impacted for the extension of a public road. Wetland impacts will be mitigated at a 1:1 ratio (MM-BIO-5) and existing wetlands not impacted will be enhanced (MM-BIO-6). The project will adhere to the prescribed Streamside Management Areas (SMAs) buffers of 100 and 50-feet from the edge of riparian vegetation or top of bank for perennial and intermittent streams,

- whichever is greater for all other development related activities.
- gg) Policy BR-P7: Wetland Identification states that the presence of wetlands in the vicinity of a proposed project shall be determined during the review process for discretionary projects and for ministerial building and grading permit applications, when the proposed building development activity involves new construction or expansion of existing structures or grading activities. Wetland delineation by a qualified professional shall be required when wetland characterization and limits cannot be easily inventoried and identified by site inspection. A wetland delineation has been conducted by qualified individuals for the entire project area [Wetland Delineation prepared for Kramer Properties, Inc. (SHN Consulting Engineers March 2017) As identified in the DEIR a total of 0.168 acres of wetlands would be impacted by the project. However, mitigation measures have been identified in the DEIR to reduce potential impacts on wetlands to a less-than-significant level (see Mitigation Measures MM-BIO-5 and MM-BIO-6).
 - hh) Policy BR-P11: Biological Resources Maps states biological resource maps shall be consulted during the ministerial and discretionary permit review process in order to identify habitat concerns and to guide mitigation for discretionary projects that will reduce biological resource impacts to below levels of significance, consistent with CEQA. SHN prepared biological resource surveys designed to support project planning. Prior to preparing these reports, available resource maps were consulted, including but not limited to the National Wetlands Inventory (NWI), California Natural Diversity Database (CNDDDB), and Humboldt County General Plan Resource Maps (publicly available on the County's GIS website). Based on the literature and database review and field surveys, a thorough inventory of sensitive and critical habitat within the project site has been mapped. This inventory is found in the Draft EIR. This information was used to refine the project and develop mitigation measures that reduce biological impacts to a level that is less than significant. Consistent with CEQA, all feasible mitigation to reduce impacts have been required.
 - ii) Policy BR-P12: Agency Review requires that the County shall request the California Department of Fish and Wildlife, as well as other appropriate trustee agencies and organizations, to review plans for development within Sensitive Habitat, including Streamside Management Areas. The County shall request NOAA Fisheries or U.S. Fish and Wildlife Service to review plans for development within critical habitat if the project includes federal permits or federal funding. Recommended mitigation measures to reduce impacts below levels of significance shall be considered during project approval, consistent with CEQA. The development of the project has included referrals to and consultation with the California Department of Fish and Wildlife (CDFW). CDFW has provided recommendations regarding project design and project mitigation measures and these recommendations have been considered and, where feasible, incorporated into the project. While CDFW recommended that a greater than 1:1 mitigation ratio be provided for the wetlands being impacted, this was not required in the project EIR as the wetlands being impacted are

generally of lower quality and impacted from existing pedestrian and ATV traffic and road runoff. The mitigation measures in the EIR require the creation of wetlands of equal or greater habitat value and in areas that will provide greater habitat connectivity than the existing wetland areas that are proposed to be impacted.

jj) Policy CU-P1: Identification and Protection addresses the potential for impacts to significant cultural resources shall be identified during ministerial permit and discretionary project review, impacts assessed as to significance, and if found to be significant, protected from substantial adverse change per California Public Resources Code (PRC) Section 5020.1. The project's potential impacts on both cultural and tribal cultural resources were analyzed and addressed in the DEIR, with appropriate and feasible mitigation identified in order to reduce potential impacts as a result of inadvertent discovery of resources. A cultural resources Survey was prepared by Roscoe and Associates in February 2017 and an additional survey conducted by Archaeological Research and Supply Company in 2020 for the water tank location, both of which identified no artifacts, features, sites or other significant cultural resources on the project site.

kk) Policy CU-P2: Native American Tribal Consultation
Native American Tribes shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural resources located in project areas within their respective tribal geographical area of concern.

The following Tribes were contacted regarding the project:

- Wiyot Tribe
- Bear River Band of the Rohnerville Rancheria
- Blue Lake Rancheria

The above Tribes were contacted as part of the referral process as soon as the project was submitted to the County. Additionally, formal consultation pursuant to SB 18 and AB 52 occurred. Representatives of all three tribes responded that no further consultation was desired.

ll) Policy CU-P4: Avoid Loss or Degradation ensures projects located in areas known, or suspected to be archeological sites or Native American burial sites shall be conditioned and designed to avoid significant impacts to significant sites, or disturbance or destruction to Indian burial grounds. Preserving Native American remains undisturbed and in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) are feasible. Conditions of approval shall include standard provisions for post-review inadvertent archaeological discoveries and discovery and respectful treatment and disposition of Native American remains with or without funerary objects in accordance with state law (Health

and Safety Code (HSC) Section 7050.5 and PRC Section 5097.98). No known or suspected cultural resources were identified on the project site. However, in accordance with this policy, the DEIR includes measures to avoid potential impacts in the event cultural materials or human remains are inadvertently discovered.

- mm) Standard SR-S4: Light and Glare ensures new outdoor lighting shall be compatible with the existing setting. Exterior lighting fixtures and street standards (both for residential and commercial areas) shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant is required to prepare and submit an outdoor lighting plan to Humboldt County for review and approval prior to filing a map for each phase (MM-AES-2) to ensure that light and glare will not be a significant impact to sensitive receptors.
- nn) Goal WR-G10: Storm Drainage requires utilizing onsite infiltration and natural drainage channels and watercourses, while minimizing erosion, peak runoff, and interference with surface and groundwater flows and storm water pollution. As identified in the DEIR, the project will comply with applicable storm drainage requirements and policies and mitigation is included to require stormwater control such as bioswales, pervious pavement, and catch basins (MM-HYD-2).
- oo) Policy WR-P10: Erosion and Sediment Discharge requires Ministerial and discretionary projects requiring a grading permit shall comply with performance standards adopted by ordinance and/or conditioned to minimize erosion and discharge of sediments into surface runoff, drainage systems, and water bodies consistent with best management practices, adopted Total Maximum Daily Loads (TMDLs), and non-point source regulatory standards.

As the project would disturb more than one acre of land, the project would require preparation of a SWPPP that identifies specific actions, specifications, and BMPs for pollution prevention and control. The project applicant must prepare and submit the appropriate notices of intent and prepare the SWPPP at the time final grading and engineering plans are completed and submitted to the County for review. The project would implement all measures contained in regulatory plans, programs, and policies adopted for protection of the environment. Nonetheless, the potential exists for construction-related spills of hazardous materials or fuels to reach receiving waters and degrade water quality and potentially violate a water quality standard or waste discharge requirement. Mitigation Measure MM-HYD-3 is required in the DEIR to implement require the preparation and submittal of a Low Impact Development plan prior to the filing of each phase of the map.

- pp) Policy WR-P14: Groundwater Quality Protection
Commercial and industrial discretionary uses shall be evaluated for their potential to contaminate groundwater resources, and mitigated as necessary. The project's potential to contaminate groundwater resources was analyzed in the DEIR and found to not be significant after implementation of mitigation measures MM-HYD-1 and MM-HYD-2 (preparation of a Stormwater

Pollution and Prevention Plan and stormwater quality and drainage management plan).

qq) Policy WR-P37: Downstream Stormwater Peak Flows states peak downstream stormwater discharge shall not exceed the capacity limits of off-site drainage systems or cause downstream impacts. New development shall demonstrate that post development peak flow discharges will mimic natural flows to watercourses and avoid impacts to Beneficial Uses of Water. A Preliminary Hydrologic and Drainage Study was prepared for the McKay Ranch Project (Ontiveros & Associates, May 2017) which calculated the amount of stormwater runoff showing that this requirement can be met. Mitigation Measures require the preparation and submittal of appropriate stormwater plans for each phase of development prior to the filing of the map for that phase.

rr) Standard WR-S13: Storm Water Management requires all commercial, industrial, shall, whenever possible, provide stormwater treatment for parking lot runoff using bio-retention areas, filter strips, and/or other practices that be integrated into required landscaping areas and traffic islands. During construction stormwater shall be controlled.

The project will be required to control all stormwater and provide treatment for all parking lot areas. This includes the requirement for Low Impact Development features, a Stormwater Pollution and Prevention Plan, Stormwater Quality and Drainage Management Plan. MM-BIO-HYD-1, MM-HYD-2, MM-HYD-3 results in the requirement for a number of features including but not limited to the following features:

- Bioswales
- Rain gardens
- Catch-basins
- Oil/water separators
- Pervious pavement

ss) Policy E-P13: Incentives for Using Alternative Energy encourages the use of renewable energy and environmentally preferable distributed energy generation systems in the county.

The project will comply with California Code of Regulations, including CalGreen at the time of issuance of building permits. This will include the requirements for solar panels to be installed on the residential units and the installation of electric vehicle charging stations.

tt) Policy N-P4: Protection from Excessive Noise protects persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property.

The use of heavy equipment and power tools during construction of permitted structures when conforming to the terms of an approved permit is not subject to General Plan noise standards. After construction the primary noise source from project related activities will be the daily activities of residents and office-

- workers which is similar to the surrounding land uses.
- uu) Standard N-S5: Noise Standards for Habitable Rooms requires noise reduction shall be required as necessary in new development to achieve a maximum of 45 CNEL (Community Noise Equivalent Level) interior noise levels in all habitable rooms per California building standards.
There are no substantial operational noise generating features related to the project and standard construction techniques and requirements of the Building Code would reduce interior noise levels to 45 CNEL or below.
 - vv) Goal S-G4: Fire Risk and Loss
Development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, natural resources.

The proposed project would be located adjacent to existing wooded areas and constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. As discussed in Section 3.19, Wildfires, consultation with CAL FIRE would be required in order to ensure that any structures built within the SRA are constructed in accordance with CAL FIRE's regulations for fire safety. MM WF-1 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. Therefore, the proposed project would be consistent with this policy with MM WF-1 incorporated.

- ww) Policy S-P11: Site Suitability states that new development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.

The proposed project would not substantially increase or contribute to site geologic instability or place structures within a geologic hazard area. The proposed project would be designed and built in conformance with all applicable federal, state, and local building code requirements related to site stability.

- xx) Policy S-P18: Subdivision Design in High and Very High Fire Hazard Zones states Subdivisions within State Responsibility Area (SRA) high and very high fire severity classification areas shall explicitly consider designs and layout to reduce wildfire hazards and improve defensibility; for example, through clustering of lots in defensible areas, irrigated green belts, water storage, perimeter roads, roadway layout and design, slope development constraints, fuel modification plans, and vegetation setbacks.

The proposed project is located in an SRA with a high fire severity classification. As discussed in Section 3.19, Wildfires, MM WF-1 and MM WF-2 would be required in order to ensure that safety measures are put in place in accordance with CAL FIRE and County regulations. However, the proposed project does not provide a 100-foot defensible space along the perimeter of the subdivision and is not consistent with this policy. However, Policy G-P31 of the General Plan requires a comprehensive view of all relevant policies and a balancing of the intent of the policies to result in a practical and workable

manner. This project is consistent with a comprehensive view of the plan and provides a significant public need while mitigating for the potential impacts of this policy inconsistency. Policy G-P31 provides that this project should be approved despite an inconsistency with Policy S-P18.

- yy) Policy S-P19: Conformance with State Responsibility Areas (SRA) Fire Safe Regulations requires development shall conform to Humboldt County SRA Fire Safe Regulations.

The proposed project is located in an SRA with a high fire severity classification. The proposed project would be constructed in compliance with all applicable federal, state, and local regulations pertaining to fire safety. MM WF-1 would be implemented in order to ensure that safety measures are put in place in accordance with CAL FIRE and Humboldt County regulations.

- zz) Standard S-S9: Fire Safe Regulations require development within SRA shall conform to SRA Fire Safe Regulations (Humboldt County Code, Division 11 of Title III as amended).

The county's Fire Safe regulations have been superseded by the state Fire Safe Regulations. The project will comply with all the appropriate Fire Safe Regulations.

- aaa) Standard S-S11: The California Fire Code shall be applied to all applicable development as required, the project will be designed in accordance to the California Fire Code (CFC).

- bbb) Goal AQ-G1: Improved Air Quality requires that air quality that meets state and federal ambient air quality standards.

The impacts to air quality have been analyzed in the DEIR. Based on modeling, emissions associated with construction of the proposed project would not exceed the NCUAQMD maximum daily thresholds of significance during construction or operation.

- ccc) Goal AQ-G2: Particulate Emissions require successful attainment of California Ambient Air Quality Standards for particulate matter.

The impacts to air quality have been analyzed in the EIR. Based on modeling, California Ambient Air Quality particulate matter thresholds will not be exceeded on the daily or annual basis. This is true for both construction and operations phases of the project.

- ddd) Goal AQ-G3: Other Criteria Pollutants maintain attainment of Ambient Air Quality Standards for ozone and other criteria pollutants which may be subject to tightening standards.

The impacts to air quality have been analyzed in the EIR. Based on modeling, the project would not exceed state or national thresholds, and would not result in significant health impacts.

- eee) Policy AQ-P4: Construction and Grading Dust Control states, "Dust control practices on construction and grading sites shall achieve compliance with NCAQMD fugitive dust emission standards."

The project will comply with NCUAQMD's Rule 104 for fugitive dust control measures. Activities associated with decreased air quality from project activities are temporary.

- fff) Policy AQ-P5: Air Quality Impacts from New Development

During environmental review of discretionary permits, reduce emissions of air pollutants from new commercial and industrial development by requiring feasible mitigation measures to achieve the standards of the NCAQMD.

The impacts to air quality have been analyzed in the DEIR. Based on modeling, emissions associated with construction of the proposed project would not exceed the NCUAQMD maximum daily thresholds of significance during construction or operation.

- ggg) Policy AQ-P11: Review of Projects for Greenhouse Gas Emission Reductions
The County shall evaluate the GHG emissions of new large scale residential, commercial and industrial projects for compliance with state regulations and require feasible mitigation measures to minimize GHG emissions.

The project would increase greenhouse gas emissions and that is identified as a significant and unavoidable impact. Mitigation measures are required in order to minimize project emissions and mitigate for project emissions. MM-GHG-1 and MM-GHG-2 provide for feasible mitigation measures to reduce the emissions associated with this project.

- hhh) Policy AQ-P17: Preservation and Replacement of On-site Trees
Projects requiring discretionary review should preserve large trees, where possible, and mitigate for carbon storage losses attributable to significant removal of trees.

The project does require tree removal that would result in a loss of carbon sequestration and a release of carbon that is stored in trees. Because replacement on-site is not an option, the EIR requires mitigation in the form of a carbon off-set program related to the carbon storage losses associated with the development of the project (MM-GHG-1).

- iii) Standard AQ-S1: Construction and Grading Dust Control requires ground disturbing construction and grading shall employ fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations and prevent public nuisance.

Fugitive dust control strategies to prevent visible emissions from exceeding NCAQMD regulations, per Rule 104, will be implemented throughout project construction and would reduce construction-related emissions of PM10 and PM2.5 to levels that are below adopted thresholds.

- jjj) Standard AQ-S2: Evaluate Greenhouse Gas Emission Impacts requires that during environmental review of large scale residential, commercial and industrial projects, include an assessment of the project's GHG emissions and require feasible mitigation.

Short-term construction activities and long-term operations for the proposed project would emit GHGs. These GHG emissions were modeled using the California Emissions Estimator Model (CalEEMod). Feasible mitigation has been required for the project's GHG emissions (MM-GHG-1, MM-GHG-2).

- kkk) Standard AQ-S3: Evaluate Air Quality Impacts requires that during environmental review of discretionary projects, evaluate new commercial and industrial sources of emissions using analytical methods and significance

criteria used, or recommended by, the NCAQMD.

Emissions from short-term construction activities and long-term operations of the proposed project were modeled using the California Emissions Estimator Model (CalEEMod) and then compared to the NCUAQMD daily and annual standards. As discussed above, construction and operation of the project would not exceed NCUAQMD thresholds of significance and no mitigation measures are required.

- III) Standard AQ-S6: Preservation and Replacement of On-Site Trees requires large scale residential, commercial and industrial projects which remove a significant number of large trees (for example, more than 50 trees of greater than 12 inches DBH) shall plant replacement trees on-site or provide offsetting carbon mitigations.”

Replacement trees are not feasible on-site. The project includes mitigation for implementation of a carbon offset program tied to the loss of trees on-site.

3. FINDING:

The Planned Development, Special Permit and Subdivision Map are consistent with the Eureka Community Plan.

EVIDENCE:

- a) Goal 2510.1: To protect resource production lands (agriculture, timberlands) in the outlying areas by concentrating future development around existing communities and infrastructure.

Although the proposed project consists of a previously undeveloped area with timber harvesting operations, the area has been identified in the Eureka Community Plan as an area proposed for future development.

- b) Policy 2520.1: States subdivisions for residential purposes, including subdivisions developed in phases, shall not be approved unless the roads planned to serve such subdivision or individual phases are acceptable to Public Works for development at planned densities and for use by emergency vehicles. Costs of bringing new on-site roads up to standards shall be borne by the subdivider.

The proposed project would require that the roads included in the development be constructed early in the process for each phase of development to provide adequate access for construction personnel and equipment. Conditions of approval would require Public Works review and approval for each phase through the Final Map and improvement plans processes.

- c) Goal 2610.2: To protect the area's numerous drainage gulches (greenway/open space areas) while providing for development along hillside terrain.

The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages to be preserved through the establishment of permanent easements.

- d) Goal 2610.3: To provide opportunities for public recreation.

The proposed project includes the designation of 21.73 acres of permanent open space, including areas of steep slopes and drainages, to be preserved through the establishment of permanent easements.

e) **Policy 2620.1. Residential Density and Lot Sizes:**

- a. *The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.*
- b. *The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to 30 dwelling unit per acre.*
- c. *The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps.*

The proposed project would have an average density of 3.8 dwelling units per acre for the residential single-family designation (RL) with 96 larger (6,600-square-foot to 39,670-square-foot) lots and 50 smaller (4,758-square-foot) lots and 9 dwelling units per acre for the residential multiple family designation (RM) with 174 multi-family units. The smaller single-family residential lot sizes would be allowed through a Planned Unit Development.

- f) Policy 2620.8. North McKay Tract requires development of this area shall include at least three access points onto Walnut Drive (the extension of Redwood, Fern and Arbutus Streets). Development of this area should also include a through road and its northerly extension to the intersection of Manzanita and Harrison Avenue. Development of the property should occur with an approved plan and rights-of-way for the through road. The timing for extension of each street shall be determined by Public Works.

The project would have two primary access points, Redwood Street and Arbutus Street, which would be extended to access 320 units (all but three single-family residential lots), the commercial space, and the open space. Fern Street would provide secondary access to two lots because it currently terminates at the adjacent community ballfields at Redwood Fields Park and does not provide an opportunity for a connection. Manzanita Avenue would access three single-family residential lots. The project does not include a through-road and would not provide a future extension to the intersection of Manzanita and Harrison Avenues.

The North McKay Tract was previously rezoned from TPZ to Residential One-Family (R-1), with combining zones indicating Planned Unit Development (P), Recreation (R), and Greenway and Open Space (GO), which is consistent with this policy. The project proposes a total of 320 units with a range of lot sizes, trails, and permanent open space.

The total Immediate Rezone area of the North McKay Tract is approximately 81 acres. The parcel has been given combining zones to facilitate development of a 10-acre minimum youth sports field facility with a surrounding low density residential community.

The Planned Unit Development limits the number of dwelling units to 320. The Planned Unit Development should include a clustering of homesites with lot sizes ranging from 4,000 square feet (adjacent to the park) to 9,600 square feet (along the bluff), enabling a large portion of land to be preserved through a permanent easement as open space.

4. **FINDING:** The Planned Development, Special Permit and Subdivision Map are consistent with the purposes of the existing zone in which the site is located.
- EVIDENCE:**
- a) Residential One Family (R-1) Zone District, the purpose of the R-1 zone is to allow for low-density residential development in areas where topography, access, utilities and public services are available.
The project will result in 146 single family lots available for single family dwellings and accessory uses. The site is relatively flat, has access to arterial and collector roads, and will be served by public utilities and services.
 - b) Apartment Professional (R-4) Zone District is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses.
Upon reclassification the project will result in approximately 18.5 acres of R-4 zoning which will support 174 units through a variety of multiple dwelling types and dwelling groups. The site has sufficient services and access to arterial roads, public transportation, public recreational areas and neighborhood commercial uses.
 - c) Neighborhood Commercial (C-1) Zone District is to provide for neighborhood shopping centers which will provide convenient sales and services facilities to residential areas without detracting from the residential desirability of such areas.
Upon reclassification the project results in two C-1 zoned parcels which will be developed with 22,000 square feet of commercial services to serve the 320 residential units associated with the project in addition to the surrounding existing residential community. The 22,000 square feet will be developed on approximately 2.2 acres of C-1 zoned area.
 - d) Timberland Production Zone (TPZ) is intended to provide standards and restricti for the preservation of timberlands for growing and harvesting timber. Public w facilities are specified as a compatible use with timber production.
The project includes the development of a water storage tank within TPZ lands that are currently owned and utilized for the provision of public water services and infrastructure.
5. **FINDING:** The Planned Development, Special Permit and Subdivision Map conform with all applicable standards and requirements of the Humboldt County Zoning Regulations.
- EVIDENCE:**
- a) Section 314-2.1: Neighborhood Commercial since project is proposing commercial space which will be principally permitted uses in the C-1 zone, such as professional business offices and stores and services of a light commercial nature. The two proposed commercial lots will be significantly larger than the minimum lot size in the C-1 zone of 2,000 square feet.
 - b) Section 314-6.2: Residential Single Family
The project will result in 146 single family lots ranging in size from 4,838 square feet to 60,531 square feet. One-family dwellings are a principally permitted use in the R-1 zone. While the minimum lot size in the R-1 zone district is 5,000 square feet, this may be modified through approval of a Planned

Unit Development.

- c) Section 314-6.5: Apartment Professional
The project will result in 6 lots which will be zoned R-4 and developed with a variety of multiple-family housing units. The lots will range from 90,956 square feet to 233,551 square feet. Principally permitted uses in the R-4 zone include two-family dwellings and multiple dwellings and dwelling groups. The minimum lot size is 5,000 square feet.
- d) Section 314-7.4: Timberland Production Zone
The project includes the construction of a water storage tank for the adequate provision of water services to serve the project. The erection, construction and maintenance of water facilities is specifically identified as a principal permitted use within the TPZ zone.
- e) Section 314-22.2: Greenway and Open Space (GO) Combining Zone is intended to be applied within the urban limits of the Eureka Community Planning Area in sensitive habitat areas historically known as gulches. Greenway and Open Space areas are mapped to contain Streamside Management Areas, measured from the centerline of the stream and all slopes of 30% or greater on lands adjacent to streams and all streams and level areas below those slopes. Road, street and utility crossing and trails and parks are compatible uses within the GO areas upon approval of a Special Permit. All subdivisions within areas which have the GO combining zone must submit a detailed development map prepared by a licensed engineer or surveyor that shows the SMA areas and the greenway and open space areas. The Applicant has submitted a detailed map (see preliminary grading and drainage plan) prepared by Brian Ontiveros, a licensed engineer, which shows these areas and demonstrates that all areas are outside of the greenway and open space areas with the exception of the road crossings, for which a Special Permit is requested.
- f) Section 314-31.1: Planned Development
The project is a planned development which will allow for flexibility in the development standards, most specifically for the minimum lot size standards of the underlying R-1 zone and the setback provisions within the proposed lots. The purpose of the planned development regulations is to encourage planned developments, and to allow flexibility in the administration of the development standards in this Division for the purpose of providing for clustered development in concert with the provision of residential amenities such as open space, recreation areas, and neighborhood commercial services. This project is planned around a variety of housing types and commercial and recreational development that benefits from the flexibility in design standards.
- g) Section 314-33.1: Recreation
The Recreation Combining Zone is intended to be combined with any principal zone in which the addition of recreational uses is desirable and will not be detrimental to the uses of the principal zone or of adjacent zones. All principally allowed uses in the primary underlying zone are principally permitted in the R combining zone. The R combining zone is applicable to these properties primarily as the area was identified in the Eureka Community Plan for

development of recreational facilities such as the baseball fields which have been constructed at the end of Fern Street and for trails within and adjacent to the McKay Community Forest. This project is consistent with the R zone in that principal uses of the underlying zone are proposed, and the project includes the dedication of recreational open space to the County.

- h) Section 314-61.1: Streamside Management Areas and Wetlands Ordinance
“All developed as defined in the General Plan within or affecting SMAs, wetlands or other wet areas not exempted under Section 314-61.1.4 shall require a permit pursuant to an application for development within SMAs, wetlands and other areas and processed as a special permit pursuant to the Humboldt County Zoning Regulations (Section 312-3.1.1 et seq.).”

Work is proposed within SMA areas for the filling of two isolated wetlands in the northern part of the project, development within a wetland at the proposed location of the Arbutus Street extension and stream crossings related to the extension of Redwood Street. A total of 0.168 acres of wetlands would be impacted and 0.050 acres of riparian habitat will be impacted as a result of the project. Work within riparian areas will require a Lake or Streambed Alteration Agreement (LSAA) from CDFW and replanting of impacted areas at a 1:1 ratio.

- i) Section 312-1: General Provisions states, “1.1.2: Legal Lot Requirement. Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.”

The property is a single legal parcel created through a lot line adjustment approved by Humboldt County and recorded as document 1997-28279-6 on November 12, 1997.

6. FINDING:

HEALTH, SAFETY, or WELFARE – The Planned Development, Special Permit and Subdivision Map and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a)

The project was referred to and reviewed by the Humboldt County Planning Division, County Building Inspection Division, County Department of Public Works, County Division of Environmental Health (DEH), County Department of Health and Human Services, California Department of Fish and Wildlife (CDFW), California Department of Forestry and Fire Protection (CalFire), California Department of Transportation (Caltrans), City of Eureka, North Coast Unified Air Quality Management District (NCUAQMD), Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Regional Water Quality Control Board (RWQCB), United States Army Corp of Engineers, Humboldt Community Services District, Humboldt Bay Fire protection District. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. No evidence has been submitted that the project as conditioned and mitigated will be detrimental to public health, convenience,

safety, and welfare. Furthermore, no evidence has been submitted that indicates that properties within the vicinity will be physically damaged by the proposed development.

7. **FINDING:** **NO REDUCTION IN THE RESIDENTIAL DENSITY FOR ANY PROJECT PARCEL** - The Planned Development, Special Permit and Subdivision Map will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation).
- EVIDENCE:** a) This property was identified in the 2019 Humboldt County Regional Housing Needs Assessment (RHNA) Plan as critical to fulfill the County's mandated requirement to provide a "fair share" of the County's projected housing needs for the current RHNA cycle of December 31, 2018 through August 31, 2027. In this assessment the parcel was determined to be available for adding 323 residential units to the County's housing inventory/ This assessment was based on an estimated property size of 87 acres however the actual assessed size of the property is 81 acres. Accordingly, the project will provide a higher density than that which was utilized for the Regional Housing Needs Assessment.
8. **FINDING:** **COASTAL RESOURCES** – The project will not have a significant adverse effect on coastal resource, including wildlife qualities.
- EVIDENCE:** a) The property and all off-site improvements are located outside of the Coastal Zone.
9. **FINDING:** **CEQA** – The County has complied with the California Environmental Quality Act.
- EVIDENCE:** a) An Environmental impact Report (EIR) has been prepared and circulated for public review pursuant to sections 15080 through 15097 of the CEQA Guidelines. As part of the review of this project the Humboldt County Board of Supervisors adopted Resolution No. 23- __ certifying the Final Environmental Impact Report prepared for the project, adopting Statements of Overriding Considerations, making the required CEQA findings prior to approving the project, and adopting the Mitigation Monitoring and Reporting Plan for implementation of the mitigation measures contained in the EIR.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Tentative Subdivision Map, Planned Unit Development, and Special Permit for the North McKay Subdivision Project, based upon the Findings and Evidence herein, and subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on March 7, 2023.



Steve Madrone, Chair
Humboldt County Board of Supervisor

Adopted on motion by Supervisor Bohn, seconded by Supervisor Arroyo
and the following vote:

AYES: Supervisors-- Bushnell, Bohn, Madrone, Wilson, Arroyo
NOES: Supervisors--
ABSENT: Supervisors--
ABSTAIN: Supervisors--

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
said Board of Supervisors



NIKKI TURNER
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California

ATTACHMENT 1

Recommended Conditions of Approval

RECOMMENDED CONDITIONS OF APPROVAL FOR THE FINAL SUBDIVISION AND PLANNED UNIT DEVELOPMENT PERMIT

APPROVAL OF THE TENTATIVE MAP AND PLANNED UNIT DEVELOPMENT PERMIT IS
CONDITIONED ON THE FOLLOWING TERMS AND
REQUIREMENTS THAT MUST BE SATISFIED BEFORE THE FINAL MAP MAY BE FILED.

- 1) All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. This requirement will be administered by the Department of Public Works.
- 2) The conditions on the Department of Public Works referral dated revised January 6, 2022, herein as Exhibit A of Attachment 1, shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works. Condition of approval 2.7(a) and 2.7(c) of this Exhibit is hereby amended 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.
- 3) The Planning Division requires that two (2) copies of the Final Map for each phase, identifying both net and gross parcel areas, be submitted for review and approval.
- 4) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from the Humboldt Community Services District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- 5) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from the Humboldt Bay Fire Protection District stating that the project meets their requirements. This requirement shall be administered by the Department of Public Works.
- 6) Prior to filing of the Final Map for each phase, the applicant shall submit a letter from Pacific Gas and Electric Company stating that the project meets their requirements per their letter dated. This requirement shall be administered by the Department of Public Works.
- 7) The applicant shall cause to be dedicated on the Final Map for each phase easements as necessary for the establishment of telecommunications and broadband service.
- 8) Prior to the filing of the Final Map for Phase 2, the applicant shall provide the location of a minimum of 7 bicycle storage racks within the Phase 2 development. The location of bicycle storage racks shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units.
- 9) Prior to the filing of the Final Map for Phase 3, which involves 12 small lot single family residential lots, 44 multi-family units and 2 commercial lots, the applicants shall consult with the Department of Public Works and Humboldt Transit Authority on the appropriate placement for a transit stop. The Applicant shall cause to be dedicated on the subdivision map an easement and right-of-way as necessary to accommodate the transit stop.
- 10) Prior to the filing of the Final Map for Phase 3, the applicant shall provide the location of a minimum of 12 bicycle storage racks within the Phase 3 development and a minimum of 4 bicycle storage lockers. The

location of bicycle storage racks and lockers shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units and the installation of the bicycle storage lockers to be complete prior to the issuance of occupancy clearance for any of the commercial structures.

- 11) Prior to the filing of the Final Map for Phase 4, the applicant shall provide the location of a minimum of 6 bicycle storage racks within the Phase 4 development. The location of bicycle storage racks shall be shown on the Development Plan. A note shall be placed on the Development Plan requiring the installation of the bicycle storage racks to be complete prior to the issuance of occupancy clearance for any of the units.
- 12) The applicant shall cause to be dedicated on the Final Map for each phase the following open space and recreation areas to the County of Humboldt:
 - Phase 1: COH 206 as shown on the preliminary map.
 - Phase 3: COH 207 as shown on the preliminary map, subject to County acceptance. If this area is not accepted by the Director of Public Works this deduction shall not be required.
 - Phase 4: COH 202 and COH 204 as shown on the preliminary map.
 - Phase 6: COH 205 as shown on the preliminary map.
 - Phase 8: COH 201 as shown on the preliminary map.
- 13) New utilities for all units and developments shall be undergrounded. Above ground vaults and utility boxes shall be screened with vegetation or fencing.
- 14) For each map the applicant shall cause to be recorded a "Notice of Development Plan and Geological Report" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$190.00 plus applicable recordation fees) will be required. The Planned Unit Development shall also be noticed on the Final Map.
- 15) For each map a map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$100.00 per parcel) as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
- 16) For each map a review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$95 .00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County' s current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
- 17) **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$3,589.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) EIR filing fee plus a \$50 document handling fee.
- 18) A note shall be included on the Development Plan indicating units may not be rented for less than 30 days or used as short-term rentals.
- 19) The applicant must enter into an Agreement to Implement a Mitigation Monitoring and Reporting Plan prior to filing of the first phase or issuance of any grading or building permits for the development project.
- 20) Prior to filing of each final map where tree removal will occur a Timber Harvest Plan must be in place to allow tree removal and it must be demonstrated that the existing Timber Conversion Permit applies to the area of tree removal.
- 21) Prior to filing each final map abutting the McKay community forest, where the subdivider chooses option 2

of MM WF-2, the subdivider shall establish building setbacks for lots abutting the Community Forest and shall determine how much encroachment is needed to maintain defensible space requirements. The location of the project boundary and extent of encroachment shall be staked on the ground by a Licensed Surveyor. A site visit shall be conducted with Public Works staff to verify the ground conditions at those locations. The actual thinning or work will be determined by the State standards for horizontal spacing between trees and shrubs and defensible space will vary depending on slopes.

Prior to any work being conducted a preconstruction survey shall be conducted to the satisfaction of Public Works.

The subdivider shall identify how and by who this area will be maintained after the initial defensible space is established to the satisfaction of the Public Works Director. The following defensible space maintenance standards shall be maintained within the Community Forest:

- a) All work shall be done under the supervision of a Registered Professional Forester.
- b) Dead and dying woody surface fuels can be removed. Down logs and stumps embedded in the soil shall be retained.
- c) Loose surface litter (needles, twigs, bark, small branches) shall be retained, up to four inches in depth. Surface litter above four inches shall be spread and scattered in the vicinity, chipped, or removed.
- d) Branches on live standing trees may be removed up to six feet above ground surface.
- e) Work shall be done exclusively with hand tools (no mowers, masticators, or heavy equipment). A chipper may be allowable depending on access.
- f) No grading or ground disturbance.
- g) No leaving bare soil. Thin layers of surface litter shall be spread for erosion control.
- h) Thinning of standing trees larger than four inches in diameter at breast height will require special approval under the entry permit.
- i) Surface fuels shall not be placed elsewhere within the Community Forest without explicit permission.
- j) Maintenance work is limited to within 100 feet of the home, unless otherwise approved in the entry permit. Outbuildings and other structures shall not be located between the home and the property boundary.
- k) The maintenance organization will be responsible for restoring or repairing any environmental damage due to actions within the Community Forest that were not approved in their entry permit.
- l) Entry into the site will require an entry permit issued by the Public Works Department.

The County will need hold harmless agreements for the work done on County property in the event of a fire.

Informational Notes:

- (1) To minimize costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review **as a package** as early as possible before the desired date for final map checking and filing. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet. Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No . _____ . Condition _____ .

- (2) Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.

- (3) Development and construction of the project shall conform to the adopted Mitigation and Monitoring Reporting Program.
- (4) The tentative map approval shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code or through a negotiated Development Agreement.