



## AGENDA ITEM 8A

**MEETING:** January 20, 2021

**TO:** Humboldt LAFCo Commissioners

**FROM:** Colette Metz Santsche, Executive Officer

**SUBJECT:** **Proposed Creekside Annexation to the City of Arcata**

The Commission will consider a proposal submitted by resolution of application by the City of Arcata (City) for an annexation of 21.6 acres of land (4 parcels) consisting of the proposed Creekside Homes subdivision parcel, city-owned Ennes Park parcel, and inclusion of adjacent road rights of way. In addition, LAFCo staff has identified a Modified Boundary that includes five additional parcels for a total of approximately 76.65 acres (9 parcels) of land located outside the City boundary but within the Sphere of Influence. Staff recommends approval of the proposal with conditions incorporated.

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LAFCos are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as district formations, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCos are authorized with broad discretion in amending and conditioning changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

### **A. BACKGROUND**

Proceedings for this annexation were initiated by the City of Arcata (City). The city proposal includes annexation of approximately 21.6 acres of land (4 parcels) located outside and adjacent to the City boundary along Foster Avenue. The City proposes annexation of this area to accommodate the proposed Creekside Homes subdivision, expansion of Ennes Park, and inclusion of adjacent roadways for City maintenance. The City's annexation proposal has 100 percent property owner consent and was authorized for LAFCo filing by the City Council on February 5, 2020 (Resolution No. 190-39).

The City has been working with developers of the Creekside Homes project for several years and has completed a detailed environmental review process that culminated in an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA). The City has also pre-zoned the proposed annexation area and entered into a development agreement with the developer that includes additional fees and mitigations to ensure that adequate infrastructure and services can be provided to the

area. A detailed Fiscal Impact Analysis was also prepared for the development that projects a recurring annual surplus for the city after buildout of the Creekside Homes development. LAFCo application materials and documents related to the annexation can be accessed on the Humboldt LAFCo website at: <https://humboldtlafo.org/arcata-creekside-annexation/>.

Upon consideration of the proposed annexation boundary and referral comments, LAFCo staff has identified and analyzed a **modified annexation boundary** that includes five (5) additional parcels for a total of 76.7 acres (9 parcels). The “Modified Boundary Alternative” would serve to address the following:

- 1) Foster Avenue Road Maintenance - comments previously received from the Humboldt County Department of Public Works requested the City and LAFCo consider an expanded annexation area that would transfer road maintenance responsibility to the City for the entire segment of Foster Avenue up to Janes Road to further mitigate the traffic impacts to Foster Avenue caused by the subdivision (see Attachment D);
- 2) Janes Creek Storm Drainage District - an expanded boundary would allow the Janes Creek Storm Drainage Maintenance District to ultimately be merged with the City at some future date. Currently the majority of the Drainage District overlaps with the city apart from five (5) remaining parcels, including the Creekside Homes parcel and four parcels within the Modified Boundary south of Foster Avenue. Should these parcels be annexed to the City, a subsequent merger<sup>1</sup> could be processed to dissolve the district. The Janes Creek Storm Drainage Maintenance District was formed in the 1950's in the lower reaches of Janes Creek around the City of Arcata. Funds gathered from property taxes were used to reduce flooding in the district. Over the years, Arcata has continuously annexed properties to the extent that there now remain only five district parcels within the County. As a “dependent district” governed by the Board of Supervisors, the County periodically allocates funds to the City of Arcata for maintenance work with approval of the Board of Supervisors. Beyond this transfer of funds to the City, the Humboldt County Department of Public Works does not actively manage or have any additional involvement in maintenance responsibilities. As far back as 2006, the County has identified annexation of the Creekside Homes parcel a “good opportunity” to work with the City to annex the remaining parcels and thus have them become the “sole proprietor” of district funds<sup>2</sup>.

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<sup>1</sup> Government Code Section 56056: “Merger” means the termination of the existence of a district when the responsibility for the functions, services, assets, and liabilities of that district are assumed by a city.

<sup>2</sup> BOS agenda Item C-16 for the meeting of September 26, 2006, directing staff to “pursue dissolution of [the Janes Creek Flood Control District] with all excess funds transferred to the City of Arcata for Janes Creek drainage improvements.

- 3) "Substantially Surrounded" Parcels South of Foster Avenue - an expanded boundary would avoid creating an unincorporated "island" consisting of the four parcels south of Forster Avenue that would become "substantially surrounded" by the City as a result of the proposed annexation. In addition to these parcels south of Foster Avenue, the Modified Boundary includes APN 505-171-001 located adjacent to Ennes Park and directly west of the Creekside Homes site. This parcel, a part of which will be utilized for an emergency access road from Stewart Avenue to the proposed development site, is being proposed as a conservation easement to help offset the conversion of farmland for the Ennes Park expansion. As proposed, the Modified Boundary would support Humboldt LAFCo Policy 3.6, which states:

*The Commission encourages annexation of unincorporated "islands" to cities entirely or substantially surrounded by the affected corporate limits. Whenever applicable the Commission shall consider making amendments to all city annexation proposals involving affected lands to further reduce and/or eliminate islands and to provide more orderly local governmental boundaries and cost-efficiencies. Furthermore, the Commission will disapprove any city annexation proposal that would create a new entirely surrounded island unless this policy is waived by as provided under G.C. Section 56744<sup>3</sup>.*

It is important to note that the parcels added to the Modified Boundary include both vacant and improved rural residential uses that are designated Agriculture Exclusive (AE) in the Humboldt County General Plan. While LAFCo typically discourages the annexation of agricultural lands, the City has previously designated these parcels within the sphere as Agricultural Exclusive (AE) under the City's General Plan Land Use Element, and they would remain outside the City's Urban Service Area for water and sewer. Furthermore, the annexation of land within the Modified Boundary does not include proposals to convert agricultural land or involve the construction of or alteration to structure, grading, or other site disturbing activities on land planned for agriculture and does not propose to change land use patterns. The City has strong agricultural and open space conservation policies, including a designated Western Greenbelt as outlined in Resolution 178-18 which further helps to protect and preserve agricultural lands in the Arcata Bottoms on the western edge of the City. Additionally, the City has prepared land use designations for areas within its SOI including those within the proposed modified boundary.

In accordance with Government Code Section 56375(a)(1), the Commission has the authority to review and conditionally approve, amend or modify proposals consistent with commission policies. As such, this staff report includes analysis of a Modified Boundary, in addition to the Original Boundary proposal submitted by the City of

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<sup>3</sup> It is important to note that the proposed annexation area does not create an island "completely" surrounded by the city and therefore does not trigger the LAFCo disapproval requirement or the need to waive island restrictions in accordance with Section 56744.

Arcata. Based on this review, staff elected to notice this application as a public hearing and provided written notice to landowners within the Modified Boundary and within 300 feet of the exterior boundary. In response to the notice, LAFCo staff responded to two inquiries, one resident within the adjacent city limits and one in escrow to purchase a parcel within the Modified Boundary; however, no written comments have been received as of the date of packet distribution.

## **B. DISCUSSION**

### Reasons for Proposal

The City has determined that the project is consistent with the goals and policies of the Arcata General Plan: 2020 and includes appropriate standards and requirements with respect to the development of the property. According to the City's application, the reasons for the proposed annexation are as follows:

1. The Creekside Homes parcel is currently owned by Foster Avenue, LLC. The planned use for the property is residential. The property sits at the far western boundary of the City of Arcata, and the plan for development relies upon development into the City and connection to City utilities (water, sewer, etc.). The City is supportive of the annexation as it will create new housing units and supportive facilities that will serve Arcata residents. The proposed residential units have been counted towards the City's 2019-2027 Regional Housing Needs Allocation (RHNA) as part of the 6th cycle of the City's adopted Housing Element.
2. Ennes Park is currently owned by the City of Arcata and currently operates as a community park. The property has been owned by the City of Arcata since the 1970s and was purchased with park bond funds for the express purpose of use by the City of Arcata for Arcata's residents. Although the City currently manages the parkland and retains control of the land, it is not in City limits. Annexation would allow the city to apply and enforce use regulations arising under the City of Arcata Municipal Code for the Ennes Park site.
3. The Foster Avenue ROW is owned by the County of Humboldt. The old Railroad ROW is owned by Foster Avenue, LLC and was rezoned for residential use in the past by the County. Both parcels are now proposed to be annexed into the City as "unzoned" land and together will comprise the new City-owned road ROW. Both parcels are integral to the City's planned improvements for Foster Avenue, which will include connecting the west and east section of Foster Avenue, accompanied by a variety of infrastructure improvements intended to increase pedestrian safety and encourage multi-modal transportation in the vicinity of the project site.
4. The historic railroad ROW will be converted to a Class I protected bicycle/pedestrian trail parallel to Foster Avenue and will serve as an extension to the Hammond Trail. The Foster Avenue ROW will be improved by the City to connect east and west portions of Foster Avenue, which will include installation

of a roundabout at the intersection of Foster and Alliance (within current City limits). As a result of the annexation, this roadway connection project and its ongoing maintenance will be under the purview of the City. The County has expressed interest in the City annexing the full road ROW west to Janes Road, in order to facilitate ongoing maintenance as well as future pedestrian safety improvements necessitated by the Creekside Homes project

### Description of Annexation Areas

- o *Creekside Homes residential development site:*

The residential development site's street address is 2000 Foster Avenue (APN 505-161-011), located near the intersection of Foster Avenue and "Q" Street, west of the Sunset Neighborhood in the City of Arcata. The site is north of Foster Avenue, west of Heather Lane and Westwood Lane, and south of Stewart Avenue. Janes Creek runs along the southeastern boundary of the site.

Surrounding uses include single-family and multi-family residential development to the north and east, agriculture uses to the west including Sun Valley Floral Farms, and a mix of single-family residential and agricultural uses to the south. The former Simpson Mill spur tracks are located along the southern boundary of the residential development site adjacent to the north edge of the Foster Avenue right-of-way. The railroad bed is now inactive and privately-owned. Foster Avenue is a two lane County roadway with a 40-foot right of way.

The 21-acre project site is currently undeveloped and was used as a lumber mill and whole-log chipping facility in the past but has not been used for this purpose since the 1980s. The site contains remnants of the former mill structures as well as the western bank of Janes Creek and associated riparian corridor, fill materials and gravel, blackberry bushes, grasses, and other low growing shrubs. The site is essentially flat, sloping slightly from the northeast to the southwest. The site is surfaced with river run gravel fill interspersed with vegetation.

The Creekside Homes subdivision consists of 89 market rate residential units consisting of 32 single family units, 32 second units and 25 senior restricted cottages. In addition to the single-family units, a 100-bed assisted living facility is proposed for the project. The project would construct new streets and driveways, with the primary entrance/exit from Foster Avenue, west of Janes Creek. The project also proposes trails, pathways and an emergency access road that will be maintained by the City. All internal streets, lighting and landscaping will be financed by a special assessment district.

- o *Ennes Park Site:*

The proposed park site (Ennes Park Expansion), which totals approximately 4.69 acres, would be located on City owned parcels 505-151-009, 505-284-009, and 505-284-010. Parcel 505-151-009 is currently located in the County and is proposed for annexation; parcels 505-284-009 and 505-284-010 are already located within City limits. The majority of the proposed park site is currently vacant but was used historically for agriculture and contains prime agricultural soils. The park site currently contains a graveled driveway

access that is used for an adjacent community supported agriculture (CSA) operation on parcel 505-151-008. Ennes Park serves the single-family residential neighborhood to the north of the residential development site and was recently redeveloped by the City to contain a jungle gym, wiggle board, spinner pod, a see-saw type structure, and a corn hole court.

- o *Previous Railroad ROW/ Proposed Hammond Trail extension:*

The proposed Hammond Trail section that will be developed by the applicant will be located on parcel 505-161-009 (no address assigned) which totals approximately 0.94 acres (0.74 acres in County jurisdiction and 0.20 acres within City limits). This parcel is located along the southern boundary of the residential development site. This parcel historically contained the Simpson Mill spur tracks which have been inactive for several decades. The property is privately owned and is planned to be developed as a section of the Hammond Trail and has been identified as such in the 2010 Arcata Pedestrian and Bicycle Master Plan.

- o *Foster Avenue ROW:*

The proposed Foster Avenue connection will be located within the City of Arcata public right-of-way and on parcels 505-161-009, -030, and 505-162-010. The Foster Avenue connection will cover an approximately 0.21-acre portion of these parcels and the existing road right-of-way (180 feet long by 50 feet wide). The majority of the Foster Avenue connection will occur in the Foster Avenue public right-of-way and on parcel 505-161-009. The area proposed for this road connection contains an existing rail bed crossing over Janes Creek with an undersized culvert that is in disrepair. The right-of-way crosses Janes Creek and is bordered by parcels 505-161-009 (railroad bed) and 505-341-037, the residential development site, and Westwood Manor Park.

- o *Modified Boundary Parcels*

The modified annexation boundary includes five parcels totaling 55.54 acres, including APNs 505-151-001, 505-171-004, -006, 505-162-002, and -009. Four of the five parcels are located south of Foster Avenue and are currently designated Agriculture Exclusive (AE) by the County and under the City's General Plan Land Use Element. The parcel west of the Creekside Homes development site and adjacent to Ennes Park (APN 505-171-001) is proposed as a conservation easement for the benefit of the City to mitigate impacts from the Ennes Park Expansion and Foster Avenue Connection. Parcels within the modified boundary area would remain outside the City's Urban Service Area for water and sewer.

### Provision of Public Services

As part of the subdivision approval, the Creekside Homes parcel was included within the City's Urban Service Area (USA) for water and wastewater. The Ennes Park parcel is proposed to remain outside of the USA. Upon annexation and development of the Creekside Homes property, water and wastewater services would be provided by the City of Arcata. Additional services to be provided to the annexation area include fire and emergency services to be provided by the Arcata Fire Protection District (currently

within the AFPD boundaries), police services to be provided by the Arcata Police Department, and solid waste services to be provided by Recology.

Both water and wastewater services were evaluated by the City as part of the subdivision and environmental review processes. With regard to water services, the proposed project would generate a demand for approximately 25,809 gallons per day of water for domestic purposes and fire flow requirements of 1,000 gallons per minute for a four-hour period, or 240,000 gallons. As such, the project would create an increase in demand for domestic water service from the City but would not result in the need for the construction of new water treatment facilities or the expansion of existing treatment facilities. However, the applicant will be required to pay standard water capital connection fees for residential development, as well as a cash contribution of \$56,000 negotiated through a Development Agreement with the City, which will be used to fund some of the water storage improvements planned for Zone 1 of the City's water system.

With regard to wastewater services, the Creekside Homes development would produce approximately 17,460 gallons per day of wastewater. Wastewater that would be generated by the project would flow to the western lift station before reaching the marsh treatment system. There is an existing sewer line along Foster Avenue adjacent to the site. Arcata's wastewater treatment system must comply with regulatory requirements established by its National Pollutant Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. The wastewater treatment facilities must be improved to meet the demand of both current and future population. The Creekside Homes project will be required to pay standard sewer capital connection fees for residential development, as well as a Wastewater Treatment Plant Offset Fee (\$160,000) negotiated through a Development Agreement with the City, which will be used to fund some of the proposed improvements to the City's wastewater treatment system.

In terms of transportation and traffic impacts, the Creekside Homes project will contribute significantly to an increase in vehicular Level of Service at the intersection of Foster and Alliance, for which it will pay its fair share of required improvements. The City of Arcata commissioned W-Trans to conduct a comprehensive traffic study to address the cumulative impacts associated with the potential development of six sites located in central Arcata within three-quarter of a mile of one another. In order to fund identified transportation improvement projects, a Traffic Impact Mitigation Fee Collection Program or equivalent will be established by the City of Arcata. The Creekside Homes project is estimated to be responsible for approximately 20.5%, or \$186,940 of the cost of the transportation improvements. It will also be responsible for developing new multi-modal transportation opportunities, including a new connection to the Hammond Trail. The project's proposed improvements along with the connection of Foster Avenue balance both the identified need to develop and maintain efficient arterial streets to connect users throughout Arcata, and ensure new and existing users of the City's transportation have safe and accessible alternatives to single occupancy vehicles.

## Land Use

Land uses within the proposed annexation area are currently subject to the Humboldt County General Plan and Zoning Regulations (Humboldt County Code Title III, Division 1). The City's General Plan Amendment made the following Land Use changes for the proposed annexation area:

- APN 505-161-011: amending the County designation from UR/RM (Urban Reserve/Residential Medium Density) to Residential Single-Family with a Planned Development overlay for the development of Creek Side Homes.
- APN 506-151-009: amending a County-zoned "PF" designation to a City "PF" designation for the expansion of Ennes Park.
- APN 505-161-009: amending the southern portion of the Creek Side parcel from UR/RM to Undesignated for development of a public Right-of-Way for the connection of the east and west sides of Foster Avenue.

Surrounding land use includes Agricultural Exclusive to the west and south along with Residential Low Density to the north, and Residential High Density and Public Facility to the east. Within the Modified Boundary area, the City has previously designated these parcels in the sphere as Agricultural Exclusive (AE) under the City's General Plan Land Use Element, which is consistent with the County's current General Plan Land Use Designations.

## Pre-Zoning

The City Council approved a Pre-Zoning Ordinance (Ordinance No. 1523) for the proposed annexation area on February 19, 2020. The ordinance pre-zones the subject parcels as follows: APN 505-161-011 is proposed as Residential Low Density with Planned Development. The PD overlay is intended to allow development of land as a single unit by taking advantage of modern site planning techniques to result in a more efficient use of land and a better living environment than is otherwise possible through strict application of development standards. The objective is to provide a means for project design to more effectively respond to on-site environmental resources, adjacent neighborhood character, and community needs, than a project that is possible only in compliance with the requirements of the primary zoning district. In addition, APN 505-151-009 is proposed as Public Facility and APN 505-161-009 is proposed as Undesignated. Pre-zoning within the modified annexation area is included as a condition of approval in accordance with Government Code Section 56375(a)(7).

## **C. ANALYSIS**

The analysis of the proposal is organized into two sections. The first section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCos review boundary changes. The second section considers issues required by other applicable State statutes in processing boundary changes, such as environmental compliance with the California Environmental Quality Act.

### ***Required Factors for Review***

G.C. Section 56668 requires the Commission to consider 17 specific factors anytime it reviews proposals for a change of organization or reorganization involving a city. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process.

A summary of key statements and conclusions generated in the review of the mandated factors for the proposal follows, with a complete analysis provided in Attachment B.

- The annexation area is considered uninhabited, consisting of fewer than 12 registered voters within both the originally proposed and modified annexation boundaries. Total assessed value of land for the originally proposed annexation is \$509,088 and for the modified boundary is \$1,382,323.
- Land uses within the originally proposed annexation area include Public Facility for the Ennes Park parcel and an amendment to the Creekside Homes parcel from Urban Reserve/Residential Medium Density (County) to Residential Single-Family with a Planned Development overlay (City). Land uses within the modified boundary are predominantly Agricultural Exclusive (AE) as designated both by the County and the City.
- The proposed annexation is for development of the Creekside Homes subdivision. The City has entered into a Development Agreement with the developer to ensure that the City has adequate resources to provide services to the development.

### ***Other Considerations***

- Municipal Service Review and Sphere of Influence

The Commission approved the City of Arcata MSR and SOI Update in November 2020, which evaluated the availability and performance of governmental services provided by the City pursuant to California Government Code Section 56430. The proposed annexation would not require an update to the SOI as the originally proposed and modified annexation areas are within the recently updated SOI.

- Environmental Review

All matters that involve discretionary action are subject to the applicable provisions of the CEQA. On February 5, 2020, and in accordance with the recommendation of the City's Planning Commission made November 12, 2019, the City Council made all required statutory findings, including Statement of Overriding Considerations, and voted to certify the Final Environmental Impact Report as adequate before also approving the project. The Draft and Final EIR (State Clearinghouse #2016022083) is available on the City's website for review ([www.cityofarcata.org/844/Creek-Side-Project](http://www.cityofarcata.org/844/Creek-Side-Project)).

On behalf of the Commission, in its role as responsible agency under CEQA, LAFCo staff independently reviewed the City prepared EIR and finds all impacts for the originally proposed annexation boundary have been adequately addressed and no further mitigation is needed.

In order to assess the potential impacts of the modified annexation boundary, which was not considered in the City's EIR, LAFCo has prepared an Addendum to the City EIR which is included as Attachment F. The Addendum considers the additional impacts to Agricultural Resources, Land Use and Planning, Public Services, and Utilities and Service Systems. However, the modified boundary annexation does not include proposals to convert agricultural land or involve the construction of or alteration to structure, grading, or other site disturbing activities on land planned for agriculture and does not propose to change land use patterns. Therefore, no additional impacts have been identified that were not already discussed in the City EIR. As such, the Commission, as responsible agency, directs the Executive Officer to file a Notice of Determination with the Humboldt County Clerk.

- o Property Tax Exchange Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCo can consider a proposed boundary change. The proposal would apply a master property tax exchange agreement adopted by the City and the County in 1980; an agreement specifying Arcata shall receive 36.36 percent of the County's existing portion of property tax revenues generated from the affected territory. Based on average property tax allocations for tax rate areas (TRAs) that are already in the City, property tax for the assessed value of the project is projected at about 9.78 percent of the basic one percent property tax levy.

- o Conducting Authority Proceedings

The proposed annexation has 100 percent property owner consent and is not subject to a protest hearing. However, Commission approval of the Modified Boundary would trigger the need to hold a protest hearing in compliance with Section 57000 et. seq. As an uninhabited area, the protest proceedings would be governed by the protest thresholds of GC Section 57075 (b):

In the case of uninhabited territory, take either of the following actions:

- 1) Terminate proceedings if a majority protest exists in accordance with Section 57078 (Landowners owning 50 percent or more of the assessed value of the land within the territory)
- 2) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

The total assessed value of land for the originally proposed annexation is \$509,088 and for the modified boundary is \$1,382,323. It is not anticipated that protests received

would trigger termination considering Park Meadow Estates (APN 505-151-001; assessed land value of \$271,975) is the same ownership as the Creekside Homes property.

#### **D. RECOMMENDATION**

Staff has analyzed both the originally proposed annexation boundary and the modified annexation boundary and find that both options would be in keeping with the general regulations of policies of LAFCo and the City of Arcata. It is recommended that the Commission consider each option and approve the annexation boundary they feel is in the best interest of the community.

Should the originally proposed annexation boundary be approved by the Commission, it is recommended the following conditions be included:

- a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
- b) Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- c) The City of Arcata shall consult with the Humboldt County Department of Public Works to develop a Memorandum of Understanding that identifies mutually agreeable terms for road maintenance and/or future improvements of Foster Avenue from the annexation boundary to Janes Road.
- d) The City of Arcata shall consult with Humboldt County (acting on behalf of the Janes Creek Storm Drainage District Board) and Humboldt LAFCo to evaluate reorganization options for the Janes Creek Storm Drainage District.
- e) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.

Should the modified annexation boundary be approved by the Commission, it is recommended the following conditions be included:

- a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
- b) Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- c) Completion of conducting authority (protest) proceedings by Executive Officer.
- d) Completion of rezoning within the modified annexation area in accordance with Government Code Section 56375(a)(7) within one calendar year unless extended by the Commission.
- e) The City of Arcata and/or Humboldt County (acting on behalf of the Janes Creek Storm Drainage District Board) shall submit an application for merger of

the Janes Creek Storm Drainage District within one calendar year unless extended by the Commission.

- f) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.

### ***Alternatives for Commission Action***

Staff has identified the following options for Commission consideration with respect to the proposal. These options are summarized below.

- o Alternative Action One:  
Adopt the draft resolution identified as Attachment G, approving the original proposal with the recommended conditions along with any desired changes as requested by the Commission.
- o Alternative Action Two:  
Adopt the draft resolution identified as Attachment H, approving the modified boundary proposal with the recommended conditions along with any desired changes as requested by the Commission.
- o Alternative Action Three:  
Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.
- o Alternative Action Three:  
Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

### ***Procedures for Consideration***

This item has been agenzied for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- A. Receive verbal report from staff.
- B. Open the public hearing and invite testimony.
- C. Discuss item and – if appropriate – close the hearing and consider action on the proposal.

### ***Attachments***

Attachment A: Figures of Proposed and Modified Annexation Areas

Attachment B: Required Factors for Review

Attachment C: Notice of Filing (Referral) to Agencies

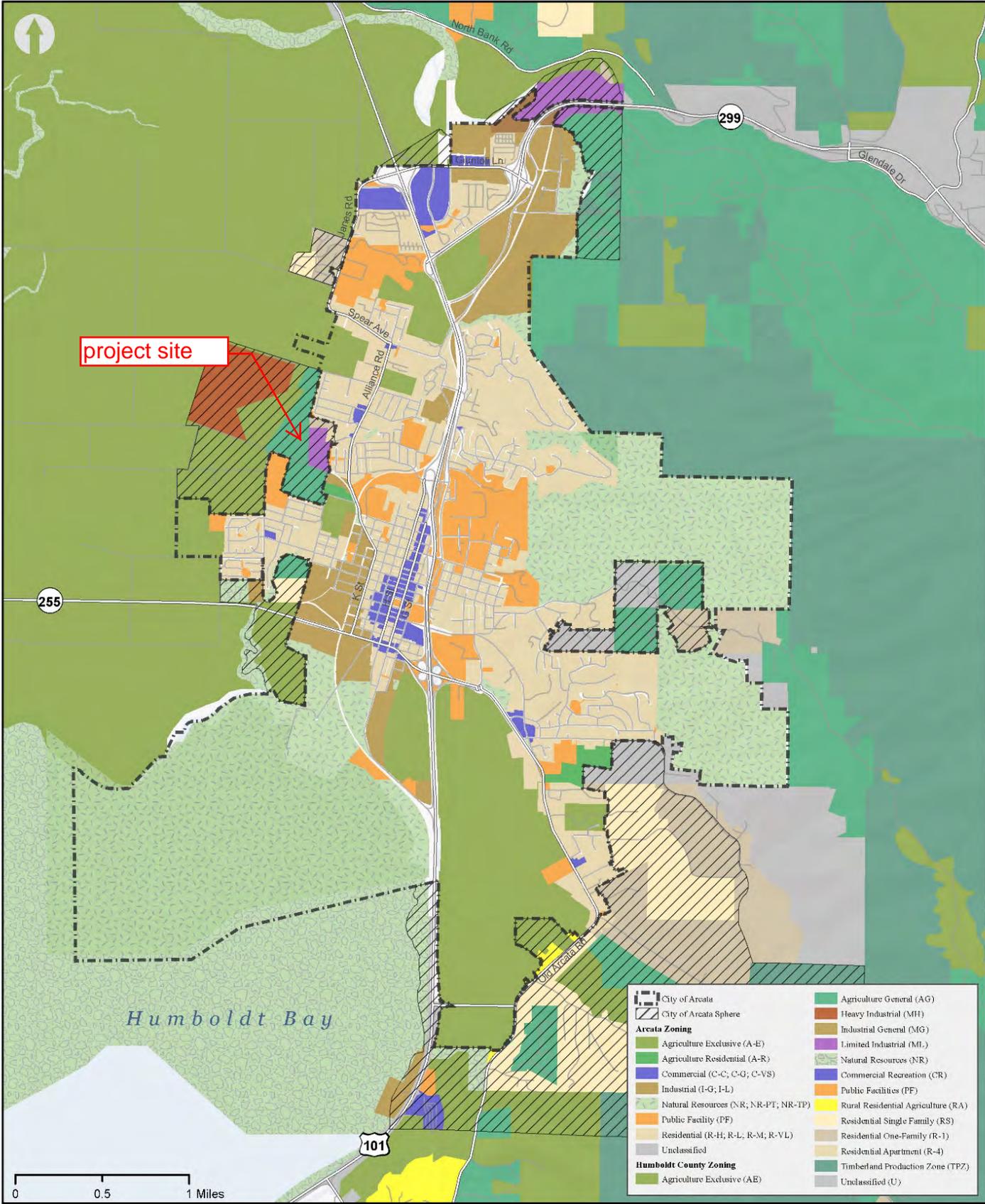
Attachment D: County Public Works Comment Letter

Attachment E: Mailed Hearing Notice to Landowners

Attachment F: Modified Boundary EIR Addendum

Attachment G: Draft Resolution No. 21-01 (Original Boundary)

Attachment H: Draft Resolution No. 21-01 (Modified Boundary)



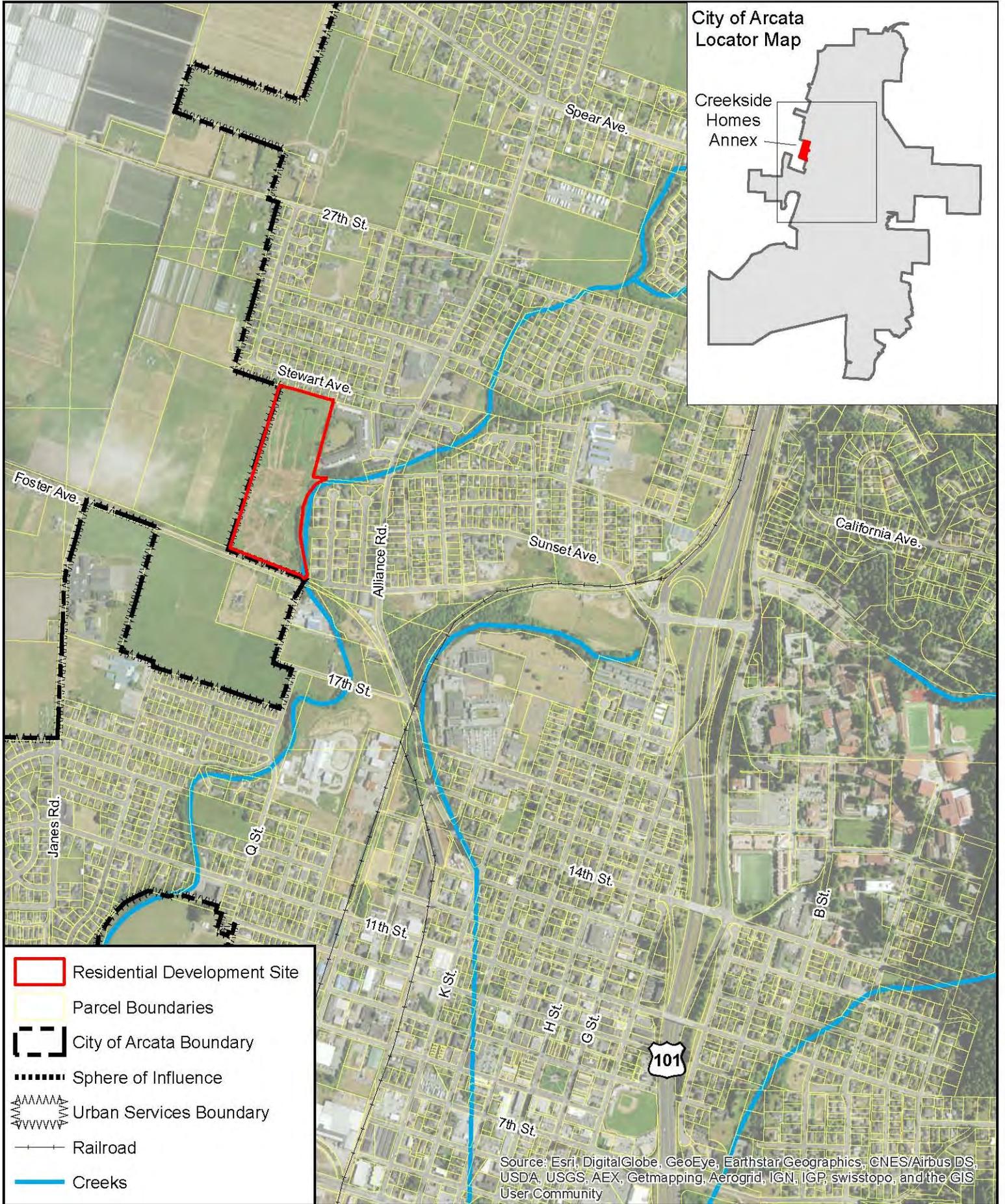
Figure



**City of Arcata Zoning**

Date: 6/9/2020

# Creekside Homes Project Location



City of Arcata  
Locator Map

Creekside  
Homes  
Annex

- Residential Development Site
- Parcel Boundaries
- City of Arcata Boundary
- Sphere of Influence
- Urban Services Boundary
- Railroad
- Creeks

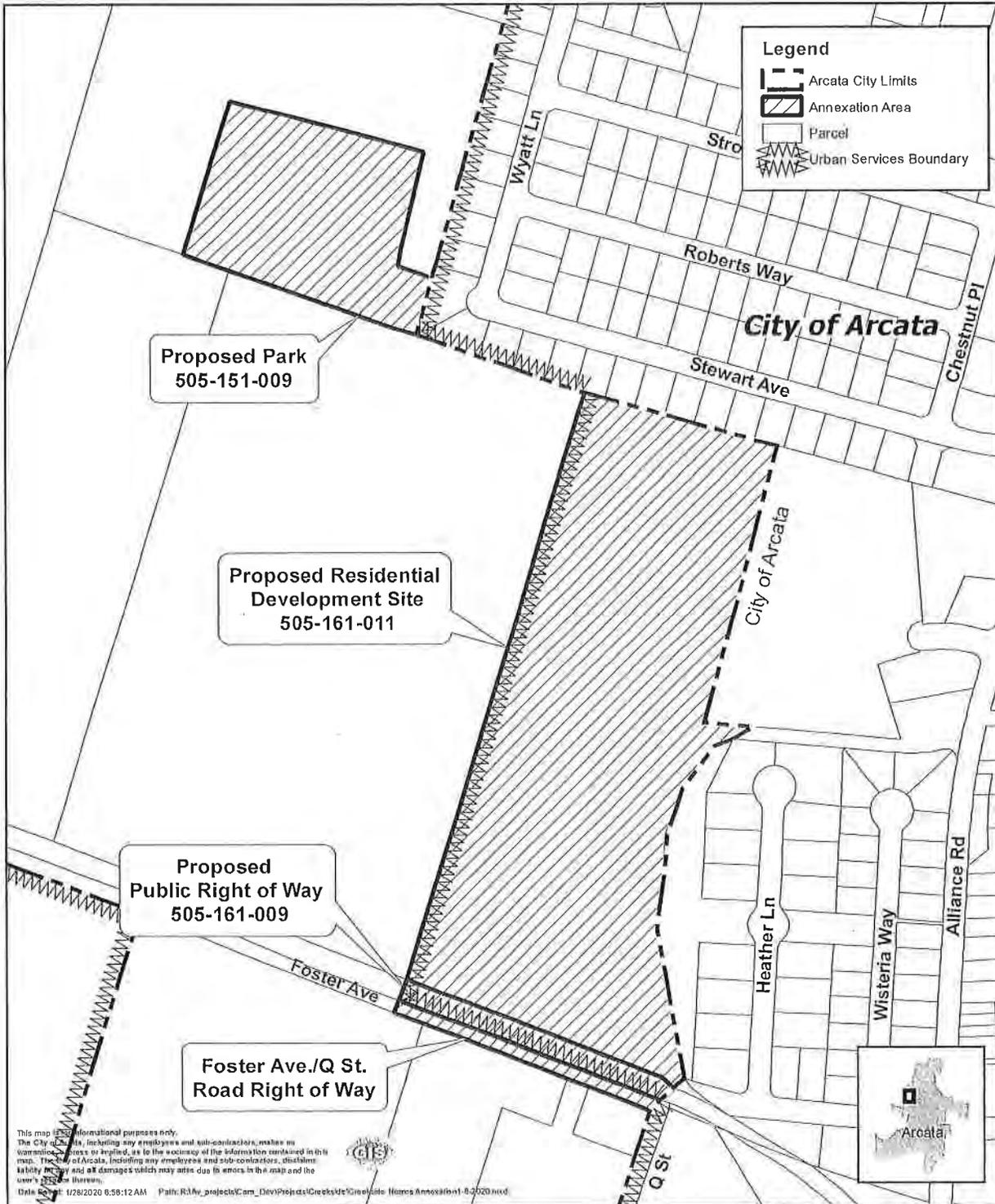
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

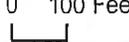
Map Compiled by:  
**Streamline Planning Consultants**  
January 2017

0 500 1,000 Feet



**EXHIBIT 1  
Annexation Map**



 <p><b>City of Arcata</b></p>	<p><b>Creek Side Homes Annexation Parcels</b></p> <p>1/28/2020</p>	<p align="center">▲ <b>NORTH</b></p> <p align="center">0 100 Feet</p> 
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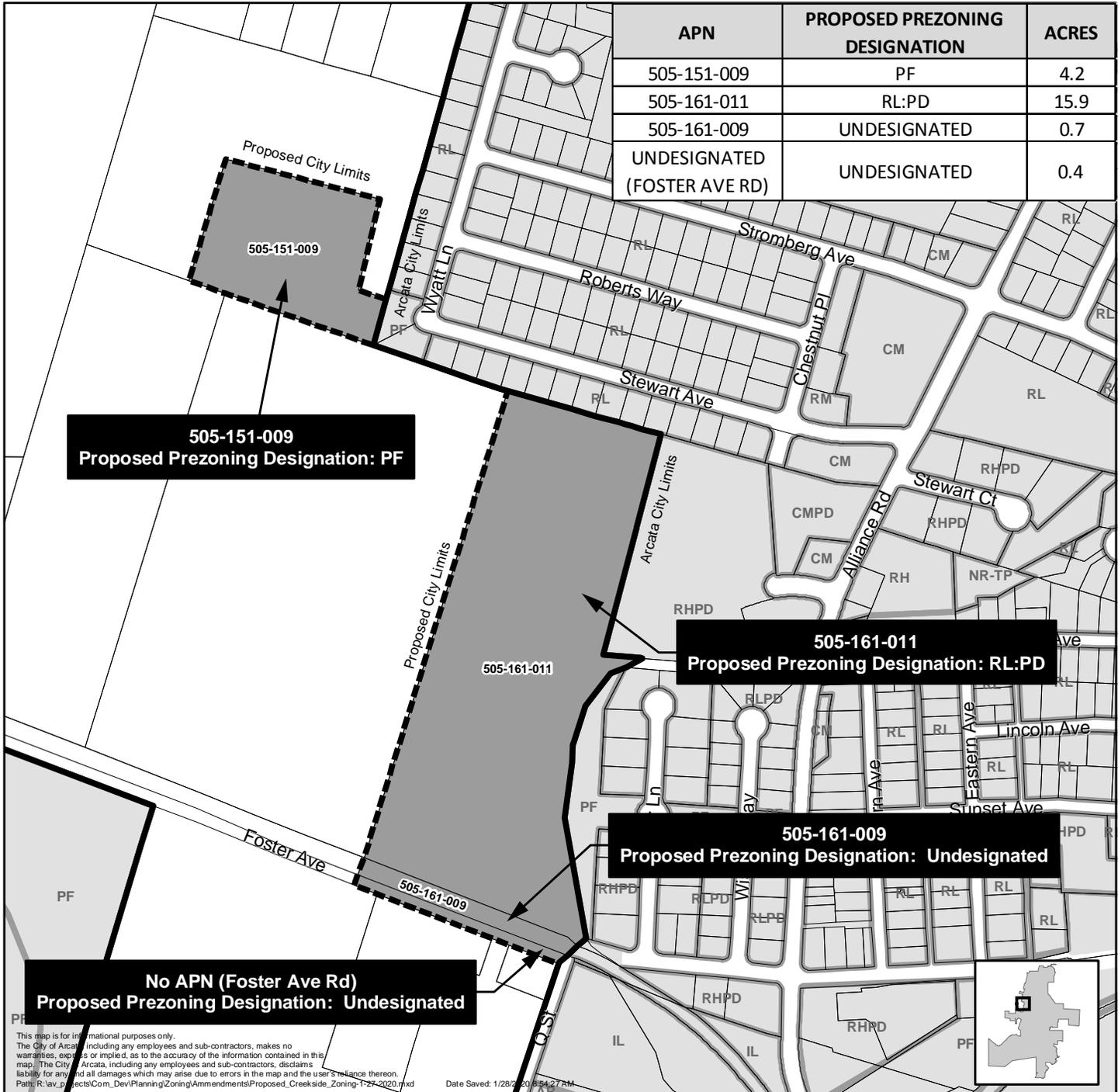


# CREEK SIDE LANDUSE CODE PREZONING MAP

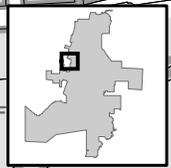
PREZONE RESIDENTIAL LOW DENSITY WITH PLANNED DEVELOPMENT COMBINING ZONE & PUBLIC FACILITY

APN's 505-151-009, 505-161-011, & 505-161-009

APN	PROPOSED PREZONING DESIGNATION	ACRES
505-151-009	PF	4.2
505-161-011	RL:PD	15.9
505-161-009	UNDESIGNATED	0.7
UNDESIGNATED (FOSTER AVE RD)	UNDESIGNATED	0.4



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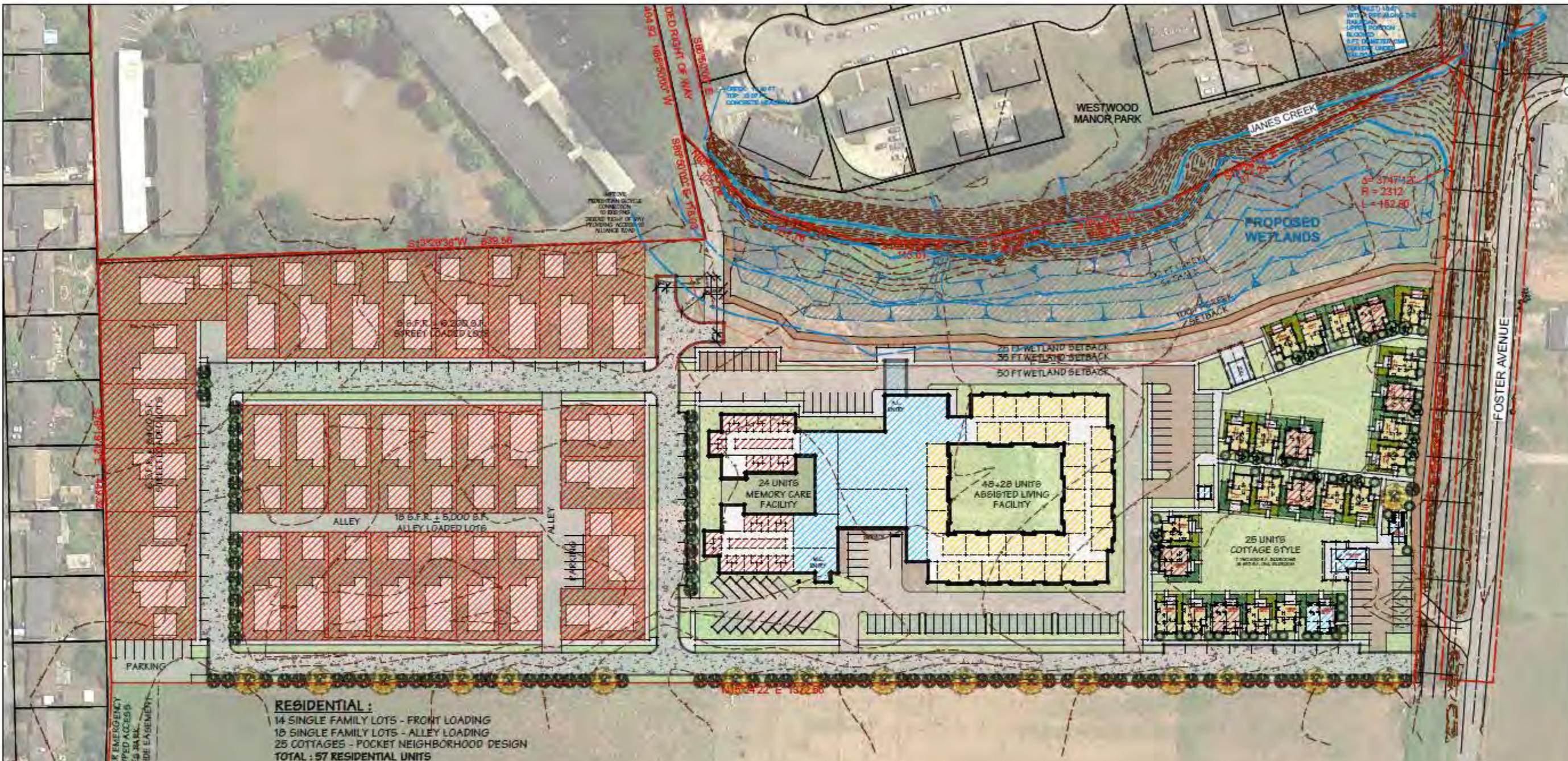
**Legend**

- Proposed City Boundary Adjustment
- Proposed Rezoning Parcels
- Arcata City Limits

- Existing Zoning Designation
- City of Arcata Parcel



0 100 200 Feet



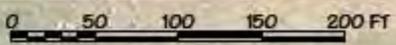
**RESIDENTIAL:**  
 14 SINGLE FAMILY LOTS - FRONT LOADING  
 18 SINGLE FAMILY LOTS - ALLEY LOADING  
 25 COTTAGES - POCKET NEIGHBORHOOD DESIGN  
**TOTAL : 57 RESIDENTIAL UNITS**

48+28 ASSISTED LIVING UNITS  
 24 MEMORY CARE UNITS  
**TOTAL : 100 RESIDENTIAL "CARE" BEDS**

**PARKING:**  
 32 SPACES FOR COTTAGES  
 64 SPACES IN GARAGES  
 40 SPACES ON STREET  
 65 SPACES FOR ASSISTED LIVING AND MEMORY CARE FACILITY  
**TOTAL : 205 SPACES**

**NET DENSITY:**  
 9.8 (157/696,237/43560) DWELLING UNITS / ACRES

**PROPOSED SITE PLAN**



**CREEK SIDE HOMES**

ANNEXATION & PRE-ZONE  
 2000 FOSTER AVENUE  
 CITY OF ARCATA, CA 95521  
 A.P.N. 505-161-011  
 10/10/17

**DANCO**

STEWART AVENUE

FOSTER AVENUE

WESTWOOD MANOR PARK

JANES CREEK

PROPOSED WETLANDS

24 UNITS MEMORY CARE FACILITY

48+28 UNITS ASSISTED LIVING FACILITY

25 UNITS COTTAGE STYLE

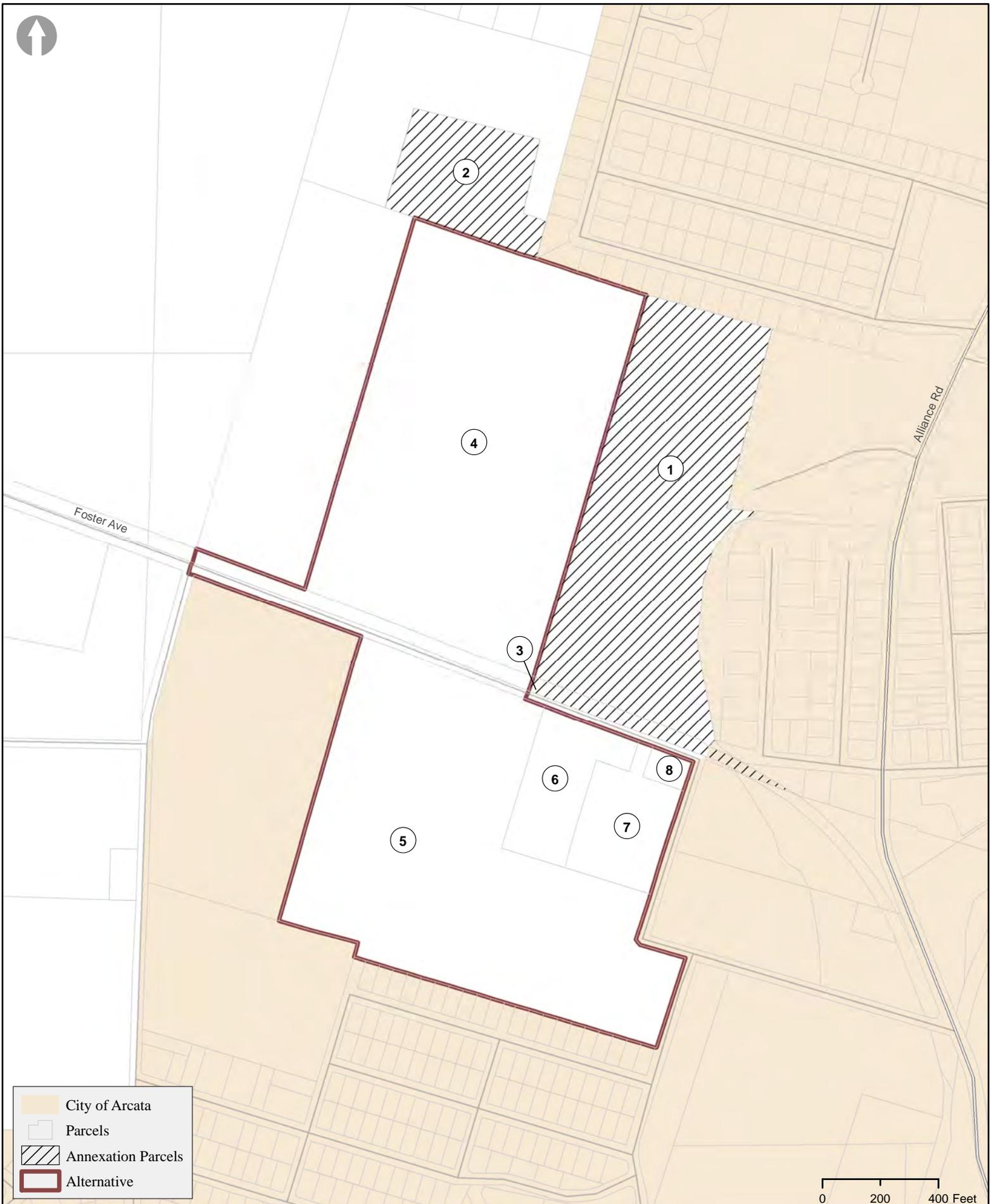
$\Delta = 3747.12'$   
 $R = 2312'$   
 $L = 182.80'$

$S 13^{\circ}28'38'' W$  639.56'

18 S.F.R. ± 5,000 S.F. ALLEY LOADED LOTS

PARKING

CITY OF ARCATA ENNES PARK

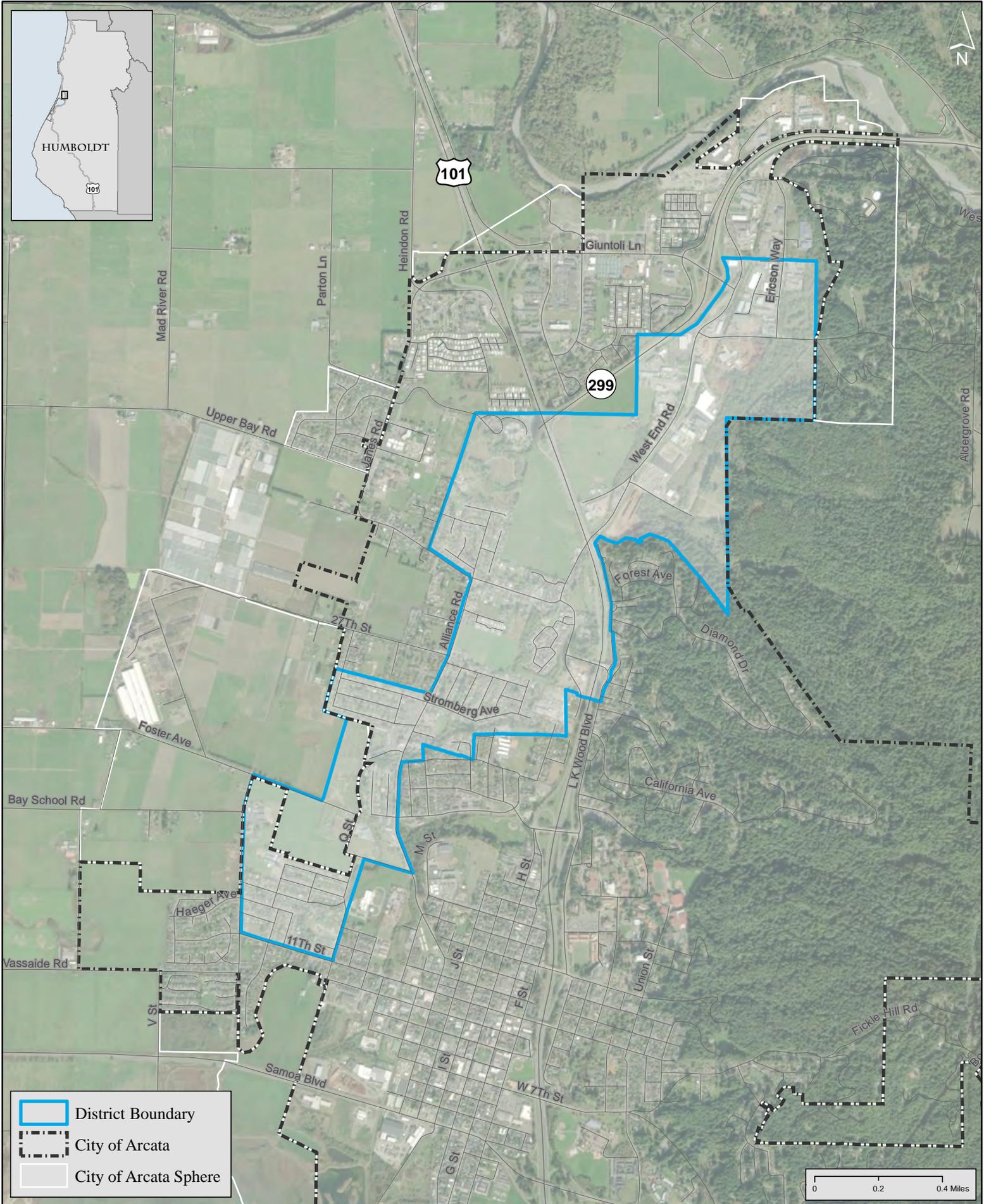


# City of Arcata Creekside Annexation Proposed Modified Boundary

Figure

Date: 12/21/2020





## ATTACHMENT B ANALYSIS OF REQUIRED FACTORS

Government Code Section 56668 requires the Commission to consider 17 specific factors anytime it reviews proposals for a change of organization or reorganization involving cities. The purpose in considering these factors is to help inform the Commission in its decision-making process.

***1) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The originally proposed annexation includes approximately 21.6 acres of land (4 parcels) located outside and adjacent to the City's western boundary. The originally proposed annexation area is currently uninhabited. Total assessed value of land is \$509,088. Land uses within the annexation area are Urban Reserve, Public Facility, Railroad Overlay and Agriculture Exclusive (Foster Avenue Right of Way) as designated by the Humboldt County General Plan. City land uses include Residential Single-Family with a Planned Development overlay for the development of Creekside Homes, Public Facility for the Ennes Park parcel, and Undesignated for the right-of-way areas. The proposed annexation is intended to accommodate the Creekside Homes residential development which includes 89 new dwelling units (including 25 cottages in a pocket neighborhood) and 100 assisted living/memory care units. This development will help accommodate planned growth in the City which is anticipated to reach 19,500 to 20,000 by the year 2030.

The modified annexation boundary includes approximately 77.14 acres of land (9 parcels). The additionally proposed parcels are designated Agriculture Exclusive (AE) by the County and under the City's General Plan Land Use Element. Four of the five additional parcels are located within the Janes Creek Storm Drainage District. Total assessed value of the land is \$1,382,323 and there are 9 registered voters. Since there are less than 12 registered voters in the area, it is considered uninhabited as defined by Section 56079.5 of the CKH Act. This area includes both rural-vacant and vacant and improved rural residential uses, and is outside of the City's Urban Service Area for water and wastewater. As such, it is not anticipated that substantial growth will happen in the area. The City also has strong conservation and preservation policies as evidenced by Resolution 178-18 which established the Western Greenbelt zone within the Arcata Bottoms. This helps encourage infill development within existing developed areas rather than expanding residential areas on the fringes of the City.

***2) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

Pursuant to Government Code Section 56653, the City prepared a Plan for Services to evaluate the needs of the proposed annexation. The need for expanded community services within the affected territory includes water, wastewater, police, fire, park and recreation, street maintenance, and other City services. An analysis of the availability and adequacy of these core municipal services relative to projected needs of the proposal follows.

- o Water

The City currently obtains wholesale water from the Humboldt Bay Municipal Water District and has a peak rate allocation of 3.25 million gallons per day (MGD) or approximately 1,186 million gallons per year. In 2019, the City utilized 501 MG or approximately 42% of its allocation.

According to the Plan for Services prepared by the City, the proposed Creekside Homes development will generate a demand of approximately 25,809 gallons per day of water for domestic purposes and fire flow requirements of 1,000 gallons per minute for a four hour period, or 240,000 gallons. Based on the City's current water use, there is sufficient water capacity to meet these projected demands.

There is an existing waterline on Foster Avenue to the south of the site. The waterline extends from Alliance Road to 17<sup>th</sup> Street, onto Q Street, and ends approximately 400 feet west of the intersection of Q Street and Foster Avenue which is directly across from the proposed development. The developer will be required to pay standard water capital connection fees for residential development, as well as a cash contribution of \$56,000 negotiated through a Development Agreement with the City, which will be used to fund some of the planned water storage improvements for the area.

The existing homes and farms in the modified annexation boundary are currently served by well water and are located outside of the City's Urban Services boundary. Should the owners wish to connect to City water they will have to go through the City application process and pay the associated connection fees to help offset the cost of installing additional infrastructure.

- o Wastewater

The City collects and processes wastewater at its wastewater treatment facility (WWTF) located adjacent to Arcata Bay on the southwestern edge of the City. In 2019, the WWTF processed approximately 661.99 million gallons of influent. Much of the City's collection system was installed in the late fifties and is predominantly asbestos cement pipe. The City is proactively assessing and replacing pipelines to decrease inflow and infiltration that is impacting flows to the WWTF which has a wet weather design capacity of 5.9 MGD. However, during wet weather months (December to April), flows can reach a maximum of 9.9 MGD which greatly exceeds the facility's capacity.

A majority of the WWTF's mechanical equipment has exceeded its expected life, and major structures such as the headworks, clarifier and internal and external pumping stations are also approaching the end of their useful life. Overall, the plant assets and

equipment are in fair to poor condition, indicating a need for a comprehensive update. The City has been developing a comprehensive update plan and is expected to begin construction on initial upgrades in 2021.

The proposed Creekside Homes development is anticipated to produce approximately 17,460 gallons per day of wastewater. There is an existing sewer line along Foster Avenue adjacent to the development site. The developer will be required to pay standard sewer capital connection fees for residential development, as well as a Wastewater Treatment Plant Offset Fee of \$160,000 negotiated through a Development Agreement with the City.

While the WWTF currently has enough capacity to meet existing and proposed dry weather demands, the facility will continue to struggle with wet weather flows until upgrades are completed.

- o Police

The proposed annexation area including the parcels part of the modified boundary, is currently under the jurisdiction of the Humboldt County Sheriff's Department and the California Highway Patrol. Occasional assistance is provided by the Arcata Police Department when needed.

Upon annexation, the area would come under the jurisdiction of the Arcata Police Department. The main station office is at City Hall, 736 F Street, which is approximately 1.25 miles from the proposed residential development site. The Arcata Police Department has indicated that the proposed project, as well as other future development in the City, will impact the services they provide, and the Department will ultimately need additional personnel to handle the increase in calls for service. Although the proposed project will result in additional service calls and place a greater demand on police protection services, it will not result in the need for the construction of new police protection facilities to maintain acceptable service levels.

- o Fire Protection and Emergency Response

The proposed annexation area and modified annexation area are within the Arcata Fire District boundary. The Arcata Fire District is an all-risk fire department responsible for protection life, property, and the environment from hazards.

Although the proposed project will result in additional service calls and place a greater demand on fire protection services, it will not result in the need for the construction of new fire protection facilities to maintain acceptable service levels. The Arcata Fire District currently has sufficient facilities to adequately serve the population within its District and recently obtained funding through Measure F to fund current service levels including additional personnel.

- o Parks and Recreation

The City currently has approximately 4.83 acres of developed parks and 198.94 acres of undeveloped park reserves per 1,000 residents. This exceeds the State of California guidelines of five acres of parkland per 1,000 residents.

The existing parks closest to the proposed annexation area are Westwood Manor Park, Ennes Park, and Shay Park. Ennes Park, located at 1851 Stewart Avenue, was recently redeveloped by the City and is planned for future expansion to help accommodate growth in the area.

- o Road Maintenance

The proposed annexation is currently accessed by Q Street and Foster Avenue by way of 17<sup>th</sup> Street. This portion of Foster Avenue (outside of the City boundary) is maintained by Humboldt County Public Works. The proposed annexation and Creekside Homes development will increase the use of roadways in the area. In order to accommodate additional traffic from the development and several other developments proposed for the City, several improvements have been proposed.

Proposed improvements to accommodate increased traffic levels include connection of Foster Avenue over Janes Creek, a "T" intersection at Q Street and Foster Avenue, all weather access to the Creekside Homes development from Stewart Avenue, and expanded pedestrian and bicycle pathways connecting the development to Alliance Road. Additional road improvements include restriping the Sunset Avenue/LK Wood Boulevard intersection, restriping Alliance Road and Foster Avenue approaches, and future roundabouts at both intersections.

The above improvements, in addition to the new road network within the development itself, will be funded in part by a Traffic Impact Mitigation Fee that will be paid by the developer to the City of Arcata. The City will be creating and managing a new Traffic Impact Mitigation Fee Collection Program to accommodate the Creekside Homes and other anticipated development impact fees.

The originally proposed annexation boundary ends approximately 600 feet from the existing City boundary along Foster Avenue at the Fuente Nueva Charter School property and 1,200 feet from City owned and maintained Janes Road. This portion of Foster Avenue from Q Street to Janes Road is a narrow unstriped county maintained road that is often used by bicyclists and pedestrians. This will likely be the primary access route for residents in the new development that have children attending the school and those wishing to connect to the Hammond Trail. The modified annexation boundary would include this section of road and bring it under the City's jurisdiction. This would allow for roadway improvements that would increase safety and access for multiple modes of transportation.

- o Stormwater

The proposed annexation area is currently undeveloped gravel. Construction of the Creekside Homes development will increase the amount of runoff experienced in the area. As the property is adjacent to Janes Creek, proper site improvements will be necessary to ensure sensitive riparian habitats are protected.

Upon annexation, the area will be incorporated into the City's stormwater system. Stormwater drainage facilities for the development are required to be designed to meet both State and local stormwater regulations which are focused on maintaining or improving a site's pre-development runoff characteristics. According to a Stormwater Management Assessment completed for the project, compliance with State and local stormwater regulations can be achieved by on-site management through low impact development design measures. These includes soil quality improvement and maintenance, tree planting and preservation, vegetated swales, porous, asphalt, stream setbacks and buffers, and rain gardens.

Based on the items discussed above, the proposed annexation to the City of Arcata would provide the highest level of service to the area.

***3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

The proposed action would support the mutual social and economic interests of the proposed annexation area by providing additional housing to support the City's Regional Needs Housing Allocation (RNHA) along with providing needed housing options for aging residents of the county as a whole. Both the originally proposed annexation boundary and modified boundary would support the social and economic interests of the area.

***4) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in G.C. Section 56377.***

The proposed annexation area is currently undeveloped land adjacent to the City of Arcata boundary. The proposed Creekside Homes development will provide needed affordable and special needs housing options for the City and the greater Humboldt Bay area. The planned development is adjacent to existing City infrastructure including water mains and sewer lines, and will be required to fund some of the planned improvements for Zone 1 of the City's water system and to the City's wastewater treatment system.

With respect to G.C. Section 56377, portions of the modified boundary are developed and undeveloped agricultural lands (Agricultural General) under current Humboldt County zoning. While LAFCo typically discourages the annexation of agricultural lands, the City has previously designated these parcels within the sphere as Agricultural Exclusive (AE) under the City's General Plan Land Use Element, and would remain outside the City's Urban Service Area for water and sewer. Furthermore, the annexation of land within the Modified Boundary does not include proposals to covert agricultural land or

involve the construction of or alteration to structure, grading, or other site disturbing activities on land planned for agriculture and does not propose to change land use patterns. The City has strong agricultural and open space conservation policies, including a designated Western Greenbelt as outlined in Resolution 178-18 which further helps to protect and preserve agricultural lands in the Arcata Bottoms on the western edge of the City.

The modified boundary area includes both rural-vacant and vacant and improved rural residential uses that would be “substantially surrounded” by the city should the proposed annexation be approved. In addition, APN 505-151-001 located west of the proposed Creekside Homes development is split zoned for agricultural, residential one family, and limited industrial. However, this parcel is proposed as a conservation easement which will protect agricultural uses of the land in perpetuity. The City has previously designated parcels within the modified boundary area as Agricultural Exclusive (AE) under the City’s General Plan Land Use Element. The modified boundary is within the City’s Sphere of Influence and would promote the planned, orderly, efficient development of the area, including transferring road maintenance responsibility to the City for the entire segment of Foster Avenue to Janes Road. Therefore, the proposal does not conflict with G.C. Section 56377.

***5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.***

The originally proposed annexation would not convert agricultural land or involve the construction of or alteration to structures, grading, or other site disturbing activities on land planned for agriculture. The proposed development site was historically a mill site and subject to frequent disturbance. The City has completed a pre-zoning process for this site which will change its uses from light industrial to Residential Low Density with a Planned Development overlay.

The modified annexation boundary includes land currently planned and zoned for agriculture. Land uses within the modified boundary include rural-vacant and vacant and improved rural residential uses that would be “substantially surrounded” by the city should the proposed annexation be approved. In addition, APN 505-151-001 located west of the proposed Creekside Homes development is split zoned for agricultural, residential one family, and limited industrial. However, this parcel is proposed as a conservation easement which will protect agricultural uses of the land in perpetuity. The City has previously designated parcels within the modified boundary area as Agricultural Exclusive (AE) under the City’s General Plan Land Use Element, which is consistent with current County land use designations. The modified boundary is within the City’s Sphere of Influence and would promote the planned, orderly, efficient development of the area, including transferring road maintenance responsibility to the City for the entire segment of Foster Avenue to Janes Road. The City of Arcata has set strong policies for protection of agricultural lands in its Western Greenbelt (Resolution 178-18). For this reason, the proposed modified boundary, if annexed to the City, will maintain the physical and economic integrity of agricultural lands.

**6) *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.***

The proposed annexation boundary conforms with existing property lines. As originally proposed, the boundary would create a small island of agricultural land that would be substantially surrounded by the City on all sides except for approximately 1,200 feet along Foster Avenue. The modified boundary would incorporate this potential island into the City and create a logical boundary following parcel lines. It would also follow the boundary of the Janes Creek Flood Control District and would allow the eventual merger of the District to the City. Additionally, the modified boundary would give the City complete jurisdiction over road maintenance along the entire segment of Foster Avenue to Janes Road.

**7) *A regional transportation plan adopted pursuant to G.C. Section 65080.***

The Humboldt Regional Transportation Plan (RTP) was last updated in 2017 and is a long-range transportation planning document for Humboldt County. The following policies within the plan apply in part or in full to the proposed and modified annexation boundaries.

Policy CS-14 To advance Safe Routes to School and Safe Routes to Transit initiatives, HCAOG shall support jurisdictions to establish and maintain safe pedestrian paths and designated bikeways (Class I, II, or III) within one mile of all public schools and public transit connections.

Policy CS-15 HCAOG supports roadway design standards that increase bicyclist and pedestrian safety and will work with local jurisdictions to help implement innovative designs and engineering projects that have been shown to improve bicyclist and pedestrian safety.

Policy PT-4 HCAOG encourages city, county, and tribal governments to pursue transit-friendly development. HCAOG encourages designs to facilitate effective transit service, such as strategically increasing densities, mix of land uses, building transit-oriented development within major transit corridors, and making it convenient to walk and bike to transit and other destinations (California Transportation Plan 2040 (Goal 5, Strategy P2-S5)). HCAOG will provide information on transit-oriented development, as requested. HCAOG encourages member and committee agencies to have transit operators actively participate in the planning and review process for new developments. (Also supports objectives: Efficient & Viable Transportation System, Environmental Stewardship)

The proposed annexation is currently approximately 1,700 feet from the nearest transit stop at Q Street and Zehndner Avenue. After completion of roadway improvements, including the connection of Foster Avenue over Janes Creek, the development will also be approximately 950 feet from the transit stop at Sunset and Alliance Road. The annexation is in alignment with Policy PT-4 in that it is close to existing transit services, is a

mixed density development, and will improve walkability in the area by creating a connection over Foster Avenue.

The modified annexation boundary would be in alignment with Policies CS-14 and CS-15 by including Foster Avenue up to Janes Road. Under the City's jurisdiction the street could be improved in the future to include sidewalks and a bike lane. This would create a safer route to the Fuente Nueva Charter School and create a safer bike route for those wishing to connect to the Hamond Trail.

According to the EIR for the proposed Creekside development, significant and unavoidable impacts are expected to occur at the intersections of Foster Avenue and Alliance Road and LK Wood and Foster Avenue until intersection improvements are made. In order to mitigate these impacts, the developer will be contributing \$186,940 which will be held for a Transportation Mitigation Impact Program to be developed by the City. These funds will be used, in part, for the intersection upgrades to help mitigate the impacts from the Creekside Homes development and other projects in the area. This will ensure the proposed annexation area and modified annexation areas are in alignment with the regional transportation plan and the City's Transportation Element of their General Plan.

#### **8) *The proposal's consistency with city or county general and specific plans.***

Land uses within the proposed annexation area are subject to the Humboldt County Framework General Plan (Framework Plan), Volume I, and the Zoning Regulations (Humboldt County Code Title III, Division 1). Land use designations and zoning once annexed will be subject to the City of Arcata's Land Use Element and Zoning Ordinance.

The proposed annexation is consistent with the following Humboldt County Housing Element policy:

**H-IM5. Initiate Annexation of Multifamily Housing Sites.** The County shall work with the City of Arcata and the Local Agency Formation Commission to initiate annexation of the multifamily parcel APN 505-161-011 to provide sewer services to the property for development of multifamily housing. Responsible Agency: Planning and Building Department. Timeframe: Ongoing until completion of annexation process.

City of Arcata Land Use Element, last updated in 2008, includes several goals and policies applicable to the proposed and modified annexation boundaries. Applicable goals from the City's Land Use Element include:

**Goal A:** Establish and maintain a greenbelt around the City that consists of agricultural, forest, and natural resource lands. Preserve, as productive natural resources areas, the open agricultural lands in the Arcata Bottom, the forests on the eastern hillsides, and aquaculture in Arcata Bay. Protect other natural resource lands along the bayfront and watercourses for their value as natural resource lands and community open space.

**Goal B:** Allow for a range of housing choices that includes affordable dwellings for community residents, accommodates families as well as individuals and groups, and varies in size and type to reflect the diverse character of the community.

**Goal F:** Maintain community facilities such as schools, community centers, parks and recreation areas, and other civic uses and ensure they are located in areas that are accessible to all segments of the community.

**Goal G:** Encourage infill development of vacant, brownfield, and underutilized land designated for development as a way of meeting housing and employment needs without major extensions of infrastructure and services.

**Goal H:** Retain agricultural and natural resource lands within the City.

**Goal I:** Promote mixed use by encouraging residential units on upper floors in commercial areas.

Applicable policies from the City's Land Use Element include:

**LU-1e** Protection of natural resources and agricultural lands. Agricultural [A-E] and Natural Resource [NR] designated lands make up over half of the community land base. Their productive, open space, and natural resource values are important to the community and conversion to other non-compatible uses shall be prohibited.

**LU-1f** Promotion of infill development. The City encourages appropriate redevelopment of certain parcels of land which are either underutilized, brownfields, or vacant but surrounded by existing urban development.

**LU-4b** Conversion and reuse of old industrial sites. The City shall encourage the conversion and reuse of abandoned or inactive industrial sites such as closed lumber mill sites.

**LU-6c** Protection of agricultural lands and uses within the City. Agricultural lands represent an important natural resource within the City. The protection of agricultural lands shall include several factors (further detail provided in Land Use Element).

The proposed annexation is in alignment with the above goals and policies in that it will redevelop a currently unused and vacant mill site into a mixed density residential area. It is also in close proximity to existing City infrastructure. The modified annexation boundary will also align with the above stated goals and policies by retaining agricultural and potential conservation lands under the City's jurisdiction. Parcel 505-151-001, a part of which will be utilized for an emergency access road from Stewart Avenue to the proposed development site, is being proposed as a conservation easement to help offset the conversion of farmland for the Ennes Park expansion. This parcel will help maintain the Western Greenbelt for the City. Inclusion of these lands within the City boundary will help ensure that the areas are protected and preserved for agricultural and conservation purposes.

**9) *The sphere of influence of any local agency that may be applicable to the proposal being reviewed.***

The proposed and modified boundaries for the annexation are within the City's recently adopted SOI (LAFCo Resolution 20-09). Additionally, the proposed Creekside Homes development is within the City's Urban Services Boundary. A SOI is described as a plan for the probable ultimate physical boundary and service area of a local agency. In addition, the annexation area is located outside of the coastal zone.

**10) *The comments of any affected local agency or other public agency.***

The City of Arcata provided sufficient notice to interested and subject agencies of its intent to adopt a resolution of application, pursuant to GC Section 56654(c). LAFCo staff also provided a Notice of Filing to interested and subject agencies. The Humboldt County Planning Department and Environmental Services Department provided comments in support of the project. The Long Range Planning Department also commented that the project is in alignment with the Humboldt County Housing Element Policy H-IM5 as stated under Factor 8.

In addition to the comments received during the referral process, the Humboldt County Department of Public Works previously provided comments on the project concerning the proposed boundary and asked that LAFCo consider an alternative boundary to account for traffic impacts to neighboring properties from the proposed housing development. Staff has taken this request into consideration and proposes a modified boundary for the annexation.

**11) *The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

The City of Arcata is funded through multiple sources including property and sales taxes, grants, usage fees, and others. The City and County have a preexisting master property tax exchange agreement which will take effect upon the area's annexation into the City. The agreement specifies that the City shall receive 36.36 percent of the County's existing portion of property tax revenues generated from the affected territory.

The 2020 Arcata Municipal Services Review (MSR) shows that the City is in good financial standing. While the effects of Covid-19 on the City's revenues are still unknown, the City has been taking a conservative stance to plan for potential long term decreases in revenue. As indicated under Factor 2, the City and Arcata FPD are able to provide basic services to the effected area except for police services which may require additional funding to support a future increase in calls caused by the development.

The City of Arcata also recently completed a 218 process for increasing water and sewer rates and was able to implement the increases. This will help ensure that future maintenance and repair costs for the affected area and the City as a whole can be adequately covered by the usage fees.

In addition to current taxes and fees for services, the developer of the Creekside Homes project has also entered into a development agreement with the City. As part of this agreement, the developer will pay a Wastewater Treatment Plant Offset Fee (\$160,000), an additional water system contribution (\$56,000), and a Traffic Impact Mitigation Fee (\$186,940). These fees will help offset the costs of the required infrastructure for the development project.

Based on the amount of current taxes, usage fees, and developer paid fees, it is anticipated that the City will have the necessary capacity and funding to support the proposed and modified annexation areas, with the exception of future police services.

***12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.***

As discussed under Factor 2, the City of Arcata has adequate water supply to meet the future demands of the proposed and modified annexation areas. Additionally, there is existing infrastructure along Foster Avenue that development infrastructure can be connected to.

***13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The proposed annexation includes the Creekside Homes development project. As discussed under Factor 3, this project will help the city achieve its share of the 2019-2027 RNHA. According to the Regional Housing Needs Plan, a total of 2,060 housing units will be needed by 2027. Of that, the City is expected to accommodate 363 units, or 17.6% of the County need. The proposed development includes 32 single family homes and 25 cottage homes for a total of 57 units in addition to a 100 bed assisted living and memory care facility.

***14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

A 21-day public hearing notice was mailed to all landowners and registered voters within 300 feet of the affected territory for both the January 20, 2021 regular meeting. The notice summarized the proposal and included a map of the subject territory, as well as information regarding the public hearing. LAFCo staff received two inquiries from interested public but no comments were submitted as of January 15, 2021.

Property owners within the originally proposed annexation boundary have provided consent to annexation.

**15) Any information relating to existing land use designations.**

The following table describes the land within the proposed and modified annexation areas and displays information according to property type (indicating the land use activity that is occurring within the parcel based on Assessor’s Use Code data), General Plan Land Use Designation, and Zoning Classification.

APN	Acres	Current County GPLU	Current County Zoning	Current City GPLU	Property Type (use code)
505-161-011	15.95	UR/RM	ML;R-1;R-4/Q	RL:PD	Industrial-Vacant (Creekside Homes site)
505-151-009	4.22	PF	AE;AG	PF	Public-Non Taxable (Ennes Park Extension)
505-161-009	0.94	UR/RM	RAILROAD	Undesignated	Vacant Single Family Residential (Proposed pedestrian/bicycle access)
505-151-001	26.16	AE	AG;R-1;ML	AE	Rural - Vacant (Proposed conservation easement)
505-171-004	23.22	AE	AG	AE	Vacant, Rural Residential, 20+ to 40 ac
505-171-006	2.93	AE	AG	AE	Improved, Rural Residential, 1 to 5 ac
505-162-009	2.86	AE	AG	AE	Improved Single Family Residential
505-162-002	0.37	AE	AG	AE	Improved Single Family Residential

**16) The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.**

The proposal would not result in inconsistencies with environmental justice safeguards. The proposed annexation will provide housing options for a range of incomes and will also provide care units for seniors. Additionally, the proposal intends to expand the existing Arcata bike and pedestrian pathways in addition to expanding Ennes Park. These expansions will benefit the community as a whole by creating better connectivity in this portion of the City.

***17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to G.C. Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

The proposed and modified annexation areas are within a Local Response Area and are under the jurisdiction of the Arcata FPD. The area is generally flat in nature and once developed will have emergency access from Foster Avenue and Stewart Avenue by way of an all weather emergency access road. As such, it is not anticipated that the area will be later included in a safety or hazard mitigation plan as a high fire risk area.



1125 16<sup>th</sup> Street, Suite 202, Arcata, CA 95521  
(707) 445-7508 / (707) 825-9181 fax  
[www.humboldtlafo.org](http://www.humboldtlafo.org)

## NOTICE OF FILING

**DATE:** November 24, 2020

**TO:** Arcata Fire Protection District  
Humboldt Bay Harbor District  
Humboldt Bay Municipal Water District  
Northern Humboldt Recreation and Park District  
Humboldt County Administrative Office  
Humboldt County Assessor's Office  
Humboldt County Auditor's Office  
Humboldt County Environmental Health  
Humboldt County Elections Office  
Humboldt County Office of Education  
Humboldt County Office of Emergency Services  
Humboldt County Planning and Building Department  
Humboldt County Public Works Department  
Humboldt County Resource Conservation District  
Humboldt County Sheriff's Office

**Cc:** Delo Freitas, City of Arcata

**FROM:** Krystle Heaney, LAFCo Clerk/Analyst  
Colette Santsche, LAFCo Executive Officer

**SUBJECT:** APPLICATION RECEIVED – CITY OF ARCATA CREEKSIDE HOMES ANNEXATION

### APPLICATION INFORMATION

**Project:** Proposed Annexation of City Owned Park Property and Foster Avenue LLC Properties (Creekside Homes Subdivision) into the City of Arcata

**Location:** Foster and Stewart Ave, Arcata, CA – see Exhibit A

**APNs:** 505-161-011; 505-151-009; 505-161-009; and Foster Ave ROW (no assigned APN)

**Notice:** The above referenced proposal has been submitted to LAFCo and this notice of filing is being issued in accordance with Government Code Section 56658(b)(1). If you wish to receive a copy of the application and supporting documents, please contact LAFCo staff at [krystleh@humboldtlafo.org](mailto:krystleh@humboldtlafo.org). We request agency comments, requested conditions, or recommendations by **December 18, 2020**.

### Proposal Overview

LAFCo has received a proposal submitted by resolution of application from the City of Arcata (City) for annexation of approximately 21.6 acres (4 parcels) of land located adjacent to the City boundary and within its current Sphere of Influence. The proposed annexation is for the development of the Creekside Homes project (APN 505-161-011),

consisting of approximately 16 acres located at 2000 Foster Avenue, which will add 32 single-family residences and 32 accessory dwelling units, a 100-bed memory care facility, and 25 senior-restricted neighborhood cottage units. This project will help satisfy the City's Regional Housing Needs Allocation (RHNA) by creating 5 very low, 20 low, 32 moderate, and 32 above moderate units, and would provide housing for approximately 269 residents. The project also includes the annexation of 0.44 acres of the developer-owned adjoining parcel (APN 506-161-009) for development of bike and pedestrian trail infrastructure ("Proposed Hammond Trail Extension"), the nearby 4.22 acre property owned by the City (APN 505-151-009) for recreational park expansion ("Ennis Park Expansion Parcel"), and a portion of the rights-of-way for Foster Avenue and Q Street that are currently in Humboldt County jurisdiction.

Project features to be developed on the Property will include a stream protection zone along Janes Creek, a wetland mitigation area, landscaping, pedestrian/bicycle trails, and the development and dedication of public infrastructure (access roads, utilities, stormwater facilities, etc.). Offsite improvements will include parkland development to the north west of the residential development site, an emergency access road to Stewart Avenue, pedestrian/bicycle trails, and the connection of Foster Avenue over Janes Creek which will include sidewalks, bike lanes, and a "T" type intersection at Q Street and Foster Avenue. Finally, Developer proposes to convey a conservation easement over an adjoining parcel as mitigation for the conversion of prime agricultural lands.

**Please note: The City has received written consent from all landowners within the proposed annexation area. In accordance with Government Code Section 56662, the Commission may make determinations upon the proposal without notice and hearing and may waive protest proceedings entirely if an affected local agency has not submitted a written demand for notice and hearing within 10-days of receiving this notice.**

### Reasons for Proposal

The City has determined that the project is consistent with the goals and policies of its General Plan: 2020 and includes appropriate standards and requirements with respect to the development of the property. According to the City's application, the reasons for the proposed annexation are as follows:

1. The Creekside Homes parcel is currently owned by Foster Avenue, LLC. The planned use for the property is residential. The property sits at the far western boundary of the City of Arcata, and the plan for development relies upon development into the City and connection to City utilities (water, sewer, etc.). The City is supportive of the annexation as it will create new housing units and supportive facilities that will serve Arcata residents. The proposed residential units have been counted towards the City's 2019-2027 Regional Housing Needs Allocation (RHNA) as part of the 6th Cycle of the City's adopted Housing Element.
2. Ennes Park is currently owned by the City of Arcata and currently operates as a community park. The property has been owned by the City of Arcata since the 1970s and was purchased with park bond funds for the express purpose of use by the City of Arcata for Arcata's residents. Although the City currently manages the

parkland and retains control of the land, it is not in City limits. Annexation would allow the city to apply and enforce use regulations arising under the City of Arcata Municipal Code for the Ennes Park site.

3. The Foster Avenue ROW is owned by the County of Humboldt. The old Railroad ROW is owned by Foster Avenue, LLC and was rezoned for residential use in the past by the County. Both parcels are now proposed to be annexed into the City as "unzoned" land and together will comprise the new City-owned road ROW. Both parcels are integral to the City's planned improvements for Foster Avenue, which will include connecting the west and east section of Foster Avenue, accompanied by a variety of infrastructure improvements intended to increase pedestrian safety and encourage multi-modal transportation in the vicinity of the project site.
4. The historic railroad ROW will be converted to a Class I protected bicycle/pedestrian trail parallel to Foster Avenue and will serve as an extension to the Hammond Trail. The Foster Avenue ROW will be improved by the City to connect east and west portions of Foster Avenue, which will include installation of a roundabout at the intersection of Foster and Alliance (within current City limits). As a result of the annexation, this roadway connection project and its ongoing maintenance will be under the purview of the City. The County has expressed interest in the City annexing the full road ROW west to Janes Road, in order to facilitate ongoing maintenance as well as future pedestrian safety improvements necessitated by the Creekside Homes project

#### Description of Annexation Areas

- o *Creekside Homes residential development site:*

The residential development site's street address is 2000 Foster Avenue (APN 505-161-011); it is located near the intersection of Foster Avenue and "Q" Street, west of the Sunset Neighborhood in the City of Arcata. The site is north of Foster Avenue, west of Heather Lane and Westwood Lane, and south of Stewart Avenue. Janes Creek runs along the southeastern boundary of the site.

Surrounding uses include single-family and multi-family residential development to the north and east, agriculture uses to the west including Sun Valley Floral Farms, and a mix of single-family residential and agricultural uses to the south. The former Simpson Mill spur tracks are located along the southern boundary of the residential development site adjacent to the north edge of the Foster Avenue right-of-way. The railroad bed is now inactive and privately-owned. Foster Avenue is a two lane County roadway with a 40-foot right of way.

The residential development site was used as a lumber mill and whole-log chipping facility in the past but has not been used for this purpose since the 1980s. The site contains remnants of the former mill structures as well as the western bank of Janes Creek and associated riparian corridor, fill materials and gravel, blackberry bushes, grasses, and other low growing shrubs. The site is essentially flat, sloping slightly from the northeast to the southwest. The site is surfaced with river run gravel fill interspersed with vegetation.

- o *Ennes Park Site:*

The proposed park site (Ennes Park Expansion), which totals approximately 4.69 acres, would be located on City owned parcels 505-151-009, 505-284-009, and 505-284-010. Parcel 505-151-009 is currently located in the County and parcels 505-284-009 and 505-284-010 are located within City limits. The majority of the proposed park site is currently vacant but was used historically for agriculture and contains prime agricultural soils. The park site currently contains a graveled driveway access that is used for an adjacent community supported agriculture (CSA) operation on parcel 505-151-008. Ennes Park serves the single-family residential neighborhood to the north of the residential development site and was recently redeveloped by the City to contain a jungle gym, wiggly board, spinner pod, a see-saw type structure, and a corn hole court.

- o *Previous Railroad ROW/ Proposed Hammond Trail extension:*

The proposed Hammond Trail section that will be developed by the applicant will be located on parcel 505-161-009 (no address assigned) which totals approximately 0.94 acres (0.74 acres in County jurisdiction and 0.20 acres within City limits). This parcel is located along the southern boundary of the residential development site. This parcel historically contained the Simpson Mill spur tracks which have been inactive for several decades. The property is privately owned and is planned to be developed as a section of the Hammond Trail and has been identified as such in the 2010 Arcata Pedestrian and Bicycle Master Plan.

- o *Foster Avenue ROW:*

The proposed Foster Avenue connection will be located within the City of Arcata public right-of-way and on parcels 505-161-009, -030, and 505-162-010. The Foster Avenue connection will cover an approximately 0.21-acre portion of these parcels and the existing road right-of-way (180 feet long by 50 feet wide). The majority of the Foster Avenue connection will occur in the Foster Avenue public right-of-way and on parcel 505-161-009. The area proposed for this road connection contains an existing rail bed crossing over Janes Creek with an undersized culvert that is in disrepair. The right-of-way crosses Janes Creek and is bordered by parcels 505-161-009 (railroad bed) and 505-341-037, the residential development site, and Westwood Manor Park.

#### Provision of Public Services

Water service in the unincorporated portion of Foster Avenue is currently provided by onsite wells. Upon annexation, the subject properties will be provided water service by the City of Arcata. Based on an analysis prepared by the project applicant, the proposed project would generate a demand for approximately 25,809 gallons per day of water for domestic purposes and fire flow requirements of 1,000 gallons per minute for a four hour period, or 240,000 gallons.

Currently, municipal wastewater treatment is not available to residents located in the unincorporated area along Foster Avenue. Domestic wastewater treatment is accomplished through private on-site septic systems. Upon annexation of the residential development site, wastewater service would be available through the City of Arcata. Based on an analysis prepared by the project applicant, the proposed project would produce approximately 17,460 gallons per day of wastewater. Wastewater that would

be generated by the project would flow to the western lift station before reaching the marsh treatment system. There is an existing sewer line along Foster Avenue adjacent to the site.

Additional services to be provided to the annexation area include fire and emergency services to be provided by the Arcata Fire Protection District (currently within the AFPD boundaries), police services to be provided by the Arcata Police Department, and solid waste services to be provided by Recology.

#### Property Tax Exchange Agreement

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCo can consider a proposed boundary change. The proposal would apply a master property tax exchange agreement adopted by the City and the County in 1980; an agreement specifying Arcata shall receive 36.36 percent of the County's existing portion of property tax revenues generated from the affected territory.

#### Environmental Review

All matters that involve discretionary action are subject to the applicable provisions of the California Environmental Quality Act (CEQA). On February 5, 2020, and in accordance with the recommendation of the City's Planning Commission made November 12, 2019, the City Council made all required statutory findings and voted to certify the Final Environmental Impact Report as adequate before also approving the project. The Draft and Final EIR (State Clearinghouse #2016022083) is available on the City's website for review ([www.cityofarcata.org/844/Creek-Side-Project](http://www.cityofarcata.org/844/Creek-Side-Project)).

The application described above is pending LAFCo review. Please review and respond with any comments, requested conditions, or recommendations by December 18, 2020. If you have any questions or wish to request a copy of the application, please contact LAFCo at (707) 445-7508 or [krystleh@humboldtlaftco.org](mailto:krystleh@humboldtlaftco.org).

Exhibit A: Annexation Area Figure

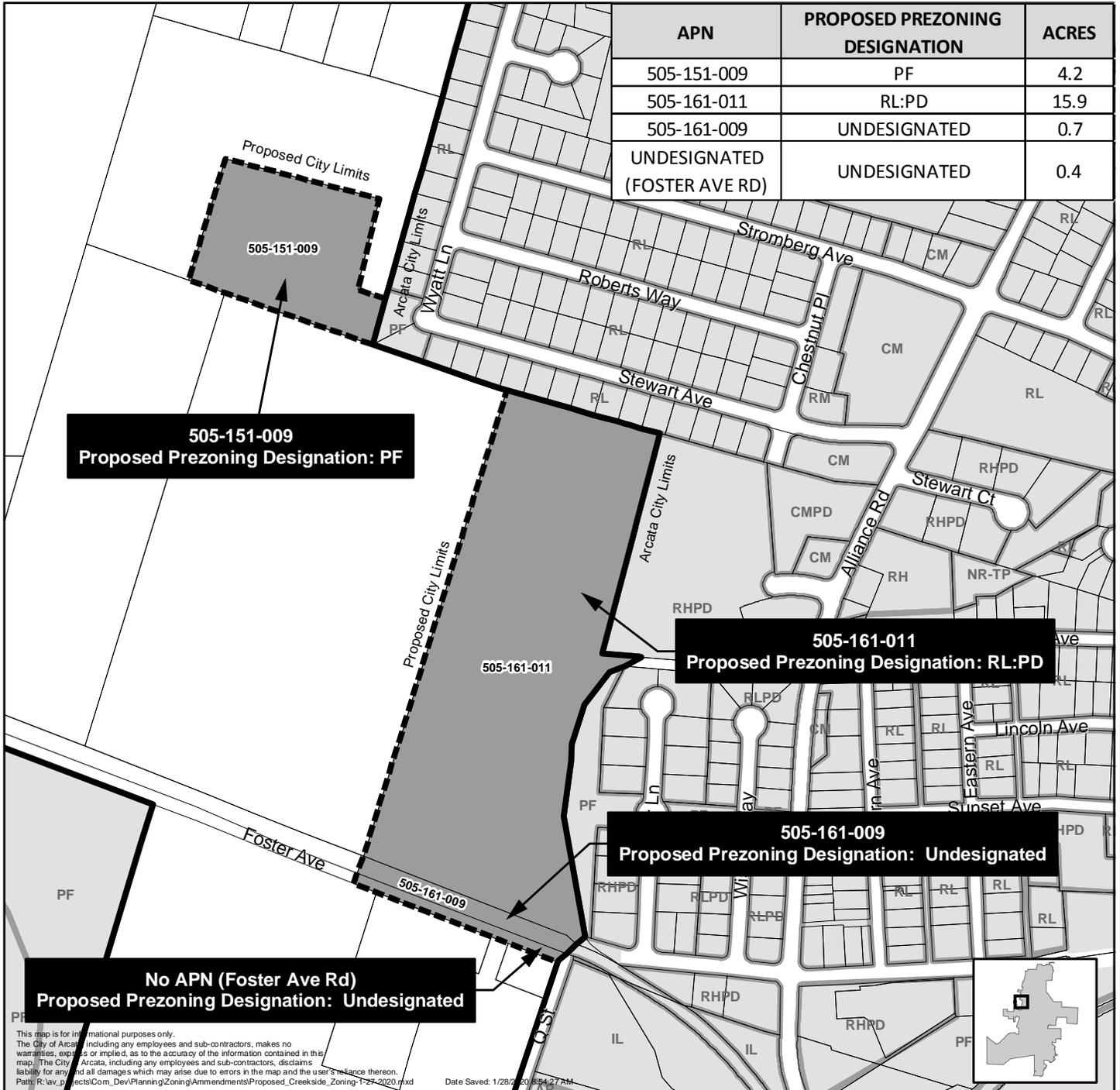


# CREEK SIDE LANDUSE CODE PREZONING MAP

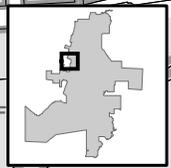
PREZONE RESIDENTIAL LOW DENSITY WITH PLANNED DEVELOPMENT COMBINING ZONE & PUBLIC FACILITY

APN's 505-151-009, 505-161-011, & 505-161-009

APN	PROPOSED PREZONING DESIGNATION	ACRES
505-151-009	PF	4.2
505-161-011	RL:PD	15.9
505-161-009	UNDESIGNATED	0.7
UNDESIGNATED (FOSTER AVE RD)	UNDESIGNATED	0.4



This map is for informational purposes only. The City of Arcata, including any employees and sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees and sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon. Path: R:\av\_projects\Com\_Dev\Planning\Zoning\Amendments\Proposed\_Creekside\_Zoning-1-24-2020.mxd Date Saved: 1/28/20 8:54:27 AM



**Legend**

- Proposed City Boundary Adjustment
- Proposed Rezoning Parcels
- Arcata City Limits

- Existing Zoning Designation
- City of Arcata Parcel



0 100 200 Feet



DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX at Harris & H St.  
3033 H Street, Room 17, EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

03/01/2016

Ms. Alyson Hunter  
City of Arcata  
Community Development Department  
736 "F" Street  
Arcata, CA 95521

**RE: CITY OF ARCATA PROPOSED ANNEXATION  
CREEKSIDE (DANCO) SUBDIVISION, APN 505-161-011**

Thank you for the opportunity to comment on the above project. The Department of Public Works previously provided comments on the Draft EIR for this project on September 22, 2006. The annexation does not appear to include the County maintained portions of Foster Avenue and Q Street. The Department supports the proposed annexation provided that it includes the annexation of a portion of Foster Avenue and the remainder of Q Street as shown on Exhibit "A".

In addition, the City of Arcata may wish to consider a more logical annexation area as shown on Exhibit "B". This includes APN 505-151-009 (City of Arcata) and an adjoining property APN 505-151-001 (Park Meadow Estates) which has the same tax mailing address as the subject property (APN 505-161-011). It also includes several properties south of Foster Avenue: APN 505-171-004 (Daniels/Niederbrach), 505-171-006 (Nielsen/McFarland), 505-162-009 (Armstrong/Pec-Crouse), and 505-162-002 (Armstrong/Pec-Crouse), as well as including a portion of Foster Avenue and the remainder of Q Street.

The Department will be requesting that LAFCO include those portions of Foster Avenue and Q Street so that the City will be able to mitigate the impacts caused by the subdivision to City standards without affecting any adjacent publicly maintained infrastructure. Should LAFCO not support including those portions of Foster Avenue and Q Street, the Department requests notification upon submittal of a tentative map for subdividing the land. The Department will require improvements to Foster Avenue and Q Street to mitigate the impacts that will be caused by the increase in traffic. The mitigation shall include, but is not limited to, widening of Foster Avenue and Q Street, along with shoulder and drainage improvements to County standards.

If you have any questions, please feel free to call me at 707.445.7205.

Sincerely,

**Robert W. Bronkall, PE, LS**  
Deputy Director  
Land Use Division  
3033 "H" Street, Room 17  
Eureka, CA 95501

- c Tom Mattson, Director, Humboldt County Department of Public Works
- Rob Wall, Director, Humboldt County Planning and Building Department
- Michael Richardson, Supervising Planner, Humboldt County Planning and Building Department

Attachments:

- Exhibit "A"
- Exhibit "B"
- Letter from Humboldt County Public Works Department dated 09/22/2006

Annexation area including a portion of Foster Avenue and the remainder of Q Street



Annexation area including a portion of Foster Avenue and the remainder of Q Street



*Above: Detail of Foster Avenue and Q Street*

Annexation area including a portion of Foster Avenue and the remainder of Q Street; APN 505-151-009 (City of Arcata); APN 505-151-001 (Park Meadow Estates); APN 505-171-004 (Daniels/Niederbrach); 505-171-006 (Nielsen/McFarland); 505-162-009 (Armstrong/Pec-Crouse); and 505-162-002 (Armstrong/Pec-Crouse).





DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707/FAX 445-7409

ARCATA-EUREKA AIRPORT TERMINAL  
McONLEYVILLE

AVIATION 830-6401

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7862	PARKS	445-7801
ENGINEERING	445-7377	ROADS & EQUIPMENT MAINT.	445-7421
	ARCHITECT	445-7493	

CLARK COMPLEX  
HARRIS & H ST., EUREKA

LAND USE 445-7206

September 22, 2006

Mike Mullen  
Planning Program Manager  
City of Arcata  
736 F Street  
Arcata CA 95521

**RE: DRAFT EIR FOR CREEK SIDE HOMES, APN 505-161-011**

The Humboldt County Department of Public Works (Department) has reviewed the draft EIR for the above project. It appears that the EIR is being used by the City of Arcata (City) as a tool for determining any impacts to the City regarding the annexation and subdivision of APN 505-161-011. It does not appear that the EIR is being used for evaluating possible impacts to other public infrastructure, such as the County maintained portion of Foster Avenue outside of the boundaries of the annexation.

The annexation does not include the County maintained portion of Foster Avenue that shall serve the vehicular needs of the subdivision and that portion of the old railroad to be used for pedestrian purposes. No information was provided indicating whether the subdivision had rights to use the railroad right of way for pedestrian purposes or that the subdivision has right of access to cross the railroad.

This Department supports the proposed annexation. However, it is requested that the annexation be enlarged to include the railroad right of way and Foster Avenue fronting the subdivision. Upon the City's submittal for an annexation to LAFCO, this Department shall request that LAFCO include that portion of Foster Avenue proposed to be used as the primary access to the subdivision. The annexation would allow the City to mitigate all impacts caused by the subdivision to City standards without affecting any adjacent publicly maintained infrastructure.

Should LAFCO not support a request for additional lands (Foster Avenue and the portion of the railroad fronting the subdivision) to be added to the annexation, this Department requests notification upon submittal of a tentative map for subdividing the land. This Department shall request improvements to Foster Avenue to mitigate the impacts that shall be caused by the

1

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increase of the additional 1,500 cars per day. The mitigation shall include developing Foster Avenue to City standards.

If you have any questions, please feel free to call me at 707.445.7205.

Sincerely,



Robert W. Bronkall, PE, LS  
Associate Engineer  
Land Use Division  
3033 "H" Street, Room 17  
Eureka, CA 95501

- c Tom Mattson, Director, Humboldt County Department of Public Works  
Kirk Girard and Steve Werner  
Humboldt County Community Development Services Dept



## NOTICE OF HEARING/PROCEEDINGS

### ANNEXATION OF THE CREEKSIDE HOMES SUBDIVISION AND ENNES PARK EXPANSION TO THE CITY OF ARCATA

NOTICE IS HEREBY GIVEN that the Humboldt Local Agency Formation Commission ("LAFCo" or "Commission") will hold a public hearing on January 20, 2021 at 9:00 a.m., or as soon thereafter as the matter can be heard, to consider the proposed *Creekside Homes Annexation to the City of Arcata* ("Proposal"). Due to COVID-19 restrictions and public safety concerns, the Commission will conduct this hearing entirely by teleconference. No physical location for the meeting will be available. Anyone who wishes to participate in the meeting should consult the meeting agenda for the Zoom call-in telephone number. The agenda will be posted on the Commission's website at least 72 hours before the scheduled start time of the meeting.

Proceedings for this annexation were initiated by the City of Arcata. The proposal includes annexation of approximately 21.6 acres of land (4 parcels) located adjacent to the City boundary along Foster Avenue and Stewart Avenue (Exhibit A). As Responsible Agency, the Commission's action also requires the consideration and formal adoption of the City prepared Environmental Impact Report for the Proposal.

According to the application, the proposed annexation would allow for development of the Creekside Homes subdivision which would "create new housing units and supportive facilities that will serve Arcata residents." The Creekside Homes subdivision consists of 32 single-family residences and 32 accessory dwelling units, a 100-bed memory care facility, and 25 senior-restricted neighborhood cottage units. Additionally, the annexation will also include and allow for future expansion of Ennes Park off on Stewart Avenue which "would allow the city to apply and enforce use regulations arising under the City of Arcata Municipal Code for the Ennes Park site."

**Please note: The City has received written consent from all landowners within the proposed annexation area. In accordance with Government Code Section 56662, the Commission may make determinations upon the proposal without notice and hearing and may waive protest proceedings entirely.**

After initial review and comment from potentially affected local agencies, LAFCo staff will be analyzing and presenting a proposed modified annexation boundary which will include additional parcels within the Janes Creek Stormwater Drainage District. This modified boundary (as shown in Exhibit B) would include parcels along the south side of Foster Avenue up to Janes Road and an agricultural parcel on the north side of Foster Avenue that is to be deeded to the City as a conservation easement. This modified boundary would include all remaining unincorporated parcels of the Drainage District into the City boundary and transfer road maintenance responsibility from the County to the City for the entire segment of Foster Avenue up to Janes Road. **Should the Commission choose to approve the modified boundary, a protest hearing will be held at a subsequent date with additional notice to affected landowners.**

At the hearing on January 20, 2021, the Commission will consider all oral and written testimony of any interested persons or affected agencies. The Commission will consider the report of the Executive Officer and may approve, amend or deny the proposed annexation. Copies of all documents relating to the proposed annexation are available for review on the Humboldt LAFCo website, <https://humboldtlafo.org/arcata-creekside-annexation/>.

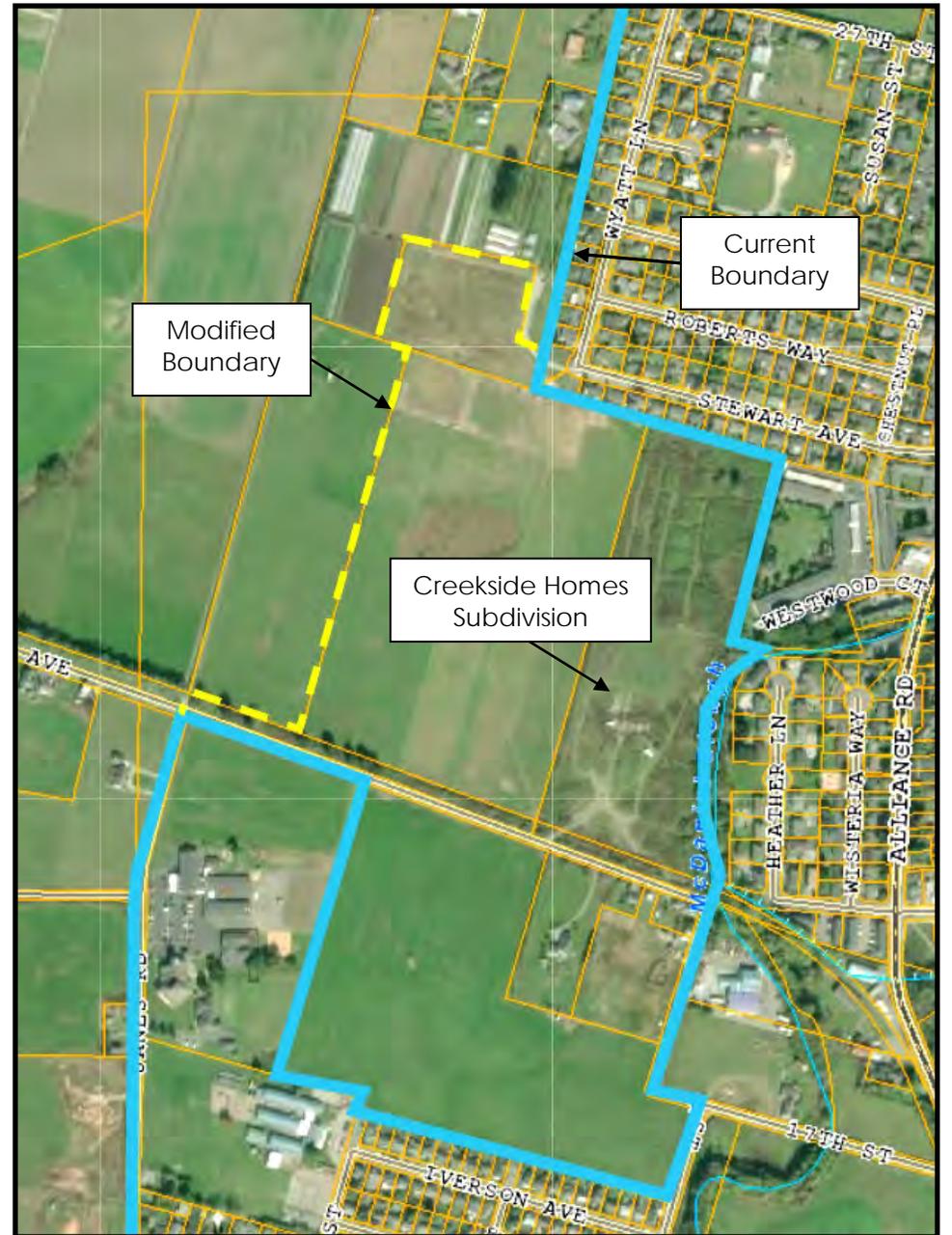
Written comments must be received by Humboldt LAFCo by 12:00 p.m. the day prior to the meeting in order to be distributed to Commissioners. Please direct comments, questions, and requests to review documents to Humboldt LAFCo, 1125 16th Street, Suite 202, Arcata, CA 95521. Phone: (707) 445-7508. E-mail: [krystleh@humboldtlafo.org](mailto:krystleh@humboldtlafo.org) (preferred).

*Note: State Law requires that LAFCo notify various parties, such as landowners and registered voters, both within and adjacent to the affected territory. For this reason, you may receive multiple copies of this notice.*

Exhibit A – City Proposed Annexation Boundary



Exhibit B – Potential Modified Annexation Boundary



**ADDENDUM to**

**CEQA ENVIRONMENTAL  
IMPACT REPORT**

**City of Arcata Community Development Department  
Creek Side Homes Project  
(SCH #2016022083)**

**Environmental Impact Report Prepared by Lead Agency:  
City of Arcata  
736 F Street  
Arcata, CA 95521  
(707) 822-5951**

**Addendum Prepared by Responsible Agency:  
Humboldt Local Agency Formation Commission (LAFCo)  
1125 16<sup>th</sup> Street, Suite 201  
Arcata CA 95521**

**January 2021**

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California Environmental Quality Act Framework ..... 3

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**ATTACHMENTS**

Attachment A – CEQA Findings of Fact and Statement of Overriding Considerations for the Creek Side Homes Project FEIR (SCH#2016022083), November 2019

Attachment B - Final Environmental Impact Report for the Creekside Annexation Project (SCH#2016022083), October 2019

Attachment C – Draft Environmental Impact Report for the Creek Side Homes Project (SCH# 2016022083), June 2019

## **INTRODUCTION**

This document constitutes an Addendum to the 2019 Draft and Final Environmental Impact Report (2019 EIR) prepared for City of Arcata's (City) Creekside Annexation project. This Addendum evaluates whether proposed modifications to the City's boundary would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the 2019 EIR.

The City's current boundary encompasses 11.4 square miles including a non-contiguous area south east of the City comprised of the Jacoby Creek Community Forest. The City's Sphere of Influence (SOI) encompasses an additional 4.67 square miles that includes the Jacoby Creek County Water District, agricultural and natural resource lands, and parcels that are provided water and/or sewer service by the City. The Creekside Homes development project is located within the SOI and went through a full CEQA EIR process in 2019. The original project considered annexation and development of four separate parcels along the City's western edge including the proposed development, City owned Ennes Park, and road and railroad right of ways along Foster Avenue. The 2019 EIR found that there would be significant and unavoidable impacts to Transportation and GHG Emissions from the project.

In April 2020, the development project received final approval from the City Council which included a Development Agreement between the City and the developer. In November 2020, the City applied to the Humboldt Local Agency Formation Commission (LAFCo) for annexation of the project area. Upon consideration of the City's application and preliminary comments received during the 2019 EIR process, LAFCo chose to assess a modified boundary for the annexation that would encompass remaining parcels within an existing storm drainage district boundaries, follow property lines, and prevent the creation of a partial island between Foster Avenue and Janes Road. As the modified boundary was not assessed in the 2019 EIR, additional CEQA analysis is required before LAFCo can take action on the annexation.

As verified in this Addendum, the 2019 EIR analyses and conclusions remain current and valid. The proposed modified boundary would not cause new significant effects not identified in the 2019 EIR nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the proposed project that would cause new or substantially more severe significant environmental effects than were identified in the 2019 EIR. In addition, no new information has become available that shows that the project would cause new or substantially more severe significant environmental effects which have not already been analyzed in the 2019 EIR. Therefore, no further environmental review is required beyond this Addendum.

## BACKGROUND

The Creekside Homes development project (APN 505-161-011) will add 32 single-family residences and 32 accessory dwelling units, a 100-bed memory care facility, and 25 senior-restricted neighborhood cottage units to the 16 acre parcel. This project will help satisfy the City's Regional Housing Needs Allocation (RHNA) by creating 5 very low, 20 low, 32 moderate, and 32 above moderate units, and would provide housing for approximately 269 residents. The project also includes the annexation of 0.44 acres of the developer-owned adjoining parcel (APN 506-161-009) for development of bike and pedestrian trail infrastructure ("Proposed Hammond Trail Extension"), the nearby 4.22 acre property owned by the City (APN 505-151-009) for recreational park expansion ("Ennis Park Expansion Parcel"), and a portion of the rights-of-way for Foster Avenue and Q Street that are currently in Humboldt County jurisdiction.

In 2018, the City completed a Fiscal Impact Analysis for the project. This analysis covered the potential impacts of the development on the City General Fund. This was an update to a previous analysis conducted in 2007 that covered a different number of residential uses. The 2018 analysis determined that there would be a net annual surplus of approximately \$58,583. As such, the development would not create a financial strain for the City<sup>1</sup>.

In 2019, the City completed a Draft and Final EIR for the project. The 2019 EIR, incorporated herein by reference, included a Mitigation, Monitoring, and Reporting Program (MMRP) for the project that covered all areas of potential environmental impacts for the project in addition to CEQA Findings of Fact and Statement of Overriding Considerations. The most significant impacts were determined to be Transportation and GHG Emissions. Due to other development projects proposed in the area, there are expected to be significant impacts to Transportation from increased vehicle usage of roadways. During the EIR process, the Humboldt County Department of Public Works submitted comments requesting that an alternate boundary be considered by LAFCo that included more of the Foster Avenue and additional properties in the surrounding area<sup>2</sup>.

In April 2020, the City entered into a Development Agreement with the developer. This agreement incorporates many of the mitigation measures from the 2019 EIR including impact fees for water, wastewater, and transportation. It also details dedication of public infrastructure to the City and offsite improvements<sup>3</sup>.

In November 2020, the City submitted an application to LAFCo for annexation of 21.6 acres (4 parcels) that includes the development parcel, Ennes Park, and railroad and road right of ways. In accordance with G.C. §56658, LAFCo provided notices to potentially affected local agencies. Limited comments were received all of which were in support of the project.

One of the potentially affected agencies in the area of the proposed annexation is the Janes Creek Storm Drainage Management District. This district lies almost entirely within the City except for four parcels located at the corner of Foster Avenue and Q Street. By including these parcels in the proposed

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<sup>1</sup> City of Arcata, Creek Side Homes Annexation Fiscal Impact Analysis – City of Arcata. Prepared by Stanley R. Hoffman Associates, Inc. June 22, 2018.

<sup>2</sup> Humboldt County, Department of Public Works, Letter RE: City of Arcata Proposed Annexation – Creekside (DANCO) Subdivision, APN 505-161-011. March 1, 2016.

<sup>3</sup> Development Agreement By and Between the City of Arcata and Foster Ave, LLC. Executed June 4, 2020. Recorded June 18, 2020.

annexation, the City could take control of stormwater management in the area and the largely inactive district could be dissolved. This would make for logical boundaries and provision of services.

Unincorporated islands are areas of land that are either completely or substantially surrounded by incorporated lands. LAFCo generally discourages the creation of island or pocket areas when considering annexations. The originally proposed annexation would create a small island of agricultural land that is substantially surrounded by the City apart from 1,200 feet of roadway along Foster Avenue.

Based on prior comments from the Humboldt County Department of Public Works, consideration of the Janes Creek Storm Drainage Management District, and the potential creation of a partial island by the originally proposed boundary, LAFCo has chosen to assess the feasibility of a modified annexation area.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FRAMEWORK**

This addendum analyzes the proposed modified annexation boundary as required under the CEQA Guidelines, Sections 15162 and 15164. An addendum to certified EIR shall be prepared if only minor technical changes or additions are necessary or none of the following conditions calling for the preparation of a subsequent EIR have occurred:

- (1) Substantial changes in the project which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of EIR certification, shows any of the following:
  - A) The project will have one or more significant effects not discussed in the EIR,
  - B) The project will result in impacts substantially more severe than those disclosed in the EIR,
  - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
  - D) Mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

The purpose of this Addendum is to evaluate whether the proposed modified annexation boundary would result in any new or substantially greater significant effects not identified in the 2019 EIR and to demonstrate that the proposed modified boundary does not trigger any of the conditions described above. Based on the analysis provided below, an Addendum to the 2019 EIR is the appropriate CEQA document.

## PROJECT INFORMATION

### Summary

The proposed project is for annexation of 77.05 acres (8 parcels and road right of way) on the western edge of the City boundary that is within the City’s SOI. The annexation is for development of the Creekside Homes development project which would add 32 single-family residences and 32 accessory dwelling units, a 100-bed memory care facility, and 25 senior-restricted neighborhood cottage units to the 16 acre parcel located at 2000 Foster Avenue (APN 505-161-011). The project also includes a City owned parcel that is intended for expansion of Ennes Park (APN 505-151-009) and a former railroad right of way (APN 505-161-009) that will be utilized for an extension of the Hammond Trail which will provide pedestrian and bicycle access. All project components described in the 2019 EIR will remain the same apart from the addition of five adjacent parcels.

The additionally proposed parcels are designated Agriculture Exclusive (AE) both by the County and under the City’s General Plan Land Use Element. A summary of all proposed parcels is provided in Table 1. No changes to current land uses or development patterns are proposed for the area. Annexation of the additional parcels would allow for merger of the Janes Creek Storm Drainage Management District with the City of Arcata.

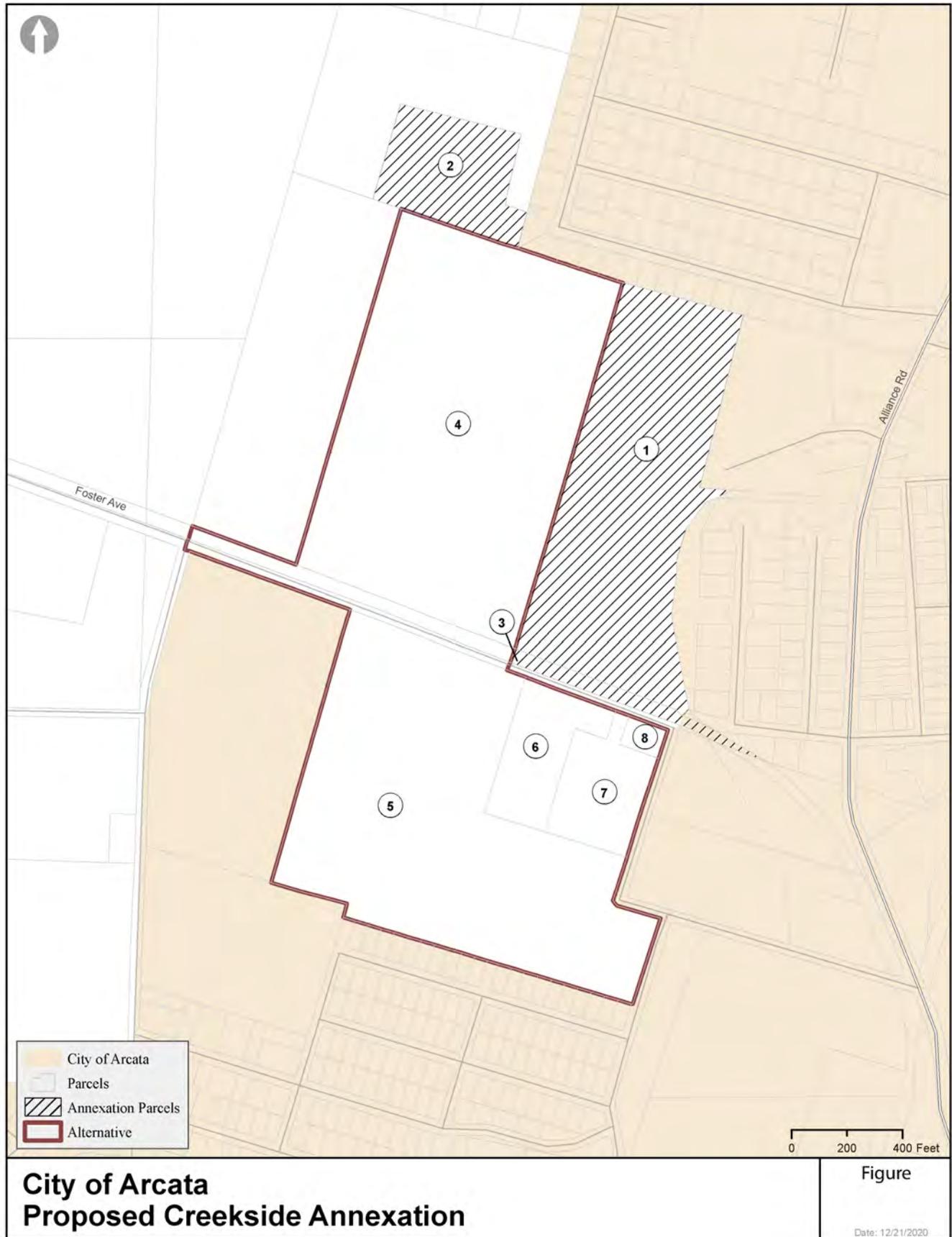
Table 1: Proposed Annexation Parcels

Map #	APN	Acres	Current County GPLU	Current County Zoning	Current City GPLU	Property Type (use code)
1	505-161-011	15.95	UR/RM	ML;R-1;R-4/Q	RL:PD	Industrial-Vacant (Creekside Homes site)
2	505-151-009	4.22	PF	AE;AG	PF	Public-Non Taxable (Ennes Park Extension)
3	505-161-009	0.94	UR/RM	RAILROAD	Undesignated	Vacant Single Family Residential (Proposed pedestrian/bicycle access)
4	505-151-001	26.16	AE	AG;R-1;ML	AE	Rural - Vacant (Proposed conservation easement)
5	505-171-004	23.22	AE	AG	AE	Vacant, Rural Residential, 20+ to 40 ac
6	505-171-006	2.93	AE	AG	AE	Improved, Rural Residential, 1 to 5 ac
7	505-162-009	2.86	AE	AG	AE	Improved Single Family Residential
8	505-162-002	0.37	AE	AG	AE	Improved Single Family Residential

### Additional Approvals Needed

No additional approvals are needed for the proposed project beyond what was presented in the 2019 EIR.

Figure 1: Proposed and Modified Annexation Boundary



## EVALUATION OF POTENTIAL ENVIRONMENTAL EFFECTS

The proposed modified annexation boundary for the Creekside Homes project is expected to result in less than significant impacts to all resources of concern. The 2019 EIR analyzed potential impacts to the following resources:

- *aesthetics*
- *agricultural and forestry resources*
- *air quality*
- *biological resources*
- *cultural resources*
- *energy conservation*
- *geology and soils*
- *greenhouse gas emissions*
- *hazards and hazardous materials*
- *hydrology and water quality*
- *land use and planning*
- *mineral resources*
- *noise*
- *population and housing*
- *public services*
- *recreation*
- *transportation-traffic*
- *tribal cultural resources*
- *utilities and service systems*
- *wildfire*

Of these, the 2019 EIR identified that the project would result in significant and unavoidable impacts to transportation-traffic until traffic improvements are constructed and potentially significant impacts to Greenhouse Gas Emissions due to lack of a set emissions threshold for the region per AB32.

It is expected that there will be no change in the significance of any of the potential impacts as a result of the modified annexation boundary. LAFCo is not proposing any change to the suite of mitigation and conservation measures incorporated into the 2019 EIR.

The modified annexation boundary will not have any additional impacts not previously discussed in the 2019 EIR for all of the resource sections apart from agricultural and forestry resources, land use and planning, public services, and utilities and service systems. As such, the following updated discussion will be focused on those areas in addition to wildfire, which was not a required resource area at the time of the 2019 EIR preparation.

### **Agricultural and Forestry Resources**

#### *2019 EIR Summary*

The 2019 EIR determined that the project would ultimately convert approximately 5.03 acres of prime agricultural land to non-agricultural uses due to the proposed Ennes Park expansion. In order to mitigate this impact, 22.65 acres of APN 505-151-001 will be set aside for agricultural uses through a conservation easement. This results in an approximately 4.5:1 mitigation ratio. Additionally, the project does not propose to convert any forested land. With the mitigation measure in place, impacts to agricultural and forestry resources are considered to be less than significant.

#### *Proposed Modified Annexation Boundary*

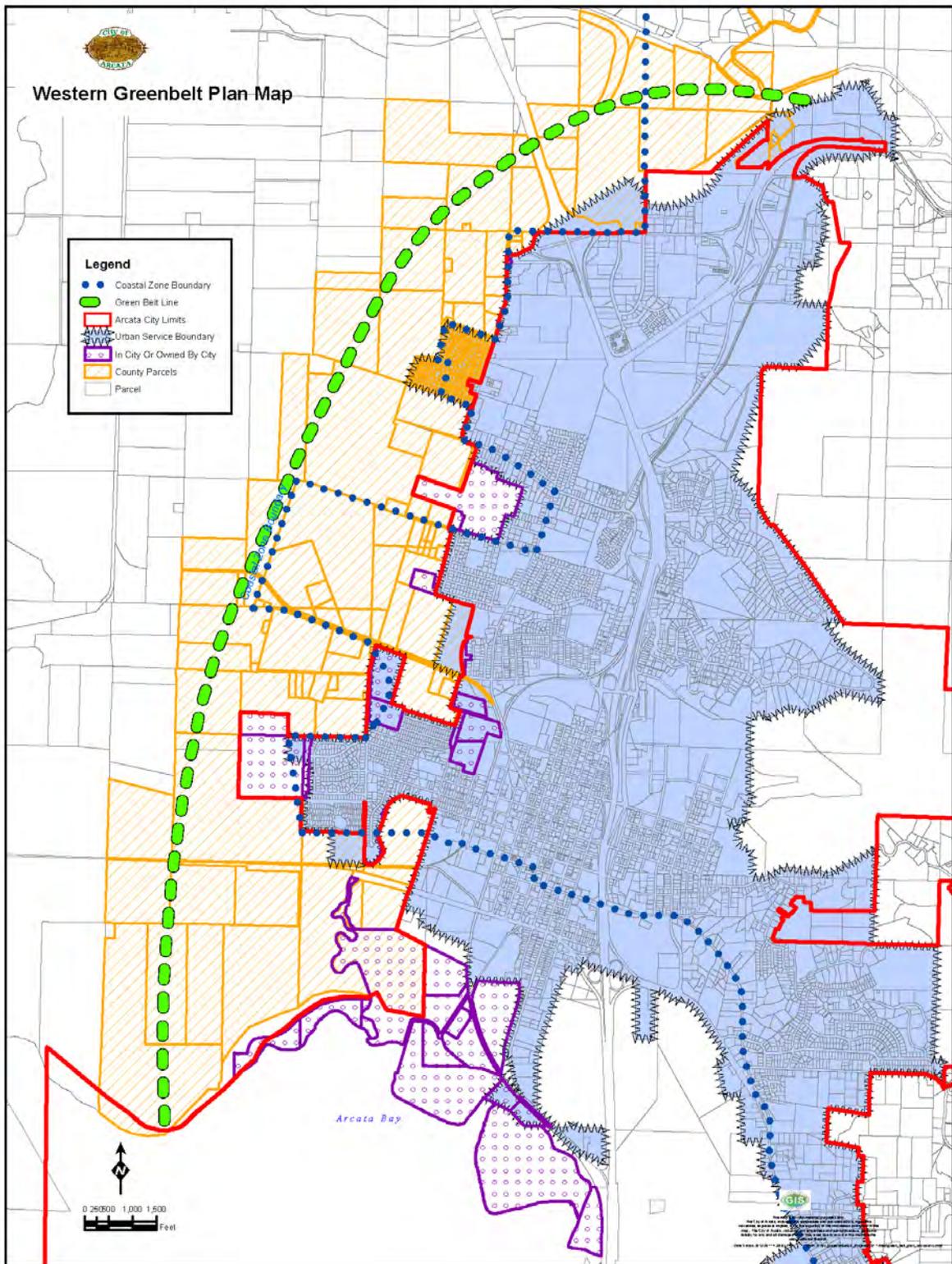
The proposed modified annexation boundary consists of predominately agricultural exclusive lands including the proposed conservation easement parcel APN 505-151-001. No changes to land uses or development densities are proposed. As discussed in the 2019 EIR, the City has several General Plan policies related to the protection and conservation of natural resource and agricultural lands as outlined in Table 4.4.-2 of the Draft EIR. These policies focus on protection, preservation and enhancement of open space areas, prime agricultural lands, and other natural resource areas. Additionally, the City passed Resolution No. 178-18 in 2018 which sets policies for the Western Greenbelt along the western edge of the City. The resolution states, in part, that:

- 2) The Arcata General Plan and Zoning Resolution shall control land uses within the Greenbelt:
  - a. The Greenbelt's General Plan designations include Agriculture, Natural Resources and Open Space.
  - b. The Zoning Resolution designations include Agriculture-Exclusive (A-E), Natural Resources (NR), Public Facility (PF) and Open Space (O-S);
  - c. Only permitted land uses that are consistent with these general plan and zoning code designations, subject to permit, conditions, use standards, performance standards and permit findings, will be permitted within the Greenbelt;

The parcels included as part of the modified annexation boundary are included in the Western Greenbelt zone as shown in Figure 2. As the modified annexation does not propose and changes to land uses or development patterns that would convert or otherwise be incompatible with the existing agricultural lands and due to the City's policies regarding preservation of agricultural and natural

resource lands, impacts to agricultural and forestry resources will be less than significant as described in the 2019 EIR.

Figure 2: City of Arcata Western Greenbelt Map



## Land Use and Planning

### *2019 EIR Summary*

The 2019 EIR determined that the proposed project was consistent with County and City land use policies and would not divide the existing community or be otherwise inconsistent with land use and planning policies in the area. While the County General Plan originally held inconsistent land use designations for the proposed annexation areas including light industrial at the site of the proposed development and agricultural exclusive at the proposed Ennes Park expansion, recent updates to zoning designations make impacts less than significant.

### *Proposed Modified Annexation Boundary*

The proposed modified annexation boundary would include several parcels designated as Agricultural Exclusive under the Humboldt County General Plan. These parcels, which are located within the city's SOI, are also designated Agricultural on the City's Land Use diagram as shown in Figure 3. No changes are proposed to the current land use designations. Additionally, the Urban Services Boundary set by the City will not be changed and the additional parcels will remain outside of the boundary.

The County and the City have many policies for land use and planning that apply to the project as outlined in Tables 2.1-3 and 2.1-4. Two of these policies discussed in the 2019 EIR include:

Humboldt County General Plan: Section 4.53, Policy (AG-P12): Advice from Agricultural Community. Seek advice from organizations and affected individuals within the agricultural community for any future evaluation of land areas needed for urban development or for any consideration of requests by Humboldt's Local Agency Formation Commission (LAFCo) to change spheres of influence or urban service boundaries next to or near agricultural lands.

Arcata General Plan: GM-3c Criteria for annexation of undeveloped land areas. All undeveloped lands proposed for annexation shall be added to the City only if the following criteria are met. The proposed annexation area shall: (Items 1-5 excluded here) and; 6. Not include prime agriculture land (Storie Index 60 or higher) other than with designation and prezone as Agriculture Exclusive [A-E].

In addition to the above policies, the City's Land Use Code includes 9.94.050 – Annexation Procedures:

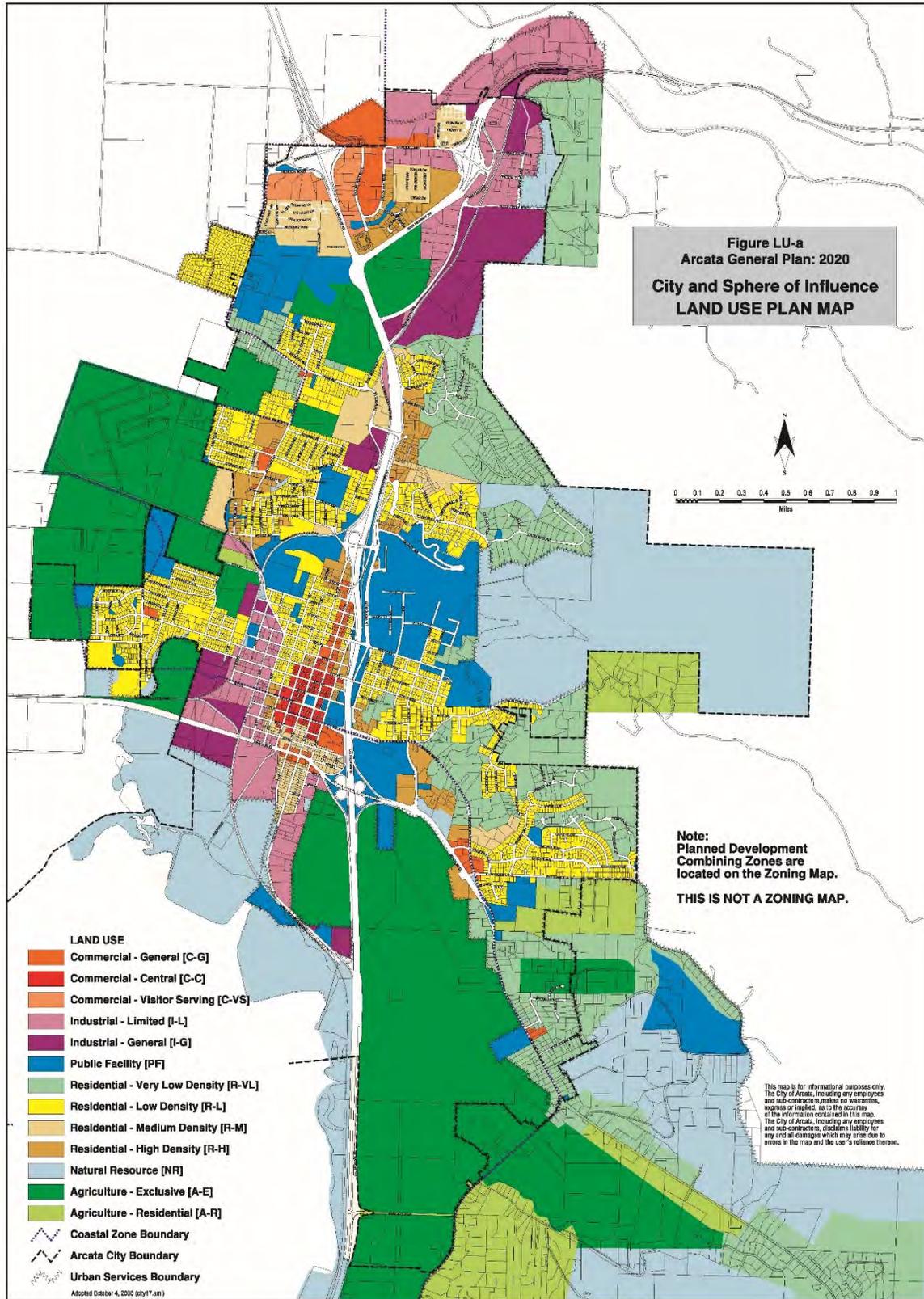
- A. *Purpose. The City's objective is to provide for the logical annexations of unincorporated lands within the City's Sphere of Influence only when community character, and City services can be adequate provided or to project open spaces and resource uses.*

Also included within the project area is the Janes Creek Storm Drainage Management District. This is a dependent special district overseen by the Humboldt County Board of Supervisors. The district lies almost entirely within the City's boundary apart from the five parcels proposed as part of the modified annexation boundary. LAFCo seeks to identify options for shared services and where possible, consolidation of services. By including the additional parcels in the annexation, management of storm drainage activities in the district could be transferred to the City creating more efficient provision of services. Additionally, the district could be dissolved with the City named as successor agency. This consolidation of services would be consistent with LAFCo policies and regulations.

As the additional parcels are currently designated Agriculture Exclusive and no changes are proposed to the current land uses or the Urban Services Boundary, the modified annexation will not either physically divide an established community or conflict with any applicable land use plan, policy or regulation. The

modified annexation will also not conflict with any applicable conservation plan as it is in keeping with the City's Western Greenbelt policies. As such, impacts on land use and planning from the modified boundary would not be more significant than those discussed in the 2019 EIR.

Figure 3: City of Arcata Land Use Diagram



## **Public Services**

### *2019 EIR Summary*

The 2019 EIR determined that the project would have less than significant impact on public services with mitigation measures incorporated. The project would not necessitate the need for construction of additional public facilities in order to provide services to the annexation area. The proposed expansion of Ennes Park would result in conversion of approximately 5.03 acres of prime agricultural lands. As discussed under agricultural and forestry resources, a conservation easement is proposed on 22.65 acres of parcel 505-151-001. With this mitigation measure in place, impacts to public services will be less than significant.

### *Proposed Modified Annexation Boundary*

The proposed modified annexation boundary consists of uninhabited territory including both rural-vacant and vacant and improved rural residential uses, and is outside of the City's Urban Service Area for water and wastewater. Per the Cortese-Knox-Hertzberg (CKH) Act, uninhabited territory refers to areas with fewer than 12 registered voters<sup>4</sup>. No land uses changes or further development is proposed as part of the modified annexation boundary. There are three existing single family homes within the modified boundary area that would require limited police services from the City. Due to the limited number of inhabitants in the area, inclusion of these parcels is not expected to create impacts more significant than those discussed in the 2019 EIR.

## **Utilities and Service Systems**

### *2019 EIR Summary*

The 2019 EIR determined that the City is currently using approximately 55 percent of its current water allocation from Humboldt Bay Municipal Water District which allows room for future growth and development of the City. It also determined that the City is using approximately 70 percent of dry water design flow at the Arcata Wastewater Treatment Plant. However, based on recent conditions assessment and capacity evaluations of the plant, numerous facilities will need to be improved in the next ten years. These improvements have been incorporated into a Facilities Plan for the treatment which will begin upgrades as soon as funding allows. Based on the planned improvements for the wastewater treatment facility, excess water supply, construction of stormwater management features, and availability of solid waste disposal services, impacts will be less than significant with incorporation of mitigation measures for hazardous materials remediation, a site development contingency plan, and biological surveys.

### *Proposed Modified Annexation Boundary*

The proposed modified annexation boundary includes both rural-vacant, and improved rural residential uses, and is outside of the City's Urban Service Area for water and wastewater. There are existing single family dwellings in the modified boundary area but there are fewer than 12 registered voters. No additional development or changes to land uses are proposed as part of the modified boundary. Additionally, the parcels are currently outside of the City's Urban Services Boundary and are not guaranteed water and/or sewer services. However, property owners may request these services in the future. Based on the City's current availability of water, the location of existing infrastructure, and the current design capacity of the wastewater treatment facility, there is adequate capacity for the limited

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<sup>4</sup> Cortese Knox Hertzberg Local Government Reorganization Act of 2000, Section 56079.5 – "Uninhabited Territory". Updated November 2020.

number of households in the modified annexation area. As such, impacts to utilities and service systems will not be more significant than those described in the 2019 EIR.

### **Wildfire**

At the time the 2019 EIR was prepared, wildfire was not a required section for CEQA analysis. As such, potential impacts will be discussed below.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan for emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project area is not located in or near a state responsibility area and is not classified as a high fire severity zone<sup>5</sup>. Additionally, the development will be accessible from Foster Avenue and by way of an all-weather emergency access road from Stewart Avenue. Adequate water services and fire hydrants will be included in the development to ensure that emergency personnel have readily available access to water in the event of a fire or other emergency.

The project area is generally flat with less than five percent slopes and includes open pasture lands with limited vegetation. The development has overgrown vegetation which will be removed as part of the project and will help reduce the risk of wildfires in the area. The climate in the project area is generally humid due to its proximity to the Pacific Ocean which further helps reduce the risk the wildfires.

Based on the environmental setting of the area, access to water supplies, and since the project area is not within a state responsibility area nor classified as a high fire risk, impacts to wildfire resources will be less than significant.

### **SUMMARY OF FINDINGS**

The modified annexation boundary encompasses 77.05 acres of land located on the western edge of the City's existing boundary which includes agricultural, planned development, and public facility lands. There are no proposed changes to land uses within the agricultural designated areas of the project aside from the planned Ennes Park expansion. In order to mitigate for this loss of approximately 5.03 acres of agricultural land, 22.65 acres of APN 505-151-001 will be designated as a conservation easement.

The modified boundary is uninhabited territory (fewer than 12 registered voters) and as such will not create a higher demand for City services in the area. The additionally proposed parcels are also currently outside of the City's Urban Services Boundary and must apply to the City before any extension

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<sup>5</sup> Humboldt County GIS, Hazards – Cal Fire SRA and Fire Hazard Severity. Accessed January 13, 2020.

of water or wastewater services can be considered. In the event services are requested, the City has enough capacity to accommodate the existing single family dwellings.

No additional mitigation measures are being proposed and the proposed changes to the project are considered minor. As evidenced in this addendum to the 2019 EIR, any impacts associated with the proposed boundary change are not anticipated to be more significant than those discussed in the previously prepared environmental document.



**RESOLUTION NO. 21-01**

**APPROVING THE CREEKSIDE HOMES ANNEXATION  
TO THE CITY OF ARCATA**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the City of Arcata, hereinafter referred to as "City", filed an application with the Commission by resolution of application; and

WHEREAS, the proposal seeks Commission approval for annexation of 21.6 acres adjacent to the western edge of the City boundary and within its sphere of influence in order to accommodate the Creekside Homes subdivision; and

WHEREAS, the subject territory is uninhabited as defined in Government Code Section 56079.5; and

WHEREAS, the Executive Officer has elected to set this matter for hearing and give notice in the form and manner provided by law; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report and recommendations on the proposal, which has been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on January 20, 2021; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission, as Responsible Agency, hereby certifies it has independently reviewed and considered the Draft and Final Environmental Impact Report as well as the CEQA Findings of Fact and Statement of Overriding Considerations prepared by the City and finds that the analysis provided therein is adequate to support the annexation proposal.

3. The Commission approves the proposal, contingent upon the satisfaction of following terms and conditions as determined by the Executive Officer:
  - a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
  - b) Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
  - c) The City of Arcata shall consult with the Humboldt County Department of Public Works to develop a Memorandum of Understanding that identifies mutually agreeable terms for road maintenance and/or future improvements of Foster Avenue from the annexation boundary to Janes Road.
  - d) The City of Arcata shall consult with Humboldt County (acting on behalf of the Janes Creek Storm Drainage District Board) and Humboldt LAFCo to evaluate reorganization options for the Janes Creek Storm Drainage District.
  - e) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
4. The proposal is assigned the following distinctive short-term designation:

Creekside Homes Annexation to the City of Arcata; 21-01
5. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.
6. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Arcata. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Arcata.
7. The proposal is subject to a master property tax exchange agreement adopted by the City of Arcata and the County of Humboldt in 1980; an agreement specifying the City of Arcata shall receive 36.36 percent of Humboldt County's existing portion of property tax revenues generated from the affected territory.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 20<sup>th</sup> day of January 2021, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Attest:

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Debra Lake, Vice Chair  
Humboldt LAFCo

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Colette Metz, Executive Officer  
Humboldt LAFCo



RESOLUTION NO. 21-01

APPROVING THE MODIFIED CREEKSIDE HOMES ANNEXATION  
TO THE CITY OF ARCATA

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the City of Arcata, hereinafter referred to as "City", filed an application with the Commission by resolution of application; and

WHEREAS, the proposal seeks Commission approval for annexation of 21.6 acres adjacent to the western edge of the City boundary and within its sphere of influence in order to accommodate the Creekside Homes development; and

WHEREAS, the Commission considered a modified boundary consisting of 76.7 acres that would create a more logical boundary for the City; and

WHEREAS, the subject territory is uninhabited as defined in Government Code Section 56079.5; and

WHEREAS, the Executive Officer has elected to set this matter for hearing and give notice in the form and manner provided by law; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report and recommendations on the proposal, which has been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission, as responsible agency under the California Environmental Quality Act (CEQA), has prepared an Addendum to the City's Draft and Final Environmental Impact Report; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on January 20, 2021; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures; and

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.

2. The Commission, as Responsible Agency, hereby certifies it has independently reviewed and considered the Draft and Final Environmental Impact Report as well as the CEQA Findings of Fact and Statement of Overriding Considerations prepared by the City in addition to the Addendum prepared by the Commission and finds that the mitigation measures proposed are adequate to mitigate the impacts of the proposed project and that the modified boundary will not increase the significance of impacts from the project.
3. The Commission approves the proposal, as modified, contingent upon the satisfaction of following terms and conditions as determined by the Executive Officer:
  - a) Completion of the 30-day reconsideration period provided under G.C. Section 56895.
  - b) Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
  - c) Completion of conducting authority (protest) proceedings by Executive Officer.
  - d) Completion of rezoning within the modified annexation area in accordance with Government Code Section 56375(a)(7) within one calendar year unless extended by the Commission.
  - e) The City of Arcata and/or Humboldt County (acting on behalf of the Janes Creek Storm Drainage District Board) shall submit an application for merger of the Janes Creek Storm Drainage District within one calendar year unless extended by the Commission.
  - f) Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
4. The proposal is assigned the following distinctive short-term designation:

Creekside Homes Annexation to the City of Arcata; 21-01
5. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.
6. Upon effective date of the proposal, the affected territory will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the City of Arcata. The affected territory will also be subject to all of the rates, rules, regulations, and ordinances of the City of Arcata.
7. The proposal is subject to a master property tax exchange agreement adopted by the City of Arcata and the County of Humboldt in 1980; an agreement

specifying the City of Arcata shall receive 36.36 percent of Humboldt County's existing portion of property tax revenues generated from the affected territory.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 20<sup>th</sup> day of January 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Debra Lake, Vice Chair  
Humboldt LAFCo

Attest:

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Colette Santsche, Executive Officer  
Humboldt LAFCo