



## AGENDA ITEM 8D

**MEETING:** January 19, 2022  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer  
**SUBJECT:** **Status of Current and Future Proposals**  
The Commission will receive a report summarizing active on future proposals. This report is being presented for information only.

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### **BACKGROUND**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 delegates Local Agency Formation Commissions (LAFCOs) with regulatory and planning duties to coordinate the logical formation and development of local governmental agencies. This includes approving or disapproving proposals for annexation, sphere of influence amendments, and outside agency service requests.

### **DISCUSSION**

Following is a summary of active and future proposals.

#### **Active Proposals**

There are currently three (3) active applications on file with the Commission:

##### Arcata Creekside Annexation

Filed Certificate of Completion. Board of Equalization filing pending.

##### Humboldt CSD Mitchell Road Annexation

Proceeding with Conditions Compliance and Recordation.

##### City of Rio Dell Metropolitan Road (Wastewater Field) Annexation

Complete. Final cost accounting pending.

#### **Future Proposals**

There are several potential new proposals to the Commission in the near future based on discussions with proponents. A summary of these anticipated proposals follows.

##### Fire Services Coordination Efforts

A portion of Measure Z funds granted to the Humboldt County Fire Chiefs Association is focused on sustainable community fire protection to address the lack of complete community coverage and sustainable revenue. An informal working group consisting of County of Humboldt (Board of Supervisors, Planning and Building, Public Works, and County Administrative Office), LAFCo, and Humboldt County Fire Chiefs' Association representatives have been meeting to address service and funding needs on a countywide basis. Most recently the group has been working on the following fire services planning efforts:

- County Service Area 4 (CSA 4) governance structure and funding options in the Trinidad/Big Lagoon/Westhaven areas.
- Garberville FPD annexation and funding options.

- Avenues Co-op reorganization options, including Salmon Creek FPD Formation.
- Eel River Valley Shared Services options.
- 2020 Annual Fire Chief's Report highlighting service calls and achievements of emergency response providers throughout Humboldt County.
- Legislative proposal coordination to address the exclusion of commercial forest lands that are timbered from Fire Protection District Law.

#### City of Arcata McDaniel Slough Annexation

The City of Arcata acquired two parcels adjacent to the Arcata Marsh and Wildlife Sanctuary. In keeping with the City's open space policies, the City will be requesting annexation of the two parcels. This will allow the City to administer the Arcata municipal code and other City rules and regulations on the properties.

#### Humboldt CSD McKay Ranch Annexation (SCH #: 2019049166)

Humboldt County is lead agency for the North McKay Ranch General Plan Amendment (GPA), Zoning Reclassification (ZR), Tentative Subdivision Map and Planned Development (PD) Permit for future residential and commercial development. The proposed subdivision is located in the Cutten area of Humboldt Community Services District's (HCSD) sphere of influence and is expected to consist of approximately 320 residential units and two (2) commercial lots at full build-out. Annexation to the Humboldt CSD would be required making Humboldt LAFCo a responsible agency.

A Draft EIR was previously available for the statutory 45-day public review period, starting May 15, 2020 and ending June 29, 2020. In December 2021 a partial recirculation of the Draft EIR was released for review and comment. LAFCo staff reviewed the updated sections and submitted comments on December 1<sup>st</sup>. The Final EIR for the project was presented for approval at the January 6, 2022 Planning Commission meeting and will be presented to the Board of Supervisors for final adoption and certification.

#### Humboldt CSD Mid McKay Annexation

Green Diamond Resources Company has made an application to Humboldt County Planning and Building for a minor subdivision in the Cutten area that will presumably require annexation into the Humboldt CSD as a condition of subdivision approval. The 88-acre parcel is proposed to be subdivided into four parcels for future residential and neighborhood commercial development, with areas reserved for recreational and open space opportunities. At this time there is no estimate for the number of proposed dwellings or commercial centers. LACO Associates previously requested information on annexation policy from LAFCo. It is unknown when this project will move forward.

### **RECOMMENDATION**

Staff recommends the Commission receive and file this report.

### **ATTACHMENTS**

Attachment A: LAFCo Staff Comments on North McKay Tract Partially Recirculated Draft EIR and Responses



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)

December 1, 2021

Desmond Johnston, Senior Planner  
Humboldt County Department of Planning and Building  
Planning Division  
3015 H Street  
Eureka CA 95501  
[ceqaresponses@co.humboldt.ca.us](mailto:ceqaresponses@co.humboldt.ca.us)

**RE: LAFCo Comments on Partial Recirculation of the Draft Environmental Impact Report for the North McKay Ranch Subdivision Project**

A5-1

The North McKay Tract Subdivision proposal includes annexation into the Humboldt Community Services District (HCSD) for water and wastewater services and will be within Humboldt Bay Fire's (HBF) service boundary for fire protection services. Humboldt LAFCo will be processing the annexation application subsequent to County action and reviewing HCSD's ability to adequately serve the project. As such, Humboldt LAFCo serves as a responsible agency as defined by the California Environmental Quality Act (CEQA) and will rely on the environmental document prepared by the Humboldt County Planning and Building Department, as lead agency, to support its decision on the proposed annexation and service capabilities analysis.

LAFCo staff has the following comments:

A5-2

1. Humboldt LAFCo Consistency Analysis. The DEIR and Recirculation includes a summary of the required factors that are analyzed during annexation proceedings. The following comments are provided for Table 3.11-3:
  - a. Section 56668(f): This section is intended to discuss the proposed annexation boundary and how it relates to parcel lines and other agency boundaries. The current DEIR analysis does not address the proposed HCSD boundary or how it relates to the City of Eureka's boundary and SOI.
  - b. Section 56668(g): This section was combined with 56668(h) which has resulted in incorrect lettering for all subsequent sections discussed.
  - c. Document Section 56668(l): This section needs to be re-lettered to Section 56668(m). Additionally, the DEIR analysis does not directly address the County's RHNA numbers and how the proposed project helps in achieving those targets.
  - d. Document Section 56668(o): This section needs to be re-lettered to Section 56668(p). Additionally, the wording of the referenced section is incorrect. It is recommended that the language be updated to reflect the current CHK Act Guidelines.

A5-2  
continued

- e. Section 56668(q): This section is missing from the DEIR analysis. This section states: "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 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.
- f. These required factors will be further expanded upon during the HCSD annexation process conducted through Humboldt LAFCo.

A5-3

2. Utilities. The water demand analysis provided as Appendix J provides a clear and concise assessment of the water system upgrades needed to support the proposed project. While the DEIR states that the developer will enter into an agreement for cost sharing of infrastructure upgrades, it is recommended that funding mechanisms for long term maintenance, repair, and replacement be discussed as well.

A5-4

3. Conversion of Open Space. LAFCo seeks to protect open space and deter urban sprawl on the fringes of communities. The proposed project would permanently convert approximately 59 acres of existing timberland/open space lands to urban uses. Approximately 21.73 acres would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee. This dedicated open space area abuts existing community fields and would provide some buffer between a portion of the new development and the existing neighborhood to the west. The County owns the McKay Community Forest property to the east of the project site, which is planned for a future regional park and trails.

As part of the annexation process, LAFCo will further evaluate the conversion of open space land to urban uses in accordance with Government Code Section 56377 and Humboldt LAFCo policies. LAFCo encourages the adoption and implementation of effective measures to mitigate the loss of open space lands, and to preserve adjoining lands to prevent their premature conversion to other uses.

Again, thank you for the opportunity to comment on this project. Please contact staff at (707) 445-7508 if you have questions regarding this letter.

Sincerely,

*Colette Santsche*

Colette Santsche, AICP  
Humboldt LAFCo Executive Officer

**Letter A5 Response**

**Colette Santsche**

Humboldt Local Agency Formation Commission (LAFCo)

December 1, 2021

A5-1	<p>The commenter provided introductory remarks and summarized LAFCo's role as a responsible agency. See Master Response 1.</p>
A5-2	<p>The commenter provided a summary of required factors that are analyzed during annexation proceedings and provided several comments to Table 3.11-3 LAFCo Consistency Analysis.</p> <p>The commenter stated that Section 56668(f) did not discuss the proposed annexation boundary and how it relates to parcel lines and other agency boundaries. The discussion of boundaries was provided in Section 56668(a). Table 3.11-3 will be revised to provide the discussion in Section 56668(a).</p> <p>The commenter noted that Section 56668(g) was combined with 56668(h), which resulted in incorrect lettering for all subsequent sections discussed. This will be corrected in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The commenter noted that Section 56668(l) needs to be re-lettered to Section 56668(m) and that the DEIR needs to address RHNA numbers and how the proposed project helps in achieving those targets. The section will be renumbered in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR. RHNA numbers were discussed in Section 3.13, Population and Housing in the Draft EIR. The proposed project would provide up to nine percent of the housing stock required under RHNA.</p> <p>The commenter noted Section 56668(o) in Table 3.11-3 needs to be re-lettered to Section 56668(p). Additionally, the wording of the referenced section is incorrect. It is recommended that the language be updated to reflect the current Cortese-Hertzberg-Knox Act Guidelines. The section and text will be revised in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The commenter noted that Section 56668(q) was missing from Table 3.11-3. The section will be included in the revised Table 3.11-3 in Section 4, Minor Revisions to the Draft EIR and Partial Recirculation Draft EIR.</p> <p>The above revisions do not represent inadequacies in the analysis or change the consistency findings. They are simply clarifications/insignificant modifications of the information presented.</p>
A5-3	<p>The commenter summarized the findings of the water demand analysis provided in Appendix J and recommended that the funding mechanisms for long-term maintenance, repair, and replacement of infrastructure be discussed.</p> <p>As discussed in Section 3.11, Land Use and Planning, the proposed project Applicant would provide the full costs of all infrastructure necessary to serve the proposed project. The proposed project would pay its share of development impact fees. Ongoing long-term maintenance would be addressed by HCSD through user fees.</p> <p>The commenter does not raise a significant environmental concern and does not comment on the adequacy of the PR Draft EIR in the comment; see Master Response 1.</p>
A5-4	<p>The commenter noted the conversion of 59 acres of existing timberland/open space to urban uses and the 21.73 acres that would remain as undeveloped open space that would be dedicated to the County for future trail management or conveyed in fee and stated that as part of the annexation process LAFCo will further evaluate conversion of open space land to urban uses in accordance with Government Code Section 56377.</p> <p>The PR Draft EIR found that the project would be consistent with Humboldt County's policies for open space as such, no mitigation measures were required. The proposed project area currently contains a forested area that has been subject to timber harvesting activities within the last 30 years. The Eureka Community Plan identifies the parcels for development, and the parcels are currently zoned for residential development. The site is located within the HCSD SOI. The commenter does not raise a significant environmental concern and does not comment on the adequacy of the Draft EIR in the comment; see Master Response 1. LAFCo's discretion to further evaluate the conversion of open space is noted for the record.</p>

