



COUNTY OF HUMBOLDT

For the meeting of: 4/4/2024

File #: 24-404

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Garberville Sanitary District Water System Improvements Project General Plan Conformance Review and Special Permit

Record Number: PLN-2023-18803

Assessor Parcel Numbers: 032-121-009, 032-135-002, 032-211-011, 032-211-021, 032-211-035, 223-181-020, 223-181-024, 223-181-025, 223-183-003, 223-191-006 and 223-191-011

Garberville area

A General Plan Conformance Review and a Special Permit for the Garberville Sanitary District (GSD) to replace the existing 180,000-gallon, in-ground, concrete, finished water storage tank (Hurlbutt/Main Tank) and a 20,000-gallon, failing, redwood drinking water storage tank (Wallan Tank) with two new increased capacity tanks. In addition, the failing Robertson Tank, which has been taken out of service, would be demolished. The new Main Tank would be an in-ground, approximately 550,000-gallon, pre-stressed concrete tank located on an adjacent parcel and similar elevation to the existing tank. The existing Wallan Tank would be replaced with an approximately 77,000-gallon bolted steel tank. Both of the existing tanks in operation are leaking and lack sufficient storage capacity for maximum daily consumption and fire suppression; they also do not meet current seismic design standards. In addition, the GSD proposes to replace or upgrade three booster pump stations (Upper Maple Lane Pump Station, Arthur/Alderpoint Pump Station, and Wallan Pump Station). The existing Upper Maple Lane Pump Station is located in the existing Hurlbutt Tank and would be demolished when the Hurlbutt Tank is demolished. A new Upper Maple Lane Pump Station would need to be constructed at the site of the new Main Tank. The existing Arthur Pump Station is in poor condition and has operational deficiencies that would be improved when this pump station is replaced by the Alderpoint Pump Station. The Wallan Pump Station is in poor condition and requires upgrades to meet the operational requirements of the new Wallan Tank. New backup generators would be installed at each replaced or upgraded booster pump station and at the Tobin Well. The proposed project includes conveyance of the existing Hurlbutt/Main Tank parcel (APN: 032-211-011) to the existing landowner and creation of a separate legal parcel for the proposed 550,000-gallon tank on APN: 032-211-021 for development of the access road and ground disturbances to install water lines to the new 550,000-gallon Main tank. The Special Permit is required for work proposed within the streamside management area (SMA) of an unnamed ephemeral stream on APN: 032-211-021. As Lead Agency, the Garberville Sanitary District adopted a Mitigated Negative Declaration (State Clearinghouse #2023100664) pursuant to Section 15074 of the

CEQA Guidelines.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 24-__). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Mitigated Negative Declaration, including the environmental effects of the project, and as a Responsible Agency, agrees with the lead agency's findings; and
 - b. Makes all required findings for approval of the General Plan Conformance Review and Special Permit; and
 - c. Approves the Garberville Sanitary District General Plan Conformance Review and Special Permit as recommended by staff and subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located within the boundaries of the Garberville Sanitary District (GSD; the District) in the Garberville area, on properties within Township 4 South, Range 3 East, Section 24, Township 4 South, Range 4 East, Sections 18 and 19, Humboldt Meridian.

Present Plan Land Use Designations:

APN: 032-121-009 (Distribution lines) - Commercial General (CG); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Slope Stability: Moderate Instability (2).

APN: 032-135-002 (Existing Tobin Well) - Public Lands (P); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Unit Development subject to Zoning Designation (Residential One Family (R-1)) Slope Stability: Moderate Instability (2).

APN: 032-211-011 (Existing Hurlbutt Tank) - Public Lands (P); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Unit Development subject to Zoning Designation (Residential Suburban (RS-B-5(5))); Slope Stability: Moderate Instability (2).

APN: 032-211-021 (Proposed Main Tank and Upper Maple Lane Pump Station) - Residential Low Density (RL); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range: 1-7 dwelling units per acre; Slope Stability: Moderate Instability (2).

APN: 032-211-035 (Access to Hurlbutt Tank) - Residential Low Density (RL) with a portion of Residential Multiple Family (RM); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range (RL): 1-7 dwelling units per acre; Slope Stability: Moderate Instability (2).

APN: 223-181-020 (Existing Robertson Tank) - Residential Agriculture (RA5-20); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range: 5-160 acres per unit; Slope Stability: Moderate Instability (2).

APN: 223-181-024 (Distribution Lines) - Residential Agriculture (RA5-20); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range: 5-160 acres per unit; Slope Stability: Moderate Instability (2).

APN: 223-181-025 (Existing Arthur Pump Station) - Residential Agriculture (RA5-20); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range: 5-160 acres per unit; Slope Stability: Moderate Instability (2).

APN: 223-183-003 (Proposed Alderpoint Pump Station) - Public Facilities (PF) Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Unit Development subject to Zoning Designation (Agriculture Exclusive (AE-B-6); Slope Stability: Moderate Instability (2).

APN: 223-191-006 (Existing and Proposed Wallan Tank) - Residential Estates (RE1-5) Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range: 1-5 acres per unit; Slope Stability: High Instability (3).

APN: 223-191-011 (Existing Wallan Pump Station) - Residential Agriculture (RA40); Humboldt County General Plan and Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP); Density Range: 5-160 acres per unit; Slope Stability: Moderate to High Instability (2/3).

Present Zoning Designations:

APN: 032-135-002 - Residential One Family (R-1).

APN: 032-211-009: Community Commercial with a Design Review Combining zone (C-2-D).

APNs: 032-211-011, 032-211-021, and 032-211-035 - Residential Suburban with a Special Building Site combining zone allowing for 5 acres of building site area (RS-B-5(5)).

APNs: 223-181-020, 223-181-024, 223-181-025, 223-183-003, 223-191-006, 223-191-011 - Agriculture Exclusive with a Special Building Site combining zone (AE-B-6).

Environmental Review: The Garberville Sanitary District is the lead agency under CEQA. The Garberville Sanitary District adopted a Mitigated Negative Declaration (MND) (SCH #2023100664). The County of Humboldt is a responsible agency under CEQA. The County of Humboldt considers the environmental effects of the MND and agrees with the findings of the MND.

State Appeal Status: Project is located outside of the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issues: None.

Executive Summary: The Garberville Sanitary District (GSD) serves the unincorporated community of Garberville and surrounding area with sewer, wastewater, and water services. The GSD owns, operates, maintains, and manages the public drinking water system (CA1210008), which includes two drinking water sources, water treatment facilities, three finished water storage tanks currently in service, multiple pumping stations, and a distribution piping network. The GSD's service area covers 581 acres, and the water system serves approximately 1,200 people through approximately 470 service connections. The California State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) has jurisdiction over the GSD drinking water system.

The GSD has requested a General Plan Conformance Review and Special Permit for the improvements to the existing water system. The project includes replacement of two water storage tanks with new tanks, removal of one failing water storage tank, replacement of two pump stations, an upgrade of one pump station and install new segments of distribution piping to connect the new tanks and pump stations to the existing distribution system. The proposed project also includes installation of four backup generators, instrumentation, controls, and radio telemetry improvement. These proposed project elements are described in further detail below as provided by the Project Description prepared by SHN received November 9, 2023 (**Attachment 2A**).

For this project, Humboldt County (County) is defined as a 'Responsible Agency' by the California Environmental Quality Act (CEQA). As described by CEQA Section 21069, a Responsible Agency means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. The *Final Initial Study Checklist and Proposed Mitigated Negative Declaration for the Garberville Sanitary District Robertson/Wallan/Hurlbutt Tanks Replacement Project* (State Clearinghouse #2023100664) (ISMND) was adopted by the GSD on December 19, 2023 (**Attachment 3**), and a Notice of Determination was filed with the Humboldt County Recorder's Office on December 20, 2023. The GSD, as the lead agency, found the project has Less Than Significant Impact on the Environment with Mitigation Incorporated. There are 12 mitigation measures for the following environmental factors: aesthetics, biological resources, cultural resources, geology, and noise. Planning staff concurs with the evaluation by GSD and does not recommend any further evaluation or mitigation.

The Hurlbutt tank is an existing, partially underground, 180,000-gallon, concrete storage tank to be demolished. A new partially underground 550,000-gallon pre-stressed concrete tank at a new site approximately 350 feet south of the existing tank. New tank level instrumentation would be installed. Also, the installation of the new Main Tank would require the installation of a new segment of water main.

According to the ISMND, removal of ten (10) trees or less may occur for construction of the new 550,000-gallon tank and installation of the new main distribution line on APN: 032-211-021, which is zoned RS-B-5(5)). Because the removal of the trees does not meet the definition of timber management as defined by Humboldt County Code (HCC) Section 314-155 *Definitions (T)* as the trees

are not being removed for commercial sale, a Special Permit is not required as described by HCC Section 314-69.2 *Timber Production*. However, removal of the trees would need to comply with Mitigation Measure BIO-1: *Nesting Bird Surveys* as described by the ISMND that requires vegetation removal to occur between September to mid-March, when birds are not typically nesting or, if removal would occur during the nesting season, pre-construction surveys by a qualified biologist are required and include consultation with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) should any nests be found.

The Robertson tank is an existing retired 50,000-gallon concrete storage tank that is proposed to be demolished along with associated electrical components, piping, and other appurtenances. The site would be restored to match adjacent ground surfaces. The demolition of this tank would require that a segment of the distribution main near the tank be re-routed around the tank to maintain service.

The Wallan tank is an existing leaking 20,000-gallon redwood water storage tank to be replaced with a new 77,000-gallon, bolted steel, water storage tank at the same site. A new pressure transducer, floats, and radio tower would be installed. The existing redwood tank would be demolished as part of this project component. Also, the installation of the new Wallan tank would include the installation of a new segment of water main.

Additionally, pump station replacement is proposed with this project including Alderpoint, Wallan, and Upper Maple Lane pump stations. The Alderpoint Pump Station will be replaced with a new pump station at a lower elevation. A new building with new electrical service would house new higher capacity variable speed drive pumps, new piping, and a new motor control panel. The existing Aruthur Pump Station would be demolished. Installation of the new Alderpoint Pump Station would require the installation of a new segment of water main and would modify existing radio antenna and/or install an approximately 40-foot-tall unlit communications tower. The Wallan Pump Station will include new pumps, a new pump control panel, and some limited new piping. The Upper Maple Lane Pump Station will require the replacement of the existing booster pump station with a new pump station at the location of the new tank replacing the Hurlbutt water storage tank. New pumps would include variable speed drives, upgraded bladder tank(s), new electrical service, new pump control panel, and control building.

The proposed project includes several electrical and instrumentation updates as well including appropriately sized, new, permanent, diesel-powered backup generators at the Tobin Well, Upper Maple Lane Pump Station, and the Alderpoint Pump Station, as well as a trailer-mounted generator at the Wallan Pump Station. New instrumentation would be installed at each of the new tanks and pump stations as described above, including programmable logic controllers would be replaced or reused where possible for system-wide monitoring and controls at the surface water treatment plant; radio telemetry would be provided to communicate tank levels to pump stations.

The proposed project includes conveyance of the Hurlbutt Tank site (APN: 032-211-011) to the current property owner of APN: 032-211-035, which would be merged with APN: 032-211-035. Conditions of approval require the recording of a Notice of Merger and Certificate of Compliance. to complete the conveyance (**Condition of Approval A.4**). The current property owner of APN: 032-211-021 would

convey the proposed 550,000-gallon tank site to GSD. Pursuant to Government Code Section 66428(a)(2), a parcel map shall not be required for land conveyed to a governmental agency unless there is substantial evidence that public policy necessitates a parcel map. For conveyances such as these, they have been addressed as a conveyance by Deed. The acquisition, however, would require a General Plan Conformance Review pursuant to Section 65402 of the California Government Code and is further discussed below.

A Special Permit is required for work proposed within the streamside management area (SMA) in accordance with §314-61.1 Streamside Management Areas and Wetlands Ordinance (SMAWO). Associated work within the SMA would occur within the SMA buffer for an unnamed ephemeral stream on APN: 032-211-021 for development of the access road and ground disturbances to install water lines to the new 550,000-gallon Main tank. A *Biological and Wetland Assessment - Revision 1*, prepared by SHN dated October 2023, identified a total of 538 feet of stream within 2 locations within the project area (**Attachment 2B**). Development within the SMA would be limited to the encroachment into the 50-foot buffer of the ephemeral stream on APN: 032-211-021 and would be less than 538 feet. The development would include excavation, backfilling and compaction of fill, and implementation of erosion control. Development within the SMA is subject to mitigation measures in the ISMND related to biological and geological resources, including use of perimeter control BMPs, such as silt fences, or straw wattles, placed at the edge of surface water features to intercept sediment before it reaches the waterway. The Applicant is required to adhere to all project specific recommendations in the *Engineering Geologic and Geotechnical Investigation Report* prepared by SHN dated August 2023 during design and construction of the proposed project (**Attachment 2C**). Applicant has a Streambed Alteration Agreement pending with the California Department of Fish and Wildlife (CDFW). A referral was sent to CDFW on November 20, 2023, and Planning staff contacted CDFW directly on February 23, 2024, to see if CDFW had any comments related to the project. The CDFW responded on February 26, 2024, indicating that they are aware of the project and issues were resolved with GSD during circulation of the ISMND. The CDFW requested the GSD to notify CDFW for the intake and trenching for the new main distribution line on APN: 032-211-021, which GSD has done already, and the Final Streambed Alteration Agreement (Final SAA) is in progress. Conditions of approval require the Applicant to obtain all Federal, State and local permits required for the project (**Condition of Approval A.3**). Planning staff believes the mitigation measures as adopted by GSD and adhering to Conditions of Approval would ensure impacts to the SMA are minimized. Therefore, staff recommends approval of the Special Permit.

General Plan Designation: As described by the Project Description, the project is located within the boundaries of the GSD in the unincorporated community of Garberville in northern California, approximately 52 miles south-southeast of Eureka along the south fork of the Eel River and adjacent to U.S. Highway 101 in Humboldt County. As described above, the project components are located in several separate areas in and around the town of Garberville:

- The Main/Hurlbutt Tank located on APN: 032-211-011 with a Public Lands (P) designation;
- The Wallan Tank located on APN: 223-191-006 with a Residential Estates (RE) designation;
- Wallan Pump Station located on APN: 223-191-011 with Residential Agriculture (RA40) designation;

- The replacement of the Alderpoint Pump Station located on APN: 223-183-003 with a Public Facilities (PF) designation;
- The removal of the existing main and Arthur Pump Station located on APN: 223-181-025 with a Residential Agriculture (RA5-20) designation;
- The Roberston Tank site located on APN: 231-181-020 with a Residential Agriculture (RA5-20) designation;
- New 550,000-gallon tank/Maple Lane Pump Station located on APN: 032-211-021 with a Residential Low Density (RL) designation; and
- Access to Hurlbutt Tank (to be demolished) provided by APN: 032-211-035 with a Residential Low Density (RL) designation.

The parcels that comprise this project are located within the Garberville Redway Alderpoint Benbow Community Plan (GRBAP) adopted in 1987 and incorporated into the Humboldt County General Plan (General Plan) on October 23, 2017. Under the General Plan, the Public Facilities (PF) designation is utilized to classify land appropriate for use by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience, or welfare. The Public (P) designation are applied to land owned by or under the jurisdiction of the Federal, State, County or any other district authority or public corporation, or agency thereof. The Residential Agriculture (RA) designations are typically applied to large lot residential uses that typically rely upon on-site water and wastewater systems. The Residential Estates (RE) designations are generally applied to lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. This designation is commonly used in water-only service areas. The Residential Low Density (RL) designations are intended to be applied in urban areas of the County where topography, access, utilities, and public services make the area suitable for such development. Lastly, the Commercial General (CG) designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. The project is to upgrade and maintain existing community water system infrastructure and associated ancillary development. The proposed project supports the use within the land use designations. The replacement of the current water storage tanks will not expand the District's service area, water withdraws or customer entitlements, but will replace two undersized water tanks and associated infrastructure to ensure the water system is properly functioning.

A report on conformance with the general plan is required under California Government Code Section 65402 when a local agency acts to acquire or dispose of real property or intends to construct a new public building or structure. Also, review of public works projects is required by Chapter 3 of the General Plan, Governance Policy G-P19 and Implementation Measure G-IM8. The applicable code is included as Attachment 4 to this staff report.

The proposed use is consistent with the provision of public services for the Garberville community. This project will supplement GSD's existing water storage capabilities, increasing existing storage from 400,000 gallons by an additional 427,000 gallons to decrease reliance on water diversion during low flow months and meet fire protection requirements. The proposed uses conform to the primary or compatible uses described in the affected land use designations.

The project was referred to the County Department of Public Works (DPW) and several recommended conditions of approval were included in their response dated December 13, 2023. The DPW recommends the Applicant obtain an encroachment permit, prepare a traffic control plan, manage stormwater, and meet County standards for construction, utilities and visibility. These conditions are incorporated in the Conditions of Approval (**Condition of Approval A.3**).

Public Comment: In response to the notice of Planning Commission hearing one comment was received from a neighboring property owner, on whose property the Wallan tank is located (Attachment 6A). This commentor expressed concern about drainage on the private drive that the GSD uses to access the Wallan tank and states that a culvert is needed to control drainage at the point where the paved drive ends. This commentor also noted that GSD has not contributed to maintenance of the shared drive, which also serves multiple residences. GSD provided a response (Attachment 6B) indicating that they believe that the drainage problems on the access may have been caused or exacerbated by improvements that this property owner installed, including a retaining wall and wood and rock that blocks the existing culvert. There is no expected increase in traffic associated with the replacement of the Wallan tank and there are no policies in the General Plan that would require the GSD to pave this access road or to upgrade an existing culvert in order to replace the water tank. Planning staff believes that any disagreements between the property owner and the GSD on this access maintenance are primarily a civil issue that is unrelated to the General Plan Conformance Review and Special Permit. This public comment appears to have facilitated dialogue between the GSD and this property owner which may help to resolve the concerns.

Staff concludes that the Planning Commission may report that the proposed improvements to GSD's water infrastructure conforms to the Garberville Redway Alderpoint Benbow Community Plan 1987 (GRBAP) and the General Plan based on the analysis in Attachment 1. Alternatively, your Commission may make such modifications to the report as deemed appropriate.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment, standard comments, or recommended approval or conditional approval. (**Attachment 5**)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff concludes that the applicant has submitted evidence in support of making all of the required findings for approval of the General Plan Conformance Review and Special Permit.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. 60% Design Plans prepared by SHN received November 9, 2023
2. Applicant's Evidence in Support of the Findings
 - A. Project Description prepared by SHN received November 9, 2023
 - B. Biological and Wetland Assessment - Revision 1 prepared by SHN received November 9, 2023
 - C. Engineering Geological and Geotechnical Investigation Report prepared by SHN received November 9, 2023
3. *Final Initial Study Checklist and Proposed Mitigated Negative Declaration for the Garberville Sanitary District Robertson/Wallan/Hurlbutt Tanks Replacement Project* (State Clearinghouse #2023100664) (ISMND)
4. California Government Code Section 65402
5. Referral Agency Comments and Recommendations
6. Public Comment
7. GSD Response 2024 0327

Applicant

Garberville Sanitary District
Attn: Jennie Short, Project Manager
PO Box 211
Garberville, CA 95542

Owners

APN	Owner	Mailing Address
032-121-009	SCOWN ENTERPRISES	PO BX 98 GARBERVILLE, CA 95542-0098
032-135-002	GARBERVILLE SANITARY DISTRICT	PO BX 211 GARBERVILLE, CA 95542-0211
032-211-011	GARBERVILLE SANITARY DISTRICT	PO BX 211 GARBERVILLE, CA 95542-0211
032-211-021	SWAFFAR GREGORY R & MEGAN L TR	1240 BENTLEY DR CALISTOGA, CA 94515
032-211-035	SWAFFAR GREGORY R & MEGAN L TR	1241 BENTLEY DR CALISTOGA, CA 94515
223-181-020	WALL LINDA W TR	PO BOX 245 MIRANDA, CA 95553
223-181-024	PUZIN DONALD S & PATRICIA A	PO BX 1082 REDWAY, CA 95560-1082

223-181-025	LANGLEY PHILLIP G & MARY T	30 ARTHUR RD GARBERVILLE, CA 95542
223-183-003	CALIFORNIA STATE OF	CDF STATION
223-191-006	CARMICHAEL SCOTT & MAYTANES DEBRA	PO BOX 57 GARBERVILLE, CA 95542
223-191-011	SLEEPER JERRY L & ALMA C	12624 NS 3565 RD SEMINOLE, OK 74868

Agent

SHN

Attn: Stein Coriell, AICP, Senior Planner
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Please contact Max Hilken, Assigned Planner, at 707-443-5054 or by email at hilkenm@lacoassociates.com, if you have any questions about the scheduled item.