



AGENDA ITEM NO.

K-1

COUNTY OF HUMBOLDT

For the meeting of: March 28, 2017

Date: March 22, 2017

To: Board of Supervisors

From: John H. Ford, Director, Planning and Building Department

Subject: **Southern Humboldt Community Park General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit**

Application #6111; Case # GPA-10-02, ZR-10-02, CUP-10-04, SP-10-10
Assessor Parcel Numbers (APNs): 222-091-014, 222-241-009
1144 Sprowel Creek Road, Garberville area

RECOMMENDATIONS

That the Board of Supervisors:

1. Receive and consider the staff report, the Draft Environmental Impact Report and the Final Environmental Impact Report, and the Planning Commission's findings (Attachment A and C), open the public hearing, and accept public comment.

Prepared by

Michael Richardson

CAO Approval

[Signature]

REVIEW:

Auditor

County Counsel

[Signature]

Human Resources

Other

TYPE OF ITEM:

☐ Consent
☐ Departmental
☒ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. K1

Meeting of: 11/10/2009

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor
Seconded by Supervisor

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____
Kathy Hayes, Clerk of the Board

2. Determine whether the Board intends to approve or deny the project:
 - a. If the Board intends to approve the project, provide direction to staff on the following components:
 - i. Conditional Use Permit to allow medium and or large events.
 - ii. Include Transfer of Development Rights Program as part of the project
 - iii. Determine whether the Board intends to approve the project as proposed or in the environmentally superior Alternative 2.
 - iv. Determine whether to include ballfields as part of the project.
 - v. Special Permit to allow for reduced streambank setbacks per the County's Streambank Management Area Ordinance,
3. Continue the meeting and the public hearing to Tuesday April 25, 2017 for consideration of resolutions and findings consistent with the Board's Motion of Intent and consideration and certification of the Environmental Impact Report and associated documents.

SOURCE OF FUNDING:

The applicant is responsible for all costs associated with the processing of the project. Applicant fees are deposited into Planning and Building Department Current Planning Revenue Account 1100-277-608000.

DISCUSSION:

The ultimate objective of this application is to create a 405.7-acre multi-use community park. This is a large, complicated and controversial project with many pieces. This Board Report is written to introduce the project and present the important decision points. It is recommended that the Board open the public hearing receive testimony and then close the public hearing giving direction to staff relative to the project components. The project would then be continued to April 25, 2017. Based upon the Board's direction staff will prepare the necessary resolutions and ordinances for action by the Board of Supervisors.

Action on the project involves the following:

1. Certification of an Environmental Impact Report.
2. General Plan Amendment to create the Public Recreation Land Use Designation and change the General Plan Land Use Designation on the entire 405 acre site from Industrial, Resource Related (IR), Agricultural Rural (AR), and Agricultural Lands (AL20) to Public Recreation.
3. Amend the Humboldt County Zoning Ordinance to add a Public Facility zoning classification, and rezone 87 acres from Agriculture Exclusive (AE) to Public Facility.
4. Conditional Use Permit to allow medium and large events.

- a. Medium events consist of 800-2,500 attendees at musical, theater, dance performances which will occur in the Community Commons area. Up to 5 events in this size are allowed per year
 - b. One Large festival event per year will consist of 2,500 – 5,000 people per day including three stages, areas for artisans and vendor sales and on site educational workshops. 500 parking spaces will be provided on site with the remainder of the parking provided in Redway and Garberville with shuttle access. Events will end by midnight.
5. Special Permit to allow reduced setbacks for development from streams and wetlands.
 6. Transfer of Development Rights to allow sale of the development rights for 54 units to other unspecified properties.

Public review of this project began more than seven years ago when on November 10, 2009, the Board of Supervisors voted unanimously to accept a General Plan Amendment petition, to enable submittal of an application to create a Public Recreation General Plan designation and to change the existing General Plan designation from AE - Agriculture Exclusive and IR - Industrial Resource Related to the newly created Public Recreation designation.

Approval of the General Plan Amendment and Zone Reclassification, would allow the property to immediately be used for all the proposed activities that are listed as principally permitted uses, including continued agricultural use of the open pasture and crop lands, weddings, Easter egg hunts, nature hikes, mountain bike races, group camping at the Environmental Camp, organized sports at the proposed ballfields, and continued public use of a playground at the former County park facility known as "Tooby Memorial Park." Producing and selling value-added farm products, food products, nursery products, and seeds are also principally permitted provided the sales of these goods occur within a building equivalent to a roadside stand.

Justification for the project is based on the facts that the Garberville and Redway areas have a limited supply of available park facilities in close proximity, and do not have any land zoned to allow the development of a multi-use community park. Since much of the flat land in proximity to population centers was historically, and is currently, used for agricultural, commercial and residential development, the few public areas that are in these vicinities have become overused. The proposed project would help the community meet its demand for public recreational space.

The Draft Environmental Impact Report (EIR) prepared for the project describes its environmental impacts. A number of mitigation measures described in the EIR will reduce all the potentially significant impacts of the project to less-than-significant levels except one. Impact AGFR-1 on page 4.2-10 of the Draft EIR states the proposed construction of ballfields will result in conversion of approximately 16 acres of farmland. No feasible mitigation was identified that would reduce the level of significance, so it is identified as a significant, unavoidable impact. A Statement of Overriding Consideration will therefore need to be adopted by the Board of Supervisors explaining the rationale for approving the project despite its significant and unavoidable impacts.

Planning Commission Deliberations

The Planning Commission considered the project at a public hearing on January 5, 2017. After considerable testimony, the Commission approved the project as recommended by staff with two exceptions. Staff recommended approval of the Environmentally Superior Alternative (Alternative 2 – the Reduced Public Facilities Acreage) as described in the EIR. In comparison to the proposed Project, Alternative 2 would retain 17 additional acres of Farmland of Statewide importance in the Agriculture Exclusive Zoning designation, but would meet all of the project objectives. However, Alternative 2 does not avoid the significant, unavoidable impact described above. The Planning Commission voted to recommend the project proposed by the applicants. The Commission also did not support the proposed Transfer of Development Rights (TDR). Commissioners expressed concerns that the TDR requested by the applicant was too speculative and undefined to be a part of their recommendations.

During the Planning Commission hearing, the public expressed concerns about the impacts of the project including:

- conversion of agricultural land,
- the use of a considerable amount water from the South Fork Eel River to water the ballfields,
- impacts on the water quality and biological resources of the river, and
- safety of pedestrians and bicyclists making their way to and from events at the site.

The Final Environmental Impact Report (FEIR) in Attachment C describes and responds to other public comments, some of which were also raised at the Planning Commission hearing. Attachment B is a cd with all the public comments received on the project, including those submitted to the Planning Commission at the January 5, 2017 meeting.

After public comment was closed, the Planning Commission was satisfied that the mitigation measures in the EIR and conditions of approval were sufficient to address the concerns expressed by the public, and they voted unanimously to support the project proposed by the applicant without the TDR credits.

Project Components Requiring Direction from the Board of Supervisors

The following discussion describes the important decision points with alternative options available to the Board for the various parts of the project. Each section attempts to frame the issue associated with each topic. Once the Board has arrived at consensus on how to proceed with each of these components of the project, staff will utilize the direction from the Board to finalize the resolution reflecting the Board's intended decision. The resolutions will be brought back to the Board at the meeting on April 25th.

1. Transfer of Development Rights (TDR) Program

One of the key decisions the Board will need to make is whether to approve the request for the Transfer of Development Rights (TDR) Program. This program does not currently exist in

County ordinance or policy. The General Plan Update includes an implementation measure that could result in such a program in the future. In essence this request would identify the project site as a donor site for a future TDR program. Attachment 9 of the Planning Commission staff report (Attachment A of this staff report) is a draft Conveyance of Development Rights document developed jointly by Planning Division staff and the applicant that could be used for that purpose.

The applicant believes the TDR program would provide an endowment for the Park in the future that would minimize the need to raise capital for on-going administrative and maintenance costs, and for planned park improvements. This would enable the district to put more resources into providing services and facilities that better serve the public.

The current plan designations would allow a total of 54 single family homes to be developed on the property, so that is the number of housing units that could be credited to the site. The Conveyance of Development Rights simply approves the project site as a donor site with a specified housing unit credit. Applying those housing credits to a receiver site in the future would require separate future environmental review. Without the TDR, upon amending the general plan, all existing development credits would be extinguished.

The Planning Commission expressed concerns that the TDR requested by the applicant was too speculative and undefined to be a part of the project. The County's Framework Plan does not include any TDR program, so the proposal is outside of the current General Plan. The implementation measure in the General Plan Update involves consideration of a TDR program in the future - there is no commitment for adopting such a program. It is unclear how many units should be credited to the site. The applicant is getting approval of substantial development of the site, so granting development credits may be unwarranted.

Staff recommends the Board of Supervisors follow the Planning Commission recommendation and not include the TDR program in the project approval.

2. Appropriate Project Alternative – Loss of Agricultural Land

The FEIR identifies the environmentally superior alternative to the proposed project. This alternative would retain 17 acres of Farmland of Statewide importance in the Agriculture Exclusive Zoning designation, but would meet all of the project objectives Topic Area 2 - Reduced Public Facilities Acreage (Alternative 2 in the EIR). This alternative would help to mitigate the significant unavoidable impacts of the project by rezoning less area from Agriculture Exclusive to Public Facility - Rural. Alternative 2 would restrict the area available for future permanent improvements supporting the medium- and large-sized events, maximizing the area available to be used for agriculture in the future.

The applicant contends that maximizing the area zoned Public Facilities as proposed will allow them to have more options in the future for construction of improvements that could support future programs and uses that would benefit the community. This would result in the loss of this farmland. The project attempts to address this impact by continuing to cultivate hay on the site

which will also be used for event parking. In rezoning the property to PF there would be no restriction requiring continued agricultural use of this existing farm land. This alternative does not eliminate the impact, but it does help to mitigate the impact.

The Planning Commission was not clear in their rationale for rejecting this alternative. It is important that the Board provide findings for either choosing or rejecting this alternative. The rationale to choose the alternative include that it does retain some land in permanent agricultural production thus mitigating the impact to the extent feasible while maintaining the applicant's project objectives. The rationale for not choosing the alternative could be that it is necessary to allow conversion of this land for the long term viability of the park. It could be that the limited 17 acre preservation area is not a significantly large or viable piece of agricultural land and thus the alternative does not significantly reduce the impact for the loss of agricultural land.

Staff's recommendation to the Planning Commission was to approve the environmentally superior alternative.

3. Appropriate Project Alternative – Special Events at Benbow Lake Resort.

Alternative 3 in the EIR, the Benbow Lake Recreation Area describes a project that would relocate all of the medium- and large-sized events offsite to Benbow Lake Recreation Area, which is approximately 2 miles south on Highway 101.

Alternative 3 would reduce the traffic impacts of the project because the traffic for medium and large events would not be going to the project site and the Benbow Lake site is accessed directly by Highway 101, which has a higher capacity than the access to the project site - Sprowel Creek Road. The Benbow Lake site is currently used for the Summer Arts Festival, a weekend event which draws close to 4,000 persons each year, so the surrounding property owners would not be impacted by traffic, noise or lighting more than the existing conditions. Also, no agricultural land exists at the Benbow site, so there would be fewer impacts on agricultural resources.

Holding all the medium- and large-size events at the Benbow site would increase the cost of holding those events for the applicant because the infrastructure needed for those events, such as stages and fencing, would have to be transported to and from the Benbow site. This would reduce the profitability of those events, and may make them infeasible, so the approved project may no longer meet the project objective of enhancing community enrichment uses with festivals and concerts. The EIR includes mitigation measures addressing traffic, lighting and noise impacts which are reduced to less than significant levels. Mitigation Measure AGFR-1 requires the four acres of agricultural lands in Area 4 be maintained for hay production as well as being used for parking for large-size events, so the impacts of those events on agricultural land is reduced to less than significant levels.

This alternative does lessen many of the impacts identified in the EIR. This alternative was not chosen because it does not achieve project objectives.

There was significant opposition to the events expressed by the public at the Planning Commission hearing. The Conditional Use Permit is to allow the events. If the Board finds that either the large or medium events are not appropriate, the Conditional Use Permit can either be conditioned to reduce the magnitude of the events, or denied altogether. The park could still go forward without the events.

Staff does not recommend any changes to the Conditional Use Permit.

4. Ballfields

The project includes construction of multiple ballfields for use by baseball, soccer, football and other organized sports activities. The proposed ballfields will require considerable irrigation that will be supplied by the South Fork Eel River.

The playfields currently available in the vicinity suffer from overuse because of the high demand for them. Competition for those areas is extreme, resulting in areas that are unsatisfactory or unavailable for practice or competitive games, requiring teams and spectators to travel long distances to other communities for adequate facilities. Construction of ballfields at the project site would improve the condition of existing facilities in the surrounding area by providing additional space where practice and games could occur. It would also reduce the travel time and distances for participants and spectators living in the area because the practice sessions and some of the competitive games would be held locally. While a considerable amount of water will be used to irrigate the ballfields, mitigation measures are proposed to reduce the impacts of the water use to less than significant levels.

The sports fields are estimated to require a minimum of 2,378,382 gallons of water from the South Fork Eel River annually. This assumes they will install drought tolerant grass and highly efficient irrigation systems as called for in Mitigation Measure BIO-5. (BIO-5 has general recommendations for design and operation of the ballfields, adaptive management practices during times of water scarcity, and controls on water availability through increased water storage capacity and restrictions on flow diversions from the river during the dry season.)

During the dry summer months of the year, the stream flow in the South Fork Eel River already drops to levels that make it lethal for certain native aquatic species. Taking large amounts of water out of the river to irrigate the ballfields during the dry summer months will reduce the stream flows below existing levels, which will further reduce its viability as habitat for certain native aquatic species.

5. Special Permit – Encroachment into Streamside Management Area

The project includes widening the driveway to the headquarters from 15 feet to 25 feet in width which will result in removal of riparian vegetation and filling of wetlands. In addition, a pedestrian bridge will be placed in the Streamside Management Area. There are not unresolved

issues associated with this portion of the project. The widening of the driveway is a necessary improvement and the pedestrian bridge is a desirable amenity for the enjoyment of the area.

Staff recommends approval of this element of the project.

FINANCIAL IMPACT: There will be no impact on the General Fund. The applicant is responsible for paying all costs involved in the processing of the appeal application.

BOARD'S STRATEGIC FRAMEWORK: The General Plan Amendment and Zone Reclassification supports the Board's Strategic Framework items, "Partner to promote quality services" by seeking outside funding sources to benefit Humboldt County needs, and facilitating public/private partnerships to solve problems.

OTHER AGENCY INVOLVEMENT: The Department has referred the project and environmental document to applicable agencies for comments and recommendations, including the Department of Public Works, the Division of Environmental Health, the California Department of Fish and Wildlife, the Garberville Sanitary District, Native American Tribes, and other agencies referenced in the staff report.

ALTERNATIVES TO STAFF RECOMMENDATIONS: The Board of Supervisors has a broad range of alternative actions available. The basic alternatives are discussed above.

ATTACHMENTS:

- Attachment A: Planning Commission Staff Report and Action Summary for January 5, 2017
- Attachment B: Public Comments (on a cd)
- Attachment C: FEIR
- Attachment D: Proposed Conditions of Approval