



AGENDA ITEM NO.

**K-1**

## COUNTY OF HUMBOLDT

For the meeting of: April 25, 2017

Date: April 14, 2017

To: Board of Supervisors

From: John H. Ford, Director, Planning and Building Department *RR for JF*

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

Application No. 6111; Case No. 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. Introduce by title and waive further reading of Ordinance No. *2572* (Attachment C), adding Section 314-4.3 PF2: Public Facility Zone (Rural) to the Inland Zoning Ordinance, and amending Section 311-7 of the Humboldt County Code – the Zoning Ordinance by rezoning portions of the parcel from AE to PF2 and other portions from AE to AE-R-Q as shown on the attached map. The Q-Qualified Zone includes provisions to mitigate impacts on agricultural uses and to preserve the eligibility of the site as a donor site should the County implement a Transfer of Development Rights program in the future.
2. Open the public hearing and accept public comment on the information presented in this staff report with attachments; consider the information presented at the March 28, 2017 Board of Supervisors meeting (Item K-1), which included an Environmental Impact Report, the Planning Commission's findings, and public testimony.

Prepared by *Michael R. Richardson*

CAO Approval *[Signature]*

REVIEW:

Auditor \_\_\_\_\_

County Counsel \_\_\_\_\_

Human Resources \_\_\_\_\_

Other \_\_\_\_\_

TYPE OF ITEM:

☐ Consent  
☐ Departmental  
☒ Public Hearing  
☐ Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1

Meeting of: 11/10/2009, 3/28/2017

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Fennell*  
Seconded by Supervisor *Sundberg*

Ayes *Sundberg, Fennell, Bass, Bohn, Wilson*  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Absent \_\_\_\_\_

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

Dated: Apr. 25, 2017

By: *[Signature]*  
Kathy Hayes, Clerk of the Board

3. Close the public hearing.
4. Adopt the attached Resolution No. 17-35 certifying the Final Environmental Impact Report (FEIR) (Attachment A),
5. Adopt the attached Resolution No. 17-36 (Attachment B), approving the 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.
6. Adopt the attached Ordinance No. 2572 (Attachment C), adding Section 314-4.3 PF2: Public Facility Zone (Rural) to the Inland Zoning Ordinance, and amending Section 311-7 of the Zoning Ordinance by rezoning portions of the parcel from AE to PF2 and other portions from AE to AE-R-Q as shown on the attached map.
7. Adopt the attached Resolution No. 17-37 (Attachment E), approving the Conditional Use Permit to allow medium and large events and the Special Permit to allow reduced setbacks for development from streams and wetlands.
8. Direct the Clerk of the Board to give notice of the decision to the applicant/owner, the County Assessor's Office and any other interested party, and to publish the Summary of the Ordinance along with a map of the properties (Attachment D) 15-days after adoption of the ordinance by the Board, along with the names of those supervisors voting for and against the ordinance and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the ordinance.

#### 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:

At the March 28, 2017 meeting the Board of Supervisors adopted a motion of intent to approve the Southern Humboldt Community Park project. The Board gave direction to prepare the appropriate resolutions and ordinances to approve the project as proposed by the applicant, including developing a mechanism to preserve the ability to allow existing residential units to be transferred in the future if a Transfer of Development Rights process is adopted by the County. This work has been completed and adoption of the attached resolutions and ordinances will formally approve the project.

The Board's tentative action included the applicant's request to preserve housing development potential of the site, allowing the applicant to sell the preserved housing credits should a Transfer of Development Rights (TDR) program be adopted by the County in the future. Following discussions with County Counsel and the applicant's consultant Beth Burks, staff recommends the Q - Qualified Zone be used as the mechanism to preserve these housing credits. Preserving the housing credits through this legislative act puts it on the same level with adoption of the Plan amendment that replaces the residential development potential on the site. The Ordinance in Attachment C includes language to accomplish that purpose. There was direction from the Board that 20 percent of the housing credits should be reserved for affordable housing, which is also reflected in the ordinance.

One clarification from the March 28, 2017 staff report - it included a statement that, “(t)he sports fields are estimated to require a minimum of 2,378,382 gallons of water from the South Fork Eel River annually.” As shown in Appendix I of the DEIR, that figure is associated with a 5.5 acre ballfield. With installation of the maximum size ballfield evaluated in the DEIR (10 acres), the minimum annual water withdrawal from the South Fork Eel River for irrigating them is estimated to be 4,294,415 gallons per year. If the Board chooses to limit the size of the ballfields to 5.5 acres to reduce the water demand of the project, that should be added as a condition of approval and reflected in the resolutions attached to this staff report.

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.

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 Q - Qualified Zone is one option for preserving the development credits desired by the applicant, but the Board could consider other options as appropriate.

ATTACHMENTS:

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| Attachment A: | Draft Board Resolution Certifying the Environmental Impact Report, Findings of Fact and adopting Statement of Overriding Considerations |
| Attachment B  | Draft Board Resolution Approving the General Plan Amendment   |
| Attachment C: | Draft Ordinance No. <u>2572</u> Approving the Zoning Ordinance Amendment and Zone Reclassification of the subject property.             |
| Attachment D: | Summary of the Ordinance for Publication.   |
| Attachment E: | Draft Board Resolution Approving Conditional Use Permit, and Special Permit   |
| Attachment F: | Public Comments Received on or After March 28, 2017 (on a cd).  |