

Initial Study/Mitigated Negative Declaration

Project Information

Project Title: Garberville Sanitary District Boundary Change (Annexation)

Lead Agency

Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA 95542
(707) 923-9566

Lead Agency Contact

Mark Bryant, General Manager
707-923-9566

Project Location

The Garberville Sanitary District (GSD) is located within the community of Garberville, in the southern portion of Humboldt County (Figure 1 in Attachment 1). Garberville is located approximately 65 miles south of Eureka, California, and approximately 200 miles north of San Francisco. See Figure 2 Attachment 1 for the existing GSD Boundary and Sphere of Influence.

General Plan Designation

See Table 1

Zoning

See Table 1

Project Description

The GSD proposes to modify the existing District boundary and sphere of influence (SOI) to include areas currently served by the water system purchased from the Garberville Water Company (GWC) in 2004 (see Figure 3 in Attachment 1 for parcels served by water and existing GSD boundary and SOI). Water service has been provided outside the District's boundaries because the GSD was contractually obligated to continue to provide these services based upon the historical service by the GWC. An application will be submitted to the Humboldt County Local Agency Formation Commission (LAFCo) to update the sphere of influence and annex parcels into the Garberville Sanitary District boundary to reflect existing wastewater and water services currently provided by the GSD (see Figure 4 in Attachment 1 for the existing and proposed GSD boundary and SOI). Two service areas are proposed: one service area for water only and one for sewer and water (see Figure 4 in Attachment 1 for the proposed service boundaries).

Baseline Conditions

The Garberville Sanitary District was formed by order of the Humboldt County Board of Supervisors on April 12, 1932, pursuant to "The Sanitary District Act of 1923" after a majority vote

Comments on IS/MND for Annexation from:

Humboldt County Public Works Department, Land Use Division

Humboldt County Division of Environmental Health

Humboldt County Community Development Services, Planning Division

Humboldt Local Agency Formation Commission

North Coast Regional Water Quality Control Board

Sanford Goldeen, River Ranch Homes

Southern Humboldt Community Park

John LaBoyteaux

Stephen Dazey

Donald Courtemanche

Sandy Feretto

Ed Voice

Kristin Vogel

Carol Van Sant



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

April 11, 2012



Mark Bryant
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA 95542

Subject: Garberville Sanitary District Boundary Change (Annexation)
SCH#: 2012032025

Dear Mark Bryant:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on April 10, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**



STATE OF CALIFORNIA



SCH# 2012032025
Project Title Garberville Sanitary District Boundary Change (Annexation)
Lead Agency Garberville Sanitary District

EDMUND G. BROWN JR.
GOVERNOR

Type MND Mitigated Negative Declaration

KEN ALEX
DIRECTOR

Description The Garberville Sanitary District (GSD) proposes to modify its existing District boundary and sphere of influence to include areas currently served by the water system purchased from the Garberville Water Company (GWC) in 2004. Water service has been provided outside the District's boundaries because the GSD was contractually obligated to continue to provide these services based upon the historical service by the GWC. An application will be submitted to the Humboldt County Local Agency Formation Commission to update the sphere of influence and annex parcels into the GSD boundary to reflect existing wastewater and water services currently provided by the GSD. Two service areas are proposed: one service area for water only and one for sewer and water.

Lead Agency Contact

Name Mark Bryant
Agency Garberville Sanitary District
Phone 707 923 9566 **Fax**
email
Address 919 Redwood Drive
P.O. Box 211
City Garberville **State** CA **Zip** 95542

Project Location

County Humboldt
City
Region
Lat / Long
Cross Streets Not applicable
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways Hwy 101
Airports Garberville Airport
Railways
Waterways South Fork of the Eel River
Schools
Land Use Not applicable

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Traffic/Circulation; Water Supply; Growth Inducing; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 1E; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; CA Department of Public Health; State Water Resources Control Board, Division of Financial Assistance; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; State Lands Commission

Date Received 03/12/2012 **Start of Review** 03/12/2012 **End of Review** 04/10/2012

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Local Agency Formation Commission

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COMMENT MEMORANDUM

DATE: April 6, 2012
TO: Jennie Short
Garberville Sanitary District
FROM: George Williamson AICP, Executive Officer
SUBJECT: Humboldt LAFCo Comments on Garberville Sanitary District Boundary Change (Annexation) Initial Study/ Mitigated Negative Declaration

Humboldt LAFCo staff has reviewed the Initial Study/ Mitigated Negative Declaration (IS/MND) identified above. Humboldt LAFCo is commenting as a “responsible agency” under the California Environmental Quality Act (CEQA) in regards to the proposed annexations and Sphere of Influence (SOI) amendments to the Garberville Sanitary District. If the Garberville Sanitary District (GSD) board takes the proposed action then this matter will come to the LAFCo Commission for action. LAFCo will be conducting an independent review of this application and would like to consider the analysis provided in this IS/MND as part of the environmental record for processing an annexation application when filed.

Given this, we want to be clear that the following comments identify items that will need to be addressed during LAFCo’s anticipated review of the proposed annexations and SOI amendments. This will help ensure that Commission concerns will be addressed during the application review and hearing process. As part of LAFCo review, the GSD Municipal Services Review (MSR) will be updated. It is also anticipated that a plan for services for the area to be annexed will be part of the application materials filed with LAFCo. This will be very helpful in addressing the capacity issues necessary to make the required MSR determinations. Please note that the comments here focus on certain environmental effects and that the LAFCo review of the entire application will be more extensive.

The Initial Study clearly states that the GSD proposes to modify the existing district boundary and sphere of influence to include land parcels currently served by the water system purchased from a formerly private water company. It also states that an application will be submitted to LAFCo to update the sphere of influence and annex parcels into the GSD boundary to reflect existing wastewater and water services currently provided by GSD.

The Initial Study defines six areas outside the district boundary that are currently served, not all of these areas will be annexed. One of the central principles in the law governing LAFCo activities, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, is: "in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services." (Section 56001) There are numerous factors for



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review of annexation proposals, which attempt to address these State concerns. Below please find comments on the IS/MND for the proposed Garberville Sanitary District Boundary Change (Annexation).

Global Comments

- (1) *Protection of Agricultural Lands* - LAFCo must consider impacts to Agricultural lands and encourage the protection of these lands. The Southern Humboldt Community (SHC) Park has submitted an application to Humboldt County for a General Plan Amendment (referenced on Initial Study pg. 7). Because an application has been filed with the County, LAFCo views this a reasonably foreseeable project. It is understood that the GSD is the service provider and is looking to the County to review potential environmental impacts of the proposed Land Use changes; however LAFCo must also review these changes for potential Agricultural land conversion and consistency with other LAFCo policies and protections. Therefore, physical effects of annexation of this area may not be able to be fully analyzed until the County takes their action of assigning land uses for the pending SHC Park application.

It is also noted that the proposed annexation has been on several LAFCo agendas, both at the request of GSD and LAFCo staff, and the Commission members have expressed specific concerns of prime Agricultural soils within the area of potential boundary change. Comments include noting that CEQA requires environmental review of potential agricultural land conversion.

If LAFCo feels there is insufficient information to analyze conversion effects, the annexation may include a condition that the SHC Park annexation be the subject of a GSD ordinance limiting their connection to existing water service which includes one meter for both APN 222-091-014 and 222-241-009, the equivalent of two single family residential users (referenced on Initial Study pg. 31). This condition would require that, once the project has been reviewed and approved by the County it would have to come back to LAFCo for further review. Or LAFCo may defer the SHC Park annexation until their pending general plan amendment is completed by Humboldt County.

- (2) *Growth Inducing Impacts* - The growth-inducing impacts of the proposed project should be evaluated. This includes the development potential as stated on Initial Study pg. 8:

“As a result of the boundary change, there will be 27 parcels that do not currently receive water service added to the proposed GSD boundary. Of the 27 parcels, two Industrial General parcels (cumulatively 6.71 acres) and four residential parcels could support development without further California Environmental Quality Act (CEQA) review and planning action by Humboldt County. No further subdivision is allowable at the four single-family residences.”



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Please provide water demand for the potential development described above and a statement that there is sufficient capacity to serve this development.

- (3) *Cumulative Impacts* - Acknowledge Humboldt County General Plan Draft PEIR has been released. If there are Land Use changes within the proposed annexation area analyzed in the DPEIR or other information relevant to services delivery- please acknowledge this as well.

Specific Comments

- (1) *Agriculture and Forestry Resources* (b) Conflict with existing zoning for agriculture use - The response states that there are prime agricultural soils within the proposed boundary expansion and that any future development or change in land use will be subject to the Humboldt County General Plan and zoning designations. However there is no mention of the pending Southern Humboldt Community Park application which seeks a General Plan Amendment to change the land use and zoning on a portion of the SHC Park property from Agriculture to other uses as described on Initial Study pgs.7-8. Although the SHC Park project is being analyzed in a separate EIR being prepared by Humboldt County, the pending application should be mentioned in this Initial Study section.
- (2) *Population and Housing* (a) Induce substantial population growth - The response concludes that the development of vacant or underutilized lots will not induce population growth because growth in the Garberville area is below the County average. However, no evidence is provided to support this response and there is no analysis on the growth potential and ability to provide services. The Initial Study should support the conclusion made in the response by providing a discussion that outlines the GSD's ability to provide services at planned build out.
- (3) *Mitigation Measure No.3* - Mitigation Measure No. 3 states that if land use designations and zoning change on the SHC Park property in the future, a "will serve" letter will be provided that indicates that ability of the GSD to provided additional service or multiple connections based on current system capacity. Our comment is that this should be supported by a capacity analysis of the proposed buildout, to determine there is sufficient supply, even in drought years, to serve planned uses.
- (4) *Mandatory Findings of Significance* (b) Cumulative impacts - The response states that the project will not have impacts that are cumulatively considerable. Future projects within the proposed boundary are subject to Humboldt County General Plan and zoning designations. The County has recently released the General Plan Update Draft PEIR which could have potential impacts within the project boundary and should be acknowledged here.



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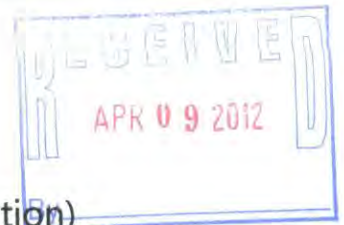
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Thank you for the opportunity to comment on this Initial Study. Please include our comments and your responses in the public record when considering GSD Board action.



Garberville Sanitary District Boundary Change (Annexation)
CEQA IS/MND 2012 SCH Number: 2012032025

By relying solely on the 1986 Humboldt County General Plan and Land Use Designation's (LUDs), GSD is failing to reveal the whole scope of this project. GSD must first complete and have adopted by Humboldt County LAFCo their SOI and MSR. Keep in mind that the SOI discussed in this document is only for sewer service. GSD has never had a LAFCo-adopted SOI for water service, or a completed LAFCo adopted MSR which would show the public and responsible agencies where all of the mysterious water pipes are located. GSD as lead agency is circumventing the full CEQA process needed for a project of this size and scope. See attachment (1).

The Humboldt County Draft EIR for the General Plan Update was released on April 2, 2012 but the Housing Elements that will directly affect more than 50 parcels proposed for annexation to the district were adopted in 2009, ample time for consideration in this IS/MND. The county mandate in the GPU is to "concentrate development where services are available". The GPU includes "housing density bonuses" and "relaxed restrictions on setbacks" in areas where services are available. I don't have the space for all the inducements for development in the GPU in this comment. www.planupdate.org.

This IS/MND mentions 2 other GDS Projects currently in progress, the SWTP to be located at River Ranch Homes next to the Southern Humboldt Community Park and the Kimtu Water Pipeline. Both projects will induce growth, despite GSD and CDPH's adopting MNDs for both projects.

The Kimtu Water Pipeline project as reviewed in Area 3 and Area 4 of the IS/MND: these two areas alone will add 21 new water connections to a water line restricted by a GSD Ordinance stating "no new connections." LAFCo has designated it to be a "tight line." CDPH states that it is for a "health and safety and boil water issue" but GSD is going to hook these parcels up to this line as soon as LAFCo approves this annexation according page 4 (Area 3).

These 21 new connections encompass over 550 acres with more than 500 acres designated Agricultural Exclusive lands. When and if this annexation is approved by LAFCo and the GPU is adopted these 21 parcel owners can demand and receive new residential LUD's that would allow "housing density bonuses," "relaxed restrictions on setbacks" because the county mandate in this GPU is to "concentrate development where services are available." New services will equal new development.

info@garbervillesd.org

All three projects must be considered in the IS/MND for Annexation as one, and the cumulative impacts of all three projects can only be properly addressed in an EIR.

Kimtu Water Pipeline Project (SHC#2009082046) Funding CDPH
SWTP SCH#2009122069, Funding CDPH

Garberville Sanitary District Boundary Change (Annexation)
CEQA IS/MND 2012 SCH Number: 2012032025

The Water System Improvement Project SWTP SCH#2009122069, on page 3. The GSD as the lead agency adopted an MND for this project on May 10, 2010 without making the easement agreement for the water treatment plant site available to the public until Dec. 28, 2010. The comment period for the SWTP MND had been closed for seven months and GSD refused to make an addendum even though the easement agreement provides for three new connections for three planned unit developments. Questions about the Goldeen easement agreement were brought up at the May 10, 2010 GSD board meeting for the SWTP IS/MND, and ignored by the board.

The new tank site, referred to in other documents as the Johnson Tank Site, lease or easement agreement is still unavailable for public review 23 month after the MND was adopted. And is still unavailable for consideration for the annexation IS/ MND. Area 2 in table 1 lists 8 parcels totaling 30.32 acres but the proposed water and sewer lines will pass over parcels not mentioned in this section, according the Humboldt Web GIS map. The Figures provided in this IS/MND do not show the APN's for all the parcels in the Johnson tank site and other areas.

The fact that the GSD has no policy or legal opinion concerning property owners' access to water or sewer connections when these lines pass over or through their property, leaves a glaring gap in the number of acres that can be served if this annexation were to be adopted by GSD and LAFCo. Only GSD knows where all these out-of-district or service area water lines go. the ones I know about, if you include the Kimtu waterline crosses the Mitchell Ranch which alone is 1600 acres and there 10 other parcels along the pipeline that could be connected. In the Connick Creek the waterline crosses the Brisbin parcels, of 345 and 105 acres, and Peter Connolly (currently a GSD Board Member) has 20 and 40 acre parcels, the lists go on and on. I have heard that if the GSD were to place restrictions on property owner's access to water or sewer lines they would be unenforceable in court, maybe this is why the GSD has refused to adopt a policy. I have brought this same issue up at GSD board meeting for over a year now. My here point is that this piecemeal approach to CEQA by the GSD staff and board on Project SWTP SCH#2009122069 and Annexation SCH Number: 2012032025, (SHC#2009082046) shows a disregard for the cumulative impacts these growth inducing projects when considered together will have on the environment.

Garberville Sanitary District Boundary Change (Annexation)

CEQA IS/MND 2012 SCH Number: 2012032025

This annexation actually involves 4 projects; First: GSD's recently approved Waste Water Treatment Plant increases their treatment capacity by 270%. The SWTP SCH#2009122069 calls for a duplex pumping system that is increased to two 50 horsepower pumps, see page 2. The new total increased pumping capacity is not mentioned in this document nor is the total increase of water treatment capacity.

The GSD also has a bulk water hydrant in Garberville in which it sells unmetered water to private water trucking companies on the honor system, these company's then haul this water outside of the GSD district boundary and outside the Eel River watershed.

All four of these projects, boil down to water. If this open ended annexation is allowed to go forward now hundreds of new connections can be added to the GSD District and they need hundreds more because GSD has a 16 million dollar Capital Improvement Project in the works and 396 ratepayers in the district can't carry this financial burden alone. They need more ratepayers to support their vast expansion projects. That is why this project is designed to induce growth and the environmental effects must be assessed in an EIR.

I have presented some of my views and the facts in these comments. An increase in water consumption with this annexation is inevitable. Any increase will have to come from The South Fork of the Eel River, a Wild and Scenic River, State and Federally Listed 2(a)(ii). The South Fork Eel is "already fully allocated" (Jane Arnold DFG Eureka 2010).

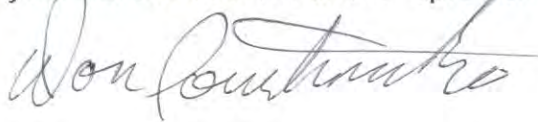
The South Fork Eel is the habitat for Threatened and Endangered Species. The Chinook are rarely sighted or hooked. Coho and Steelhead are recovering slowly. I have seen more drift boats on the river this year. I hear the fishermen whooping for joy when they hookup just below our house. My son is an avid fisherman in the Eel Watershed and he is cautiously optimistic about this early recovery.

The problem is that during the dry months and the summer, the demand for water on the South Fork Eel is at its peak. This is a troubled river. I live 90 feet above the South Fork Eel and in the summer during low flow I see rafts of algae more than a hundred feet long moving up river against the current with the prevailing north wind. This algae is deadly, it has killed dogs in this area.

This project SCH Number: 2012032025 require a full EIR to properly assess the present and future cumulative impacts these project will have on the environment.

The South Fork Eel needs the help of the agencies tasked with protecting the Wild and Scenic Rivers. Please comment now to save this river.

Thank you, Donald Courtemanche Sprowel Creek Road Garberville

 4/9/12

Attachment (1)

Environmental Review

Both case law and the CEQA Guidelines support the applicability of CEQA to annexations and to related SOI amendments. The environmental document should be prepared early in the process and should address all aspects of the project, not merely the annexation.

In 1975, the California Supreme Court held in a Ventura County case that annexations are to be considered projects under CEQA and are subject to environmental analysis. Where the LAFCO had "proceeded as if CEQA did not exist" its decision was enjoined until an EIR could be prepared. The Supreme Court drew similarities between the purposes of CEQA and the annexation laws then in effect, requiring that the LAFCO harmonize these purposes through the preparation of an EIR (*Bozung v. LAFCO* (1975) 13 Cal.3d 263).

The CEQA Guidelines define a project as the whole. If your project may directly or indirectly trigger the need for future LAFCO approval (e.g., annexations or SOI amendments), coordinate CEQA review early on with the LAFCO executive officer to ensure the CEQA document adequately addresses LAFCO's requirements as a responsible agency. Future LAFCO actions should be clearly identified in the project description and list of approvals required by other agencies of an action, not the separate governmental actions that may be necessary to complete it. Ideally, a single environmental document will be prepared to address the annexation as well as all related general plan amendments, rezoning, SOI, or other proposals. The

CEQA document should include an evaluation of the environmental effects from future development of the affected annexation territory based on what would be allowed under the existing or proposed general plan and zoning provisions. The document should address, among other concerns, the policy issues raised in Sections 56301 and 56375. If the EIR identifies one or more

insignificant environmental impacts and the annexation is approved, the LAFCO and the city will be responsible for making findings pursuant to Sections 15091 and 15093 of the CEQA Guidelines justifying their actions.

The courts have had differing opinions over the application of CEQA to SOI determinations. In *City of Livermore v. LAFCO* (1986) 183 Cal.App.3d 531, the court held that CEQA was invoked when the Alameda County LAFCO changed the guidelines it used for determining SOIs. However, the court in *City of Agoura Hills v. LAFCO* (1988)

198 Cal.App.3d 480 concluded that establishing an SOI was not automatically a project under CEQA. According to *Agoura Hills v. LAFCO*, the Court held that, "the fact that SOIs are recognized as important factors in annexations does not compel the conclusion that they are per se 'projects' subject to CEQA." The Agoura court did not dismiss the possibility that under other circumstances, an SOI determination could be a project.

Environmental documents prepared for annexations should also address all related rezonings or general plan amendments (*Bozung v. LAFCO*, supra; *Pistoresi v. City of Madera* (1982) 138 Cal.App.3d 284). Conversely, when rezoning is proposed the environmental document should discuss the effects of annexation. For example, in *Rural Landowners Association v. City Council* (1983) 143 Cal.App.3d 1013, the court held that an EIR prepared for a rezoning and general plan amendment was insufficient because it failed to consider the issue of the related annexation that was then in progress. Amending the SOI may be subject to CEQA if significant effects are possible (63 Ops.Cal.Atty.Gen. 758 (1980)). The city proposing an annexation must provide the LAFCO sufficient information to satisfy the environmental analysis requirements (*City of Santa Clara v. LAFCO*, supra).



GSD Annexation IS/MND

The IS/MND has failed to assess the growth inducing impacts of the proposed annexation or how these will impact the environment. There is absolutely no mention made of the General Plan Update or GPU Housing Opportunity Zones (see attachment #1) or the GPU's stated goal of concentrating development in areas where services are available.

The MSR is not complete, so there is no way to know where or what the size of the many connections that are outside the districts boundaries. There may be other "contractual obligations" or agreements or dry meters. All agreements, contracts and other obligations to provide water and or sewer and the sizes of connections must be included with the annexation IS/MND, so that the magnitude of development potential can be assessed.

The SOI was last reviewed by LAFCo in 1986, years before GSD acquired GWC in 2004, so there has NEVER been a LAFCo adopted MSR or SOI for water. That must be done first. It is necessary to know the size and places of connections before any discussion of annexation is entertained.

The annexation should be delayed until the MSR and SOI are completed and accepted by LAFCo.

It is not prudent to request annexation of so much land to the district before the MSR is complete, especially in light of the fact that the last LAFCo adopted MSR was in 1986, when GSD was only a sanitary district. It is unclear how "water service only" as opposed to "water and sewer service" is held to account since the sanitary district became the water district with no oversight at all. Once a parcel is annexed into the district, it is in the water and sewer district with no mechanism in place for differentiating service. Thus, the growth inducing aspect of annexing so many parcels into the district has not been adequately analyzed. Development potential for areas in services district and the cumulative impacts has not been adequately addressed.

The annexation application needs to include a map with the APNs included, so that there is some means of referencing the document to the maps.

Page 1

-Should be amended to say that GSD obligated itself to serve water before it was legally entitled to do so.

Page 2

-It is incorrect to say that GSD is within an area that includes the Mattole watershed.

Page 3

-The planning for the Water System Improvement Project continues to change, so the description of the water improvement project will have to wait until approval and final design are accepted by CDPH. Thus the annexation will have to wait.

-The SWTP IS/MND never said what the actual maximum water treatment capacity of the proposed water treatment plant will be. That needs to be stated.

Page 4

Water Services outside the existing GSD district boundary

- When the sanitary district acquired the GWC, the sanitary district was serving water to areas outside the GSD and water district boundaries.

- The size of the out of district connections needs to be stated.

-Area 4. The Southern Humboldt Community Park did not tap into Garberville water until sometime after September of 2004. See SHCP meeting minutes of Sept. 22, 2004 page 2 under - water: "Tim would like to consider tapping into Garberville water for the domestic needs." (See attachment #2)

-Documentation should be presented to show when the yellow house got water outside the district boundaries. The yellow house has spawned more connections that GSD now wants to legitimize with new connections of unspecified size to the park.

-The SHCP board has already said that they want housing on the parkland, thereby inducing growth and diminishing parkland. Under Parks and Recreation it is incorrect to find no impact, since annexing the park into the district could significantly induce growth to the area.

The park board is in the process of obtaining a general plan amendment. The environmental impacts of annexing the park to the district need to be assessed. The parkland is prime agricultural land, but by being annexed into the district the conversion to commercial or urban density residential is a very real possibility, especially if the park board still hasn't paid off the debt for the purchase of the park. It is a privately owned "park," with no mechanism in place for public participation in oversight and planning. The proposal to annex the park parcels to the district must be delayed until the SHCP board has completed their GPA.

Page 6

Water service outside the existing sphere of Influence

-List of parcels outside the district and SOI should include Brisbin parcel 222-156-012 (345 acres), since GSD has a contract to provide two connections of unspecified size to this parcel.

Page 7

The wastewater treatment capacity has been increased by 270 per cent. This needs to be stated in this IS/MND, since such an increase facilitates growth in the area when combined with annexing parcels for water and or water and sewer.

Page 8

-Development Potential in Annexation Areas

The IS/MND must address the General Plan Update's stated goal of "concentrating development in areas where services are provided."

The IS/MND must address the General Plan Update Housing Opportunity Zones, which includes parcels in this annexation proposal. The annexation to the district of these areas will allow incentives for development such as increased density bonuses and relaxed restrictions. Water, or water and sewer will facilitate urban density zoning in the areas to be annexed. An example of this are parcels 032-211-021 and 032-211-012, which together total 16.7 acres and are in the GPU Housing Opportunity Zone which could result in, even without density bonuses, 117 units, thus inducing a lot of growth.

Deficiencies within the GSD IS/MND for annexation

Impact: Inducing growth

No sizes of connections to GSD are given, thus one "previously existing" connection may be large enough to serve several or many residences. For many years, Connick Creek was one connection (on the back of GSD's master meter, according to Mark Bryant) and supplied water to a subdivision and other parcels on the west side of the river.

"The yellow house," which has a murky hook-up history with GSD, now is said to supply two more residences at the park, and is used as justification to provide SHCP with two new connections of unspecified size.

-GSD does not appear to have any ordinance to limit customers from extending services to someone else. This was a problem before GSD was even a water company when they were doing it. Is it legal? Since there is no mechanism within GSD to stop one connection from becoming many, this will induce growth and impact the environment. GSD must pass an ordinance to limit one meter to one connection only. That must be made an ordinance and stated in the MND. (Connick Creek has been supplied with water by GSD, and GSD has contracts to supply more parcels in the area. GSD told me that Connick Creek owns the connection and can extend services to who ever they want (see attachment). This has grave environmental implications that must be addressed in an EIR. One of the parcels that GSD has a contract to provide service to, though I guess they weren't going to mention it (see attachment #3), is Brisbin parcel 222-156-012. This parcel is 345 acres. GSD's contract with them provides for two connections of unspecified size. So, what size connections? How will GSD deal with this if this annexation says that they will not annex them but will honor their contract? What oversight will there be? GSD seeks to legitimize out of district connections without addressing growth inducing potential. What will the legal status be of large and small parcels that are not in the district but are receiving district service? This must be addressed in

this Initial Study.) GSD does not have a contract with the other Brisbin property of 105 acres, but seeks to annex it to the district because they are already hooked up.

Mitigations:

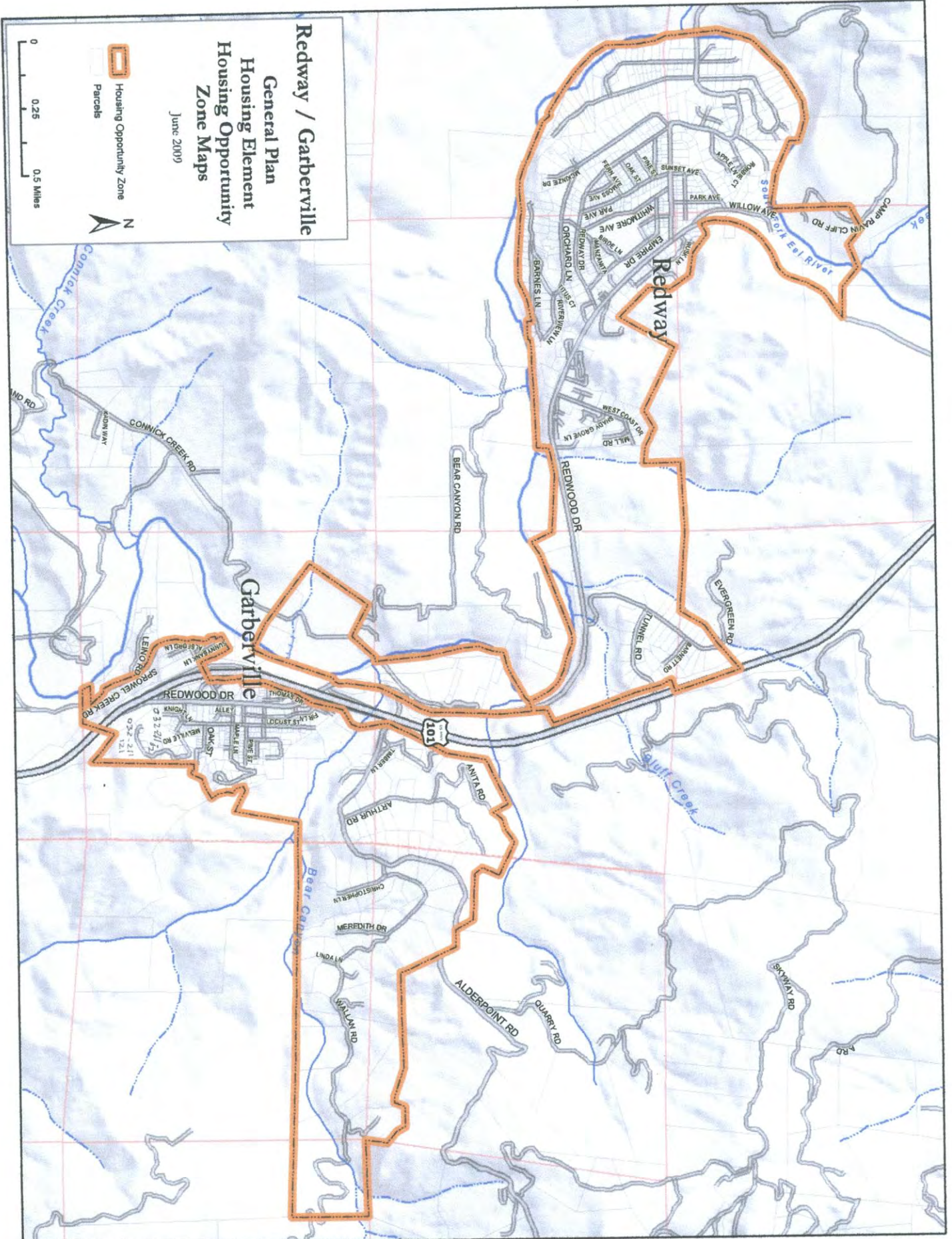
To say that GSD will provide will serve letters is not mitigation.

The South Fork Eel River is a state and federally listed Wild and Scenic river and must be protected. An EIR should be prepared for this project, and a section seven consultation with National Park Service as administrator for the Wild and Scenic River Act of 1968 because of the inclusion of the South Fork Eel river in the act in 1981.



SANDY FERETTO

APRIL 9 2012

Sandy Feretto



Redway / Garberville
General Plan
Housing Element
Housing Opportunity
Zone Maps
 June 2009

 Housing Opportunity Zone
 Parcels

0 0.25 0.5 Miles



**Southern Humboldt Community Park
Board of Directors Meeting
Sept. 22, 2004**

6:30pm Present: Peter, Stephen, Tim, Kathryn, Dennis, Doug and Rondal

Minutes: Minutes from Sept 8th were approved with changes. The Board decides to put our approved minutes on-line once our web page is fully functioning and to put the record book back in the library.

Public Meeting: Stephen is advocating strongly that we have an open meeting the first week of each quarter. First meeting is November 3rd 6:30-8:00pm.

POM Report

- Parking lot: The Kimtu lot has been graveled again. There is a large yellow-jacket nest near the lot. Stephen has been fencing around the nest.
- Park host site: Brad has submitted a plan for his shed and trailer covering. Motion that we side the structure with existing redwood. Board approves.
- Carpet: Peter has arranged a donation for new carpet for the farmhouse. Art McClure will do the installation.
- Seventy acres: in the restoration and rehabilitation of the 70 acres the park has authorized the use of our shale.

Fundraising: Rondal's report: \$4000 cash donation and a \$2000 donation for our newsletter. Pigmint press is donating a significant portion of the cost of the newsletter. There may be additional donations. Rondal has worked with STR League and a donated valuation from Jim Able. STRL states that they don't believe these trees are in danger. Rondal reports on meetings with other potential donors. The estate-planning meeting will take place on Sept 30. The board reviews and makes additions to the list of potential donors to be contacted.

Newsletter: A very rough draft is circulated for the newsletter. Kathryn has been overseeing this project with Rondal's assistance. Brad Jenkins is doing the lay-out.

Little Tooby Park: The County Board of Supervisors met on LTP and there was a unanimous decision to approve the SHCP operating LTP. Bob Walsh met with Stephen regarding the transfer of property and details, i.e. signage and the well. Board authorizes Rondal to begin a general discussion with John Machi the lawyer and the Tooby Family to negotiate towards our mutual interest.

Mel and Grace McLean Foundation: Kathryn submitted a Letter of Inquiry, which was approved for a full proposal. The proposal will create interpretive display panels for the kiosk. Board approves proposal submission. The board approves the submission of this proposal.

Controlled Burn CDF: Tomorrow there will be a walk through with Jim Robertson, Doug Wallace, Stephen Dazey, and Eric Arcos. The burn is scheduled for the Oct 2 & 3rd. There is interested in doing research on grasshopper sparrow and burn areas. There may be an intern available.

Lot-line Adjustment: The Park has submitted a lot-line adjustment. The County is requiring the studies be conducted or relinquish your development credits (temporarily) to approve the lot-line adjustment. Board discussion surrounding how to proceed.

Adjourn at 8:15

Next Meeting: Oct 6th 6:30.

#2

Humboldt County General Plan: The board has questions regarding the changes that the new general plan might impact the park.

Application to McLean Foundation: Board approves the submission of a proposal to the McLean Foundation for interpretive panels needed at the parks kiosks. Kathryn will be the Board's designated representative.

Water: Tim would like the board to consider tapping into Garberville water for the domestic needs.

Little Tooby Park: LTP was to be an item on the county calendar. The county board of supervisors was not clear on the topic. This (LTP) will be a discussion item on the agenda to September 14th 9:00am. Request that board members speak at the meeting. We are will and able to accept the responsibility of a day-use area and SHCP will honor the spirit of the Tooby family's requests. If the county should decide to continue their current operating agreement we are amenable. We are willing to operate this park but we are also open to considering other options. The board encourages Doug to send the letter that was circulated.

Kiosk: Peter talked to Jim Robertson today and it turns out that the kiosk was not completed as reported. The ball was dropped somewhere and the kiosk is not as far along as we thought.

Farm and Garden club needs a signed agreement. Tim will finalize.

EQIP: Tim has developed a timeline with Tom Hedt. The project will start this spring. Ten acres of thinning will be done this year the lower end stuff. A side benefit is that the work will make the area look very beautiful. We will stock pile material for the brush check damn next year for treating the large gully. Dave Kahn's crew will do the thinning. We need come up with our share of the match for our winter project. Several sources are identified and discussed.

Next Meeting: Oct 6th 6:30.

Garberville Sanitary District Board Meeting, February 28, 2012

Directors present: Rio Soran Anderson, Herb Schwartz, Dennis Bourassa, Peter Connolly, Bill Stewart

Public present: Dave Ordonez, Sandy Feretto, Donald Courtemanche, Kristin Vogel, Ron Copenhafer, GSD Operations Manager

Excerpts of the Meeting

17:17:55

Public Comment Period

Herb: Sandy?

Sandy Feretto: My comments are specific to the Annexation. I'd like to make them when that comes up.

Herb: Well, as I say...

Sandy: It's brief.

Herb: Well, why don't you do that. We're just going to go from here. Do it now. And then if there's not, the reason why is, I'm trying to move this agenda along tonight because I'm anticipating doing a fair amount of work to get done. You can't speak to it now?

Sandy: Well, I would, it's really specific to the Annexation.

Herb: Well, um....Mark?

Mark Bryant: The item on the agenda tonight for the Annexation is strictly the notification process. Posting the MND to the newspapers and the public. Other than that, there's no other documents that are really out there yet. We anticipate sometime around maybe fifth of March that we'll have the document available for public comment.

Sandy: Uh-huh. So it's a notification that you're thinking of it?

Mark Bryant: It's one of the CEQA requirements which is a notification to the public that we are creating a document that has environmental implications. And when that document comes out, then there's a 60, I believe it's a 60 day comment period.

Don Courtemanche: 30 days.

Mark Bryant: 30 day comment period.

Sandy: So you guys are not going to talk about the Annexation at all?

Mark Bryant: Just, the only, the item that is on the agenda this evening does not require any action by the board. It's strictly an informational item.

Sandy: Well I'd like some information about that item.

Herb: Well, we're going to talk a little bit about it. Let's see, um, well, all right, it can be short. I'll allow you to a short amount of time after we go through that agenda item.

Sandy: Okay.

17:20:02

Herb: Don?

Don Courtemanche: Yeah, I want to address the issue of, you talked about and I sent you an email about it, you talked about it, I believe it was in a ...meeting during an SOI conversation, on whether, if a water line touches and passes over a parcel, if the whole

parcel is served. Right. And you said that, well, the board will probably need a legal opinion and, do you have a legal opinion about that?

Herb: No, as far as I know, we haven't really figured that out yet. We've got to. We have to. I agree. Especially as we go through the Annexation process. It's very important.

Don: Right, because, see, so you're adopting a Mitigated Negative Declaration here for the Annexation process. And it will be, the wheels will start spinning. But if you don't have that opinion in place, then the amount of acres that you have posted is short by half, more than half. There's a 350 acre parcel for Brisbin. There's uh, every place that's touched by a water line probably adds up to around 800 acres. And what you're talking about is 700 acres.

Herb: That has to be in place. I agree with you.

Don: Right, okay, so that decision will have to be in place. You already have a precedent where you've granted the Southern Humboldt Community Park, they say they have service. You know I have a different opinion about it. They've never had service to the other parcel.

So you've just said, oh well, it's not only are you serving a whole parcel, but you're serving another parcel that's considered one landowner. If that is the case, if you pass over a piece of property that Jim Johnson owns, he owns half the County, I mean you're serving a couple thousand acres. So, if you don't get this in place before this Notice of, I mean how could it be a Negative Dec if you're lighting up with water and sewer services 1500 acres? instead of 700 acres, and 700 acres is way too much.

Herb: Yeah, I think it's a point well taken. I'm glad you remind us of it. And we're going to have to deal with it. I agree with you.

Don: And also, I have one other item. I think that Kristin Vogel deserves a public apology because your email was published in the Independent and so that makes it a public matter. Thank you.

Herb: Okay, all right, I acknowledge your comment, but the board has, well, may or may not want to think that's appropriate.

18:06:47

This begins after board discusses Agenda Item V. (3) Annexation Notice of Intent (which means GSD will begin an MND.)

Sandy Feretto: I'd like to?

Herb: I'm sorry, go ahead.

Sandy: So now LAFCo is not the Lead Agency?

Herb: Not on this one.

Sandy: And so they are on the MSR SOI?

Herb: Right. But there's been, maybe Mark is more up on the intricacies on that one.

Mark Bryant: Because of the costs associated with the development of an environmental document, LAFCo has chosen to wait until our document is complete and filed and then use our document and piggyback on it for the MSI SOR. The two other documents, MSR SOI.

Sandy: So, I mean, they look over it too.

Mark Bryant: Oh yeah, they'll comment on it also. But their hope is that most of the work necessary for their environmental document will be done by the District as part of the Annexation document.

Sandy: Okay, so, I do have a comment about the Annexation document.

Herb: Stop there for a second because I got these furrowed eyebrows from Virginia.

Virginia Graziani: I am so confused. Let's just take these. Who is the Lead Agency on Annexation?

Mark Bryant: The District is.

Virginia: The District. Okay. Exactly the opposite of what I'd written down. And then on the MSR SOI, it's LAFCo.

Mark: Correct.

Virginia: Thank you. That's all I wanted to know.

Herb: But, where the politics and the procedures get into a crunch is who pays for it. And that's where the guy on the bottom gets to pay for it, and that's us. Our hope is that most of that work will be accepted by LAFCo.

Virginia: Annexation?

Herb: Yes. Annexation and I guess MSR SOI. I mean, these agencies fight it out as to who's got the least money.

Don Courtemanche: Do the landowners pay any of that?

Herb: Well, to the extent that this District has to incur those costs, it's part of our expense. I mean, I....

Don: I thought you said these processes were going to be repaid by the landowners and developers?

Herb: Well, part of the Annexation, that's in draft right now, that's where, this is where your review is going to be important, is when you see the Mitigated Neg Dec. In there, there should be such limitations so that our Annexation, because it's a Mitigated Neg Dec, it really shows almost no impact. And that's because it is, if it's done right, we're not going to have any impact and that any kind of impact on development should be on the landowners. And that, and that's the reason why,...

Don: Water and sewer service is the impact.

Herb: Well, I mean, that's your chance to look at it, so...

Don: So, what you're saying is developers, landowners aren't paying any of these annexations costs?

Herb: Not at this level.

Don: Is there any level where they would pay?

Herb: Yeah. If there's impact for development. That's our plan.

Don: But the Annexation will be done?

Sandy Feretto: Okay, but I do have a question. May I approach the map?

Herb: Sure.

Sandy: So, there is this one parcel that I was, that's in the 1997-98 agreement with Connick Creek. And it's also in the 2010 agreement. And it's this one. That, you don't show it receiving water, but Jennie says they have connections. So, it's along the line of Connick Creek. It's 222-156-012. It's 345 acres. And apparently the line passes through and there are connections.

Herb: Okay, Mark, you want to answer? I can...go ahead.

Mark Bryant: The Connick Creek line? The Connick Creek line is not a District line. It's a private line.

Herb: But Connick Creek is not included, as far as I know.

Mark Bryant: It's not in the Annexation. Correct.

Sandy: But, so if their water being served, then why doesn't that other parcel in there too. It's the same.

Mark Bryant: They are served by their own line. The District did not put that line in. We do not take any responsibility for that line.

Sandy: Jennie says that meter, I thought the 2002 agreement with Connick Creek was, the meters, so why do you have Connick Creek in there? It's the same.

Mark Bryant: It is not within the Annexation that we're currently working on.

Sandy: Right. So, why do you show it there and not that 345 acre parcel?

Herb: I'm not sure I know what you mean.

Mark Bryant: I don't understand your question, I'm sorry.

Sandy: If that 345 acre parcel that's outside the Sphere of Influence has connections to whoever Connick Creek line, GSD claims that GSD serves them, right?

Mark Bryant: We do provide water via their own line from a point near the wastewater treatment plant.

Sandy: So why aren't you showing them as getting water?

Mark Bryant: Because we do not supply them with water. The Connick Creek Mutual Water Company supplies them with water. We supply water to Connick Creek.

Don Courtemanche: How about the one right behind the treatment plant, 05?

Sandy: Yeah, I mean, and that's being added and you say...

Mark Bryant: Are you talking about the small parcel next to the treatment plant?

Don: Yeah, 105 acres.

Mark Bryant: There is a, it's about a seven-and-a-half acre piece that we currently supply water to, directly next to the plant. We served that water prior to the construction of the wastewater treatment plant. It was currently served on its own meter by the Garberville Water Company when we purchased that.

Sandy: So what I'm saying is, this parcel has a connection to whatever. GSD is serving this parcel, so why is that not shown?

Mark Bryant: We are not selling water to Brisbin. The Mutual Water Company is selling water to Brisbin on their own line.

Don Courtemanche: Kimtu could then sell water? I mean Connick Creek can sell water?

Sandy: When does it stop?!

Mark Bryant: The water is being purchased. The point of purchase for that water is at the Brisbin property line with the Services District.

Sandy: Does this sound crazy to anybody else? Does this sound like double-talk?

Virginia Graziani: What is unclear to me, the water is going from GSD to Connick Creek. Connick Creek is paying you for this water. Then they're selling water to Brisbin.

Mark Bryant: Yes.

Virginia: From their own line.

Don: Ohhhhh.

Virginia: It's clear to me.

Ron Copenhafer: The same thing in Benbow. They do the same thing with the subdivision across the freeway from them. They supply water to a main tank who then redistributes it through that subdivision and collects the money.

Don: That's under the PUC though. Yeah, it is.

Ron: But it, okay, but don't be disingenuous about it, you're right, it's not under the PUC but it's the same thing.

Don: No, no, you have an Association selling water. That is not the same thing.

Herb: This is something that we inherited. It's a kind of an aberration.

Don: No, you did not inherit it.

Herb: Well, we entered into an agreement that perhaps we shouldn't have. We're not going back on to it, that's true. It is an exception. Um, we are a kind of, we did it. You know, we're not a perfect agency but we're not, you know, it isn't going to the extent that it's the tail wagging the dog. It doesn't quite make sense. I agree with you so to speak. But it's the circumstances that we're living with. And I think it's reasonable under the circumstances. We're not causing a great deal of disturbance to the operations of the District's ..(?). If anything we're benefiting our ratepayers by earning some money from it. It doesn't quite make sense. That's the reason why we, when LAFCo was presented with this issue, they went up and down the State to try to figure out what you do with an island out there. And we finally decided not to annex it, but we do have this service agreement.

It's a bunk.

Sandy: So what you're saying now is you have some, there's some kind of deal that like Connick Creek is its own water company, that Garberville Sanitary District, what?

Herb: We explained it. We're selling to Connick Creek, water, mutual.

Sandy: It needs to be shown, that 345 acres. It needs to be included with those blue cross-hatching because it has connections.

Don: It's Garberville water. I mean, you know, they're not developing for...

Herb: I don't want to go back and forth. This is what our position is, I'm afraid, and we're kind of sticking with this.

Kristin Vogel: How big a tank does Connick Creek Water Association fill up in order to sell to Brisbin?

Herb: Again, I want to close it off here. I mean that's...

Kristin: Is it a big tank though?

Herb: No, it's just a water line.

Kristin: No, you have to have a tank in order to sell water to somebody else.

Herb: Not that I know of.

Sandy: It has connections. It's being served outside the District.

Herb: I've heard that. And (stings?) speaks for itself.

Don: What size are those connections?

Herb: I've explained it already.

Don: They're five-eighths? Are they three-quarters? What...

Herb: I have to cut it off here, you know. We're going round and round and round. So, that's it. We adopted that.

Don: That's a definite maybe?

Herb: It's not a definite maybe. It's an aberration. It is what it is. It has its own peculiar history. We've gone over the history...

Kristin Vogel: But not in public.

Herb: I can't help it whether or not it doesn't fit within your pattern of what you want to see. That's just the way it is and the board is going to stick with it.

Sandy: So, in other words, you're saying that there's 345 acres getting water that you are not showing. There's a problem there.

Herb: If there's a problem, I think you have to go figure out how to solve it.

Sandy: I have to solve it?!

Herb: Yes, you have to solve it.

Sandy: And what with the Lead Agency here?!

Herb: I'm afraid that's because, because we have made these determinations.

Sandy: And so what's that going to be? Just 345 acres that are getting water that you pretend doesn't exist?

Herb: Part of our issue, part of our issue of providing water that will be I hope be addressed in this Mitigated Negative Dec. is how much water does a connection get? Is it an unlimited supply? And what is the definition of a residential connection? And those two things really need to be addressed under an ordinance. And it's my hope that those two things will be addressed in an ordinance as part of this Mitigated Neg Dec.

Don Courtemanche: And ordinance you can remove when you get yeah,

Herb: So, uh, I'm trying to maintain a civil conversation here, ...

Don: But you know, you discussed removing the ordinance. You were going to restrict the Park, and then you say yeah, and when we get the line we'll remove it.

Herb: We haven't done that.

Don: I heard it said at a meeting Herb.

Herb: I know we haven't done it yet.

Don: Right, but that's a possibility. So, I'm being civil too because I'm repeating what you said.

Herb: Okay.

Sandy: May I have a couple moments to. This is some stuff that I talked to Michael Richardson, senior planner, at the County about. He says, "Yes, you're correct that the idea to provide water service includes the GPU. It includes alternatives to focus development there. These areas may be built to the maximum development potential allowed under the General Plan Update." So, you're talking about 345 acres that you don't even show that are actually getting District water.

Herb: This step may happen, that's true, that may happen. But we are, our job is primarily as a public utility. We're not a planning agency and anybody wants to build there, they go through a planning process.

Sandy: Then, you need to show that they're getting Garberville water!

Herb: We do!

Sandy: No you don't. It's not even in the Sphere of Influence.

Herb: You know about it, we know about it, the public knows about it. It's public record.

Kristin Vogel: How is that? I've never heard of it before.

Sandy: It is not public record.

Herb: But, the Connick Creek agreement?

Kristin: No, the Brisbin property.

Sandy: No! I'm talking about that 345 acre property 222-156-012. It's not listed on your Annexation and yet the 2010 agreement and the 1997-98 Connick Creek agreement show that they get water. They have connections, Jennie said.

Herb: Mark, I want to close this off because I said, we have a long calendar tonight. This is really the subject of when we will have our public hearing on these issues and that's when this should be addressed. But let me just check with you on the Brisbin property. How is that served by water?

Mark Bryant: The Brisbin property actually has one connection and that's at the yellow house the District used to own. That's the only connection to Garberville water there is. Connick Creek Water Company connects to close to the Connick Creek, I mean, close to the Brisbin meter. Their meter is much larger. The water is transmitted through a line that is owned by Connick Creek. At the time the water goes through that line, that water is owned by Connick Creek, not by the District. Thereby, it's not District's connections.

Ron Copenhafer: May I ask Mark a question?

Mark Bryant: Sure.

Ron: Is there any reason that we cannot sell water to Connick Creek Mutual Water Company and they sell it to their customers?

Mark Bryant: There's no restriction in any of our ordinances or any of the PUC laws that would limit..

Ron: Or Department of Public Health.

Mark Bryant: Correct.

Herb: So I think you need to close it off at this point. It is what it is.

Ron: Moot!

Herb: And move on.

Sandy: No, it's not moot.

Ron: Yes, it is.

Herb: So, having gone through all that, the next item is about the Kimtu, and we've already talked about that. We're not connected to the Kimtu line are we?

Mark Bryant: Well, we are connected, but there's no water flowing.



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

April 9, 2012

Herb Schwartz
Garberville Sanitary District
PO Box 211
Garberville, CA 95542

Subject: GSD SPHERE OF INFLUENCE & ANNEXATION PROJECT


Dear Mr. Schwartz:

Thank you for the opportunity to provide comments on the Garberville Sanitary District Sphere of Influence and Annexation Project Notice of Intent to adopt a Mitigated Negative Declaration (MND). The comments prepared by the Humboldt County Community Development Service Planning Division are contained on this and the following pages.

In summary, the MND should be consistent in how it deals with potential future development that may occur as a result of the proposed annexation and the potential impacts that could result from such development. Potential future development is described in the project description and should be carried through to each impact topic. In addition, the proposed annexation area includes agricultural zoning, prime agricultural soils, and ongoing agricultural uses. The GSD should consider proposing a mitigation measure such as a service zone that excludes portions of parcels that contain agricultural uses or soils, to be adopted by GSD through an ordinance and made a condition of approval by LAFCo.

Thank you for providing an opportunity to comment on this project. Please do not hesitate to call me (707-268-3781) or send me an email (jpmiller@co.humboldt.ca.us) if you have questions or comments regarding this letter.

Sincerely,



John Miller
Planning Division
Humboldt County Community Development Services

GARBERVILLE SANITARY DISTRICT SPHERE OF INFLUENCE & ANNEXATION PROJECT

The MND preparers find “no impact” in many categories where there is at least some potential for impact to occur. A no impact conclusion is typically used when the information provided shows that the impact simply does not apply to projects. The following no impact conclusions should be reviewed and additional analysis should be provided.

II. Agriculture and Forestry Resources.

- *b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?* The annexation area includes parcels that are zoned AE and water service is proposed to be provided to these parcels. Additional analysis should be provided showing how this will not conflict with the AE zone.
- *e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?* Portions of the annexation area contain prime agricultural soils, AE zoning, and ongoing agricultural uses. Additional analysis should be provided showing how the proposed annexation would not result in the conversion of these lands.

VI. Geology and Soils.

- *c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?* The discussion should indicate that portions of the annexation area include moderate and highly unstable soils due to slope stability and additional analysis should be provided showing how this would not result in an impact.

VII. Greenhouse Gas Emissions.

- The MND preparer should review the basis for their conclusions regarding greenhouse gas emissions. New development that may be enabled by service availability would likely result in additional greenhouse gas emissions.

VIII. Hazards and Hazardous Materials.

- *e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?* The proposed annexation area includes land within airport land use plan. Additional analysis should be provided showing how this would not result in an impact.
- *h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?* The table does not match conclusion in discussion.

X. Land Use and Planning.

- The analysis should evaluate Garberville Redway Benbow Alderpoint Community Plan policies such as Community Policies in Section 2500 Rural

Land Use and compare the existing land use designation to the type of service that is proposed to be made available.

XIII. Population and Housing.

- *a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?* This project would result in the annexation of land to a district that provides water and wastewater service and new service connections are anticipated. The conclusions should reference the project description and indicate how many new services are expected and whether or not this is substantial.

XV. Recreation.

- The “no impact” conclusion does not appear to be appropriate. The proposed project would occur in conjunction with the Southern Humboldt Community Park project. The proposed annexation may enable the Southern Humboldt Community Park project, therefore additional analysis should be provided.

XVII. Utilities and Service Systems.

- *a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?* The “no impact” conclusion does not appear to be appropriate. The MND should reference the discussion of future development potential in project description.
- *e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?* The “no impact” conclusion does not appear to be appropriate. The MND should reference the discussion of future development potential in project description.

XVIII. Mandatory Findings of Significance.

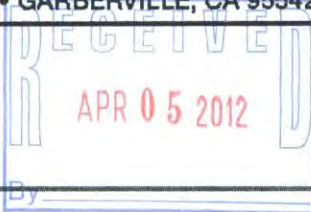
- a-c The proposed project would expand the district boundaries of a district providing water and wastewater service which *could* result in various direct and indirect impacts. Provide more detailed discussion of why impacts would not occur and why they would not occur when considered with the effects of probable future projects such as the Southern Humboldt Community Park.

SR0000338



GARBERVILLE SANITARY DISTRICT

P.O. BOX 211 • GARBERVILLE, CA 95542 • (707) 923-9566



Transmittal Letter

March 9, 2012

To:
Humboldt County Public Health
529 I Street
Eureka, CA 95501

Attention: Phillip R. Crandall
Re: Annexation Draft IS/MND

We are sending you

<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Under Separate Cover via: the following:		
Shop Drawings	<input type="checkbox"/> Prints	<input type="checkbox"/> Plans	Other:
Copy of Letter	<input type="checkbox"/> Change Order	<input type="checkbox"/> Samples	Bldg Submittals
<input type="checkbox"/> Total Quantity	<input type="checkbox"/> Reproducible	<input type="checkbox"/> Specification	

Quantity	Date	Description
1	3/9/12	Initial Study/Mitigated Negative Declaration Project: Garberville Sanitary District Boundary Change (Annexation)
		RECEIVED
		MAR 14 2012

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

These are transmitted as checked below

- | | | |
|--|---|---|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit copies for approval |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit [#] copies for distribution |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return [#] corrected prints |
| <input checked="" type="checkbox"/> For Review and Comment | <input type="checkbox"/> Revise and Resubmit/Work May Not Proceed | |

Comments:

NO COMMENT

Humb Co. Div. ENVIRONMENTAL HEALTH


Signature



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES 445-7741
PARKS 445-7651
ROADS & EQUIP. MAINT. 445-7421
445-7493

445-7741
445-7651
445-7421

LAND USE 445-7205

03/26/2012

Mark Bryant, General Manager
Garberville Sanitary District
919 Redwood Drive
PO Box 211
Garberville, CA 95542



**RE: INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
GARBERVILLE SANITARY DISTRICT BOUNDARY CHANGE
(ANNEXATION)**

The Department is in receipt of the Initial Study/Mitigated Negative Declaration for the Garberville Sanitary District Boundary Change (Annexation) dated 03/08/2012. The Department offers the following comments:

- 1. IMPACTS TO ROADS:** Construction and maintenance of utility infrastructure facilities within public right of ways owned by the County is subject to the following:
 - All work within the County right of way must be done under an encroachment permit. (County Code 411-11)
 - Future road improvements constructed by the Department may require the relocation of your facilities at your expense. Consideration of future County projects into the design of your projects can minimize the need to relocate facilities in the future. (County Code 411-11(h))
 - Long range plans for the installation or replacement of your facilities under paved roads must be coordinated with the Department. Our goal is to plan for utility work to occur *prior* to road overlay projects. Good communication and planning on behalf of the County and the Garberville Sanitary District can ensure that newly paved roads aren't trenched through.
- 2. IMPACTS TO AIRPORTS:** The proposed expansion areas are located near the Garberville Airport, a County maintained airport. These areas fall within the land use compatibility plan zones for the airport. Of particular concern is the land on top of the hill north of the runway which is specifically addressed in Section 2500 (5) of the Garberville / Redway/ Benbow/ Alderpoint Community Plan adopted by the Board of Supervisors on 06/30/1987:

03/26/2012

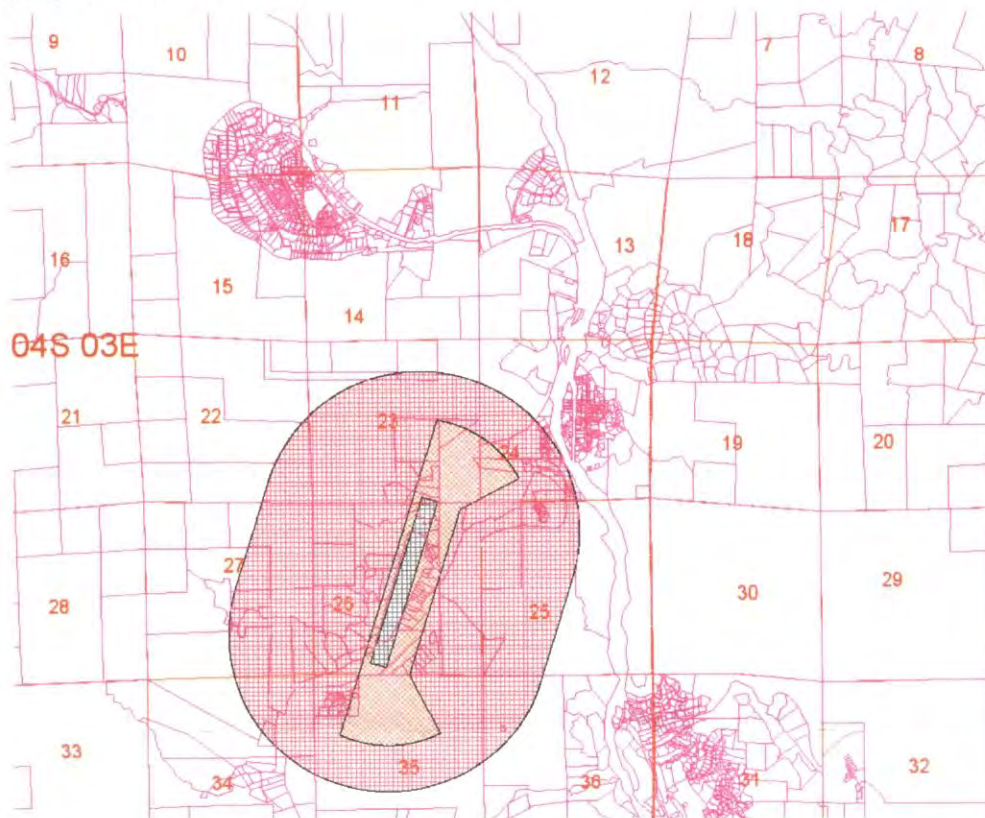
Mark Bryant

RE: Garberville Sanitary District Boundary Change (Annexation)

Page 2

5. New residential development on the flat north of Connick Creek shall be clustered in such a manner as to leave the areas under the clear and approach zones and flight track free of new residential structures. New residential development proposed for the Mitchell Ranch/Kimtu Meadows area shall be designated in such a manner as to minimize building sites under the flight track and approach zone, and leave free the area under the clear zone.

Development near the airport areas is subject to the Airport Land Use Compatibility Plan and the Airport Master Plan. The airport land use compatibility zones for the Garberville Airport have been created as a layer in the County's geographic information system (GIS). This mapping is available to the public through the County's website: <http://gis.co.humboldt.ca.us/>



Above: County GIS image showing the relationship between the Garberville Airport and the surrounding parcels

3. **FUTURE GROWTH:** Providing water and/or sewer services to new areas may encourage future subdivisions of parcels. Owners of properties in the expansion areas should be advised that substantial off-site improvements to the roadway system may be necessary to accommodate build-out of the community. (County Code Section 324-1 and 3111-1 et seq. Humboldt County General Plan, Volume I, Framework, Sections 4231 (8) (d) and 4237 (9))

03/26/2012

Mark Bryant

RE: Garberville Sanitary District Boundary Change (Annexation)

Page 3

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



March 28, 2012

Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA. 95542

RE: Garberville Sanitary District Boundary Change (Annexation)

Dear Directors:

Please see and review my letters of May 30, 2010, September 27, 2011 and January 23, 2012 which are attached.

The proposed annexation, as well as the sphere of influence (SOI), are greatly beyond all proportion to the projected growth needs of the community, thousands of acres where less than a hundred are needed. (See the third paragraph on page 2 of the Initial Study/Mitigated Negative Declaration). This fact never seemed to enter into consideration during hearings conducted by Garberville Sanitary District. (See the fourth paragraph of my January 23, 2012 letter to Garberville Sanitary District). Further, early configurations, which would have resulted in a much smaller SOI and excluded prime agricultural lands, while retaining a contiguous boundary, were discarded without explanation and are not considered as alternatives in the environmental document.

I think it is important to be clear about historic, out of district water use which seems to have evolved in a rather haphazard manner under the old Garberville Water Company. This certainly applies to the Connick Creek situation but also to properties along Sprowel Creek Road. The former Tooby Ranch lands, between the freeway and Sprowel Creek Road which encompassed nearly 600 acres had a single residential service, through a meter located distant from the property. That service provided water to the yellow house at the corner of Sprowel Creek Road and through extension to the ranch headquarters. The property was a working cattle ranch at the time and arguably this service was for residences associated with the agricultural use. It could also have been a public health issue because of the unreliability or water quality from the Ranch spring. Shortly after SHCP acquired the property they increased the size of the storage tank associated with this spring, while DF&G has limited withdrawal to about 6 months per year. (As a historic note, the Hurlbutt family, which owned the water company, was for many years a primary lessor of the ranch.)

Following purchase of the Tooby Ranch by Buck Mountain LLC, Stephen Dazey and, through intermediaries, the Southern Humboldt Community Park (SHCP), there were various lot line adjustments which divided the ownership of the 600 acres described above. Water service has continued, intermittently because of often broken pipes, to the ranch headquarters. During their ownership the Southern Humboldt Community Park has extended pipelines to other parts of the property. These pipelines were not in place at the time the Garberville Sanitary District acquired the Hurlbutt water company. These include a 1" poly line laid on the surface to a not permitted cabin near the southwest corner of the property. There is also a 1.5 inch buried PVC pipeline which Stephen Dazey installed to the area of the not permitted concerts which occurred about 2008. Because the pipeline from the yellow house is often (and currently) broken, the SHCP has continued to use surface water from their spring and tank on the Goldeen property.

The proposed annexation contains very substantial prime agricultural lands at the Southern Humboldt Community Park and some on the Dazey property. These lands may represent 1/4 to 1/3 of all remaining prime agricultural land within the Humboldt County portion of the South Fork Eel watershed. In any case there are at least 100 acres of open fields and additional prime soils which are forested. While there is a need to continue service to the ranch headquarters (caretaker and one additional home), there is no need for potable water on the prime agricultural lands. The SHCP has a large irrigation well for agricultural purposes. Even if one leapfrogs the County planning process and assumes that some active recreational uses will be permitted, those uses, and water service for those uses could be located on lands not suitable for agriculture.

The County General Plan favors development within Community Planning Areas and more so within areas served by water. I do not see how environmental review of this project can ignore that these prime agricultural lands are much more developable if included within the service district. This is a significant environmental impact. In fact, the Southern Humboldt Community Park is already proposing multi-unit housing projects and other non-agricultural uses. (See page 7 & 8 of the Initial Study/Mitigated Negative Declaration). It appears to me that the Community Park's own General Plan Amendment and environmental review are stalled while waiting for the outcome of the Garberville Sanitary District SOI and annexation.

LAFCO rules allow for out of district service for issues of public health, exactly what may happen with Connick Creek. The caretaker and additional dwelling at SHCP, the former ranch headquarters are receiving water intermittently, more often than not, from an untreated surface water spring. Garberville Sanitary District could continue to serve SHCP as an out of district residential service in the interest of public health. It would therefore be unnecessary to include any of the prime farmlands located on parcels 222-091-014 and within the district boundary and avoid the serious environmental impact of this inclusion. If, after the Community Park's GPA application is completed through the County, GSD can apply to LAFCO for an additional boundary change if additional service is needed.

Thank you.


John LaBoyteaux

cc LAFCO

January 23, 2012

Board of Directors
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA. 95542

Dear Directors,

I have read your draft Municipal Service Review and Sphere of Influence Update dated December 2011 and conveyed to LAFCO with a cover letter from your general manager dated January 17, 2012. Page 26 of this document concludes that, "on November 28, 2011, the GSD Board of Directors unanimously agreed to recommend the proposed SOI shown in Figure 6 to LAFCO".

Under AGENCY PROFILE on page 5, paragraph 2 of the draft MSR/SOI there appears to be a rather large error in the description of the current District boundary stating the District extends from Benbow State Recreation Area to the northern boundary at Bluff Creek. The green line in Figure 1 appears correct but the boundary extends little beyond the urbanized area of Garberville, certainly nowhere near Benbow SRA.

In further review of the document it appears that on November 28 you recommended changes to your SOI which removed certain unbuildable lands near the airport while simultaneously including additional build-able lands. It appears that although the total acreage of the SOI may be the same or less, there is still a net increase in potential build out within the SOI, thus I am doubtful this action could support a negative declaration.

Further, during the meeting on November 28, I did not hear any discussion regarding the projected five year growth expected in Garberville in relation to the size of the existing or proposed SOI. Nor do I see this addressed in this draft SOI report. On the contrary I heard comments to effect of making the SOI as large as possible so that it would not have to be revisited. I tried to point out that this is not the purpose of the SOI and that the law requires it be reviewed at five year intervals.

It is possible, even probable, that growth expected in Garberville in the next five years could be accommodated within a very much smaller SOI. Long, narrow extensions to include Kimtu and Connick Creek are possible but those alternatives appear to have disappeared from the discussions. I realize that the SOI must have a contiguous boundary; however, even an Octopus, a donut, or the letter "U" have a contiguous boundary.

Additionally, although you removed certain unbuildable lands from your SOI, you continued to include prime agricultural lands at the Southern Humboldt Community Park and on Mr. Dazey's property. This would seem not consistent with the purposes of the Cortese-Knox-Hertzberg Act. Although continued service to the Southern Humboldt Community Park will require a new meter connection, which is a separate question, there would still be no need to include the entire Park property in the SOI. There is no need of potable water service on the prime agricultural lands unless the Park intends to convert those lands to non-agricultural uses. This would be another

major environmental impact which has not yet been approved or even reviewed through the County planning process.

I would like to ask you to reconsider your entire SOI process with an eye to a much smaller sphere which accommodates realistic growth projections for the Garberville community and excludes prime agricultural lands. As I tried to stress to your Board on November 28th, in a region of the County that has very little arable land, certain lands within your current SOI represent the local food capability of 100 acres of prime farmland.

Thank you.

A handwritten signature in cursive script that reads "John LaBoyteaux". The signature is written in black ink and is positioned above the printed name.

John LaBoyteaux

Board of Directors
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA. 95542

11/17/2011

Dear Directors:

This letter summarizes suggestions I made at yesterday's LAFCO meeting concerning your SOI. This varies somewhat from the suggestions of my 9/27/2011 letter.

The Community Park is composed of large parcels of open space and prime agricultural lands. These lands are best excluded from the Sphere of Influence because the sphere really indicates where you intend and plan for growth to occur. Still the Park needs potable water both for the ranch dwellings and at dispersed locations on other parts of the property.

My suggestion is that rather than serve the Park directly, the district might serve the Park's storage tank which is located on the Goldeen property. It seems clear that at least some of the Goldeen property will be within the district boundary in order to serve the yellow house and include the new treatment plant. A narrow extension to the tank could also be included.

All pipelines flowing out of the Park's tank are property of the Community Park. (As well as rights to the Spring near the tank.) I think this has several advantages for the Community Park.

1. This avoids the need of a district "island" around the ranch buildings, with the conundrum of water use outside that island the how long is your garden hose issue.
2. The Park would be able to utilize their existing pipelines as well as extend potable water to other areas of their property.
3. The storage capacity of the tank allows for short periods of heavy use without enlarging the service.
4. It would be desirable for potable water at the Tooby Memorial Park to be provided from the Park's system and tank. The Tooby Memorial Park is part of the larger park parcel. An upgraded pipeline could be installed across Sprowel Creek Road before repaving in June.
5. This would avoid the need of the Community Park paying two new connection fees and two water bills.
6. The Community Park would not need to be within the sphere or district.
7. The Tooby Memorial Park would thereby also not need to be within the sphere or district.

I'm not an expert on LAFCO law but it sounded from the discussion yesterday that this arrangement outlined above might be possible.

Thank you.

John LaBoyteaux

From: John LaBoyteaux <helenthemelon@earthlink.net>
Subject: **Sphere of Influence**
Date: September 27, 2011 11:30:24 AM PDT
To: Garberville Sanitary District



September 27, 2011

Dear Board Members,

In my former role with the Farm Bureau, I addressed LAFCO several times concerning the spheres of influence of various incorporated and unincorporated towns in Humboldt County. As I told the commission last week, I made a substantial donation to the Community Park and have followed the project for over ten years.

"Sphere of Influence" is a specific, focused area where local jurisdiction intends and plans for growth to occur. The Sphere should be updated, or at least revisited, at five year intervals in order to remain current with the growth needs of the community. As such, the Sphere is often considered a pre-cursor to development and planning of services.

The purpose of a "Sphere of Influence" is equally to avoid the haphazard and premature development of open space and resource lands. Thirty or more years ago, cities and towns in Humboldt County established very large spheres, sometimes 2-3 times larger than the town itself which often included large areas of productive farmland. As land use planning and law have evolved, the County and LAFCO have worked to pull in these large spheres, focus growth in areas which can be economically serviced and minimize the conversion of resource lands.

I ask that you pull in the GSD Sphere of Influence. I would suggest that the Sphere, and the District Boundary, would be contiguous. They would include Leino Lane and Sprowel Creek Road down to your water intake but stop short of the Tooby Memorial Park. Lands of the former Tooby ownership, the Yellow House, the current Goldeen Property and the Community Park would remain outside the boundary and would continue as permitted out of District service connections. Unfortunately, places like the Kimtu and Connick Creek subdivisions are sort of classic examples of the type of leap-frog development which LAFCO was intended to prevent. Still they are now there and you have to serve them but they should also remain out of District and out of Sphere service.

The Tooby Flat or Community Park, with various lot line adjustments, now includes 430 acres of open space lands. Of this figure, approximately 100 acres, the open fields, are prime farmland. These soils are not identical to Ferndale or Shively but with proper management they are all very fertile and productive lands with a long agricultural history. As the "Woods Farm", preceding the sheep and cattle ranching era, these lands probably provided much of the food for the emerging towns of Garberville and Redway. These lands comprise about 100 acres of only a few hundred acres of prime farmland in the South Fork Eel Watershed and could continue to produce local food for another 100 or more years into the future.

The only reasonably scaled recreation which by necessity must result in a conversion of agricultural

lands is the proposal to create ball fields. I believe our community needs a couple of additional ball fields and play areas. In keeping with our rural character, we do not need the Olympic Village. There are multiple locations on non productive areas of the property, where reasonably scaled public assembly can occur without converting or restricting agricultural use of the prime farmland. I believe the District has my suggested map.

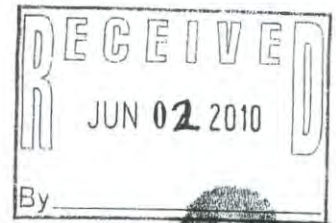
Please keep in mind that Southern Humboldt currently has five (5) permitted sites for large scale public assembly entertainment and all of these sites have direct access off the freeway. We also DO NOT have an in town festival like, Wildwood Days in Rio Dell, the Apple Harvest Festival in Fortuna, Annie & Mary Days in Blue Lake or the Coos Bay Jazz Festival, all of which have done so much for those communities.

Lastly regarding the placement of the much needed new treatment plant although you have already spent, according to Mark, about \$35,000 on the Goldeen site, I ask that you give renewed and serious consideration to the CR location. I think we all know that the storage tank belongs at the highest point in the system while the treatment plant can operate somewhere in between. Viewed in that context I believe the technical considerations for either site are about equal. If you wished to place the treatment plant at the CR site, the cooperation of the Southern Humboldt School District seems likely. In my view, the opportunity to provide a greater public benefit to the people of Garberville, through financial support by lease or trade of the CR Garberville campus should out-weigh the private benefit to Mr. Goldeen, of placing the plant on his property.

Thank you for your consideration.

John LaBoyteaux

A handwritten signature in cursive script that reads "John LaBoyteaux". The signature is written in dark ink and is positioned below the printed name.



From: John LaBoyteaux <helenthemelon@earthlink.net>
Subject: **Surface Water Treatment Plant, Negative Declaration**
Date: June 1, 2010 6:27:38 AM PDT
To: Garberville Sanitary District

May, 30, 2010

Mark Bryant, General Manager
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA. 95542

RE: Surface Water Treatment Plant (SWTP), Negative Declaration

Dear Mark:

I need to ask the district to please reconsider the negative declaration for the new SWTP.

It is not only the much needed upgrade and increased capacity of the SWTP which is growth inducing. Rather it is the complete relocation of the plant and associated new pipelines which have additional growth inducing impacts.

It is not clear to me how the Goldeen property -- the yellow house, and the ranch dwellings at the Southern Humboldt Community Park are currently served. Is there a distribution pipeline off the end of Riverview Lane, through the former school district property or under the freeway? In any case, my understanding is that this service is of limited capacity, previously only serving the yellow house. Service to the ranch dwellings at the Southern Humboldt Community Park only began in the last few years because I know they were previously using spring water from their tank on the Goldeen property. As mentioned in my previous letter, I understand there may be some temporary hook-up to this tank. The SWTP and associated new pipelines would allow much more water to be delivered to these properties.

Growth inducing effects of the SWTP project appear to impact the Goldeen property, the Southern Humboldt Community Park and the Dazey property and other parcels between town and the new SWTP may also be involved.

1. (Goldeen) GSD has discussed the possibility of trading three hook-ups to the McKee-Goldeen group in exchange for a long term lease of the SWTP site. The three hook-ups are probably based on the current zoning of the property, however zoning may not be a sufficient deterrent to additional development. The property may be able to accommodate a greater number of units and with additional water available a rezone could be possible. Mr. Goldeen is an experienced hillside condominium developer. Well sited and well designed development on this property might not be a bad thing, but it would certainly be growth made possible by the SWTP and associated new pipelines.

2. Southern Humboldt Community Park has expansive development plans as described in the download from their website attached to this letter. The area planned for development, and for which they have applied for a General Plan Amendment and Rezone, adjoins Tooby Ranch Road (or Tooby Park Road) immediately adjacent to the new SWTP and associated new pipelines. Katherine Lobato, executive director of the Southern Humboldt Community Park has told LACO engineering the Park intends to develop it's own stand alone water supply and water treatment. This is highly unrealistic and not credible because:

1. The planned development is extensive and open ended including multi-unit housing. (See pages one and three of the attached download from the Park website). A description of the athletic complex alone, circulated locally, includes four ball fields, a clubhouse, olympic swimming pool and indoor sports pavilion.

2. The area planned for this development is literally right across the road from the new SWTP, on prime farmland and extending along the base of the hills to the Dazey property.

3. The Park is already receiving service from GSD to the ranch dwellings, and perhaps to their storage tank.

4. The Park is seriously in debt and views multi-unit housing development as the financial solution. Logically they will look to GSD for water service before going to the additional major expense of building their own treatment plant.

The Southern Humboldt Community Park's expansive planned development could be made possible by the new SWTP and pipelines along Tooby Ranch/Park Road.

3. (Dazey) Tooby Ranch/Park Road besides connecting through to Alderpoint Road, also continues around the flat to the Dazey property where it joins Kimtu Road. A pipeline along this road is not improbable. It should be kept in mind that Mr. Dazey has a very close personal relationship with the Park and I believe he is still the Park manager. He acquired his 70 acres in a very confusing "trade" with the Park for lesser valued property. A pipeline across the park to serve Mr. Dazey's property is certainly possible.

Please see the attached 8/26/2008 letter from Stephen Dazey to the County Planning Department in which he describes his subdivision plans and states the GSD expects to connect his property as part of the Kimtu water extension. Growth inducement on this property could occur as part of the Kimtu project or as part of the SWTP project.

These growth inducing impacts of the new SWTP and associated pipelines might be mitigated by a restrictive easement on the SWTP itself and pipelines along Tooby Ranch/Park Road, similar to the possible easement on the Kimtu extension.

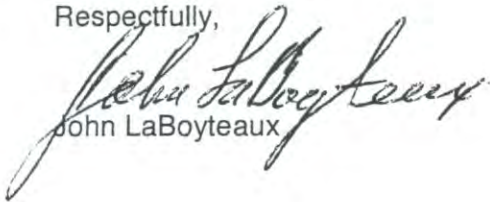
Additionally the Kimtu extension and the SWTP are not functionally separate. Based upon my 5/28 phone conversation with Mark Bryant, both projects are dependent on an important common element, the eight inch pipeline along that portion of Sprowel Creek Road from the intersection of Tooby Ranch/Park Road into town. The separation of these projects for CEQA review appears to "piecemeal" the projects

thus understating the combined growth inducing impacts.

Further, funding of the Kimtu extension by Department of Health Services provides a substantial financial advantage to GSD through construction of the common eight inch pipeline described above. This section of the pipeline may be proportionally more expensive because of elevation change, side hill construction and addition of a walking/biking path to the downhill side of Sprowel Creek Road. GSD would otherwise have to find additional funding for this section.

Please reconsider the negative declaration for the SWTP project.

Respectfully,


John LaBoyteaux

- Support continued operation of long-established, locally owned gravel operation providing valuable resources for the community
- **Housing**
 - Support development that may include, but is not necessarily limited to, intergenerational housing and eldercare to help to meet community needs
 - Create opportunities for clustered, residential housing on a few roadside acres minimizing development impacts
 - Design ecological human habitats that encourage food production systems and maintain agriculturally productive areas within housing areas
 - Utilize holistic, integrated systems analysis and design methodologies
 - Incorporate agricultural and recreational amenities into the development design
 - Minimize impact of development on park viewshed
 - Use careful, ecologically sound development to enable the park to create an endowment that supports park operations in perpetuity.



PO Box 185
Garberville, CA 95542
707-923-2287

8/26/2008

Tom Hoffweber
Senior Planner
County of Humboldt
Community Development Services Planning Division

Dear Tom,

I'm writing you this letter because you have the most detailed and comprehensive understanding of parcels and community needs of Southern Humboldt of all the employees of the planning division.

Before, during, and since the 1987 General Plan was adopted, Southern Humboldt has suffered a severe housing and rental shortage which has contributed greatly to the divisions of larger agricultural and forest lands *far* from towns for residential purposes (reference the current Tooby Ranch lawsuit and TPZ controversies.)

You're undoubtedly aware of the lot line adjustment the Southern Humboldt Community Park is undertaking. The approximately 580 acres to which they took title is zoned AE 5-20 in the 1987 General Plan. This plan allowed for homesites (one per 20 acres), but preferred that homesites to be clustered, (see attached)

The birth of the Southern Humboldt Community Park, of which I am the creator, will preserve the open space, environmental and agricultural values of the Tooby flat. It will also provide some relief for the housing needs of the community; this is why the Park has proposed a few acres be rezoned for multifamily housing. The Park Board hopes this would provide an endowment income in perpetuity for the Park.

At the completion of the Park's lot line adjustment, I will take title to parcel A. I am proposing that it be rezoned residential estates 2.5-5 acres in the proposed Plan B option, and residential estates 1.5 acres in option C.

This zoning conforms to the zoning to the immediate south and west of Parcel A

With 25+ acres of flat ground it is highly developable.

Its well developed oak, madrone and fir forest is unlikely be converted to intensive agriculture uses, (see map)

It would cluster housing units adjacent to the open space of the Park.

It is less than two miles from town on a lightly travelled road leading to only 25 homes in the area called "Kimtu" (see my attached traffic study that counted 210 car trips in a 24 hour period) In my view this qualifies for an infill designation, especially given that Garberville is "built out"

The necessary infrastructure is present or available: Two different phone lines, neither at capacity, traverse through the property along Camp Kimtu road, as does fiber optic (Wave Broadband) and PG&E. The Garberville Sanitary District/GSD expects to connect the Kimtu residents to a new water line and the District expects to connect this parcel in the process. (They are aware of this application for rezoning.)

You may also be aware that the water company is committed to build a new water treatment plant about one mile away from this parcel that would facilitate water service to Parcel A and the Kimtu Subdivision. They also hope to tap into the Park's new well and 4" line to supplement their capacities, especially during emergencies.

I hired Kevin Caldwell to make a more professional application, a copy of which is attached. Please give this letter and Kevin's analysis your consideration and input, and pass it along to other planners as necessary.

Thank you so much for your time,

7^A

Stephen Dazey
Cell: 707 223-3603
Fax: 707 923-3008



North Coast Regional Water Quality Control Board

April 10, 2012



Mr. Mark Bryant, General Manager
Garberville Sanitary District
919 Redwood Drive
P.O. Box 211
Garberville, CA 95542

Dear Mr. Bryant:

Subject: Comments on the Initial Study/Mitigated Negative Declaration for the Garberville Sanitary District Boundary Change (Annexation) Project, SCH No. 2012032025

Thank you for the opportunity to comment on the Garberville Sanitary District Boundary Change (Annexation) Project (project) located in the community of Garberville in the southern portion of Humboldt County. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of those waters.

The proposed project consists of modifying the existing Garberville district boundary and sphere of influence to include all areas currently served by the water system.

We have the following comments:

The project description states that no new wells are proposed, but that the use of groundwater may be necessary in the future if there is demand for it. If the project results in increased ground water extraction in the future, the extraction should 1) conform with applicable Division of Water Rights requirements; and 2) be conducted in a manner which does not adversely alter ground water availability for nearby uses or decrease in-stream flows in nearby surface waters.

The proposed project does not include any specific construction or development plans at this time; and the Regional Water Board requests an opportunity to review any individual specific proposed development projects as they become available.

If you have any questions or comments, please contact me at (707) 570-3761 or mdougherty@waterboards.ca.gov.

Sincerely,

[Handwritten signature of Mona Dougherty]

Mona Dougherty
Senior Water Resources Control Engineer

cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812
Re: SCH No. 2012032025

3/26/12

Members of the Board, Garberville Services District

Re: A major defect in your pending Annexation document

Dear Sirs and Ladies.

Once again I have to register a complaint. The GSD made a promise to me to restore a pre-existing water connection to the 'yellow house' I own, yet I just found out that the GSD is about to renege on that promise and give my water away without my permission. Despite a written commitment from Mark Bryant (copy attached), it seems the GSD is about to give my pre-existing water supply to my good friends and neighbors at the Southern Humboldt Community Park (the Park) and not back to me. This ought to be impossible and possibly illegal, and I hereby ask that it does not happen.

Most of the parties know the history. My property has a house and it previously had a GSD meter and water supply. 'My' water was shut off by the GSD several years ago when a large leak was noticed and it could not be fixed. There was a mutual understanding the old connection would be fully restored after the leaking pipe was repaired, and or a new water line in Sprowl Creek Road was installed. My tenant and 'I' went along with this despite some real hardship. My property has had to live with trucked-in water while I/we have waited patiently and in good faith for a new water line, connection, and service.

Many of the parties just went through a long and tiresome public hearing in November which included this matter. It was my understanding that it was formally decided my property would be totally within the District and would be getting back its pre-existing water connection a.s.a.p. I have been relying on this, and as I've said above, I have a written confirmation from the district Director.

I recently became aware that while I have been out of town and out of the local political loop, some sort of deal has been made wherein my water reconnection is now proposed for diversion to the Park, and somehow is all of sudden being shown in your documents as an 'existing' Park connection. I think this is illegal, morally wrong, totally inaccurate, a mistake, and should not be included in your pending Annexation consideration as shown. If I understand things correctly, this does not reflect the promise made to me, the formal public voting, and does not align with the spirit of the recorded easement agreement we have (see item 12.B which discusses the replacement of the pre-existing meter to my yellow house). I want 'my' old water connection back as soon as possible, and I obviously don't want to see it given to others.

Needless to say I find this situation alarming and a big disappointment. If not corrected before your pending vote is taken, I will be forced to protect my legal rights. I don't like to say such things, and want to continue to work with the GSD and my friends at the Park to achieve a fair and reasonable resolution, but not through any back room deals not at my expense.

Cordially,

Sanford Goldeen

<jshort@garbervillesd.org>

From: Sanford Goldeen <sanfordgo@comcast.net>
To: 'Jennie Short' <jshort@garbervillesd.org>
Date: Mar 27 '12 11:28am
Subject: FW: Water allocation and Annexation

Please attach this copy to my recent letter. Thank you.

From: Mark Bryant [mailto:mbryant@garbervillesd.org]
Sent: Wednesday, January 25, 2012 10:08 AM
To: 'Sanford Goldeen'
Subject: RE: Water allocation and Annexation

Sanford, Just want to assure you that GSD is committed to continuing your current water service.

Respectfully,

Mark Bryant GSD

Garberville Sanitary District

From: Sanford Goldeen [mailto:sanfordgo@comcast.net]
Sent: Wednesday, January 25, 2012 9:26 AM
To: 'Jennie Short'; 'Mark Bryant'
Subject: RE: Water allocation and Annexation

Good Morning to you. If I understand things, I will get my water back for the yellow house. If true, this is amazing, wonderful news, a big surprise, and something I want to thank you both for very much. Your process is mind boggling. Take care and best wishes. PS. Hope my letter did not hurt any feelings. Sanford

From: Jennie Short [mailto:jshort@garbervillesd.org]
Sent: Wednesday, January 25, 2012 8:28 AM
To: Sanford Goldeen; 'Mark Bryant'
Subject: Re: Water allocation and Annexation

Good Morning Sanford,

Thanks for providing input on the Draft Annexation Application. We presented your email to the Board during last night's meeting. They took action to move forward with the application as presented. That means that the following steps will begin:

1. Our consultant (SHN) will begin the CEQA document for the proposed application.
2. Once the CEQA Initial Study is completed, it will be circulated
3. The Board will hold a public hearing for the Initial Study's findings
4. Then the Board will consider adopting the Resolution of Application for the annexation which will include conditions of service. Note that the condition that will be placed on your parcel, just like all the others that have a single family residence on them, is that the connection is only for that one residence. The future three connections will be authorized once the planning processes for the development is complete.
5. The annexation application will be submitted to LAFCo for processing.

We will continue to keep you updated as the process progresses.

Thanks, Jennie

Garberville Sanitary District

-----Original Message-----

From: Sanford Goldeen

To: 'Mark Bryant'

Cc: 'Jennie Short' , 'Sanford Goldeen'

Subject: Water allocation and Annexation

Sent: Jan 24 '12 1:28pm

1/24/12

Dear Sirs and Ladies, and members of the GSD Board of Directors.

Once again I must write and plead with you. This time it seems I am at risk of losing my water supply and the meter to my existing yellow house via some Annexation dilemma.

As you know, I own the 80 acres of land adjacent to the Southern Humboldt Community Park (and adjacent to the site I provided the GSD for your new water treatment plant). As you know, my property has an old residential home on it (the yellow house), which was

previously connected to and receiving water from the GSD and its predecessors. I never voluntarily gave up my pre-existing residential water connection, and have been relying on deeds and promises from the GSD and others, direct and indirect, that my meter was safe and my water supply from the GSD would be restored soon.

It is my understanding that your uphill main supply tank, and or the line from that tank to my property, failed a few years ago and was shut down by the GSD until such time as a new tank or line could be built. Now I find that the process of upgrading water facilities in the area is heading in the direction of possibly not restoring the line and water from the GSD facilities to my existing home. I hope this is not true, but with me living out of town, and with other bad experiences I have had, I suspect I am being maneuvered into a position of being left off the Annexation plan for future water service and meter(s), etc. to my property. I am sorry to bother you with my concerns, somewhat embarrassed to bring them up, not sure if I am being appropriate, but forced by circumstance to try and protect my rights.

I feel I need to review and remind you of some facts.

From my point of view, the GSD owes water to my yellow house based on past history and promises, direct and indirect. Additionally, the GSD is supposed to be using their best efforts to support the establishment of water to my property for up to 4 new homes based on an easement agreement we both signed. (I am reluctant to remind us all that the GSD and the whole town would not have a site or a pending new water treatment plant if it were not for me. This should count for something big, but it seems almost forgotten.)

It is my understanding the GSD owes me and my property a high level of support. To me, this means in part once again providing the water to my yellow house (as contemplated and mentioned in our easement agreement if nothing else). No excuses. It seems to me that if the GSD Board should by some fluke of process deny my property (yellow house) the water it previously had, then the GSD could face a serious breach of contract and bad faith claim.

At the end of the day, it seems to me LAFCO is not very sensitive to the history and math of our unique situation, and more work needs to be done to get their help and support in this situation. Common sense needs to prevail. I want us all to fully support the SHC Park and appropriate neighbors in their efforts to get water from the GSD, but "not" at the

expense of my property and investment. I see no reason except a lack of will to why a way cannot be found to "grand-father in" the former arrangement that severed us all so well for so many years, and or establish some sort of shared-water use agreement (even if just temporary).

I am a small land owner, and cannot afford lawyers and EIR's and the like. I am not a big entity or group that can effectively lobby so I don't. I have an up-hill property with many geologic constraints and even drilling for wells is not so easy or assured of success. All I can do is present this humble review, and hope that at your pending GSD Annexation meeting and in the future, the members of the GSD will remember who has a history of being supplied GSD water, who has an existing residential tenant who needs her water back, who has a binding and recorded agreement with the GSD, and who is going to be your very close neighbor and working partner in the future.

Thank you for your consideration and support.

Sanford Goldeen, Property owner.



Board of Directors
Garberville Sanitary District
P.O. Box 211
Garberville, CA 95542

April 8, 2011,

Re: Comments on GSD's Mitigated Negative Declaration

By now, you have received our response to the letter our organization received from Herb Schwartz, Board Chair, GSD dated March 28th, 2012. Since your letter indicates that GSD may decide to make significant changes to the annexation boundaries which would remove the historically served Community Park and River Ranch property from you annexation, we will respond to both the written Mitigated Negative Declaration and the updated information contained in your letter.

First and foremost, the Community Park and River Ranch homes must remain within your SOI and the District's annexation. This is the single most important point that we would like to make in this process. It is of the utmost importance. When you sought public input, the community members filled your room and spoke clearly on this point. The community wants to see fresh, healthy water available at the Community Park. Please do not send a non-profit, public benefit organization down another costly, time-consuming, bureaucratic sink-hole of a process that drains our community of precious and hard-to-come-by resources. We urge you; please provide fresh water to our Park and our homes.

In the Mitigated Negative Declaration document you state:

Project description states: " Water service has been provided outside the District's boundaries because the GSD was *contractually obligated* to continue to provide these services based upon the historical service by the GWC."

Water Services Outside Existing Boundary, page 4 states:

"The District has continued service to all existing and historic customers, even if they are outside the GSD boundary."

The Community Park fully supports the concept that GSD continue service to all existing and historic customers including the Community Park. We sincerely hope that you plan to implement this policy as stated. Your letter dated March 28th, 2012 indicates that you are considering removing our historically served homes from district and we find that scenario at odds with your statement above and unacceptable.

Please work with us to keep our Park, our homes and our property within your water service area.

We appeal to the GSD board to make a plan now to provide drinking water to the Community Park for the day users that will go into effect when the Community Park fulfills all the requirements to rezone the property to allow a variety of community uses.

In addition, we request that you consider the long historic use of Tooby Park as a public area for children and families and the critical need for public access to the safe clean drinking water that will be flowing in pipes right past the park.

At your November SOI meeting in November 2011, more than 30 community members attended and expressed clearly the need for treated drinking water at the Park. Both the SOI committee and GSD board voted unanimously to include the entire Park at that meeting.

During our participation in your SOI process, various individuals and GSD staff members have made suggestions that the Park could provide its own water for the public from sources other than the GSD. However, this is not an option. The County and State Health Department officials would require that the Park have its own water company in order to provide drinking water to the public. This company would be subject to rigorous restrictions, testing, and State reporting to ensure that the water is safe. We are in the business of creating a Community Park and GSD is in the business of providing safe drinking water to the public. It would be an unnecessary duplication of effort in a small community as this to require a Community Park to operate a water company when the GSD facility will be located adjacent to our property.

Legal Parcels vs. Assessor Parcel Numbers:

Attached maps and Figures seem to confuse legal parcels with assessor parcel numbers (APN). APN's are parcel identification numbers that are used for tax purposes and are meant as a means of creating a valuation of the property for tax purposes. The Community Park owns two legal parcels. One contains the gravel operation and the other is our Park. These two legal parcels have four tax assessor numbers. Our two legal parcels have deeds and survey maps which accurately identifies our property. Only one parcel, the Park, is under consideration for water service.

Figure 3: Water Services Outside Existing Boundary Served by Water,

This map has technical errors. Figure 3 shows, in blue diagonal lines, the parcels served by district outside of boundary in 2004. The property line drawn in Figure 3 is accurate for the Community Park but incorrect for the Goldeen property. In 2004, previous to a lotline adjustment, these two properties was one parcel that was historically served parcel since the 1960's.

In 2004, this one parcel, and all the three homes on that property, were served. Your map is in error to show the Goldeen property as not historically served.

Figure 8: Development Potential of Parcels Currently Not Served

This map has also technical errors as it is showing a portion a legal parcel on Community Park property as having service. The entire Community Park parcel has been "served" since the lotline adjustment in March 2009. The "Yellow house" on the Goldeen property is incorrectly shown as not having service. This home has been undeniably been served since the 1960's. This map does not accurately reflect the actual services that have been provided to these homes over the years.

Southern Humboldt Community Park:

The lotline adjustment was completed in March 2009 and new parcel boundaries were officially adopted. The fact that GSD has received payment for water service from both parties over time would indicate an obligation to serve the area and the homes that have been historically served.

While the Humboldt County Assessor's office has given the Community Park four APN's, the park holds deed and title to only TWO parcels. The one parcel under discussion includes both APN 222-241-009

and APN 222-091-014. Splitting them by APN and serving a portion of a legal parcel is highly irregular and problematic. These APN's do not constitute legal parcels.

In addition, the metered water service line connects into a hub that serves areas well beyond these residential units. Over the years, that service has extended throughout what is now the Community Park property that includes both APN 222-241-009 and APN 222-091-014. Lines have been repaired, replaced and added over the years as is typical for an old ranch which is what preceded the Park. In our many conversations with GSD General Manager Mark Bryant, we have been told that this entire parcel and our homes are considered as "served" by the District.

River Ranch Homes

The parcel that is now River Ranch Homes (owner Sanford Goldeen) was a part of the APN222-091-006 and was historically - beyond a doubt - served. Your map indicates states that River Ranch Estates is a "Parcel with contract for future service" and does not indicate that this property and the yellow house on the property were historically served since the 1960's and should continue to be served.

"As part of the easement agreement between GSD and the River Ranch Homes property, GSD will provide 3, three-quarter inch water meters when the property owner obtains development approval from Humboldt County. GSD also agreed to replace the meter for the existing Yellow House when requested by Grantor (GSD, 2010). This meter would be connected to the Kimtu transmission line. The scope of future development is unknown at this time." [Page 5.]

GSD should honor agreements made with the property owner and provide a replacement meter as stated above.

Inactive parcel

The River Ranch parcel is not inactive as stated in the final sentence on page 8. The story is more complicated than this simple and incorrect statement. The Park and River Ranch Homes have both worked with GSD to resolve the issue of the leaking water line. When we asked GSD to help us rectify this situation, we were told that we should wait until the system upgrades occurred. Repairs of the old system were somewhat of an issue since; the old meter was more than ¼ mile away from our properties. We were told that GSD was planning to upgrade and move its water treatment plant and that GSD planned to abandon the line that serves our meter and that it made no sense to go to the expense of repairing it if we could make do in the meantime. This meant to us that we would be getting our water back soon, but from a new line. This is not an inactive line, but a situation in which we have a mutual problem that we need to solve together. We were working with GSD on a future solution to this problem and decided, in consultation with GSD, to leave the line turned off temporarily. When asked directly, we were told on several occasions by General Manager, Mark Bryant that not using the leaking line would not jeopardize our future service in anyway.

Recent Communications

In addition, in GSD's letter dated March 28, 2012 sent to the Community Park, River Ranch Homes and Buck Mountain Ranch and signed by chair person Herb Schwartz, represents a complete reversal of GSD's stand on several issues after years of communications with us as rate payers to the contrary. Your sudden insistence that the water line be repaired to "the district's satisfaction" comes to us from out of left-field. And of course, the way you propose to have us fight it out between ourselves in the next 60 days leaves us with the impossible task of one getting water while another cannot, and therefore with no obvious way to satisfy the district.

This communication also states that if GSD's conditions are not met (i.e. if the two historically served property owners cannot decide themselves which one property should receive a single service) then GSD will remove the both parcels (the Goldeen property and the Community Park) from the GSD annexation. In light of the fact that it was Mr. Goldeen who was kind enough to provide the location for GSD's new water treatment facility, this recent and very unfortunate correspondence appears profoundly ungrateful as well as just plain wrong.

Area 4: Southern Humboldt Community Park and Buck Mountain Ranch/River Ranch

Homes - This section outlines the restrictions that are placed on water use on Community Park property.

These temporary conditions on Park water use should include some allowances for recreational uses.

At your board meeting on January 24, 2012 when this item was discussed, Park representatives expressed concern that there are no allowances for water for recreational users at the Park. The Community Park has had recreational visitors to the property since it was purchased twelve years ago. Recent conservative calculations for the annual user-days at the Community Park total 46,246 in 2011. At the January 24th meeting, your board agreed to this concept and your staff requested that our engineers submit calculations of the amount of water need for current and historical recreation users.

The Park followed through and paid for the engineering as per your request. Although your documents include references to the allowable historic recreational uses that were provided by us to GSD staff along with our engineer's report, there is no inclusion of recreational water use in your document at any level. We would like to see this oversight remedied.

Please include additions for low-impact recreational water use at the Community Park.

Environmental Impacts:

Aesthetics:

The new water treatment project has the potential to have a substantial impact on visual resources that is not documented in your MND. The Southern Humboldt Community Park is remarkably scenic. Any construction at GSD's new treatment facility must address the historic, manmade and natural features of the surrounding Park property. However, there are current conditions on the site easement that have been included to protect the aesthetic value and to achieve harmony with the existing character of neighboring properties.

In consideration of these potential impacts, the Community Park was included among those who must approve in writing any plans, or changes to plans that might substantially degrade existing visual character or quality of the Park area or its surroundings. The Community Park has worked together closely with General Manager Mark Bryant and GSD to ensure any proposed facilities will be in keeping with the historic character of the property.

At the recent GSD board meeting, several cost cutting modifications to the original plan were proposed. As per the GSD's easement agreement with River Ranch Homes, please note that any construction or modifications to existing plans must be approved by the Community Park Board of Directors and others due to the potential for significant impacts to aesthetic resources.

This condition on your easement agreement with River Ranch Homes should be listed as mitigation for potential aesthetic impacts.

Agricultural Resources

The Southern Humboldt Community Park is currently engaged with Humboldt County Community Development Services Department as lead agency in a General Plan Amendment process. This process will change the zoning on a portion of the property and change the land-use designation on the majority of the property. The Community Park's EIR/GPA is a separate process that will fully analyze the impacts of the Park's project. The discussion of impacts on agricultural resources will be fully analyzed in the Community Park's Environmental Impact Report as part of a separate process.

Since the GSD is bringing it's paperwork into alignment with the realities of the water service it has been providing for decades, it appears to us that there is no significant change or new impact to the environment for the entire Park property included in GSD's service area. The Park property has been historically served and this process merely brings the paperwork reality in line with what actually has occurred.

The Community Park's potential for future water has been strictly limited by the current conditions and as such, would not encourage unplanned growth on agricultural lands with current water service limitations.

It would be redundant to require GSD to analyze the possible impact on agricultural resources when the Community Park has already been required by Humboldt County to fully analyze these same potential impacts.

Mitigation Measure No. 3.

This mitigation is unclear. It appears to put permanent limitations on water use at the Community Park site beyond the completion of the General Plan Amendment and rezoning. Temporary conditions were agreed to at a GSD board meeting on Jan. 24th, 2012. Those conditions were to be lifted upon completion of the rezoning. The Community Park will then work with GSD, (who stated at the meeting that there was adequate capacity to serve the Park) for additional water service. There should not be permanent conditions placed on this property.

In closing, the Southern Humboldt Community Park and River Ranch Homes must remain within your SOI and the District's annexation. This is the single most important point. Thank you for the opportunity to comment on your environmental document.

Sincerely,

Kathryn Lobato
Executive Director

On behalf of the Southern Humboldt Community Park

Dennis Huber

Eric Kirk

Peter Ryce

Tim Metz

Rachel Sowards Thompson

Jim Truitt

Carol Van Sant



4/10/12

To the Board of Directors of the Garberville Sanitary District,

Comments concerning the current draft negative declaration documents:

1. First, my deep appreciation to the Board for their exhaustive and exhausting work and the excellent and much needed upgrades to our sewer and water infrastructure.
2. The planning processes that agencies and bureaucracies create should be, and maybe once were, a path towards a goal. Nowadays they form a formidable and expensive obstacle towards a goal, one that can easily hijacked by a tiny minority for their selfish ends, as has happened in this instance.
 - a. Any talk of an EIR requirement for the recommended SOI modifications are a misuse of the laws intent. The changes are minor and result in a slightly smaller footprint. No significant changes are proposed. Any future development in the SOI area may or may not trigger an EIR, and would have to run the gauntlet of the permitting process where, for instance, agricultural conversion among many other issues, will be thoroughly discussed and adjudicated. I would argue that the minor changes LAFCO will approve should not trigger any agricultural review.
 - b. Similarly, I would argue the GSD should be immune to LAFCO review or EIR requirements for supplying the Goldeen and Park properties because of the historic and public benefit aspects. With 400 customers, 1 or 2 or 4 hookups are less than significant.
 - c. Your organization has been assaulted, like several other local entities, and you should stand firm in seeing through what you have correctly decided is in the best interests of your community.
3. I know your process has been slowed, and time is not on the community's side, but the arguments that LAFCO will do this or that, and the GSD should modify its application, has the process backward. Submit your best case judgments on what is best for our area and defend it vigorously. That is how it was set up. I would hope (expect?) that our Supervisor and LAFCO representative would vigorously support you.

Thank you for your service.


Stephen Dazey

Cc: Clif Clendenen

Carol Van Sant
P.O. Box 825
Redway, CA 95560

Board of Directors
Garberville Sanitary District
P.O. Box 211
Garberville, CA 95542

April 10, 2011,

Re: Comments on GSD's Mitigated Negative Declaration

I attended a public meeting held by the GSD in November 2011. Many community members spoke to the need for clean, safe drinking water service at the Southern Humboldt Community Park for use by the children, families and adults who use the park daily. In order to prepare for that eventuality, both the SOI committee and subsequently the GSD Board of directors voted unanimously to include all the SHCP property in the SOI. It was very gratifying to see the community come together and plan for our future, with our public and non-profit organizations working together to provide for the needs of our community.

It was not clear to me in the language of the MND that the GSD is preparing to provide water for day users of the historical Tooby Playground area and the larger Park on the south side of Sprowel Creek Road. I only saw mention of an allotment for the two residential houses. I respectfully ask that the MND is modified to demonstrate clear intent by the GSD to be a partner with the SHCP in the creation of a Community Park. The availability of clean, safe drinking water is a requisite for a park catering to the public. And, especially once the new treatment plant is operable, this community is very fortunate to have surrounding this beautiful, varied piece of land, designated for community use, pipelines in which flows clean, safe, treated water.

With great appreciation for your community service,

Carol Van Sant