



Sonoma County Planning Commission STAFF REPORT

FILE: SPA17-0002
DATE: August 16, 2018
TIME: 1:05 PM
STAFF: Yolanda Solano, Project Planner
Karen Davis-Brown, Park Planner

**The Board of Supervisors will hold a
noticed public hearing at a later date.**

SUMMARY

Applicant: Sonoma County Regional Parks

Owner: Sonoma County

Location: 5869 Cannon Lane, Petaluma

APNs: 068-060-057, -058; 068-070-004, -005; 068-080-001; -007;
068-090-022, -024

Supervisory Districts: District 1, District 2

Subject: Tolay Lake Regional Park Master Plan and Draft Environmental Impact Report

Proposal: Sonoma County Regional Parks requests the adoption of the Tolay Lake Regional Park Master Plan and certification of the associated Environmental Impact Report. Regional Parks also requests amendments to the General Plan land use designation of the eight (8) park parcels from LEA (Land Extensive Agriculture) and LIA (Land Intensive Agriculture) to PQP (Public Quasi Public), with associated changes to zoning. In addition, the General Plan Open Space maps (Figures OSRC 5h and 5i) will be amended to reflect the "Existing Park."

Environmental Determination: Environmental Impact Report

General Plan: LEA (Land Extensive Agriculture) 100 acre density



LEA (Land Extensive Agriculture) 60 acre density

LIA (Land Intensive Agriculture) 60 acre density

Specific/Area Plan: N/A

Ord. Reference: N/A

Zoning: LEA (Land Extensive Agriculture) 100 acre density

LEA (Land Extensive Agriculture) 60 acre density

LIA (Land Intensive Agriculture) 60 acre density

RC (Riparian Corridor) 50/50

SR (Scenic Resource) - Scenic Landscape Unit

G (Geologic Hazard Zone)

VOH (Valley Oak Habitat)

Land Conservation

Contract: Type II Contract – Phase-out Status (068-080-007, 068-090-022, -024)

RECOMMENDATION: Adopt a resolution recommending that the Board of Supervisors certify the Final Environmental Impact Report, adopt the Tolay Lake Regional Park Master Plan, amend the General Plan land use designation and zoning of the eight (8) park parcels from LEA (Land Extensive Agriculture) and LIA (Land Intensive Agriculture) to PQP (Public Quasi Public) and PF (Public Facilities) respectively, and designate the park property as an “Existing Park” on the General Plan Open Space maps.

EXECUTIVE SUMMARY: Sonoma County Regional Parks has prepared a Master Plan for Tolay Lake Regional Park. The 3,400 acre park is currently operating under an interim plan that strictly limits access. Members of the public may only access the park if they are permit holders or if they are attending an educational program or the annual fall festival.

The Park Master Plan would guide future park development, provide for the restoration and preservation of the property’s natural, cultural, and historic resources, and allow the general public to access the park seven days a week. The Park Master Plan will be phased in over the next 35 years.

A Draft Environmental Impact Report (EIR) was prepared to evaluate the potential impacts of Master Plan implementation. The Draft EIR concluded that most environmental impacts of the project would be mitigated to a less than significant level, with the exception of noise and traffic.

On September 28, 2017, the Planning Commission held a public hearing to receive public comments and review the Draft Tolay Lake Master Plan and Draft Environmental Impact Report

(Draft EIR). The Commission continued the item and directed Regional Parks to return with a Final Environmental Impact Report.

Since the September Planning Commission hearing, Regional Parks prepared an Interim Lake Management Plan to address lake management pending the development of the lake restoration plan. The Lake Management Plan was developed based on extensive negotiations with a neighboring landowner and additional analysis.

Regional Parks has now completed the Final Environmental Impact Report (Final EIR). None of the revisions to the Draft EIR represent a substantial increase in the severity of an identified significant impact. The Final Environmental Impact Report did not identify any new significant impacts, mitigations, or alternatives that are considerably different from those already considered by the Draft EIR.

BACKGROUND

This project has been in process since 2005 when the Sonoma County Agricultural Preservation and Open Space District and its partners acquired approximately 1,700 acres of the Tolay lake basin and transferred it to the County subject to a conservation easement. A second 1,665 acre property was acquired by the Sonoma Land Trust and transferred to the County, increasing the size of the park to 3,400 acres. The Park is currently operating under an Interim Public Use and Resource Management Plan that only allows limited public access through a Day-Use Permit Program. The approval of the Master Plan will finally open the park to the public seven days a week.

Planning Commission Hearing. On September 28, 2017, the Planning Commission held a public hearing to receive public comments and review the Draft Tolay Lake Regional Park Master Plan and Draft Environmental Impact Report (Draft EIR). Following the public comment period and subsequent discussion, the Commission authorized Regional Parks to prepare the Final EIR and to return to the Commission for a recommendation on the project.

Final Environmental Impact Report. A Final EIR consists of 1) the Draft EIR, 2) comments on the Draft EIR, 3) responses to the comments received, and 3) any revisions to the Draft EIR that are made in response to the comments submitted.

The Final EIR prepared for the Park Master Plan project includes responses to each of the comments received on the Draft EIR, including comments from the Planning Commission, individuals at the public hearing, and written comments received from organizations, agencies, and individuals during the review period for the Draft EIR. The comments covered a wide range of topics such as those listed below:

- Historic Resources – Pursue Historic Landmark Designation.
- Agriculture - Minimize livestock concentration and trampling.
- Vegetation Management – Eradicate invasive plants. Plant native species. Manage vegetation for fire safety.

- Lake Hydrology – Manage lake water levels to ensure water recedes from the neighboring property by early spring.

The Final EIR also includes revisions made in response to comments received, as well as some minor staff-initiated changes. The proposed revisions to the EIR are included in Section III of the Final EIR. None of the revisions identify any new impacts, more severe impacts, or mitigation measures that are significantly different from those previously discussed in the Draft EIR.

In addition, a Mitigation Monitoring Program has been developed and is included in the Final EIR in compliance with CEQA (see FEIR page IV-1).

Hearing Notice. Noticing for this Planning Commission hearing was conducted in compliance with CEQA and other state and local requirements. The notice was published in the Press Democrat, posted in the vicinity of the park, and mailed to owners of property located within 300 feet of the park boundaries. The notice was also posted on the project website maintained by Regional Parks. Finally, Regional Parks distributed the notice by email to interested parties and organizations.

ISSUES

Lake Management Plan. In March 2018, Regional Parks obtained a report on the history of water levels for Tolay Lake in order to respond to comments concerning lake-hydrology. The *Tolay Lake Draft Comparison Report* is included as an appendix to the EIR (Appendix H, Additional Hydrologic Analysis) and is located at the end of the Final EIR document. The report confirms that the lake is an extremely dynamic system that has evolved over time. It also indicates that there has been an increase in seasonal inundation of a neighboring hay field that has been planted directly adjacent to the park property line.

The report was used to develop an *Interim Lake Management Plan*, which was negotiated with the neighboring property owner. The lake management plan includes specific actions to improve the speed of lake-drawdown after storm events, such as specific culvert maintenance, vegetation management, lake pumping, as well as lake monitoring. The lake management plan is also included in Appendix H of the EIR (last section of Final EIR document).

Negotiations with the neighboring property owner were on-going at the time this staff report was prepared. An update will be provided to the Commission at the hearing.

CEQA Baseline. In order to determine the significance of a project's impact on the environment, a baseline must first be established. The standard baseline against which environmental impacts are measured is the physical condition that exists when the Notice of Preparation is published (i.e. June 29, 2015). The neighboring property owner challenged the baseline established by the Draft EIR for the Tolay Lake Master Plan suggesting that the "baseline" for evaluating environmental impacts should have been the lake-level as it existed prior to the public acquisition of the land in 2005. However, the use of a hypothetical baseline that does not represent existing conditions is inconsistent with California Environmental Quality

Act (CEQA). While the County could not legally evaluate the project using a hypothetical baseline, it has worked in good faith with the neighboring landowner, and has incorporated the Interim Lake Management Plan into the Final EIR to address the neighbor's concerns.

Significant and Unavoidable Impacts. The EIR identifies the significant environmental impacts that would result from implementation of the Park Master Plan, as well as ways to avoid or minimize the impacts. The vast majority of the environmental impacts identified by the EIR can be fully mitigated. However, the EIR determined that some impacts related to traffic and noise cannot be further mitigated. These impacts are considered significant and unavoidable.

- Noise: Implementation of the Park Master Plan would result in an increase in ambient noise levels from increased traffic on Cannon Lane.
- Construction: Construction of the Park's recreational facilities would result in construction related traffic and noise.
- Traffic (Lakeville Highway (SR 116)/Stage Gulch Road): Allowing public access to the park is expected to increase average side street delay by more than five seconds. The project would also result in a drop in the Level of Service for this intersection (from Level of Service D to Level of Service E) during the weekend midday peak hour.

The intersection currently warrants a new traffic signal or roundabout based on traffic signal warrants and existing traffic volumes. However, there is currently no adopted plan or funding mechanism for these improvements, so the impact would be considered significant and unavoidable.

Whenever an agency approves a project that would result in significant and unavoidable impacts, it must prepare a Statement of Overriding Considerations. The Statement of Overriding Considerations must include the specific reasons (social, economic or other) that justify its support of the project.

STAFF RECOMMENDATION

Adopt a resolution recommending that the Board of Supervisors certify the Final Environmental Impact Report, adopt the Tolay Lake Regional Park Master Plan, amend the General Plan land use designation and zoning of the eight (8) park parcels from LEA (Land Extensive Agriculture) and LIA (Land Intensive Agriculture) to PQP (Public Quasi Public) and PF (Public Facilities) respectively, and designate the park property as an "Existing Park" on the General Plan Open Space maps.

LIST OF ATTACHMENTS

- Attachment A: Draft Board of Supervisors Ordinance with Exhibit A (Zoning Map)
- Attachment B: Draft Planning Commission Resolution with Exhibits A, B, and C
- Attachment C: Vicinity Map

Attachment D: Planning Commission Staff Report, September 28, 2017

Attachment E: Minutes, Planning Commission Meeting, September 28, 2017

Separate Attachments for Commissioners:

1. Tolay Lake Regional Parks Master Plan and EIR (CD)
2. Final Environmental Impact Report