



RESOLUTION 3-2011

Adopted by the
CALIFORNIA STATE PARK AND RECREATION COMMISSION
at its regular meeting in San Jose, California
March 2, 2011

**Combined State Park General Plan/County Park Master Plan
and Environmental Impact Report
for Martial Cottle Park**

WHEREAS, the Director of California State Parks has presented to this Commission for approval the proposed State Park General Plan and County Park Master Plan ("Park Plan") and Environmental Impact Report ("EIR") for Martial Cottle Park ("Park"); and

WHEREAS, the Park includes both State-owned and County of Santa Clara-owned properties, combined into one integrated park unit; and

WHEREAS, in October 2003 the State and County executed a Joint Powers and Operating Agreement (JPOA) stipulating that the State-owned portion of the property would become a unit of the California State Park System to be developed and managed by Santa Clara County Parks along with the county-owned property; and

WHEREAS, in October 2008 the State Park and Recreation Commission approved the classification of the State-owned portion of this Park as a State Recreation Area and approved the name "Martial Cottle Park;" and

WHEREAS, the property's deed restrictions and Donor's vision for the Park call for joint development, operation and maintenance as a County-State park in a manner that will promote and sustain farming traditions, thereby illustrating the agricultural heritage of the Santa Clara Valley as exemplified by the Donor's grandfather, Martial Cottle, and his family, dating from the 1850s into the 20th century; and

WHEREAS, the JPOA calls for preparation of a "Park Plan" for the park unit; and

WHEREAS, the Park Plan provides conceptual parameters and guidelines for the long-term management, development, operations, and future public use and enjoyment of Martial Cottle Park, and the Park Plan and EIR were prepared as a collaborative effort between the State and County; and

WHEREAS, the State and County have not renewed Williamson Act contracts on the Park property and until the contracts expire, the project site is subject to compliance with Williamson Act contracts, and the Park Plan is compatible with the Williamson Act; and

WHEREAS, the "Summary of Revisions for the Draft Park Plan" are hereby incorporated into the Park Plan; and

WHEREAS, Public Resources Code Section 5002.2 designates the General Plan as a project under the California Environmental Quality Act (CEQA, Public Resources Code 21000 et seq.) and specifies the preparation of an Environmental Impact Report (EIR), providing discussion, disclosure and analysis of the probable impacts of future development; and

CONTINUED ON PAGE 2

CONTINUED FROM PAGE 1

WHEREAS, the County of Santa Clara is the Lead Agency and the State is the Responsible Agency under CEQA; and

WHEREAS, the EIR for this project is considered a programmatic EIR, but includes project-specific environmental analysis for Phase 1 elements of the Park Plan, and future projects or phases may require additional project-specific environmental analysis; and

WHEREAS, Phase 1 components are evaluated in the EIR at the project level and subsequent phase components are evaluated in the EIR at the program level; and

WHEREAS, certain Project impacts related to climate change would remain significant and unavoidable risks, even after the application of all Project mitigation measures to lessen those impacts, due to Project-generated greenhouse gas emissions (GHG) during construction activities, including operation of construction equipment, and from worker and vendor vehicles, and due to operational phase emissions from project-generated vehicle trips associated with visitors, staff, vehicles and delivery vehicle trips to the project site, and from indirect emissions from sources associated with energy consumption, water use, and solid waste disposal for the Park; and

WHEREAS, despite these proposed mitigation measures, the Project has the potential for greenhouse gas emissions that would have a significant physical adverse impact and cumulatively contribute to global climate change; and

WHEREAS, CEQA requires that the County determine whether specific economic, legal, social, technological or other considerations may outweigh any significant, unavoidable environmental effects of the Project which cannot be fully mitigated; and

WHEREAS, staff has analyzed such benefits and summarized them in the Statement of Overriding Considerations, as follows:

(a) Legal benefits: The Project will enable the State to comply with the legal requirements of the grant deed that the State agreed to in accepting the transfer of property on October 28, 2003, and with the County and State agreement for development and management of the State lands, which are subject to the same deed restriction.

(b) Social benefits: The Project will bridge the information gap between rural and urban lifestyles, and young and old cultural references, and improve the quality of life for the community through the diversity of Park facilities and programs offered in the Park Plan.

(c) Sustainability policy: The Project's provision of locally grown, sustainable agriculture and educational programs about sustainable farming supports State Parks' mission to "provide for the health" of Californians and supports State Parks' Healthy Foods Initiative.

(d) Economic benefits: The Project will stimulate economic development in the short-term and long-term, providing employment opportunities during the construction and operation phases (agricultural and park related).

(e) Technological benefits: The Project will use sustainable energy and design in the development of Park facilities and in long-term operation and management of the Park, and use modern technology to enhance educational and interpretive programs; and

CONTINUED ON PAGE 3

CONTINUED FROM PAGE 2

WHEREAS, the County of Santa Clara Board of Supervisors has approved the Park Plan and certified the EIR on February 8, 2011;

NOW, THEREFORE BE IT RESOLVED: That this Commission has reviewed and considered the information and analysis in the Park Plan prior to approving the Park Plan, and this Commission has considered the EIR as prepared by the Lead Agency; and this Commission finds that the Park Plan and EIR reflect the independent judgment and analysis of this Commission; and be it

RESOLVED: That the Final EIR identifies all potentially significant environmental impacts of the Project, specifically, potentially significant impacts to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials and Noise, which impacts can and will be avoided or mitigated to less than significant levels through adoption and implementation of the mitigation measures proposed as part of the Project and included in the Project's Mitigation Monitoring and Reporting Plan; and be it

RESOLVED: That the Final EIR identifies certain impacts of the Project related to climate change that will remain significant and unavoidable, even after the application of all Project mitigation measures to lessen those impacts; and be it

RESOLVED: That the legal, social, economic, technological and other benefits of the Project described herein outweigh the unavoidable environmental risks, and so the environmental risks are acceptable; and be it

RESOLVED: In connection with its review of the Park Plan prior to approval, this Commission independently finds that the environmental conclusions contained in the Environmental Impact Report are supported by facts therein and that each fact in support of the findings is true and is based on substantial evidence in the record; and be it

RESOLVED: That the location and custodian of the Park Plan and other materials which constitute the record of proceedings on which the Commission's decision is based is: State Park and Recreation Commission, P.O. Box 942896, Sacramento, California 94296-0001, Phone 916/653-0524, Facsimile 916/653-4458; and be it

RESOLVED: That the California State Park and Recreation Commission hereby approves the combined State Park General Plan and County Park Master Plan dated November 3, 2010 and Final Environmental Impact Report dated February 2011 prepared for Martial Cottle Park; and be it

FURTHER RESOLVED: That a Notice of Determination will be filed with the Office of Planning and Research within five days of this approval.

Attest: This Resolution was duly adopted by the California State Park and Recreation Commission on March 2, 2011 at the Commission's duly-noticed public meeting at San José, California.

By: ORIGINAL SIGNED BY Date: 3-2-11

Louis Nastro
Assistant to the Commission
For Ruth Coleman, Director, California State Parks
Secretary to the Commission