

### 3.1 LAND USE AND LAND USE PLANS

This section evaluates the impacts of land use decisions in the proposed General Plan (proposed plan). This includes an evaluation of whether the proposed plan will: (1) physically divide an established community; (2) conflict with applicable land use plans, policies or regulations adopted to avoid or mitigate environmental effects; and/or (3) conflict with any applicable habitat conservation plans.

#### Environmental Setting

##### City of Fortuna and Greater Planning Area

Fortuna is located in the Eel River Valley area of Humboldt County, California, approximately 253 miles north of San Francisco and 20 miles south of Eureka (Figure 2-1 in Chapter 2.0 of this PEIR). The city is an urbanized community consisting of several commercial corridors and industrial areas, suburban residential neighborhoods, and outlying rural-residential, agricultural and timber areas. It is generally bounded by slopes and forests to the north and east, agricultural land and State Highway 36 to the south, and U.S. 101 and the Eel River to the west (Figure 2-2 in Chapter 2.0 of this PEIR). According to the California Department of Finance, the City's population in January 2009 was 11,351 residents (DOF 2009).

The City is part of the larger "Planning Area" evaluated in this PEIR (Figure 2-2). As indicated in Table 3.1-1, this Planning Area covers 8,051 acres and includes: (1) the incorporated City of Fortuna (3,114 acres); (2) the City's Sphere of Influence or SOI (3,996.1 acres); and (3) a proposed Planning Area Expansion (940.9 acres).

**Table 3.1-1  
Planning Area Acreage**

Area	Acres
Incorporated City of Fortuna	3,114.0
Sphere of Influence (SOI)	3,996.1
Proposed Planning Area Expansion <sup>1</sup>	940.9
<b>Total Planning Area</b>	<b>8,051.0</b>

<sup>1</sup> The area outside of the incorporated City and SOI but within the proposed Planning Area, which includes the area generally south of SR 36. This area is proposed for the Planning Area because the City of Fortuna considers it relevant to its planning. However, the proposed General Plan would not change the existing Humboldt County General Plan land use designations and zoning or other conditions in this area. Hence, this EIR does not evaluate this area other than to note that the City is expanding its Planning Area to cover this area.

Source: Planwest Partners, 2009.

The Planning Area and its three components are defined below.

**Planning Area.** State law requires cities to adopt a general plan that addresses physical development within the City limits, as well as any land outside its boundaries that “in the planning agency’s judgment, bears relation to its planning.” The existing City of Fortuna Planning Area includes the incorporated City and its SOI.

**Incorporated City of Fortuna.** The incorporated City of Fortuna includes land within the City’s corporate boundary over which the City exercises land use authority. The existing City limit extends roughly from Palmer Creek and Rohner Creek in the north, to Drake Hill Road in the south, and from the foothills in the east to Eel River Drive, U.S. 101, and the Eel River in the west.

**Sphere of Influence (SOI).** Adopted by the Humboldt Local Agency Formation Commission (LAFCo), the City of Fortuna’s SOI includes those unincorporated areas where the City intends to expand its incorporated boundaries in the future. The existing SOI includes the area northwest of the incorporated City in the Palmer Creek Area, the area north of the incorporated City north of Rohner Park, the area east of the incorporated City in the foothills, and the area south of the incorporated City to SR 36, including the Rohnerville Airport area.

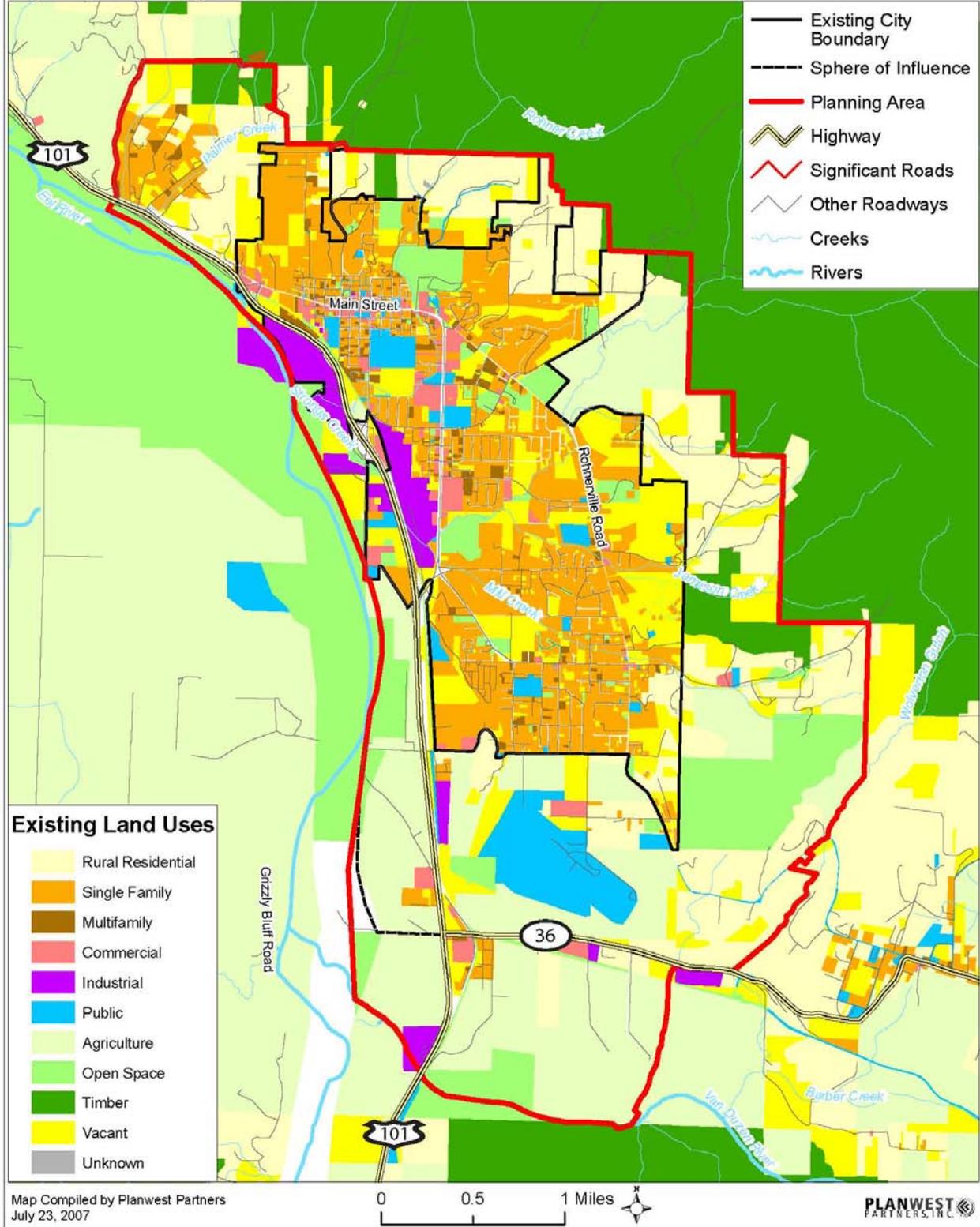
**Proposed Planning Area Expansion.** This area is judged by the City to bear relation to its long-range planning and includes an area between SR 36 and the Van Duzen River. The proposed General Plan Land Use Diagram (Figure 2-7 in Chapter 2.0 of this PEIR) does not apply new City General Plan land use designations to this area. The County currently exercises land use authority within this area and will continue to do so under the proposed plan. Therefore, the proposed plan will not result in physical changes within this area. For this reason, this PEIR does not address this area other than to note that it is judged by the City of Fortuna to bear relation to its long-range planning.

## Existing Land Use

Figure 3-1 identifies existing land uses in the Planning Area as (1) the incorporated City, dominated by single family residential development, with commercial corridors along Main Street and Fortuna Boulevard, and a scattering of multi-family, industrial, public and open space uses; and (2) the SOI, dominated by rural residential, agricultural and timber uses, along with Rohnerville Airport and a scattering of single family, multi-family and industrial uses.

Table 3.1-2 identifies the acreages of the existing land uses within the Planning Area. As indicated, single family residential, rural residential, agricultural and vacant uses dominate the Planning Area, with lesser amounts of multi-family residential, commercial, industrial, and public, park, open space, and right-of-way uses.

**Fortuna General Plan 2030  
Figure 3-1, Existing Land Uses**



**Table 3.1-2  
Existing Land Uses**

Existing Land Use	Acres <sup>1</sup>	Residential Units	Non-Residential Sq. Ft.	Resident Population <sup>2</sup>	Employees
<b>RESIDENTIAL</b>					
Rural Residential	1,462.4	117 <sup>4</sup>	--	274	--
Single Family	1,805.0	3,804 <sup>5</sup>	--	7,855	--
Multi-family	81.1	938 <sup>5</sup>	--	3,222	--
<i>Subtotal</i>	3,348.5	4,859 <sup>5</sup>	--	11,351 <sup>5</sup>	--
<b>COMMERCIAL</b>					
Commercial	150.0	--	285,000 <sup>6</sup>	--	--
<b>INDUSTRIAL</b>					
Industrial	171.4	--	191,900 <sup>7</sup>	--	--
<b>AGRICULTURE</b>					
Agriculture/Timber	1,162.6	59	--	138	--
<b>OTHER</b>					
Public	342.7	--	--	--	--
Parks	75.0	--	--	--	--
Open Space	563.1	--	--	--	--
Public Rights-of-Way	193.9	--	--	--	--
Vacant	1,064.5	--	--	--	--
Unknown	39.4	--	--	--	--
<i>Subtotal</i>	2,277.6	--	--	--	--
<b>PROPOSED PLANNING AREA EXPANSION<sup>8</sup></b>					
N/A	940.9	--	--	--	--
<b>Total</b>	<b>8,051.0</b>	<b>4,918</b>	<b>476,900</b>	<b>11,489</b>	<b>3,342<sup>3</sup></b>

<sup>1</sup> Based on Humboldt County Assessor parcel information accessed by Planwest, 2007.

<sup>2</sup> Based on a Citywide average of 2.34 persons per residential unit from the California Department of Finance, Demographic Research Unit – Table E-5, City/County Population and Housing Estimates, 1/1/2009.

<sup>3</sup> Based on a custom data run of employer surveys by zip code for the City of Fortuna performed by Dennis Mullins, California Economic Development Department, October 2005.

<sup>4</sup> Based on the assumption of 1 du/12.5 acres (the midpoint of the County's Rural Residential designation which permits 5-20 du/ac).

<sup>5</sup> Based on California Department of Finance, Demographic Research Unit – Table E-5, City/County Population and Housing Estimates, 1/1/2009.

<sup>6</sup> From Mintier and Associates, 2007 Fortuna General Plan Update Background Report.

<sup>7</sup> Does not include approximately 312,000 sq. ft. of non-operation industrial use (Palco Mill).

<sup>8</sup> The area outside of the incorporated City and SOI but within the proposed Planning Area, which includes the area generally south of SR 36. This area is proposed for the Planning Area because the City of Fortuna considers it relevant to its planning. However, the proposed General Plan would not change the existing Humboldt County General Plan land use designations and zoning or other conditions in this area.

Source: Planwest Partners, 2009.

## Existing General Plans

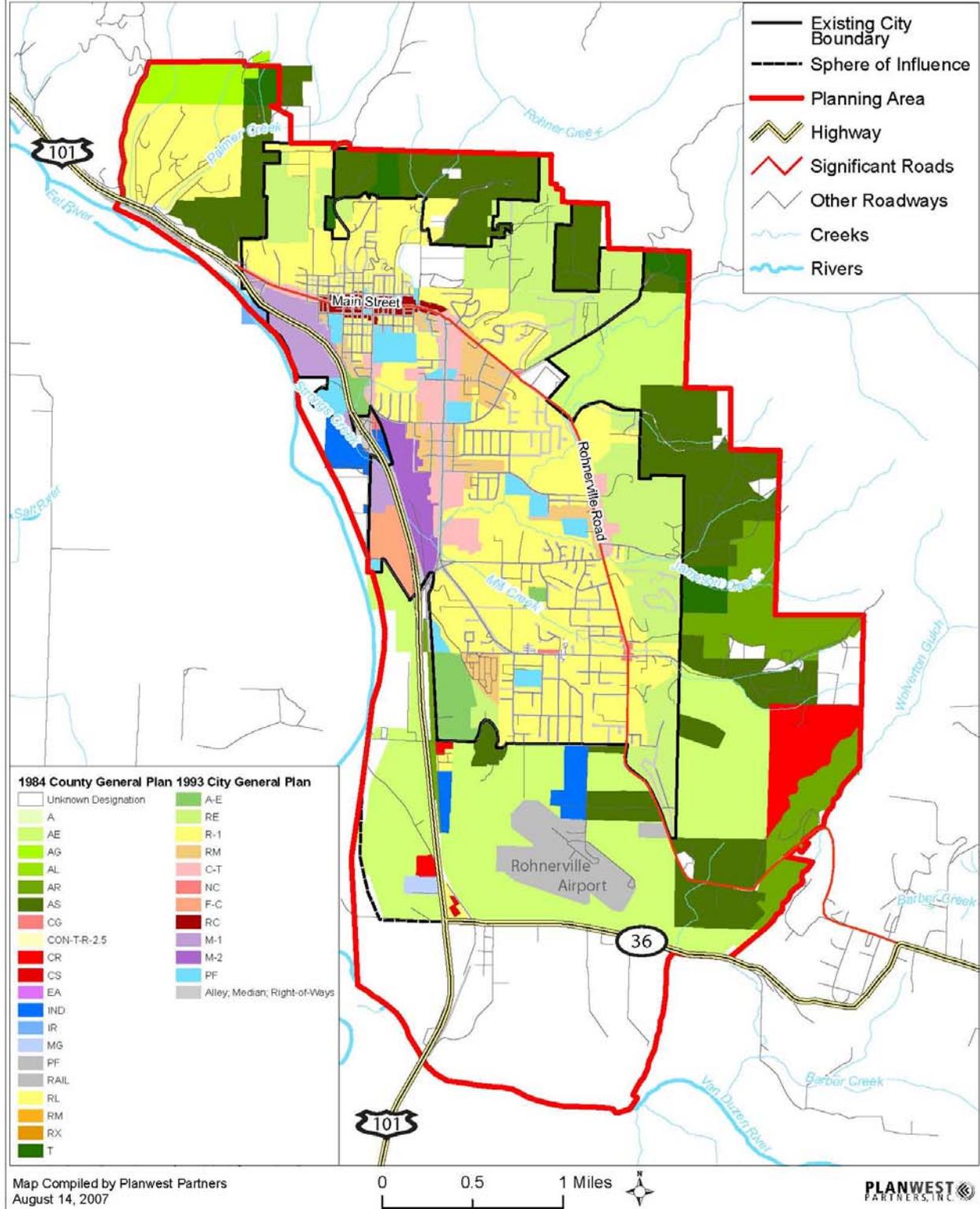
The Planning Area is addressed in: (1) the City of Fortuna General Plan (1993); and (2) the Humboldt County General Plan, including the Framework Plan (1984) and the Fortuna Community Plan (2002). The City's General Plan is applicable to the incorporated portion of the Planning Area, while the County's General Plan is applicable to the SOI and the proposed Planning Area Expansion.

The City and County General Plans each contain a Land Use Element that guides growth and development in the respective jurisdictions. Each of these Land Use Elements includes: (1) a set of goals and policies to guide land use decisions; (2) a set of land use designations that identify the type, density and development standards of permitted/planned land uses; and (3) a General Plan Land Use Diagram identifying the distribution of permitted/planned land uses by land use designation. The existing City and County General Plan land use designations applicable within the Planning Area are mapped in Figure 3-2.

In general terms, as indicated in Figure 3-2, the City's existing Land Use Diagram designates the City's downtown core as Retail Commercial (RC); the Fortuna Boulevard commercial corridor as Commercial Thoroughfare (CT); the area between Fortuna Boulevard and U.S. 101 south of Newburg Road as Heavy Industrial (M2); the area between Main Street and the Eel River north of the City's wastewater treatment plant as Light Industrial (M1); the area between HWY101 and Riverwalk Drive as Freeway Commercial (FC); the area west of Rohnerville Road and northwest of Newburg Road as Residential Multi-family (RM); most of the area bordered by Rohnerville Road, Fortuna Boulevard and Drake Hill Road, and areas north of Main Street, as Residential Single-family (R1), and outlying areas as either Residential Estates (RE) or Agriculture Exclusive (AE). As indicated in Figure 3-2, the County's existing Land use Diagram designates the majority of the unincorporated portions of the Planning Area as Agriculture (A, AE, AG, AL, etc.), with smaller areas designated as Timber (T), Residential Low (RL), Residential Medium (RM), Commercial Recreation (CR), Commercial Service (CS), Industrial (IR), and Public Facility (PF – Rohnerville Airport)

Table 3.1-3 provides an acreage summary of the existing General Plan land use designations. As indicated, 35.3% of the Planning Area is currently designated for agricultural use, 29.2% for residential use, 5.9% for industrial use, 4.7% for commercial use, and the balance (13.2%) for other uses (e.g., public facility, timber, rail, public rights-of-way, etc.).

**Fortuna General Plan 2030**  
**Figure 3-2, Existing General Plan Land Use Designations**



**Table 3.1-3  
Existing General Plan Land Use Designations**

<b>Land Use Designations (City or County)<sup>1</sup></b>	<b>Acres<sup>2</sup></b>	<b>Percent of Total Planning Area</b>
<b>RESIDENTIAL</b>		
Residential Estates (RE) [City]	699.0	8.7%
Residential Single Family (R1) [City]	1,252.0	15.6%
Residential Multifamily (RM) [City]	148.0	1.8%
Residential Low (RL) [County]	251.1	3.1%
<i>Subtotal</i>	<i>2,350.1</i>	<i>29.2%</i>
<b>COMMERCIAL</b>		
Neighborhood Commercial (NC) [City]	7.0	0.1%
Retail Commercial (RC) [City]	27.0	0.3%
Commercial Thoroughfare (CT) [City]	148.0	1.9%
Freeway Commercial (FC) [City]	56.0	0.7%
Commercial General (CG) [County]	2.1	0.0%
Commercial Recreation (CR) [County]	137.8	1.7%
Commercial Service (CS) [County]	2.1	0.0%
<i>Subtotal</i>	<i>380.0</i>	<i>4.7%</i>
<b>INDUSTRIAL</b>		
Light Industrial (M1) [City]	99.0	1.2%
Heavy Industrial (M2) [City]	75.0	0.9%
Public Facilities (PF) [City]	196.0	2.5%
Industrial (IND) [County]	90.8	1.1%
Manufacturing (MG) [County]	12.2	0.2%
<i>Subtotal</i>	<i>473.0</i>	<i>5.9%</i>
<b>AGRICULTURE</b>		
Agriculture Exclusive (AE) [City]	89.0	1.1%
Agriculture (AE, AG, AR, AS) [County]	2,753.0	34.2%
<i>Subtotal</i>	<i>2,842.0</i>	<i>35.3%</i>
<b>OTHER</b>		
Public Facility (PF) [County]	174.7	2.2%
Timber Production (T) [County]	120.0	1.5%
Rail (RAIL) [County]	10.2	0.0%
Unclassified [County]	410.8	5.2%
Unknown [City and County]	156.0	1.9%
Public Rights-of-Ways [City and County]	193.3	2.4%
<i>Subtotal</i>	<i>1,065.0</i>	<i>13.2%</i>
<b>PROPOSED PLANNING AREA EXPANSION<sup>3</sup></b>		
N/A	940.9	11.7%
<b>Total</b>	<b>8,051</b>	<b>100.0%</b>
<p><sup>1</sup> This includes City of Fortuna General Plan land use designations in the incorporated City, and Humboldt County General Plan land use designations in the SOI.</p> <p><sup>2</sup> Based on Table 3-2 and Figure 3-2 of the Fortuna General Plan Update Background Report, Mintier &amp; Associates, 2007.</p> <p><sup>3</sup> The area outside of the incorporated City and SOI but within the proposed Planning Area includes the area generally south of SR 36. This area is included in the planning Area because the City of Fortuna considers it relevant to its planning. However, the proposed General Plan would not change the Humboldt County land use designations and zoning or other conditions in this area.</p> <p>Source: Planwest Partners, 2009.</p>		

## Existing Zoning

The 1993 City of Fortuna Zoning Ordinance (Title 17 of the City's Municipal Code) establishes the 15 primary zones and seven combining zones listed below:

### Primary Zones

Agriculture-Exclusive (AE)	Retail Commercial (R-C)
Freeway Commercial (FC)	Common Thoroughfare (C-T)
Residential Estate (RE-43)	Light Industrial (M-1)
Residential Estate (RE-20)	Heavy Industrial (M-2)
Residential Single-Family (R-1-10)	Parking (P-1)
Residential Single-Family (R-1-6)	Planned Area Development (PAD)
Multifamily Residential (R-M)	Floodway (F-W)
Neighborhood Commercial (N-C)	

### Combining Zones

Agriculture (-A)	Design Control (-D)
Design Review (-D)	Qualified (-Q)
Special Building Site (-B-1 or B-2)	Mobile Home (-T)
Recreation (-X)	

The combining zones work with the primary zones to provide additional development standards.

The purpose of zoning districts is to translate the broad land use designations into detailed land use classifications that are applied to property by the Zoning Code with greater precision than the General Plan. Working with the zoning classifications, the text of the Zoning Ordinance provides detailed regulations for the development and use of land.

The City of Fortuna Zoning Map identifies the primary zone and any applicable combining zone for each parcel in the incorporated City. In accordance with the Fortuna Municipal Code §17.06.050, the zoning districts are in general compliance with the City's General Plan Land Use Diagram.

The 2005 Humboldt County Zoning Ordinance (Title 3, Division 1, Chapters 1-5 of the County Code) and associated Zoning Map apply to the unincorporated portions of the Planning Area. As indicated on the Humboldt County Web GIS Mapping System (Humboldt County 2009), the following County zoning districts occur within the unincorporated portion of the Planning Area:

Agriculture Exclusive (AE)	Residential Suburban (RS)
General Agriculture (AG)	Heavy Industrial (MH)
Timberland Production (TPZ)	Airport (AV)

In accordance with California law, the zoning districts are in general compliance with the County's General Plan Land Use Diagram.

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## Applicable Plans, Policies, Codes and Regulations

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### City

**City of Fortuna 1993 General Plan.** The City of Fortuna 1993 General Plan sets forth land use goals and policies, development standards and land use designations applicable to the incorporated portion of the Planning Area. See the “Environmental Setting” subsection, under the “Existing General Plans” subheading, for further discussion.

**City of Fortuna Zoning Ordinance.** The City of Fortuna Zoning Ordinance (Title 17 of the City’s Municipal Code) sets forth zoning regulations applicable to the incorporated portion of the Planning Area. See the “Environmental Setting” subsection, under the “Existing Zoning” subheading, for further discussion.

### County

**Humboldt County General Plan.** The Humboldt County General Plan, including the Framework Plan (1984) and the Fortuna Area Community Plan (2002), sets forth land use goals and policies, development standards and land use designations applicable to the unincorporated portion of the Planning Area. See the “Environmental Setting” subsection, under the “Existing General Plans” subheading, for further discussion.

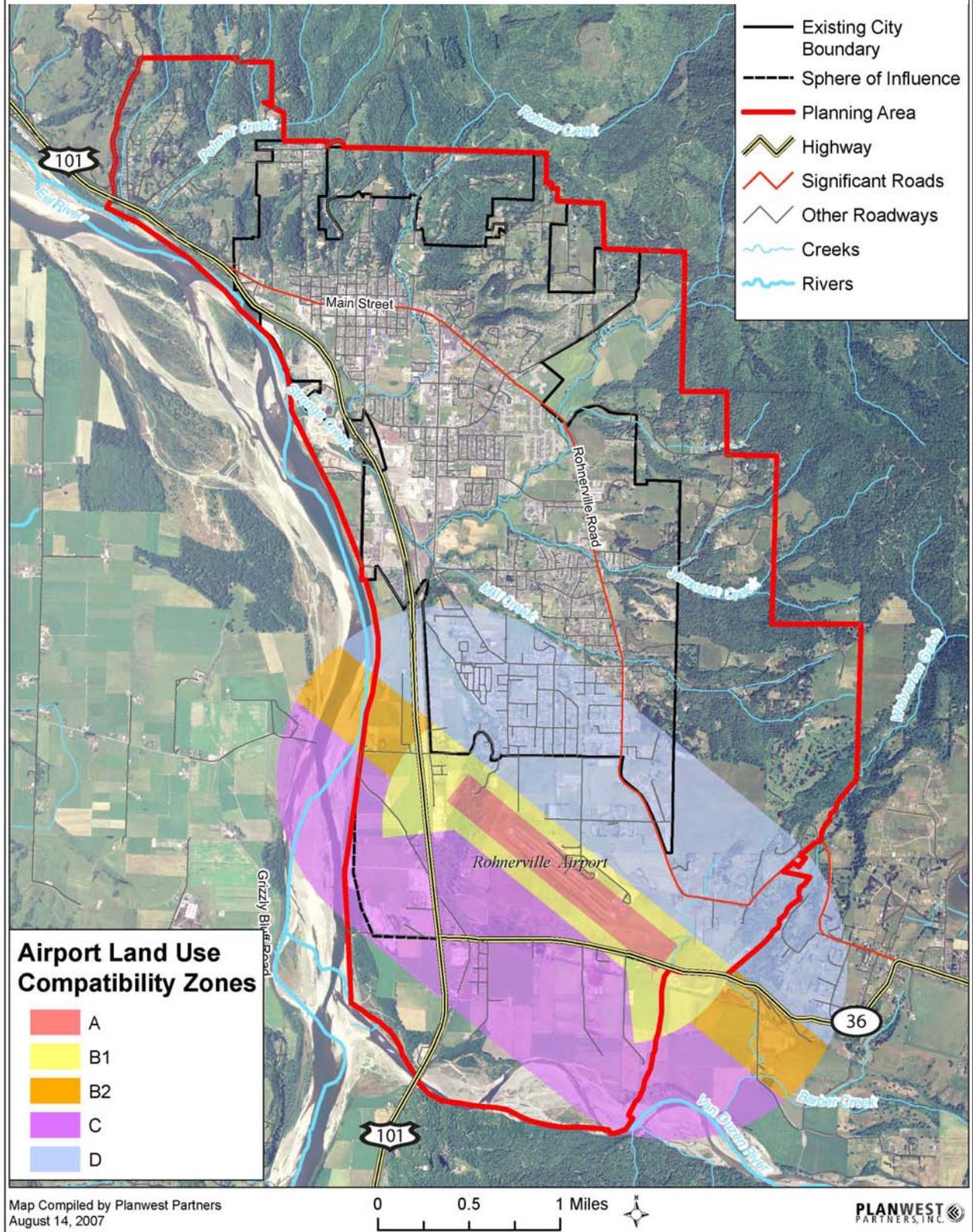
**Humboldt County Zoning Ordinance.** The Humboldt County Zoning Ordinance (County Code Title 3, Division 1, Chapters 1-5) sets forth zoning regulations applicable to the unincorporated portion of the Planning Area. See the “Environmental Setting” subsection, under the “Existing Zoning” subheading, for further discussion.

**Humboldt County Airport Land Use Compatibility Plan.** The Humboldt County Airport Land Use Compatibility Plan (ALUCP), adopted in 1993, sets forth criteria and policies which the Humboldt County Airport Land Use Commission (ALUC) uses when assessing the compatibility of proposed new development around public use airports in Humboldt County. The plan contains compatibility criteria and airport compatibility maps that are utilized by the ALUC to make its determinations of compatibility.

Figure 3-3 illustrates the five land use compatibility zones designated around Rohnerville Airport by the ALUCP. Table 3.1-4 identifies the compatibility criteria identified by the ALUCP as applicable within each zone. The criteria outline the types, densities and heights of land uses permitted within each zone to provide for both safe airport operation and airport land use compatibility.

Fortuna General Plan 2030

Figure 3-3, Rohnerville Airport Land Use Compatibility Zones



**Table 3.1-4  
Airport Land Use Compatibility Criteria**

Zone	Location	Impact Elements	Maximum Densities		Required Open Land
			Residential (du/ac)	Other Uses (people/ac)	
A	Runway Protection Zone or within Building Restriction Line	<ul style="list-style-type: none"> <li>High risk</li> <li>High noise levels</li> </ul>	0	10	All Remaining
B1	Approach/Departure Zone and Adjacent to Runway	<ul style="list-style-type: none"> <li>Substantial risk – aircraft commonly below 400 ft. AGL or within 1,000 ft of runway</li> <li>Substantial noise</li> </ul>	0.1	60	30 %
B2	Extended Approach/Departure Zone	<ul style="list-style-type: none"> <li>Significant risk – aircraft commonly below 800 ft. AGL</li> <li>Significant noise</li> </ul>	0.5	60	30 %
C	Common Traffic Problems	<ul style="list-style-type: none"> <li>Limited risk – aircraft at or below 1,000 ft. AGL</li> <li>Frequent noise intrusion</li> </ul>	4	150	15 %
D	Other Airport Environs	<ul style="list-style-type: none"> <li>Negligible risk</li> <li>Potential for annoyance from overflights</li> </ul>	No limit	No Limit	No Requirement
Zone	Additional Criteria		Examples		
	Prohibited Uses	Other Development Conditions	Normally Acceptable Uses	Uses not Normally Accepted	
A	<ul style="list-style-type: none"> <li>All structures except ones with location set by aeronautical function</li> <li>Assemblages of people</li> <li>Objects exceeding FAR Part 77 height limits</li> <li>Hazards to flight</li> </ul>	<ul style="list-style-type: none"> <li>Dedication of aviation easement</li> </ul>	<ul style="list-style-type: none"> <li>Aircraft tie-down apron</li> <li>Pastures, field crops, vineyards</li> <li>Automobile parking</li> </ul>	<ul style="list-style-type: none"> <li>Heavy poles, signs, large trees, etc.</li> </ul>	
B1 and B2	<ul style="list-style-type: none"> <li>Schools, day care centers, libraries</li> <li>Hospitals, nursing homes</li> <li>Highly noise-sensitive uses</li> <li>Storage of highly flammable materials</li> <li>Hazards to flight</li> </ul>	<ul style="list-style-type: none"> <li>Locate structures maximum distance from runway</li> <li>Minimum NLR of 25 dBA in residential/offices</li> <li>Dedication of aviation easement</li> </ul>	<ul style="list-style-type: none"> <li>Uses in Zone A</li> <li>Any agricultural use except ones attracting bird flocks</li> <li>Warehousing, truck terminals</li> <li>Single-story office</li> </ul>	<ul style="list-style-type: none"> <li>Residential subdivisions</li> <li>Intensive retail uses</li> <li>Intensive manufacturing or food processing uses</li> <li>Multiple story offices</li> <li>Hotels and motels</li> </ul>	
C	<ul style="list-style-type: none"> <li>Schools</li> <li>Hospitals, nursing homes</li> <li>Hazards to flight</li> </ul>	<ul style="list-style-type: none"> <li>Dedication of overflight easement for residential uses</li> </ul>	<ul style="list-style-type: none"> <li>Uses in Zone B</li> <li>Parks, playgrounds</li> <li>Low-intensity retail, offices, etc.</li> <li>Low-intensity manufacturing</li> <li>Two-story motels</li> </ul>	<ul style="list-style-type: none"> <li>Large shopping malls</li> <li>Theaters, auditoriums</li> <li>Large sports stadiums</li> <li>Hi-rise office buildings</li> </ul>	
D	<ul style="list-style-type: none"> <li>Hazards to flight</li> </ul>	<ul style="list-style-type: none"> <li>Deed notice required for residential dev.</li> </ul>	<ul style="list-style-type: none"> <li>All except ones hazardous to flight</li> </ul>		

Source: Humboldt County Airport Land Use Compatibility Plan. Prepared for the Humboldt County Airport Land Use Commission by Hodges & Shutt. March, 1993.

Compatibility Zone A includes the runway protection zone and the airfield building restrictions. Runway protection zone dimensions and locations are set in accordance with Federal Aviation Administration standards for the proposed future runway location, length, width and approach type as indicated on an approved Airport Layout Plan. Compatibility Zone B1 is the outer boundary of the Approach/Departure zone and is defined as the area where aircraft typically fly below 400 feet above ground level (AGL). Zone B1 also includes areas 1,000 feet laterally from the runway centerline. Compatibility Zone B2 is the Extended Approach/Departure zone and is defined by areas where aircraft often fly below 800 feet AGL. Compatibility Zone C is the common traffic pattern zone and is defined as where aircraft fly below 1,000 AGL. This area is considered to extend 5,000 feet laterally from the runway centerline and from 5,000 to 10,000 feet longitudinally from the end of the runway primary surface. Compatibility Zone D represents the other airport environs and conforms to the adopted Planning Area for each airport.

**Humboldt County Streamside Management Area Ordinance.** The Humboldt County Streamside Management Area (SMA) Ordinance (County Code Title 3, Chapter 6, §314.16.1) sets minimum development and setback standards adjacent to blue line streams in unincorporated areas of County. The purpose of the Ordinance is to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality. The width of SMAs depends on whether or not the stream is perennial or ephemeral as identified by USGS mapping, and whether or not the stream is within or outside of Urban Development Areas and Urban Expansion Areas. Within Urban Expansion Areas such as the area around the City of Fortuna, the required SMA width is 50' on each side of perennial (year round) streams and 25' for ephemeral (seasonal) streams.

The Ordinance limits development within stream channels and SMAs. Within stream channels, development is limited to restoration projects, road crossings, flood control, agricultural diversion and wells, new fencing, bank protection, municipal groundwater pumping, and similar projects. Within SMAs, development is limited to that permitted within stream channels plus timber management and harvesting with certain tree retention requirements, vegetation removal for disease control, levees, protection of certain lands from erosion. The discharge of soil, vegetation, or other organic or inorganic material into SMAs is prohibited. Mitigation measures required for development within SMAs include, but are not limited to: retention of snags; retention of live trees where there is visible evidence of use as nesting sites by hawks, owls and herons; replanting of disturbed areas with riparian vegetation; erosion control; and preparation of a biological report and implementation of mitigation recommended in the report.

The unincorporated portion of the Planning Area is known to contain or is located along multiple perennial watercourses, including the Eel River, Wolverton Gulch, Mill Creek, Jameson Creek, Strongs Creek, Palmer Creek, and Little Palmer Creek (see Figure 3-1). County SMA mapping indicates that 50 foot wide SMAs have been established around these watercourses (Humboldt County 2009).

The unincorporated portions of the Planning Area may include small ephemeral streams, although a survey for such streams is outside the scope of this PEIR. County mapping does not indicate that SMAs have been established along any such ephemeral streams (Humboldt County 2009).

## Regional

**Humboldt County Regional Transportation Plan.** The 2008 Regional Transportation Plan (RTP) for Humboldt County is a long-range planning document developed by the Humboldt County Association of Governments (HCAOG), the Regional Transportation Planning Agency (RTPA) for Humboldt County. The RTP was developed in cooperation with Caltrans, Humboldt County, the cities of Eureka, Arcata, Fortuna, Rio Dell, Blue Lake, Ferndale, Trinidad, local tribes, and other stakeholders pursuant to California Government Code § 65080 et seq. and U.S. Code Title 23, § 134 and §135 et seq. Per the RTP (HCAOG 2008), the plan was prepared to meet objectives including, but not limited to:

- Predicting the future needs for travel and the movement of goods;
- Identifying and documenting specific actions necessary to address the region's mobility and accessibility needs;
- Identifying needed transportation improvements; and
- Identifying and documenting public policy decisions by local, regional, state and federal officials regarding transportation expenditures and financing.

## Methodology

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This section describes the policy background and thresholds of significance used to evaluate land use impacts due to proposed General Plan implementation. Impacts are assessed based on change from existing condition as in accordance with the California Environmental Quality Act (CEQA). The amount and location of new development anticipated is based on the proposed land use goals, policies and programs, the proposed Land Use Diagram, and the development and growth projections contained in this section.

### Policy Background

The following policy background is used to assess the land use impacts of the proposed plan:

- The proposed Land Use Diagram (Figure 2-3 in Chapter 2 of this PEIR) designates land within the Planning Area for a range of urban, open space, park and agricultural uses. Uses consistent with the proposed designations will be developed on these lands over time;
- The proposed Land Use Diagram applies to: (1) the existing incorporated portion of the Planning Area; and (2) the proposed annexation areas. Therefore, the proposed plan will facilitate land use changes in these areas;
- The proposed Land use Diagram will not apply to the unincorporated portion of the Planning Area south of SR 36. Therefore, the proposed plan will not facilitate land use changes in this area;
- Development will occur consistent with the growth projections contained in this PEIR section; and

- The rate at which vacant land in the City is developed will be determined primarily by market forces, but for purposes of this analysis it is assumed that the Planning Area will be built out, under the proposed Land Use Diagram, during the time horizon of the proposed plan (i.e., by 2030)<sup>1</sup>.

### **Thresholds of Significance**

The proposed plan will have a significant land use impact if it:

- Physically divides an established community;
- Conflicts with an applicable land use plan, program, or regulation of an agency with jurisdiction over the project (including a general plan, specific plan, or zoning ordinance) adopted to avoid or mitigate environmental effects;
- Results in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land (Mill District Area Plan)<sup>2</sup>; or
- Conflicts with an applicable habitat conservation plan or natural community conservation plan.

### **Implications of the Proposed Land Use Diagram**

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The proposed plan includes the following major components that apply to land use:

- (1) This Land Use Element outlines goals, policies and programs for development, defines General Plan land use designations, and specifies development standards for each land use designation (see list of proposed applicable land use goals, policies and programs in the next subsection);
- (2) Five proposed focus areas (Figure 2-4 in Chapter 2.0 of this PEIR), including Fortuna Boulevard, Downtown, Riverwalk District, Rohnerville, and Mill District, in which focus-area specific land use goals, policies and programs are proposed;
- (3) Four proposed annexations (Figure 2-5 in Chapter 2.0 of this PEIR), including Riverwalk, Strongs Creek, Carson Woods, and Airport, and associated expansion of the City's incorporated boundary (Figure 2-3 in Chapter 2.0 of this PEIR);
- (4) A General Plan Land Use Diagram (Figure 2-7 in Chapter 2.0 of this PEIR) that maps the type and pattern of development within the incorporated City by land use designation (including within the proposed annexation areas); and

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<sup>1</sup> Assuming General Plan buildout by 2030 is a conservative assumption because this would require an annual growth rate over the next 20 years which is greater than the City's prevailing annual growth rate.

<sup>2</sup> This is not a significance threshold identified in Appendix G of the CEQA Guidelines, but was added in order to provide a more in-depth analysis of the potential land use impacts of the proposed Mill District Area Plan.

- (5) A set of 16 land use designations to replace the existing 11 designations. Several of the proposed focus areas will receive their own area-specific designations. See Chapter 2.0 of this PEIR for descriptions of each.

Residential Rural (RR)	Corridor Mixed Use (CMU)
Residential Very Low (RVL)	Riverwalk District (RWD)
Residential Low (RL)	Office (OFF)
Residential Medium (RM)	Industrial (IND)
Residential High (RH)	Public (PUB)
Commercial (COM)	Parks/Greenways/Rec (PRK)
Central Business District (CBD)	Agriculture (AG)
Mill District (MD)	Open Space (OS)

The proposed Land Use Diagram will designate lands within the Planning Area for a range of urban, open space, park and agricultural uses that will be generally consistent with the existing pattern of development within the incorporated City. It also expands urban development into the proposed Annexation areas. These are the major land use designations found in the proposed Land Use Diagram:

<u>Area</u>	<u>Land Use Designation</u>
Fortuna Boulevard Focus Area	CMU
Downtown Focus Area	CBD
Riverwalk Focus Area	IND, RWD
Rohnerville Focus Area	
Mill District Focus Area	MD
Riverwalk Annexation Area	IND, RWD
Strongs Creek Annexation Area	RL, OS, PRK
Carson Woods Annexation Area	RR
Rohnerville Airport Annexation Area	IND, PUB, RR, AG
Most of the area bordered by Rohnerville Rd., Fortuna Blvd., and Drake Hills Road	RL, RM, RH
Other outlying areas	RR, AG, OS, PRK

Based upon a comparison of the existing land use figure (Figure 3-1) and the proposed Land Use Diagram (Figure 2-7 in Chapter 2.0 of this PEIR), major areas of development under the proposed plan will include: (1) the Riverwalk Focus Area where vacant land will be developed with mixed uses; (2) the Rohnerville Focus Area where agricultural, rural residential and vacant land northeast of Rohnerville Airport will be developed with industrial uses; (3) the Mill District Focus Area where the former Palco Lumber Mill (now dismantled) and other underutilized industrial land will be developed with mixed uses; (5) the Strongs Creek Annexation Area where agricultural and rural residential land will be developed with low density residential uses; and (6) several areas east of Rohnerville Road where open space, vacant and rural residential land will be developed with low and very low density residential uses.

Table 3.1-5 provides an acreage summary of the proposed land use designations. As indicated, approximately 3,697.9 acres (45.9% of the Planning Area) is designated for residential use, 214.5 acres (2.7%) for commercial use, 262.6 acres (3.3%) for mixed use, 250.2 acres (3.1%) for industrial use, 1,180.9 acres (14.7%) for agricultural use, and 1,504 acres (18.6%) for other uses (e.g., public, parks/greenways/recreation, open space, and public rights-of-way).

Table 3.1-6 provides development projections under the proposed General Plan. As indicated, buildout under the proposed General Plan will include an estimated 10,643 residential units, 620,770 square feet of commercial, 637,690 square feet of mixed use commercial/office, 591,900 square feet of industrial, 24,904 residents, and 3,096 employees.

Table 3.1-7 provides a comparison of existing conditions and at buildout under the proposed General Plan (Figure 2-7 in Chapter 2 of this EIR is the corresponding proposed Land Use Diagram). As indicated in the table, the proposed plan will increase the number of residential units within the Planning Area from 4,918 to 10,643 units and the non-residential square footage (e.g., commercial, office and industrial) from 476,900 to 1,850,360 square feet. It will generally reduce the acreage of other uses (dominated by agriculture and open space) from 3,440.2 to 2,684.9 acres. Also, as noted on Tables 3.1-2 and 3.1-6, the proposed plan projects an increase in the resident population within the Planning Area from 1,489 to 24,904 residents, and an increase in the employee population from 821 to 3,096 employees.

## General Plan Policy Response

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The proposed General Plan includes the following policies and programs relevant to the land use issues evaluated in this chapter.

**Policy LU-1.2 General Plan Consistency.** The City shall require that specific plans or site plans submitted to the City as a part of an application for land development must conform to the General Plan Land Use Diagram. The Planning Director shall make a determination of substantial conformance with the Land Use Diagram for every development application. If such a determination cannot be made, the application for development shall include a request to amend the General Plan accordingly.

**Policy LU-1.4 Planned Development.** The City shall encourage the use of planned development provisions in residential development to provide flexibility, meet various socio-economic needs, and address environmental and site design constraints.

**Policy LU-1.6 Infill Development.** The City shall encourage infill development on existing vacant sites and reuse of underutilized parcels to minimize outward growth and reduce the cost of providing public services and facilities.

**Policy LU-1.7 Infill Development Incentives.** The City shall establish incentives (e.g., streamlined permitting, specific plans, public-private partnerships) to encourage infill sites development by private and/or non-profit housing providers.

**Table 3.1-5  
Proposed General Plan Land Use Designations**

<b>Land Use Designations (City)</b>	<b>Acres</b>	<b>Percent of Total Planning Area</b>
<b>RESIDENTIAL</b>		
Res. Rural (RR)	1,671.2	20.8%
Res. Very Low (RVL)	645.7	8.0%
Res. Low (RL)	1,198.0	14.9%
Res. Medium (RM)	117.7	1.5%
Res. High (RH)	65.3	0.7%
<i>Subtotal</i>	<i>3,697.9</i>	<i>45.9%</i>
<b>COMMERCIAL</b>		
Commercial (COM)	113.1	1.4%
Riverwalk District (RWD)	90.0	1.2%
Office (OFF)	11.4	0.1%
<i>Subtotal</i>	<i>214.5</i>	<i>2.7%</i>
<b>MIXED USE</b>		
Central Business District (CBD)	36.9	0.5%
Mill District (MD)	97.2	1.2%
Corridor Mixed Use (CMU)	128.5	1.6%
<i>Subtotal</i>	<i>262.6</i>	<i>3.3%</i>
<b>INDUSTRIAL</b>		
Industrial (IND)	250.2	3.1%
<b>AGRICULTURAL</b>		
Agriculture (AG)	1,180.9	14.7%
<b>OTHER</b>		
Public (PUB)	303.9	3.8%
Parks, Greenways, & Rec (PRK)	227.9	2.8%
Open Space (OS)	778.4	9.6%
Public Rights-of-Way	193.9	2.4%
<i>Subtotal</i>	<i>1,504</i>	<i>18.6%</i>
<b>PROPOSED PLANNING AREA EXPANSION<sup>2</sup></b>		
N/A	940.9	11.7%
<b>Total</b>	<b>8,051.0<sup>3</sup></b>	<b>100.0%</b>
<p><sup>1</sup> The area is outside of the incorporated City and SOI but within the proposed Planning Area and includes the area generally south of SR 36. This area is included in the Planning Area because the City of Fortuna considers it relevant to its planning. However, buildout projections are not applied to this area because the proposed General Plan would not change the existing Humboldt County General Plan land use designations and zoning or other conditions in this area.</p> <p><sup>2</sup> See Figure 2-7 in Chapter 2 of this PEIR for corresponding figure.</p> <p>Source: Planwest Partners, 2009.</p>		

**Table 3.1-6  
Proposed General Plan Buildout Calculations<sup>8</sup>**

Land Use Designations (City)	Acres	Yield			
		Residential Units	Non-Res. Sq. Ft.	Resident Population <sup>1</sup>	Employees
<b>RESIDENTIAL</b>					
Res. Rural (RR)	1,671.2	1,672	--	3,912	--
Res. Very Low (RVL)	645.7	1,291	--	3,021	--
Res. Low (RL)	1,198.0	4,409	--	10,317	--
Res. Medium (RM)	117.7	1,412	--	3,304	--
Res. High (RH)	65.3	1,200	--	2,808	--
<i>Subtotal</i>	<i>3,697.9</i>	<i>9,984</i>	<i>--</i>	<i>23,362</i>	<i>--</i>
<b>COMMERCIAL</b>					
Commercial (COM)	113.1	--	238,636	--	--
Riverwalk District (RWD)	90.0	--	180,000	--	--
Office (OFF)	11.4	--	202,134	--	--
<i>Subtotal</i>	<i>214.5</i>	<i>--</i>	<i>620,770</i>	<i>--</i>	<i>--</i>
<b>MIXED USE<sup>3</sup></b>					
Central Business District (CBD)	36.9	100	120,848	234	--
Mill District (MD)	97.2	300	300,000	702	--
Corridor Mixed Use (CMU)	128.5	200	216,842	468	--
<i>Subtotal</i>	<i>262.6</i>	<i>600</i>	<i>637,690</i>	<i>1,404</i>	<i>--</i>
<b>INDUSTRIAL</b>					
Industrial (IND)	250.2	--	591,900	--	--
<b>AGRICULTURE</b>					
Agriculture (AG)	1,180.9	59	--	138	--
<b>OTHER<sup>4</sup></b>					
Public (PUB)	303.9	--	--	--	--
Parks, Greenways, & Rec (PRK)	227.9	--	--	--	--
Open Space (OS)	778.4	--	--	--	--
Public Rights-of-Way	193.9	--	--	--	--
<i>Subtotal</i>	<i>1,504</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
<b>PROPOSED PLANNING AREA EXPANSION<sup>5</sup></b>					
N/A	940.9	--	--	--	--
<b>Total</b>	<b>8,051.0</b>	<b>10,643<sup>6</sup></b>	<b>1,850,360<sup>7</sup></b>	<b>24,904</b>	<b>12,967<sup>2</sup></b>

<sup>1</sup> Based on a Citywide average of 2.34 persons per residential unit from the California Department of Finance, Demographic Research Unit – Table E-5, City/County Population and Housing Estimates, 1/1/2009.

<sup>2</sup> Based on the existing ratio of employees to non-residential square footage per the following formula: (3,342 existing employees / 476,900 existing non-res. Sq. ft.) x 1,850,360 proposed non-res. Sq. ft.

<sup>3</sup> Non-Residential Sq. Ft. would be Commercial.

<sup>4</sup> While there are public uses proposed for these areas, no residential, commercial, or industrial use is proposed that would substantially impact buildout.

<sup>5</sup> The area outside of the incorporated City and SOI but within the proposed Planning Area, which includes the area generally south of SR 36. This area is proposed for the Planning Area because the City of Fortuna considers it relevant to its planning. However, the proposed General Plan would not change the existing Humboldt County General Plan land use designations and zoning or other conditions in this area.

<sup>6</sup> Includes 4,918 existing residential units.

<sup>7</sup> Includes 285,000 and 191,900 sq. ft. of existing commercial and industrial development, respectively.

<sup>8</sup> Buildout will occur after the year 2030 time horizon of the proposed plan based on current growth rates. However, in order to provide a conservative analysis, buildout is assumed to occur in year 2030 in this EIR.

Source: Planwest Partners, 2009.

**Table 3.1-7  
Existing Conditions Versus Proposed General Plan Buildout<sup>1</sup>**

Land Use	Existing Conditions				Proposed General Plan			
	Acres	% of Total Planning Area	Residential Units	Non-Residential Sq. ft.	Acres	% of Total Planning Area	Residential Units	Non-Residential Sq. Ft.
Residential	3,348.5	41.6%	4,859	--	3,697.9	45.9%	9,984	--
Commercial	150.0	1.9%	--	285,000	214.5	2.7%	--	620,770
Mixed-Use	--	--	--	--	262.6	3.3%	600	637,690
Industrial	171.4	2.1%	--	191,900	250.2	3.1%	--	591,900
Other <sup>2</sup>	3,440.2	42.7%	59	--	2,684.9	33.3%	59	--
Proposed Planning Area Expansion	940.9	11.7%	--	--	940.9	11.7%	--	--
<b>Total</b>	<b>8,051.0</b>	<b>100%</b>	<b>4,918</b>	<b>476,900</b>	<b>8,051.0</b>	<b>100%</b>	<b>10,643</b>	<b>1,850,360</b>

<sup>1</sup> This table is based on Tables 3.1-2 and 3.1-6.

<sup>2</sup> Includes agriculture, public, parks, open space, right-of-way, etc.

Source: Planwest Partners, 2009.

**Policy LU-1.8 Hazard Avoidance.** The City shall limit urban growth in areas with hazardous or nuisance conditions, such as noise, flooding, steep slopes, or unstable soils.

**Policy LU-1.11 Leapfrog Development.** The City shall discourage leapfrog development and development in peninsulas extending into agricultural and open space lands to avoid adverse effects on agricultural operations and open space.

**Policy LU-1.13 Annexation.** The City shall encourage future urban development within the Planning Area to occur under the jurisdiction of the city. To this end, the City shall require that vacant unincorporated properties be annexed into the city prior to the provision of any City services, or that a conditional service agreement is executed agreeing to annex when deemed appropriate by the City.

**Policy LU-1.14 Complete/Compatible Annexation.** The City shall ensure that proposed annexations develop as complete neighborhoods or complementary extensions of existing neighborhoods and promote continuous open space.

**Policy LU-1.19 Subdivision Map Act.** The City shall comply with the provisions of the Subdivision Map Act, and any City subdivision ordinance.

**Policy LU-2.3 Infill/Replacement Housing.** The City shall work with the Redevelopment Agency to promote housing opportunities in the downtown through infill projects and replacement housing.

**Policy LU-3.1 Regional Planning.** The City shall work with the Humboldt County Association of Governments (HCAOG) and Humboldt County regarding regional planning efforts.

**Policy LU-3.2 Growth Coordination.** The City shall coordinate growth and development with surrounding jurisdictions, the Local Agency Formation Commission (LAFCO), transit providers and, Humboldt County as appropriate to promote common goals.

**Policy LU-3.3 Uniform Land Use Policy.** The City shall continue to work with Humboldt County to develop a uniform land use policy for the urbanized lands in and adjacent to the city to avoid inconsistencies should these areas eventually be annexed to the city.

**Policy LU-4.1 Residential Growth.** The City shall support residential development at a manageable pace to achieve the City's fair share of regional housing needs and provide for orderly extension of infrastructure and public services.

**Policy LU-4.3 Multi-family Housing.** The City shall encourage multi-family housing to be located throughout the community, but especially within or near major transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers.

**Policy TC-1.12 Transportation System Financing.** The City, through the Humboldt County Association of Governments (HCAOG) and other agencies, shall proactively pursue timely financing for all transportation system components, including securing rights-of-way to achieve and maintain adopted LOS standards.

**Policy TC-1.15 Interchange Improvements.** The City, through HCAOG in cooperation with Caltrans, shall allocate the costs for funding interchange improvements to areas of benefit and assign proportionate share costs to individual projects.

**Policy TC-1.21 Development Fees.** The City shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system.

**Policy TC-6.2 Land Use Consistency.** The City shall continue to regulate land use around the Rohnerville Airport consistent with the Humboldt County Airport Land Use Compatibility Plan.

**Program TC-19.** The City shall review the Rohnerville Airport Land Use Compatibility Plan and ensure that land use designations and zoning within the Rohnerville Airport Land Use Compatibility zones are consistent with the plan.

**Policy NCR-14.** The City shall prepare a streamside management/wetland protection ordinance, following collaboration with resource agencies including but not limited to CDFG, establishing setback recommendations for perennial and intermittent streams, wetlands, and riparian corridors. At a minimum, the City shall implement the following watercourse, wetland and riparian area protection measures (see Section 5.2 of this PEIR for complete listing of the measures).

**Policy NCR-3.1 "Right-to-Farm."** The City shall encourage continuation (e.g., "right-to-farm" ordinance") of existing agricultural activities so long as these agricultural activities occur consistent with applicable federal, state, and local regulations.

**Policy NCR-3.2 Retain Agricultural Lands.** The City shall support and encourage the retention of active cultivation operations until such time that these areas are needed for planned urban or suburban expansion or mitigation for flood projects.

**Policy NCR-3.6 Regional Cooperation.** The City shall cooperate with local agricultural organizations and regional and State agencies that provide funds for agricultural conservation/mitigation to promote the viability of local agriculture.

**Program NCR-18.** The City shall adopt applicable Humboldt County farmland preservation standards.

**Program NCR-20.** The City shall not permit new urban development on parcels with Williamson Act contracts unless directly related to the existing agricultural activities/operations (e.g., barns, agricultural processing facilities, wells, water reservoirs, etc.).

**Program NCR-21.** The City shall require clustering where development is proposed on prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the California Resources Agency's Farmland Mapping and Monitoring Program, to retain the amount of farmland.

## Impacts and Mitigation

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### Impact 3.1-1: Physically Divide an Established Community

*Proposed General Plan implementation will not physically divide an established community.*

#### Discussion

The proposed plan does not include proposals for the construction of new highways, railways, levees, utility infrastructure, large-scale development projects, or other improvements that are most often associated with physically dividing established communities.

The proposed plan facilitates development and redevelopment activities within the proposed focus areas and the expansion of development in the proposed annexation areas. However, no road closures are proposed within these areas or within any other portions of the Planning Area. Furthermore, roads constructed as part of new development within the proposed annexation areas could increase rather than decrease connectivity to, within, and across these areas. Finally, the proposed plan: (1) includes a proposal to develop a seasonal pedestrian undercrossing within the Strongs Creek channel as part of NCRA's proposed River to Headwater trail system; and (2) requires the provisions of bikeways and pedestrian trails associated with new large development projects facilitated by the proposed plan. In addition, mitigation in Section 4.1 of this PEIR requires improvements to certain roadways and intersections. These would all increase rather than decrease connectivity within the Planning Area. Therefore, a beneficial impact will occur.

## Determination of Level of Significance

Beneficial impact

### Mitigation

No mitigation necessary

## Impact 3.1-2: Conflict with Applicable Land Use Plans, Programs or Regulations Adopted to Avoid or Mitigate an Environmental Effect

*Proposed General Plan implementation will conflict with existing City of Fortuna zoning, but will not conflict with other applicable land use plans, programs or regulations adopted to avoid or mitigate an environmental effect.*

### Discussion

There are five existing land use plans, programs or regulations designed to avoid or mitigate environmental effects within the Planning Area. The proposed plan's consistency with each of these is evaluated below.

**City of Fortuna Zoning Ordinance.** Under the proposed plan, a revised Land Use Diagram (Figure 2-7 in Chapter 2.0 of this PEIR) will be adopted. The diagram will maintain the basic pattern of development in the City as set forth in the City's existing Land Use Diagram, but will: (1) include new land use designations, especially in the proposed Focus Areas; (2) revise land use designations in many other parts of the incorporated City; and (3) extend City land use designations to cover the proposed Annexation Areas. Because the City's existing Land Use Diagram and zoning map are in general compliance, and because the City's existing Zoning Code (§17.06.050) requires General Plan and zoning consistency, revision of the proposed General Plan and Land Use Diagram will necessitate revision of the City of Fortuna Zoning Ordinance and zoning map. Without revising the Zoning Ordinance and zoning map to bring them into consistency with the proposed plan, a significant impact would occur.

**Humboldt County General Plan and Zoning Ordinance.** Under the proposed plan, the City of Fortuna will extend its incorporated boundaries to cover the proposed Riverwalk, Strongs Creek, Carson Woods Road, and Airport Annexation Areas. The County's General Plan land use designations and zoning within these areas will be replaced with City designations. The County's Land Use Diagram designates the majority of the proposed Annexation Areas as Agriculture (A, AE, AG, AL, etc.), with smaller areas designated as Timber (T), Residential Low (RL), Residential medium (RM), Commercial Recreation (CR), Commercial Service (CS), Industrial (IR), and Public Facility (PF). The County zones the majority of these areas as either Agriculture (AE and AG) or Timberland Production (TPZ), with the balance as Residential Suburban (RS), Heavy Industrial (MH), and Airport (AV). This contrasts with the City's proposed Land Use designation in the Riverwalk Annexation Area as Riverwalk District (RWD) and Industrial (IND), the Strongs Creek Annexation Area as Residential Low (RL), Open Space

(OS), and Parks/Greenways/Rec. (PRK), the Carson Woods Road Annexation Area as Residential Rural (RR), and the Rohnerville Airport Annexation Area as Agriculture (AG), Industrial (IND), Public (PUB), and Residential Rural (RR). Generally, the proposed land use designations will facilitate the expansion of low-density urban development into areas currently designated and zoned by the County for agriculture and timber use, except in the Rohnerville Airport Annexation Area where an area currently designated and zoned by the County for industrial development would be substantially expanded.

The proposed replacement of agriculture and timber designations and zoning with low-density residential designations, and the expansion of existing industrial designations and zoning around the airport, do not in themselves represent a conflict with applicable land use plans, programs or regulations adopted to avoid or mitigate environmental effects. This is because the existing County land use designations and zoning: (1) were adopted to regulate and direct land use and development rather than to avoid or mitigate environmental effects; and (2) apply to broad areas with varied existing land uses rather than to resource-specific areas (for example, not all the areas designated by the County as Agriculture contain agricultural uses). However, in several instances the existing County agricultural land use designations and zoning apply to areas that are currently under cultivation and which are either underlain by prime agricultural soils and/or covered by active Williamson Act contracts (see Figure 5-4 in Section 5.3 of this PEIR). In these instances, a valid case can be made that the County's existing agricultural land use designation and zoning serve to avoid or mitigate environmental effects by preventing the loss of prime farmland, and that re-designation of these areas for urban development under the proposed plan will conflict with an applicable land use plan adopted to avoid or mitigate environmental effects.

The proposed plan includes policies and programs designed to reduce impacts to prime farmland:

- Policies LU-1.6 and -1.7 require the City to encourage infill development and reuse to minimize outward urban growth;
- Policy LU-1.11 requires the City to discourage leapfrog development and development in peninsulas extending into agricultural and open space lands;
- Policy NCR-3.1 requires the City to adopt a "right-to-farm" ordinance to encourage continuation of existing agricultural activities;
- Policy NCR-3.2 requires the City to support and encourage retention of active cultivation operations until such time as these areas are needed for planned urban expansion;
- Policy NCR-3.6 requires the City to cooperate with local agricultural operations and regional and State agencies that provide funds for agricultural conservation/mitigation to promote the viability of local agriculture;
- Program NCR-18 requires the City to adopt applicable Humboldt County farmland preservation standards;
- Program NCR-20 prohibits new urban development on parcels with active Williamson Act contracts; and
- Program NCR-21 requires clustering of urban uses on prime farmland to maximize farmland retention.

While these policies and programs will reduce potential impacts to prime farmland, the proposed plan will still conflict with County Agricultural land use and zoning designations adopted to preserve prime farmland by re-designating some of this farmland for urban use. Therefore, a significant impact will occur. See Section 5.3 of this PEIR for further discussion.

**Humboldt County Regional Transportation Plan (RTP).** The 2008 Humboldt County RTP is a long-range planning document developed by HCAOG, Humboldt County and local cities, including Fortuna that identifies and plans for required future regional transportation improvements to accommodate projected regional traffic through 2028. Regional transportation improvements identified by the RTP fall into two categories: funded and unfunded. Within the vicinity of Fortuna only funded improvements were identified by the RTP. Funded improvements within the Planning Area include reconstruction of Ross Hill Road and widening of Rohnerville Road between Newberg and Strongs Creek and between Redwood and School). Funded improvements outside the Planning Area but within the general vicinity include the rehabilitation of U.S. 101 rehabilitation from the Eel River Bridge to 0.5 miles south of the Van Duzen River Bridge, and slip out repairs along SR 36 both east and west of the Van Duzen River Bridge.

Implementing the proposed General Plan will increase traffic on several routes identified by the RTP as “regionally significant” including Main Street, Rohnerville Road, Ross Hill Road, SR 36, and U.S. 101 (see Section 5.3 of this PEIR) ( HCAOG 2008). There is no adopted regional transportation impact fee in the County; cities like Fortuna are not required to pay impact fees for regional transportation improvements. However, because the RTP represents a regional plan designed and adopted to avoid or mitigate regional traffic impacts, the proposed Fortuna General Plan (2030) must be consistent with the RTP.

The proposed plan includes policies to ensure coordination with regional planning efforts:

- Policy LU-3.1 requires the City to work with HCAOG and Humboldt County regarding regional planning efforts;
- Policy LU-3.2 requires the City to coordinate growth and development with surrounding jurisdictions, the Local Agency Formation Commission (LAFCO), transit providers, and Humboldt County;
- Policy TC-1.15 requires the City, through HCAOG in cooperation with Caltrans, to allocate the costs for funding interchange improvements to areas of benefit and assign proportionate share costs to individual projects; and
- Policy TC-1.21 requires the City to assess fees on new development for their fair share impacts on the local and regional transportation system.

By implementing the proposed policies above, the proposed plan will not conflict with the RTP. Therefore, the impact will be less-than-significant.

**Humboldt County Airport Land Use Compatibility Plan (ALUCP).** The Humboldt County Airport Land Use Compatibility Plan designates five land use compatibility zones around Rohnerville Airport (Figure 3-3). The plan identifies land use compatibility criteria for new

development in each zone (Table 3.1-4). Whether development within each of these zones under the proposed plan is consistent with the land use compatibility criteria of the ALUCP, is discussed below.

Zone A is the runway protection zone. Large trees, signs or other flight hazards are not permitted in zone A; only structures with locations established by aeronautical function are allowed. The compatibility criteria also preclude residential uses within Zone A due to high safety risk and noise hazards, limit other uses to 10 people per acre, and require that all remaining area is to be left as open land. The majority of land in Zone A is owned by the County, and thus exempt from the City's land use jurisdiction. However, the northwestern and southeastern portions of Zone A are located outside the airport property and are designated by the proposed Land Use Diagram as Public and Agriculture. Development of structures exceeding those established by aeronautical function and potentially at heights beyond FAR Part 77 height limits are allowed in these land use categories. In addition, the Agriculture designation permits extremely low density residential development (1 unit per 20 acres). Hence under the proposed Land Use Diagram, development could occur in Zone A that is inconsistent with limitations established by the Compatibility Plan.

Zones B1 is the approach/departure zone and Zone B2 the extended approach/departure zone. Substantial safety and noise risks exist in these zones due to aircraft typically flying below 400 feet above ground level (AGL) within 1,000 feet of the runway in the case of Zone B1, or below 800 feet AGL in the case of Zone B2. The Plan's compatibility criteria limits residential density to 0.1 du/ac in Zone B1 and to 0.5 du/ac in Zone B2. The plan also limits other uses to 60 people per acre, requires 30% open land, and prohibits schools, day care centers, hospitals, libraries and other noise-sensitive land uses in both zones. The proposed Land Use Diagram designates land within Zone B1 as Public, Industrial, Rural Residential and Agriculture, and within Zone B2 as Rural Residential and Agriculture. Uses permitted under the proposed Land Use Diagram have the potential to conflict with what is permitted in Zones B1 and B2: (1) the Public designation permits several uses not allowed in Zones B1 and B2, including schools, hospitals and libraries; (2) the Rural Residential designation permits residential uses at densities up to 1.0 du/ac, greater than allowed in either zone; and (3) both the Public and Industrial designations could result in greater than 60 people per acre in Zone B1. Hence, under the proposed Land Use Diagram development could occur in Zones B1 and B2 that is inconsistent with the Compatibility Plan.

Zone C is identified as an area of common aircraft traffic problems. The compatibility criteria indicate that there is limited risk in this zone from aircraft flying at or below 1,000 feet AGL but that there can be frequent noise intrusion. The plan limits residential density to 4 du/ac, limits other uses to 150 people per acre, requires 15% open land, and prohibits schools, hospitals, nursing homes and hazards to aviation (e.g., uses that emit extensive light and glare, smoke or significant electrical transmissions that could interfere with aircraft navigation or communication, attracting flocks of birds). Under the proposed Land Use Diagram, areas within this zone are designated as Public, Industrial, Commercial, Residential Rural and Agriculture. While the land uses permitted under these proposed designations are allowed by the Compatibility Plan in Zone C, there remains the potential that these uses could generate hazards to aviation.

Zone D is identified as “other airport environs”. This zone is subject to negligible risk but does have the potential for annoyance from over flights. It requires land uses to avoid features that could cause a hazard to aviation (see above), but does not restrict the types of land uses permitted. Nor does it require open land. Under the proposed Land Use Diagram, a range of land use designations is proposed in this zone, including Agriculture, several residential designations, Public, Commercial, Industrial, and Open Space. While the land uses permitted under these proposed designations are allowed in Zone D, the potential exists for these uses to create hazards to aviation.

While the proposed Land Use Diagram will permit development within one or more Airport Land Use Compatibility Zones inconsistent with the ALUCP and/or would result in land uses that could generate hazards to aviation, the proposed plan includes policies and programs designed to ensure that development within these zones occurs consistent with Compatibility Plan requirements. These include:

- Policy TC-6.2 require the City to continue to regulate land use around Rohnerville Airport consistent with the ALUCP;
- Policy HS-9.1 require the City to limit development within the Compatibility Zones to that permitted within each zone by the ALUCP; and
- Program HS-9.2 requires the City to ensure that development within the Rohnerville Airport approach and departure zones (B1 and B2) complies with Part 87 of FAA regulations (i.e., objects affecting navigable airspace).

By complying with ALUC review requirements for development proposed within the Compatibility Zones of Rohnerville Airport, and with implementation of the policies and programs referenced above, the proposed plan will not conflict with the ALUC. Therefore, the impact will be less-than-significant.

**Humboldt County Streamside Management Area (SMA) Ordinance.** The unincorporated portions of the Planning Area are subject to the requirements of Humboldt County’s SMA Ordinance. The Ordinance requires a 50 foot wide SMA around perennial and a 25 foot wide SMA around ephemeral watercourses, and restricts the types of land uses and activities permitted within the SMA.

Under the proposed plan, five unincorporated areas of the Planning Area will be annexed to the City (i.e., Riverwalk Area, Strongs Creek east of Rohnerville Road, Carson Woods Road, and Rohnerville Plateau). Five perennial watercourses currently pass through the annexation areas, including Mill Creek, Jameson Creek, Strongs Creek, Palmer Creek, and Little Palmer Creek, and two perennial watercourses (Eel River and Wolverton Gulch) abut one or more of these annexation areas. In addition, ephemeral watercourses may bisect the annexation areas. According to the County's GIS data, 50 foot wide SMAs have already been established around each of the listed perennial watercourses. According to the SMA Ordinance, 25 foot SMAs must be established around any ephemeral watercourses as development occurs.

The proposed Land Use Diagram designates land for urban uses adjacent to each of the listed watercourses. Therefore, the proposed plan could conflict with the County's SMA Ordinance. Furthermore, areas annexed to the City of Fortuna under the proposed plan would lose the protections afforded them under the County's SMA Ordinance because the County standards would no longer be applicable. However, the proposed General Plan includes Program NCR-14 that requires the City to prepare an SMA ordinance, equivalent to County's, that requires SMAs around watercourses, limits activities within these SMAs, prohibits uses and activities that would degrade the water quality of the watercourses, controls the quantity and quality of stormwater runoff draining to watercourses, and prohibits septic systems within SMAs. These actions will protect the physical integrity and water quality of the watercourses and will provide a level of protection equivalent to the County's SMA Ordinance. In addition, there are substantial federal and state laws and regulations protecting Waters of the U.S. (e.g., Clean Water Act, Rivers and Harbors Act), and any activities that intrude into these waters require federal and/or state permits (e.g., 404, 1603) to avoid significant impacts. Therefore, the proposed plan will be consistent with the County's SMA Ordinance, and a less-than-significant impact will occur. See Section 5.2 of this PEIR for further discussion, including the full text of Program NCR-14.

### **Determination of Level of Significance**

**City of Fortuna Zoning Ordinance:** Significant Impact before mitigation, Less-Than-Significant after mitigation

**Humboldt County General Plan and Zoning Ordinance:** Significant Unavoidable Adverse Impact

**Humboldt County Regional Transportation Plan:** Less-Than-Significant

**Humboldt County Regional Transportation Plan:** Less-Than-Significant

**Humboldt County Streamside Management Area Ordinance:** Less-Than-Significant

### **Mitigation**

*Mitigation Measure 3.1-2a.* To comply with California Government Code §65860(a), requiring consistency between an agency's zoning ordinance and general plan, the City of Fortuna shall revise its Zoning Ordinance and zoning map making them consistent with the General Plan and Land Use Diagram. The City shall start the Zoning Ordinance and zoning map revision process within three months of adoption of the proposed plan, and shall adopt the revisions within nine months thereafter. The City's Zoning Ordinance and zoning map shall take precedence over the proposed General Plan and Land Use Diagram until such time as the Zoning Ordinance and zoning map are revised.

### **Impact 3.1--3: Result in Negative Community Character, Substantial Land Use Conflicts, or an Inadequate Amount of Industrially-Designated Land (Mill District Area Plan)**

*Proposed Mill District Area Plan implementation will not result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land.*

#### **Discussion**

Included as part of the proposed General Plan is a proposed Area Plan for the Mill District (included as Appendix H of this PEIR). The Area Plan includes: (1) a land use plan covering the Mill District; (2) goals, policies and programs to guide future development within the District; and (3) and three development concepts for development of the District under the proposed land use plan and goals, policies and programs. The Area Plan is intended to provide more specific development guidelines and standards for the area to provide for a comprehensively planned mixed-use District within a currently blighted and underutilized portion of the City's urban core.

The Mill District is a 115-acre area within the western portion of the incorporated City of Fortuna bordered by 12<sup>th</sup> Street and Newburg Road to the north, Fortuna Boulevard to the south and east, and the Northwestern Pacific Railroad (NWPRR) tracks and U.S 101 to the west (Figure 3-4). Existing land uses in the District include the 75-acre site of the former Pacific Lumber Company Mill (now dismantled), thoroughfare commercial uses along Fortuna Boulevard, single family residential uses centered along Spring Street and Newburg (including a mix of newer, maintained, and dilapidated housing and outdated infrastructure), vacant parcels throughout, and Strongs Creek. Under the proposed Mill District Area Plan, this area, currently designated as Heavy Industrial (M2), Commercial Thoroughfare (CT) and Residential Multi-family (RM), will be re-designated Mill District (MD) as defined below:

“This designation provides for single-use and vertical and horizontal mixed-use development as part of a large, integrated center. Uses may include large-scale retail and service uses, restaurants, entertainment venues, professional and administrative offices, residential units, public and quasi-public purposes, and similar and compatible uses. The FAR for mixed-use development shall not exceed 2.0. The FAR for nonresidential uses shall not exceed 0.5. Residential densities shall be in the range of 7.0 to 29.0 units per gross acre.”

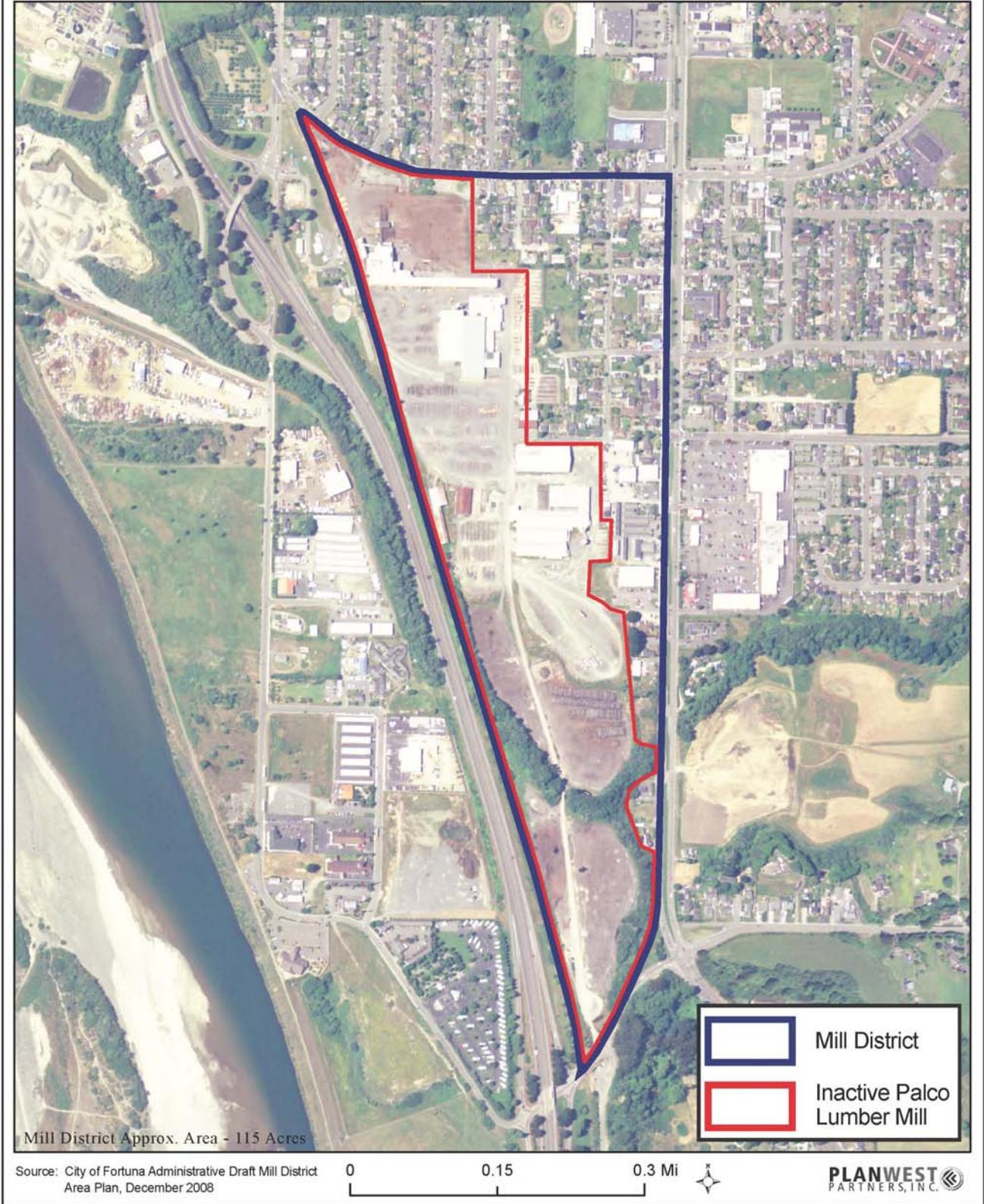
Implementation of the proposed Mill District Area Plan could result in: (1) negative community character; (2) substantial land use conflicts; and (3) an inadequate amount of industrially-designated land in the Planning Area to accommodate future demand. Each of these is evaluated below.

**Community Character.** Under the proposed Mill District Area Plan, the industrial, commercial thoroughfare, single family residential, and vacant/floodplain uses in the District will gradually be replaced with higher-density mixed commercial, multi-family residential and open space uses

that are complimentary to one another and are developed as an integrated whole for the public benefit. Blight conditions, including vacant areas used for dumping, dilapidated housing, old/inadequate utility and roadway infrastructure, abandoned industrial uses, irregular and substandard lots, and areas of potential contamination, will be eliminated and replaced with consolidated lots suitable for modern integrated development and revitalizing land uses consistent with the goals of the City's Redevelopment Plan. Redevelopment funds may be available to upgrade the existing old/inadequate utility and roadway infrastructure and provide sidewalks and drainage improvements, make the area more attractive to private sector development, and increase property values within and adjacent to the District. Large expanses of currently fenced-off non-operational industrial areas will be replaced with uses providing shopping, dining and housing opportunities for current City residents and attracting new business investment. More intensive development will occur, expanding into vacant and underutilized areas of the District, but this new development will be more aesthetically pleasing and will occur consistent with a full set of modern form-based development guidelines and General Plan policies requiring the separation of buildings, the installation of sidewalks, landscaping, open space, parkland, building setbacks, and building step-backs, and other requirements to ensure good urban design. While the character of the District will be changed, this change will be positive as discussed above. Therefore, a beneficial impact would occur.

**Substantial Land Use Conflicts.** As discussed above, the proposed Mill District Area Plan will replace existing blighted and underutilized industrial, commercial, residential, vacant and flood plain uses in the Mill District, replacing them with integrated mixed-use commercial, office, residential, and park development and open space. Under the proposed MD land use designation, new development would be limited to an FAR of 2.0 for mixed development, an FAR of 0.5 for non-residential uses, and a residential density of 7.0 to 29.0 du/ac. This will permit mixed-use development of up to several stories in height. Development at these densities would be more intensive than the existing development within the District, more intensive than the existing one-story single family residential uses north of the District on the north side of Newburg Road, and potentially more intensive than the existing one- and two-story thoroughfare commercial and office uses east of the District on the east side of Fortuna Boulevard. However, the proposed Area Plan and General Plan include policies and programs designed to minimize land use conflicts with existing adjacent development as set forth below:

**Fortuna General Plan 2030**  
**Figure 3-4, Mill District Area Plan**



## Mill District Area Plan

**Policy 5.** Open space and parkland shall be provided in the Mill District at a minimum of 40% of the land area of the District (approximately 50% of which is in existing 100-year floodplain area), and should integrate the Mill District with the surrounding area.

**Policy 6.** Strongs Creek shall be developed as a key open space corridor forming a crucial link in the “River to Forest” public walkways system.

**Policy 7.** Higher density land uses and taller buildings shall be clustered around the economic hub of the Mill District, with lower density land uses and lower buildings directed to the boundaries.

**Policy 8.** Mill District design and development shall be compatible with adjacent uses. A Form-Based Code shall be developed to guide long-term development in the District. The following factors shall be considered in reviewing proposals for new and/or expanding Mill District uses: (1) the site plan for individual projects shall include features to integrate the new development with surrounding uses; (2) site plans shall promote safe, convenient and barrier-free pedestrian travel between the District and adjacent uses; (3) off-street parking areas shall be located away from adjacent residential uses; and (4) loading and service areas shall be screened, landscaped, and located away from adjacent residential uses.

**Program B.** The City shall require the construction of a road through the Mill District that connects Strongs Creek Drive, Redwood Way, and Newburg Road. There shall be sufficient connections to adjacent residential streets to facilitate convenient automobile and pedestrian flow through the District.

## Proposed General Plan

**Policy LU-1.19 Subdivision Map Act.** The City shall comply with the provisions of the Subdivision Map Act, and any City subdivision ordinance.

**Policy LU-5.1 Compatibility.** The City shall ensure that land use and development decisions are not detrimental to the positive character and identify of Fortuna’s existing residential neighborhoods.

**Program LU-7.** The City shall develop and apply a compatibility formula for scaling (height relationship), landscaping, visually buffering treatments, and incorporating noise attenuation for new non-residential development adjacent to existing residential uses.

**Policy LU-6.3 Development Buffers.** The City shall require buffers as a means to reduce noise, trespassing, glare, or other annoyances, through methods such as landscaping and setbacks between new commercial development and residential areas. When establishing these buffers, the City shall also consider separation to reduce air quality impacts, from uses that generate emissions, on sensitive receptors.

**Program LU-8.** The City shall limit new commercial development within the Mill District to 250,000 square feet.

**Policy LU-14.3 Open Space and Parkland.** The City shall require a minimum of 40 percent open space and/or parkland in the Mill District.

**Program TC-4.2.** The City shall continue to require new development to finance and install sidewalks and pedestrian pathways connecting them to existing sidewalks.

**Program TC-4.6.** The City shall promote pedestrian convenience and safety by connecting sidewalks in residential areas with commercial, shopping, and employment centers.

**Policy TC-5.14 Future Rail Options.** The City shall require that new development adjacent to the NWPRR right-of-way, where appropriate, be designed for future bicycle/pedestrian trail or light rail station access.

**Policy HS-4.1 Noise Compatibility Standards.** The City shall adopt the noise standards by land use type identified under Program HS-7 to ensure compatibility with adjacent and noise-sensitive uses.

**Policy HS-4.2 Noise Compatibility Implementation.** The City shall not permit new land uses that result in exceedances of the noise compatibility standards referenced in Policy HS-4.1 at existing adjacent land uses.

**Policy HS-4.4 Noise Source Isolation.** The City shall require uses that generate high levels of noise be separated or shield from sensitive receptors.

**Program HS-8.** The City shall require proposed new subdivisions, PUDs, and other large development projects to have a noise study prepared, and to identify mitigation measures that would bring any project noise at adjacent receptors that would exceed the noise standards set by program HS-7 to acceptable levels.

**Program HS-9.** The City shall require that: (1) loading docks be enclosed by noise walls where project buildings do not occur between the loading docks and existing residential uses; (2) loading dock deliveries be restricted to the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday; and (3) HVAC systems be enclosed such that associated noise does not exceed 60 dBA  $L_{dn}$  at any existing off-site residential uses.

**Policy CD-1.9 Pedestrian Circulation.** The City shall require that new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas.

**Policy CD-1.13 Environmental Conformity.** The City shall require development project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses.

**Policy CD-1.14 Lighting.** The City shall review lighting and landscaping plans to ensure that they are compatible with adjacent uses. The City shall also prohibit continuous all night lighting except for security purposes.

**Policy CD-1.16 building Spacing.** The City shall require adequate spacing or insulation between buildings so that residents have separation from neighbors and adequate privacy.

**Policy CD-1.20 Glare.** The City shall require that new building exteriors be constructed with non-glare or low-glare materials and paints, and minimize the use of reflective glass in exterior facades.

**Program CD-6.** Exterior lighting shall be of the lowest intensity lamp/wattage required for security and safety purposes, and shall be shielded and directed downward so there is no direct illumination of adjacent properties.

The mixed-used development permitted under the Mill District Area Plan and the MD land use designation will provide shopping, employment and housing opportunities for the existing community. Furthermore, the Area Plan will facilitate replacement of the existing blighted and underutilized industrial uses within the Mill District, that constitute an eyesore for existing adjacent residential uses, with non-blighted, non-industrial, modern uses constructed to modern urban design standards. Finally, implementation of the proposed policies and programs listed above will avoid substantial land use conflicts between the land uses permitted under the MD designation and existing adjacent land uses. For all these reasons, a less-than-significant impact will occur.

**Inadequate Industrially-Designated Land.** The Mill District currently contains 75 acres of vacant land formerly including 312,000 building square feet of industrial use (i.e., former Fortuna Palco Lumber Mill, much of which has been removed). Under the proposed plan, this industrial land will be re-designated Mill District (MD) permitting a mix of uses (excluding industrial). Thus, the proposed plan will phase out industrial use within the Mill District, albeit a non-existent at this time. However, for two reasons this change will not result in inadequate industrially-designated land in the City. First, although the industrial use will be eliminated from the Mill District, the proposed plan designates almost 80 acres of land within the Riverwalk and Rohnerville Airport Annexation Areas for industrial use, thereby resulting in a net gain in industrial land within the City. Second, as indicated in the analysis in Section 3.3 of this EIR (Economic Impacts), the amount of land to be designated Industrial (IND) under the proposed plan will more than meet the City's projected demand for industrial land through the year 2030. Therefore, a less-than-significant impact will occur.

### **Determination of Level of Significance**

Beneficial impact (character)

Less-than-significant impact (land use conflicts)

Less-than-significant impact (industrially-designated land)

### **Mitigation**

No mitigation necessary

### **Impact 3.1-4: Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan**

*Proposed General Plan implementation will not conflict with a Habitat Conservation Plan or Natural Community Conservation Plan.*

#### **Discussion**

The Planning Area is not subject to any existing Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP; City of Fortuna, 2009). Therefore, the proposed plan would not conflict with an HCP or NCCP, and no impact would occur.

#### **Determination of Level of Significance**

No impact

#### **Mitigation**

No mitigation necessary

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