

4.9 Land Use and Planning

This section evaluates potential environmental impacts related to land use and planning on the proposed project site. It also describes the impacts on land use and planning that would result from implementation of the proposed project, including consistency with relevant plans and programs that have jurisdiction within the project area and compatibility with surrounding land uses. In addition to the analysis provided in this section, the following subjects are related to land use and planning, but are evaluated in other sections of this EIR:

- Potential impacts related to visual character and quality of the project, the site, and its surroundings are evaluated in Section 4.1, Aesthetics.
- Potential impacts related to project-generated noise and sensitive receptors are evaluated in Section 4.10, Noise.
- Potential impacts related to recreational facilities are evaluated in Section 4.12, Public Services and Recreation.
- Potential impacts related to traffic and performance of pedestrian, bicycle, and transit facilities, and designations of bicycle lanes and pedestrian corridors are evaluated in Section 4.13, Transportation.

4.9.1 Setting

Land Use Patterns and Existing Uses

The Samoa Peninsula is a sparsely populated narrow coastal land form, known as a “spit”, which forms a barrier between the Pacific Ocean and Humboldt Bay. Connected to the mainland on the northern end, it is accessible from the City of Arcata, which is located at the north end of Humboldt Bay. On the south, the spit is open to the navigation channel that allows access from the Pacific Ocean to Humboldt Bay. Existing land uses are a mixture of residential, commercial, industrial, and public facilities. Residential uses are generally concentrated in the unincorporated communities of Samoa, Finntown, and Fairhaven, which predominately have single-family residences with some multi-family developments. Large industrial uses exist between the residential areas. Commercial services are minimal, with the most prominent being the Samoa Cookhouse restaurant.

Public facilities in the area include the Peninsula Elementary School in the town of Samoa, the Samoa Peninsula Fire Department in Fairhaven, and the U.S. Coast Guard Station Humboldt Bay which is located near the southern tip of the spit. Additional public facilities include the Samoa Field Airport (formerly known as the Eureka Municipal Airport) that is managed by the City of Eureka, and U.S. Bureau of Land Management (BLM) Samoa Dunes Recreation Area. Other public/community services are provided outside of the project area in surrounding developed communities. Public beach access is available at Bay Street Beach Access and Power Poles Beach Access, west of New Navy Base Road.

Industrial activities on the Samoa Peninsula and the project area have been occurring for over 100 years and include industrial lumber, pulp and paper production facilities, waterfront uses such as shipping and receiving, and commercial maritime operations. DG Fairhaven Power Company uses wood waste products to produce energy that is provided to the California electric grid. Several of the large industrial operations (pulp, paper, and plywood for example) have been in various states of operation and suspension for decades. Historic railroad infrastructure is present along the spit in

various areas, which has been obscured by other more recent land uses. Newer industrial activities include the expansion of aquaculture and commercial-scale soil amendments.

Historic development activities in the project area consist of waterfront commercial/industrial operations along the Humboldt Bay side, where access to the bay is vital for shipping products into and out of the region. Residential uses are clustered in small communities that were originally developed to provide housing for industrial operations. While still true today, the reduction in industrial operations on the peninsula has resulted in residents leaving the peninsula for jobs in the Eureka and Arcata areas.

Land Use Designation and Zoning

Land Use Designation

The Humboldt County General Plan and the Humboldt Bay Area Plan (the Local Coastal Program that is included in the General Plan for coastal areas) has a wide array of land use designations for the Samoa Peninsula, ranging from rural exurban (RX), commercial general (CG), commercial recreation (CR), to designations such as industrial coastal dependent (MC), industrial general (for coastal areas, MG), and business park (MB), and other public use and natural resource designations such as natural resource (NR), public recreation (PR) and public facility (PF).

The project area is located along the Pacific coast, therefore, the applicable land use document is the Humboldt Bay Area Plan (HBAP), which has designated the following land use types in areas where the project would be located:

- **RX-Residential/Exurban:** residential single-family with neighborhood commercial services.
- **RM-Residential/Medium Density:** allows duplex, multiple unit, and mobile home residential development for individuals and families.
- **CR-Commercial Recreation:** commercial recreation facilities such as recreational vehicle parks, hotels and motels, and visitor-serving developments such as restaurants and art galleries, etc.
- **MG-Industrial General:** light and general manufacturing, warehousing and wholesaling, research and development.
- **MC-Industrial/Coastal Development:** for uses associated with coastal-dependent industrial uses that require access to a maintained navigable channel.
- **MB-Business Park:** mixed business development that can include administrative, business and professional offices, research and development.
- **NR-Natural Resources:** designated for uses such as habitat conservation, restoration, and enhancement activities.
- **PF-Public Facilities:** for uses such as essential services for fire and police, schools and hospitals, libraries, and other associated public use facilities.
- **PR-Public Recreation:** public recreation and open space.

The Approved Samoa WWTF site is designated RM and NR. Both of these designations allow public infrastructure. The remainder of the project improvements would be within existing roadway right-of-ways.

Zoning

Zoning designations in the project area have been developed based on the HBAP with combining zones and the Samoa Town Master Plan (STMP) Land Use Plan designation overlay for the area associated with the Approved Samoa WWTF. Review of the associated zoning (Humboldt County Code, Zoning Regulations, Title III Land Use Development) for parcels within the project area designate the following zoning, which is provided below with a brief synopsis of allowable uses:

RS-X; Residential Suburban: located within the coastal zone, the RS-X zoning is for residential with no further land subdivisions allowed (Humboldt County Code, Title III, Division 1, Section 313-6.1 and 313-39.1). These zoning designations are located within the community of Fairhaven and includes approximately 208 Assessor's parcel numbers (APNs), approximately 66 residences, and the Samoa Peninsula Fire Protection District fire hall and volunteer quarters (Humboldt County, 2017).

RS-D,P; Residential with Design Review Planned Unit Development: The RS-D,P designation is found mixed with other zoning uses for industrial and industrial coastal development land uses. While residential development is allowed, the combining district means that it can only be accomplished with a Design Review and implementation of a Planned Unit Development strategy for the sites.

MC-A; industrial/ coastal dependent with an Archaeological Resource Area overlay: These parcels have been historically used for industrial coastal development and include some residential uses (Humboldt County Code, Title III, Division 1, Section 313-3.4 and 313-16.1). These zoning designations are primarily found along the Humboldt Bay waterfront parcels including Finntown (approximately 10 homes) and properties along Vance Avenue north toward the community of Samoa and south along New Navy Base Road to the U.S. Coast Guard facility. Some of the parcels farther to the south in areas of limited historic development also have an combining zone designation of "W" (MC-A,W) which designates Coastal Wetlands.

MB-D; Business Park (industrial) with Design Review: Parcels with this designation are associated with historic industrial development activities but can be developed as business parks with a combining zone requirement for a Design Review.

PR; Public Recreation: Areas designated for public recreation such as the Samoa Boat Ramp Park. Some properties along the Humboldt Bay have combining zone designations of "W" (Coastal Wetlands) and "B" for Beach Dune Areas (PR-W,B).

NR; Natural Resources: These areas are designated natural resource areas, such as the Samoa Recreation Area and areas along the Humboldt Bay and Pacific coast. Some areas have further combining zone designations of "W" (Coastal Wetlands, NR-W).

MG; Industrial General: These are designated for industrial uses of various types. Some areas have additional combining zone designations of "W" (Coastal Wetlands, MG-W)

Urban Limit Line

The HBAP identifies an Urban Limit Line on the Samoa Peninsula as consisting of the town of Samoa, with the Urban Limit Line coterminous with the STMP boundary. Extension of wastewater services outside of the Urban Limit Line is prohibited by the HBAP, except sewer connections provided to industrial uses.

4.9.2 Regulatory Framework

Federal

Coastal Zone Management Act and Coastal Zone Management Program

The Coastal Zone Management Act (CZMA) was enacted in 1972 to provide direction to state governments regarding protection of the Nation's coastal zone. As a result of the implementation of the CZMA, the Coastal Zone Management Program (CZMP) was established to develop programs and responsibilities for developing the Nation's coastal communities and resources. In California, the CZMA, and related programs identified under the CZMP, are administered by the California Coastal Commission.

State

California Environmental Quality Act

As identified in the California Environmental Quality Act (CEQA) State CEQA Guidelines, a project's impact related to land use planning is evaluated in terms of compatibility with existing land uses and the consistency with local plans and regulations.

California Coastal Commission

The California Coastal Commission, in concert with coastal cities and counties, is responsible for the planning of land and water uses within the coastal zone, and the regulation of proposed development activities. The Coastal Commission is the State's designated coastal management agency for the Pacific Coast in Humboldt County, and administers the federal CZMA.

Regional and Local

Humboldt County General Plan

The Humboldt County General Plan includes goals, policies, and standards for land uses throughout the County. However, the project area is located within the coastal zone, which has specific management direction provided in the Humboldt Bay Area Plan (HBAP). A part of the General Plan, the HBAP sets land use and zoning requirements for lands in the project area.

Humboldt Bay Area Plan

The Humboldt Bay Area Plan (HBAP) was developed by the Humboldt County Planning Department Local Coastal Program (LCP) as required by the California Coastal Act of 1976, and under provisions of the CZMA administered by the California Coastal Commission. Originally completed and certified in 1982, the HBAP has been revised over the years with the most recent update of December 2014. A part of the General Plan, the HBAP identifies land uses and standards by which development is evaluated by the County in the Coastal Zone. The HBAP outlines specific land use development policies and zoning designations within the Coastal Zone and provides guidance and specific direction for land use activities. For development of the proposed project, specific land use and zoning areas and their descriptions have been outlined above in Section 4.9.1, Setting, subsection Land Use Designation and Zoning. Additionally, the following HBAP policies relate to provision of sewer service on the Samoa Peninsula.

Section 3.10 URBAN DEVELOPMENT, B. DEVELOPMENT POLICIES, 1. Serviceable Area. b. The serviceable area within the Humboldt Bay Planning Area is defined as follows and includes: Generally, three hundred (300) feet by the shortest feasible distance from the existing water and sewer system lines.

Section 3.22 PUBLIC SERVICES-RURAL.

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal- dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor- serving land uses shall not be precluded by other development.

B. Development Policies.

1. Extension of Services

It is the intent of this chapter that extensive rural public service systems, such as water and sewer, not be developed. This is exclusive of such public systems such as roads, electric, gas, telephone, and fire protection systems appropriate to planned levels of development. No permit shall be issued by any agency of the County to a special district or private utility or mutual system proposing to provide such services outside an urban limit line.

In addition, sewer connections may be provided to industrial uses.

STMP (New Development) Policy 9: Waste water treatment provided for the lands subject to the STMP-LUP shall be limited to provision of service for development authorized pursuant to the STMP-LUP only. No lands or development outside the STMP-LUP shall be served by wastewater treatment facilities provided for the lands subject to the STMP-LUP. No pipeline connections to collect or transfer waste water from off-site to or through the STMP-LUP lands shall be installed on or adjacent to the lands subject to the STMP-LUP.

Samoa Town Master Plan

The Samoa Town Master Plan (STMP) and EIR were developed by the County and the Samoa Pacific Group, LLC, who purchased the town of Samoa in 2000, to provide updated land use framework for ongoing uses in the town of Samoa. The goal of the STMP was to maintain the historical character of the town of Samoa, including its architecture and linkages to the ocean and bay. The STMP also provides consistency findings and an opportunity for revisions or modifications to the HBAP through the LCP.

Peninsula Community Services District

The Peninsula Community Services District (PCSD), which is anticipated to be fully formed by the end of 2018 or early 2019, would provide services to a mix of residential, commercial, industrial coastal development, public facilities, parks and a school on the Samoa peninsula. The service area covers a large portion of the peninsula and includes the unincorporated communities of the town of Samoa, Fairhaven, and Finntown. Development of the project and ongoing maintenance and operations would be provided by the PCSD.

4.9.3 Evaluation Criteria and Thresholds of Significance

For the purpose of this EIR, the evaluation criteria summarized below are used to determine if the project would have a significant effect related to land use and planning. The following questions are from CEQA Guidelines' Appendix G Environmental Checklist Section X. Would the project:

- a. Physically divide an established community?
 - A physical barrier to movement dividing an established community that results in a complete physical separation from the rest of the neighborhood.
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating and environmental effect?
 - Any such conflict with a goal or policy in the Humboldt County General Plan and HBAP.
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?
 - Any conflict with a goal or policy envision in an applicable habitat conservation plan or natural community conservation plan.

4.9.4 Methodology

Analysis provided in the Humboldt County General Plan EIR, the STMP EIR, and other published planning documents were reviewed to develop conclusions about these land use issues. Additionally, project reports and analysis related to biological resources (discussed in Section 4.3, Biological Resources) and other topic sections outlined in Section 4.9, Land Use and Planning, were also evaluated and used as analysis tools to arrive at determination conclusions.

4.9.5 Impacts Analysis

Impact LU-1: Would the project physically divide an established community?

This impact analysis addresses CEQA Guidelines Appendix G checklist item X.a) as identified in Section 4.9.3.

The proposed project does not include any improvements that would physically divide the existing and established communities on the Samoa Peninsula. The project would provide wastewater services to the existing communities of the town of Samoa, Fairhaven, and Finntown, and development of these services would not physically divide these established communities. The pipelines would be beneath existing roadways and the improvements to the Approved Samoa

WWTF would be at an existing industrial area and compatible with the surrounding development. There would be **no impact**.

Significance

No Impact

Mitigation

None Required

Impact LU-2:

Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

This impact analysis addresses CEQA Guidelines Appendix G checklist item X.b) identified in Section 4.9.3.

Short-Term Phase

The project's Short-Term phase includes construction and operation of a wastewater collection system, improvements at the Approved Samoa Wastewater Treatment Facility (WWTF), and disposal system to serve the existing structures in Fairhaven, Finntown, the County Boat Launch facility, and the Eureka Airport that currently use onsite wastewater treatment systems. Additionally, the HBAP would be amended to specify the existing uses that may be connected to the wastewater system as exceptions to the other policies in the HBAP.

Project components would be located both inside and outside of the existing designated Urban Limit Line that is coterminous with the STMP boundary; this line is identified by the HBAP as "...the residential, commercial, commercial (including visitor serving) recreation, public facilities, and business park areas of the town of Samoa" (Humboldt County, 2014). The direct impacts of construction are addressed in other sections of this EIR.

County General Plan

Development of the project would not conflict with the County's General Plan or zoning ordinances, which allow for the development of infrastructure improvements consistent with the improvement of the project. All of the current land use and zoning classifications for the project site allow for the development of the project components.

Humboldt Bay Area Plan

The HBAP provides for the land use, zoning, and development standards for the coastal areas of Humboldt County, which includes the area of the proposed project. Development of public services within the Urban Limit Line of the town of Samoa are allowed subject to provisions of the HBAP. The proposed project's Short-Term phase improvements within the Urban Limit Line would be portions of the sewer collection system and improvements to the Approved Samoa WWTF. There would be **no impact** to land use plans for actions within STMP area and within the town of Samoa Urban Limit Line of the HBAP as the improvements are allowed in all designations within the project area.

The HBAP does not allow for the extension of public services, to areas outside of the designated Urban Limit Line. The communities of Fairhaven and Finntown, as well as areas south of the Urban Limit Line of the town of Samoa, are subject to this prohibition. However, the project includes amending the HBAP to specify the existing uses outside of the Urban Limit Line may be connected to the wastewater system as exceptions to the other policies in the HBAP. Therefore, development of the proposed project would be consistent with the HBAP by removing the existing prohibitions for development of short-term aspects of the proposed project. The project would not conflict with the HBAP and there would be **no impact**.

Samoa Town Master Plan

The STMP provides guidance for development activities within the town of Samoa, an unincorporated community within Humboldt County. The STMP EIR identified mitigation measures that called for the creation of a management entity to support wastewater services in the town. That creation of a management entity has been completed with the creation of the PCSD, which will provide overall management of the wastewater services being developed by this project. Implementation of the proposed project would be consistent with the STMP for improvements to the Approved Samoa WWTF but would not be consistent with the STMP for connection of users to the treatment facility outside of the plan area, as prohibited by STMP Land Use Designation Overlay New Development Policy 9; however, the project includes revision of the HBAP and STMP Policy 9 to allow connections to the Samoa WWTF by users outside of the STMP. The project would result in **no impact**.

Long-Term Phase

The Long-Term phase of the proposed project would allow future infill development in the communities of Fairhaven, consistent with the HBAP and zoning, to be served by the project. As noted in the project's Long-Term phase description (Section 3.5, Project Components), implementation of the Long-Term phase, consisting of amending the HBAP, is assumed to occur by 2030. The EIR assumes that future infill development, which is not a part of the project, would be developed within a 30 year-year planning horizon, and that approximately 62 new connections may be served by the project improvements. As stated above, the project includes revision of the HBAP and STMP Policy 9 to allow connections to the Samoa WWTF by users outside of the STMP. Therefore, the project would result in **no impact**.

Summary

Implementation of the project's collection and disposal system outside of the existing Urban Limit Line would be consistent with land use plans as the project would amend the HBAP to allow development of the project. Development of improvements to the Approved Samoa WWTF would be consistent with the HBAP and conform to other provisions of the plan for public services (no impact).

Furthermore, the project's provision of sewer service to land uses outside of the Urban Limit Line with treatment at the Approved Samoa WWTF would be consistent with the HBAP and STMP, as the project includes removal of the STMP Land Use Designation Overlay New Development - Policy 9; which only allows connections to the Samoa WWTF by users within the STMP. The project would be consistent with the HBAP and STMP and would result in **no impact**.

Significance

No Impact

Mitigation

None Required

Impact LU-3:

Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

This impact analysis addresses CEQA Guidelines Appendix G checklist item X.c) identified in Section 4.9.3. Impacts related to the project's potential conflict with adopted plans for the purpose of protecting biological resources is described in Chapter 4.3.

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans for the proposed project site or area that would be impacted by the proposed project. There would be **no impact**.

Significance

No Impact

Mitigation

None Required

4.9.6 Cumulative Impacts

Impact LU-C-1:

Would the project result in a cumulatively considerable contribution to cumulative impacts related to land use?

For land use, the geographic scope for assessing cumulative impacts is the area immediately surrounding the project site, since this area would have the most relevant land use impacts. The project would have no impact related to a conflict with a habitat conservation plan, and therefore would not contribute to a cumulative impact related to such a conflict.

Of the cumulative projects identified in Table 4-1 of Chapter 4.0, the only project that is located in the immediate area is the Samoa Townsite Master Plan. No impacts related to dividing an established community or conflicting with an adopted land use plan were identified in the Samoa Townsite Master Plan Certified EIR. Therefore, the project would not contribute to a cumulative impact related to land use as no other known projects in the immediate vicinity of the project site have land use impacts.

Future infill development and other actions approved under the HBAP would be in compliance with the plan and its policies. The HBAP currently allows infill for existing parcels where residential development is allowed. These parcels would

be developed under existing plans, development standards, and regulations. All current proposed development actions would continue to be reviewed by the County for land use and zoning consistency. The proposed project would simply provide a more efficient alternative for wastewater collection, treatment, and disposal. Future land use and development actions would also be reviewed for land use and zoning consistency with future plans.

There would be no potential cumulative effects on land use.

Significance *Less Than Cumulatively Considerable (Less than Significant)*

Mitigation **None Required**

4.9.7 References

- Humboldt County. 2007. Samoa Town Master Plan, Recirculation Draft 3, Master Environmental Impact Report. Humboldt County Community Development Services Department. October 27.
- Humboldt County. 2014. Humboldt County General Plan Volume II, Humboldt Bay Area Plan of the Humboldt County Local Coastal Program. December.
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- State of California. 1976. California Coastal Act of 1976, as Amended. Public Resources Code Division 20. 2018.
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