

# **STAFF REPORT**

## **Planning Commission Business Agenda Item**

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**DATE:** October 23, 2018

**TO:** Planning Commission

**FROM:** Liz Shorey, Deputy Community Development Director

**THRU:** Merritt Perry, Interim City Manager

**SUBJECT:** **Determine General Plan Conformance to Allow the Transfer of Two County-owned Parcels to the City for Storm Drainage Maintenance**

### **PROJECT INFORMATION:**

Project: General Plan Conformance of the Transfer of Two Parcels  
Location: 12<sup>th</sup> Street between Loni Drive and Newburg Road  
APNs: 201-011-006 & 201-021-003

**STAFF RECOMMENDATION:** Make the finding that the transfer of the parcels is consistent with the Fortuna General Plan.

### **EXECUTIVE SUMMARY:**

The City of Fortuna has completed the construction of the Rohner Creek Flood Control, Seismic, and Habitat Improvements Project. Humboldt County owns two of the parcels that are involved in the project. The County is willing to transfer ownership of the parcels to the City to allow the City to maintain them over the long-term.

As required by the California Government Code, prior to disposition of property, the Planning Commission must find that the disposition is in conformance with the General Plan. The two parcels proposed to be transferred from the County to the City include APNs 201-011-006 and 201-021-003 (see attached maps). The parcels serve no purpose to the County, as they were originally purchased by the County in the 1960s for a channel realignment project that was never constructed. The City has since completed the Rohner Creek Flood Control, Seismic, and Habitat Improvements Project, which extends along Rohner Creek from Main Street at the north to just past 12<sup>th</sup> Street to the west. With transfer of the parcels, the City will be better able to maintain the Rohner Creek improvements on an ongoing basis. Pursuant to Government Code 65402(a), real property may not be acquired by the City unless and until the Fortuna Planning Commission determines that the location, purpose and extent of such acquisition is in conformance with the City's General Plan.

### **General Plan Conformance Review:**

The General Plan land use designations for the parcels are:

APN# 201-011-006: Commercial (COM)  
APN# 201-021-003: Residential Low (R-L)

The proposed disposition of the property conforms to the existing General Plan land use designations because both of the General Plan designations specifically allow for public and quasi-public uses (Fortuna General Plan land use designations, p. 1-5). The use of the parcels for storm drainage and natural resource protection by the City constitutes a public use of the land, and the parcels are not suitable for commercial or residential development due to their location within the Rohner Creek channel. The project activities are supported by the following General Plan goals, policies, and programs:

**Goal HS-7.** To provide flood protection that minimizes potential property damage and loss of life, while creating or enhancing recreational opportunities, wildlife habitats, and water quality.

**HS-7.1 Flood Area Designation.** The City shall work closely with the U.S. Army Corps of Engineers, local reclamation districts, the Federal Emergency Management Agency (FEMA), and the State Department of Water Resources to identify existing and potential flood problem areas and solutions.

**HS-22.** The City shall investigate measures for the abatement of flooding hazards, and report its findings to the City Council for consideration. The measures may include, but are not limited to, the following: (1) removal or relocation of development from flood hazard areas; (2) construction of impoundments or channel diversions, provided that adequate mitigation of environmental impacts can be demonstrated; and (3) debris and silt removal programs conducted in a manner so as not to disrupt existing sensitive habitat communities.

**NCR-2.1 Riparian Corridor Protection.** The City shall establish riparian buffers to provide for fish and terrestrial wildlife habitat protection, enhancement, and movement along riparian corridors through the Planning Area. Activities within these buffers shall be limited to passive recreational uses (hiking, biking, sightseeing, horseback riding) and the movement of wildlife.

**NCR-13.** Where possible, through available grant funding or assessment districts, the City shall maintain and repair streams with high sedimentation by installing habitat restoration and fish passage structures, restoring gravel beds, and creating deep ponds.

**Environmental Review:**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as it can be “seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment”. There are no plans for any physical changes to the parcels in conjunction with the change in ownership, and therefore it can be seen with certainty that the project will not result in any significant effects on the environment. It is noted that the Rohner Creek Flood Control, Seismic, and Habitat Improvements Project was itself subject to CEQA, for which an Initial Study/Mitigated Negative Declaration was prepared, allowing for construction of the improvements and ongoing maintenance, independent of the nature of the property ownership. This change in ownership will not affect any of the activities associated with the flood control project.

**RECOMMENDED COMMISSION ACTION:**

1. Receive staff presentation and review Commission questions with staff.
2. Open Public Comment.
3. Close Public Comment; voice vote
4. Make the finding that the acquisition of APNs 201-011-006 & 201-021-003 is in conformance with the Fortuna General Plan. Roll call vote.

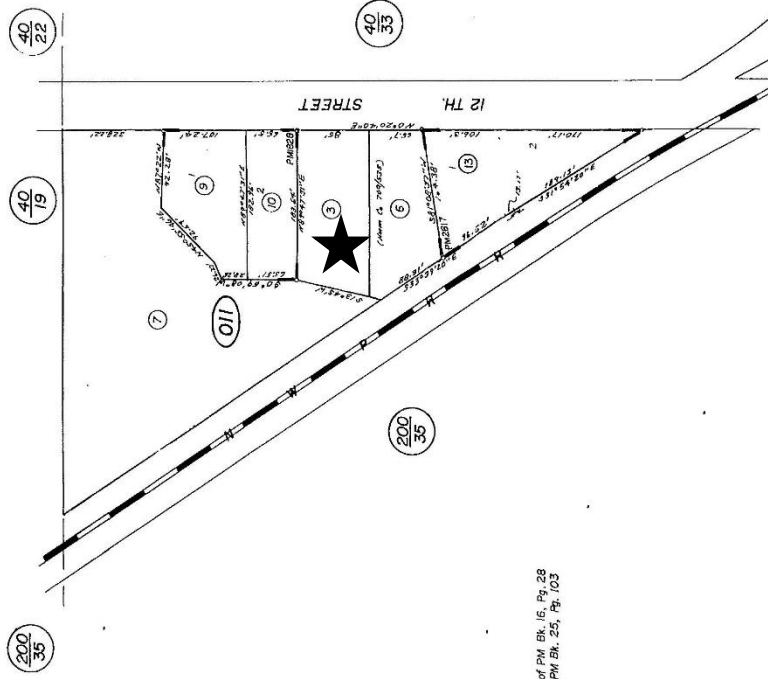
**Attachments:**

1. Assessor Parcel Maps
2. Aerial Photograph
3. Rohner Creek Flood Control Project Map
4. General Plan Land Use Map

201-01

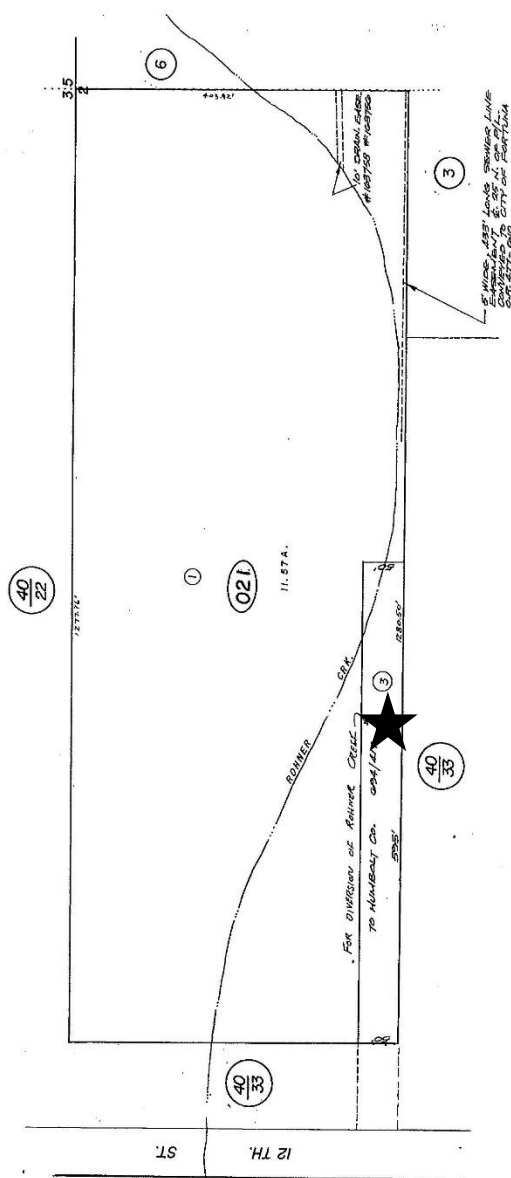
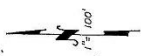


PTN NW¼ OF NW¼ SEC 2 2N1W

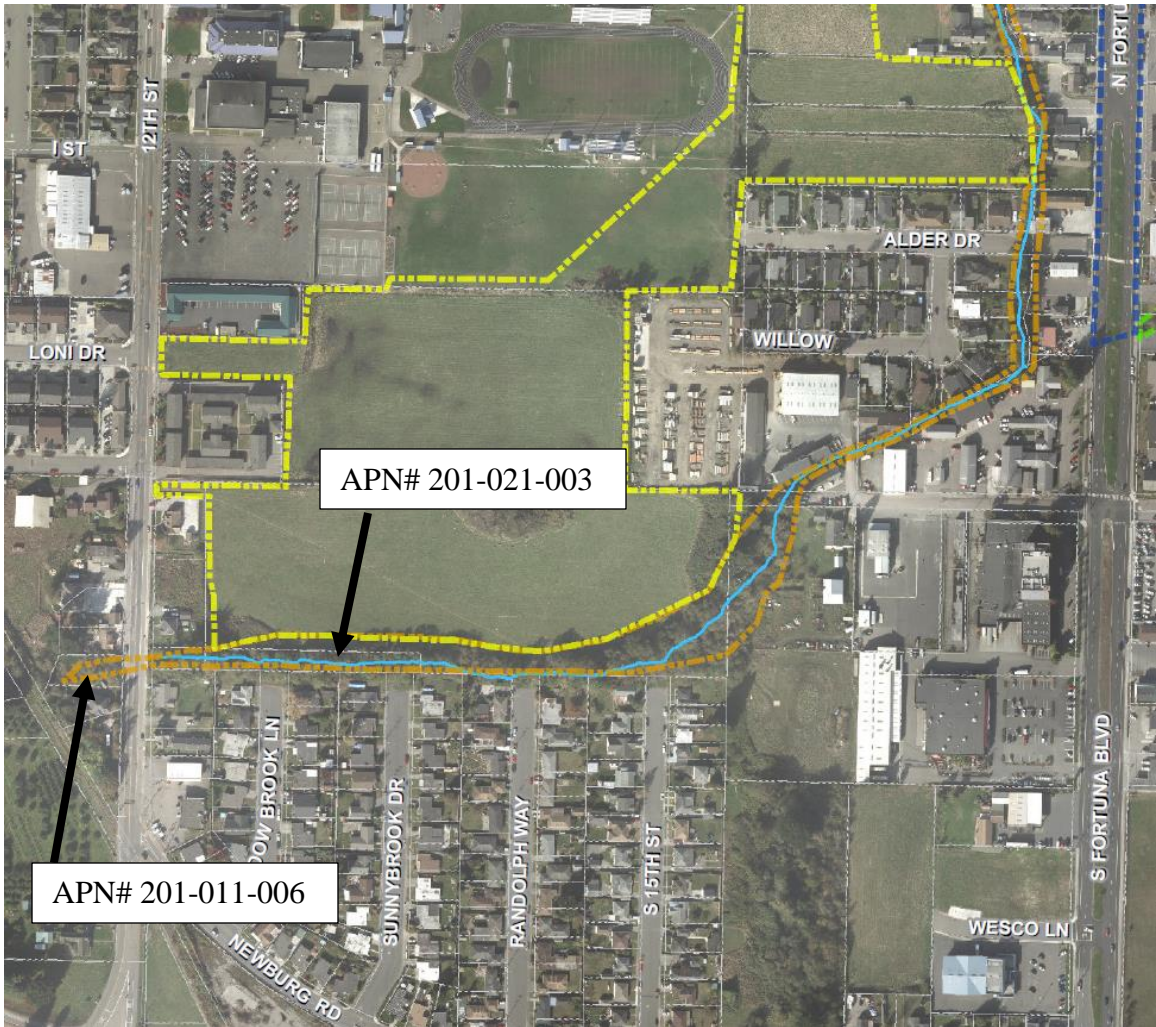


PM No. 1828 of PM Br. 15, Pg. 28  
PM No. 2017 of PM Br. 25, Pg. 103

1/2" = 100'

PTN NE  $\frac{1}{4}$  OF NW  $\frac{1}{4}$  SEC 2 2N 1W

63







#### Core Project (Phase 1)

- Rohner Creek Channel Improvements
- Floodplain Swale & Access Road
- Private Bridge Replacement

■ Ditch Maintenance

#### Phase 2

- Floodplain Swale
- Rohner Creek Channel Improvements

#### Phase 3

- Hillside Creek Improvements

#### Phase 4

- 12th Street Culvert
- Fish Passage & Flood Protection

— Creek Alignment

Paper Size 8.5" x 11" (ANSI A)  
 0 100 200 300 400 500  
 Feet  
 Map Projection: Lambert Conformal Conic  
 Horizontal Datum: North American 1983  
 Grid: NAD 1983 StatePlane California 1 FIPS 0401 Feet



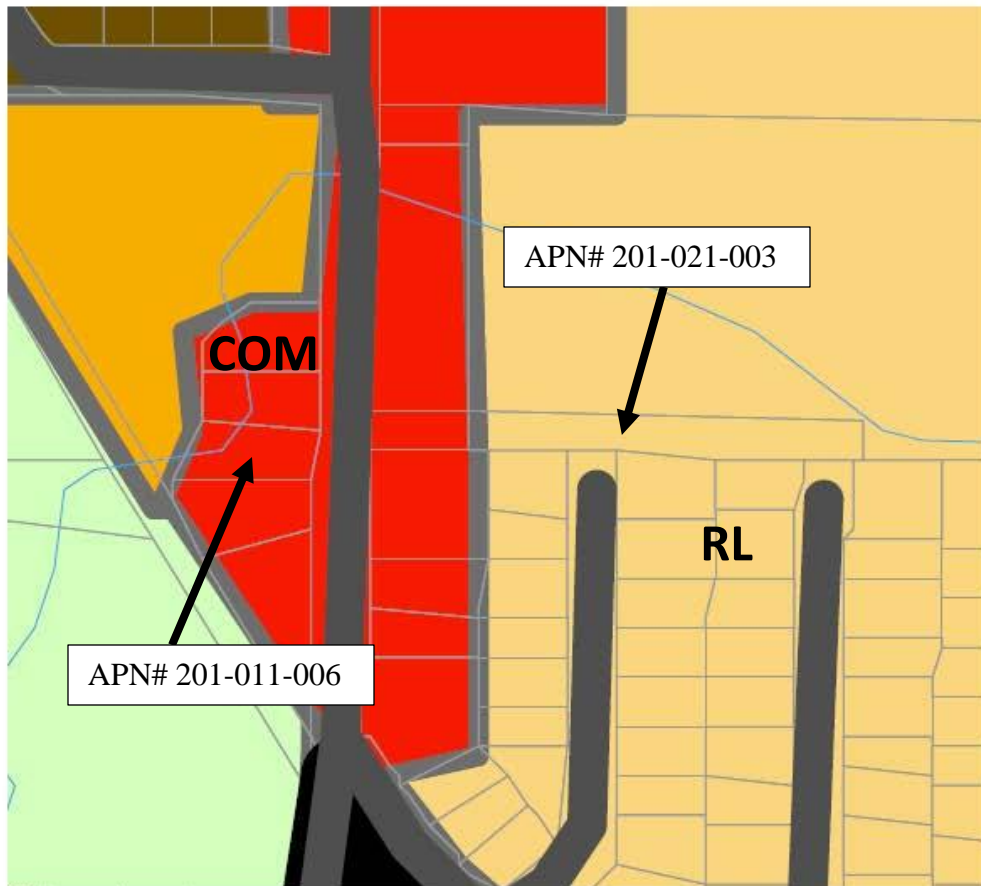
City of Fortuna  
 Rohner Creek Flood Control, Habitat,  
 and Seismic Improvements Project  
 Initial Study and Mitigated Negative Declaration

Job Number 8410233  
 Revision A  
 Date 28 May 2014

Project Components and Phasing

Figure 2

G:\101054 City of Fortuna\1010233 RohnerCreekFloodControl\Analysis\08-GIS\Map\Figures\InitialStudy\_MitigatedNegDec\F2\_ProjectComponents.mxd  
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 Data source: City of Fortuna/3Di West, Aerial Photogrammetry, 2010. GHD, Rohner Creek Flood Control, Seismic & Habitat Improvements, 2013. Created by/bviviyan



## General Plan Land Use Map