

4.9 Land Use

Sonoma County and City of Cloverdale land use regulations would not apply to land that is taken into trust. The only applicable land use regulations would be federal or tribal. The Cloverdale Rancheria Tribal Government would guide and regulate land use on trust lands. For the purposes of evaluating consistency with the project, **Table 4.9-1** shows select goals, objectives and policies of the Sonoma County General Plan and City of Cloverdale General Plan in relation to the alternatives. It should be noted that the Project Site is within the Sphere of Influence of the City of Cloverdale. One parcel is located within the City limits and five parcels are located within the unincorporated area of Sonoma County.

4.9.1 Alternative A – Proposed Action

Impact 4.9.1-1 Consistency with Existing Land Use Policies (Less than Significant)

Land Use Designations and Zoning

Table 3.9-1 summarizes the existing land use designations and zoning for the project site.

The eastern portion of the project site, which would be developed with water and wastewater facilities and sprayfield crops, is designated and zoned for Land Intensive Agriculture by Sonoma County. If the Project Site were annexed, it would be designated Conservation by the City of Cloverdale. Consistency would require productive agriculture by the County or agriculture/open space by the City. Public facilities may be consistent as the City currently has a wastewater treatment pond within the area proposed for the Conservation designation. The proposed sprayfield crops would be similar to the use of the site for agriculture. Thus, the proposed uses are generally compatible, although not specifically consistent, with the City and County's designations and zoning.

The western portion of the project site, which would be developed with the casino resort, is designated Limited Industrial and zoned Rural Residential by the County. The western portion would be designated by the City as Business Park and General Industry if it were annexed. While the project site currently contains rural residential it is assumed from the County and City's designation that non-residential uses are envisioned for the site. The proposed commercial development is generally compatible, although not specifically consistent, with the City and County's designations and zoning. The southern parcel within the City, which would be developed with the Tribal administrative building, is designated and zoned for General Industry. Offices are a secondary and allowable use within General Industry areas.

With the exception of the parcel containing the proposed Tribal administrative building, the project site is generally compatible but not specifically consistent with the existing land use designations and zoning. This means the project is not so incompatible as to affect the designation and/or zoning of surrounding uses. In addition, the area surrounding the project site and City in general is not so developed that it precludes the City from obtaining land in the vicinity for uses intended for the project site. For these reasons this impact is considered less than significant.

Sonoma County and City of Cloverdale General Plan

Table 4.9-1 summarizes the consistency of the project with applicable goals, policies and objectives of the Sonoma County and City of Cloverdale General Plan. As discussed in the table, the project is consistent with the exception of development on agricultural soils. Impacts to agriculture are discussed below and found to be less than significant. As the project is consistent with the County and City general plans and agriculture impacts are less than significant, the project is found to be consistent with existing land use policy documents.

Impact 4.9.1-2 Compatibility with Surrounding Uses (Less than Significant)

The eastern portion of the project site is surrounded by the City's wastewater treatment plant to the north, open space and the Russian River to the east, and open space to the south. The use of this portion of the site for water and wastewater treatment facilities and sprayfield irrigation crops is compatible with these surrounding uses. Proposed water and wastewater treatment facilities would be located on the north end of the site next to similar municipal uses while sprayfield areas would be located near off-site open space.

The western portion of the project site is surrounded by light industrial and commercial uses to the south and Highway 101 to the west. Development of the western portion of the project site with proposed commercial facilities would not be incompatible with these surrounding uses. Highway 101 provides a buffer between the project site and rural residential and agricultural uses on the west side of Highway 101.

Development of Alternative A would not preclude these surrounding uses from continuing to operate. As development on the project site would be compatible with surrounding uses this impact would be less than significant.

Impact 4.9.1-3 Consistency with the Airport Land Use Plans (Potentially Significant)

A portion of the project site is located within the northwestern Traffic Pattern Zone (TPZ) of the Cloverdale Municipal Airport. The project is not consistent with the proposed density of uses within the TPZ; however, it is noted in the County's Comprehensive Airport Land Use Plan (CALUP) that this TPZ is not used.

The project site is located beneath the horizontal surface and conical surface of the navigable air space of the airport. The project site boundary is approximately 3,900 feet northwest of the end of the airport runway and project buildings above two stories are proposed conservatively at approximately 4,000 feet from the runway. At this distance the navigable airspace begins at 150 feet above the runway elevation or at 422 feet amsl. The proposed building sites are located conservatively at an elevation of 324 feet amsl (some buildings are located at slightly lower elevations) which leaves approximately 98 feet of clearance at the building sites prior to entering

navigable airspace. The proposed hotels and parking structures would be up to five stories and under 98 feet in height. While the project is not proposed to penetrate the navigable air space of the runway, the project is located at a distance which requires notification of construction under Federal Aviation Regulation (FAR) Part 77. Dust and smoke created by construction activities can penetrate the navigable airspace and potentially interfere with aircraft operations. Although unlikely, construction equipment, such as cranes, may also penetrate navigable airspace during construction. This impact is potentially significant. To protect the safety of aircraft operators and people on the ground from potential intrusions to navigable airspace within the project vicinity, the Tribe has submitted FAA form SF 7460-1, "Notice of Proposed Construction or Alteration" for FAA review. **Mitigation Measure 5.9-1** includes adherence to FAA recommendations concerning construction and lighting and would reduce this impact to a less than significant level.

The development of wastewater treatment ponds could potentially create a hazardous wildlife attractant near the airport. This impact is potentially significant. **Mitigation Measure 5.9-2** would reduce impacts to a less than significant level.

Significance after Mitigation: Less than Significant

Impact 4.9.1-4 Effect on Agriculture (Less than Significant)

Alternative A would result in the conversion of a portion of the project site from land used and/or designated for agriculture to non-agricultural uses. The Farmland Protection Policy Act implemented by the Natural Resource Conservation Service is discussed in **Section 3.9**. The Farmland Conversion Impact Rating Form was created to evaluate the importance of farmland and to minimize the impact of proposed federal actions on unnecessary conversion of farmland to non-agricultural uses. **Table 3.9-2** summarizes the project site's score of 123 out of a possible total of 260 points. The U.S. Department of Agriculture recommends that sites receiving scores of less than 160 need not be evaluated further. The criteria accounts for preservation policies including Williamson Act contracts and agricultural zoning (**Appendix M**). It should be noted that Williamson Act contracts would be removed (through non-renewal or cancellation) prior to any trust acquisition action.

Further, the development of the site would not result in effects to off-site agricultural uses. The nearest agricultural uses are located to the east and the eastern portion of the project site would contain either water/wastewater facilities with alfalfa sprayfields (public water/wastewater option) or would remain in agricultural use (private water/wastewater option). Additionally, the City of Cloverdale has projected future designations for the project site of light industrial and public/quasi-public/institutional – i.e. non-agricultural uses. Considering the above factors, the conversion of farmland is considered less than significant.

4.9.2 Alternative B – Reduced Hotel and Casino

Impact 4.9.2-1 Consistency with Existing Land Use Policies (Less than Significant)

Land Use Designations and Zoning

The facilities under Alternative B would be very similar in type and location to those described for Alternative A and thus consistency with land use designations and zoning would be similar. With the exception of the parcel containing the proposed Tribal administrative building, the project site is generally compatible but not specifically consistent with the existing land use designations and zoning. This means the project is not so incompatible as to affect the designation and/or zoning of surrounding uses. In addition, the area surrounding the project site and City in general is not so developed that it precludes the City from obtaining land in the vicinity for uses intended for the project site. For these reasons this impact is considered less than significant.

Sonoma County and City of Cloverdale General Plan

Table 4.9-1 summarizes the consistency of the project with applicable goals, policies and objectives of the Sonoma County and City of Cloverdale General Plan. As the project is consistent with the County and City general plans and agriculture impacts are less than significant the project is found to be consistent with existing land use policy documents.

Impact 4.9.2-2 Compatibility with Surrounding Uses (Less than Significant)

The facilities under Alternative B would be very similar in type and location to those described for Alternative A and thus compatibility with surrounding uses would be similar. Development of Alternative B would not preclude surrounding uses from continuing to operate. As development on the project site would be compatible with surrounding uses this impact would be less than significant.

Impact 4.9.2-3 Consistency with the Airport Land Use Plans (Potentially Significant)

As with Alternative A, Alternative B is not consistent with the proposed density of uses within the TPZ; however, it is noted in the CALUP that this TPZ is not used. The proposed building heights would be similar to Alternative A and thus would not penetrate navigable air space. The project is located at a distance which requires notification of construction under FAR Part 77. Dust and smoke created by construction activities can penetrate the navigable airspace and potentially interfere with aircraft operations. Although unlikely, construction equipment, such as cranes, may also penetrate navigable airspace during construction. This impact is potentially significant. **Mitigation Measure 5.9-1** is recommended to address the requirement for notification and to reduce this impact to less than significant.

The development of wastewater treatment ponds could potentially create a hazardous wildlife attractant near the airport. This impact is potentially significant. **Mitigation Measure 5.9-2** would reduce impacts to a less than significant level.

Significance after Mitigation: Less than Significant

Impact 4.9.2-4 Effect on Agriculture (Less than Significant)

As with Alternative A, Alternative B would result in the conversion of a portion of the project site from land used and/or designated for agriculture to non-agricultural uses. These uses would be very similar to those described for Alternative A. As discussed for Alternative A, the site's scoring on the Farmland Conversion Impact Rating Form is at a level where further consideration is not needed. Williamson Act contracts would be removed (through non-renewal or cancellation) prior to a trust acquisition action. Additionally, the City envisions future non-agricultural uses for the site and there are no off-site agricultural uses which would be affected by development of this alternative. For these reasons, the effect on agriculture is considered less than significant.

4.9.3 Alternative C – Reduced Casino

Impact 4.9.3-1 Consistency with Existing Land Use Policies (Less than Significant)

Land Use Designations and Zoning

The facilities under Alternative C would be very similar in type and location to those described for Alternative A and thus consistency with land use designations and zoning would be similar. With the exception of the parcel containing the proposed Tribal administrative building, the project site is generally compatible but not specifically consistent with the existing land use designations and zoning. This means the project is not so incompatible as to affect the designation and/or zoning of surrounding uses. In addition, the area surrounding the project site and City in general is not so developed that it precludes the City from obtaining land in the vicinity for uses intended for the project site. For these reasons this impact is considered less than significant.

Sonoma County and City of Cloverdale General Plan

Table 4.9-1 summarizes the consistency of the project with applicable goals, policies and objectives of the Sonoma County and City of Cloverdale General Plan. As the project is consistent with the County and City general plans and agriculture impacts are less than significant the project is found to be consistent with existing land use policy documents.

Impact 4.9.3-2 Compatibility with Surrounding Uses (Less than Significant)

The facilities under Alternative C would be very similar in type and location to those described for Alternative A and thus compatibility with surrounding uses would be similar. Development of Alternative B would not preclude surrounding uses from continuing to operate. As development on the project site would be compatible with surrounding uses this impact would be less than significant.

Impact 4.9.3-3 Consistency with the Airport Land Use Plans (Potentially Significant)

As with Alternative A, Alternative C is not consistent with the proposed density of uses within the TPZ; however, it is noted in the CALUP that this TPZ is not used. The proposed building heights would be similar to Alternative A and thus would not penetrate navigable air space. The project is located at a distance which requires notification of construction under FAR Part 77. Dust and smoke created by construction activities can penetrate the navigable airspace and potentially interfere with aircraft operations. Although unlikely, construction equipment, such as cranes, may also penetrate navigable airspace during construction. This impact is potentially significant. **Mitigation Measure 5.9-1** is recommended to address the requirement for notification and to reduce this impact to less than significant.

The development of wastewater treatment ponds could potentially create a hazardous wildlife attractant near the airport. This impact is potentially significant. **Mitigation Measure 5.9-2** would reduce impacts to a less than significant level.

Significance after Mitigation: Less than Significant

Impact 4.9.3-4 Effect on Agriculture (Less than Significant)

As with Alternative A, Alternative C would result in the conversion of a portion of the project site from land used and/or designated for agriculture to non-agricultural uses. These uses would be very similar to those described for Alternative A. As discussed for Alternative A, the site's scoring on the Farmland Conversion Impact Rating Form is at a level where further consideration is not needed. Williamson Act contracts would be removed (through non-renewal or cancellation) prior to a trust acquisition action. Additionally, the City envisions future non-agricultural uses for the site and there are no off-site agricultural uses which would be affected by development of this alternative. For these reasons, the effect on agriculture is considered less than significant.

4.9.4 Alternative D – Casino Only

Impact 4.9.4-1 Consistency with Existing Land Use Policies (Less than Significant)

Land Use Designations and Zoning

The facilities under Alternative D would be very similar in type and location to those described for Alternative A and thus consistency with land use designations and zoning would be similar. With the exception of the parcel containing the proposed Tribal administrative building, the project site is generally compatible but not specifically consistent with the existing land use designations and zoning. This means the project is not so incompatible as to affect the designation and/or zoning of surrounding uses. In addition, the area surrounding the project site and City in general is not so developed that it precludes the City from obtaining land in the vicinity for uses intended for the project site. For these reasons this impact is considered less than significant.

Sonoma County and City of Cloverdale General Plan

Table 4.9-1 summarizes the consistency of the project with applicable goals, policies and objectives of the Sonoma County and City of Cloverdale General Plan. As the project is consistent with the County and City general plans and agriculture impacts are less than significant the project is found to be consistent with existing land use policy documents.

Impact 4.9.4-2 Compatibility with Surrounding Uses (Less than Significant)

The facilities under Alternative D would be very similar in type and location to those described for Alternative A and thus compatibility with surrounding uses would be similar. This alternative does not contain a hotel, convention center or entertainment center; however, casino, parking and water/wastewater facilities are in similar locations to Alternative A. Development of Alternative D would not preclude surrounding uses from continuing to operate. As development on the project site would be compatible with surrounding uses this impact would be less than significant.

Impact 4.9.4-3 Consistency with the Airport Land Use Plans (Potentially Significant)

As with Alternative A, Alternative D is not consistent with the proposed density of uses within the TPZ; however, it is noted in the CALUP that this TPZ is not used. The proposed building heights would be lower than Alternative A and thus would not penetrate navigable air space. The project is located at a distance which requires notification of construction under FAR Part 77. Dust and smoke created by construction activities can penetrate the navigable airspace and potentially interfere with aircraft operations. Although unlikely, construction equipment, such as cranes, may also penetrate navigable airspace during construction. This impact is potentially significant.

Mitigation Measure 5.9-1 is recommended to address the requirement for notification to reduce this impact to less than significant.

**TABLE 4.9-1
GENERAL PLAN CONSISTENCY**

	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E
Sonoma County General Plan Land Use Element (3.2 Cloverdale/Northeast County)					
Goal LU-1 ...Achieve a desirable balance between job opportunities and population growth.	Alternative A is consistent with this goal. Alternative A provides jobs for existing residents of the County as discussed in Section 4.7.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Goal LU-2 Accommodate the major share of future growth within the nine existing cities and their expansion areas and within selected unincorporated communities, which are planned to have adequate water and sewer capacities.	Alternative A is consistent with this goal. The project is located within the future expansion area of the City and proposes no impact to municipal water and sewer.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Goal LU-3 Locate future growth within the cities and unincorporated Urban Service Areas in a compact manner using vacant "infill" parcels and lands next to existing development at the edge of these areas.	Alternative A is consistent with this goal. The project is located next to existing development.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Goal LU-4 Maintain adequate public services in both rural and Urban Service Areas to accommodate projected growth. Authorize additional development only when it is clear that a funding plan or mechanism is in place to provide needed services in a timely manner.	Alternative A is consistent with this goal. Alternative A proposes no significant impacts to public services after mitigation.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Goal LU-9 Protect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use. .Retain large parcel sizes and avoid incompatible non agricultural uses.	Alternative A is not consistent with this goal as it proposes development on soils suitable for agriculture.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Goal LU- 10 The uses and intensities of any land development shall be consistent with preservation of important biotic resource areas and scenic features.	Biological impacts are assessed in Section 4.5 and impacts would be less than significant after mitigation.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Objective LU-13.2 Accommodate new commercial uses primarily in Cloverdale and secondarily within Geyserville's urban service boundary.	Alternative A is consistent with this goal.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Objective LU-13.3 Retain large parcel sizes within Cloverdale's urban boundary to provide for efficient urban residential development. New industrial or urban residential uses within the expansion area may occur only after the full range of public services are available.	Alternative A is consistent with this goal. Alternative A proposes no significant impacts to public services after mitigation.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A

**TABLE 4.9-1
GENERAL PLAN CONSISTENCY**

	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E
City of Cloverdale General Plan Land Use Element					
Policy LU 1-4 It is the intent of the City to have a substantial reserve of industrial land to the south of the existing City limits, to provide for a balance of commercial and industrial lands on areas reserved for non-residential uses and to insure that there is a buffer between industrial and residential uses so that industrial uses do not affect residential areas.	Alternative A is consistent with this goal. The portion of the project site within the City is proposed to be Tribal offices. This is a secondary allowable use within parcels zoned for General Industry. Highway 101 serves as a buffered between the project and rural residential uses.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Policy LU 1-6. Provide recreation assets to match the population growth that are appropriate to the various groups who might use recreation facilities.	Alternative A is consistent with this goal.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Policy LU 2-4 Discourage the creation of retail commercial areas outside the downtown that would adversely affect the viability of the downtown, including freeway frontages south of the City, freeway frontages east of Highway 101, and areas around the central Highway 101 interchange.	Alternative A is consistent with this goal.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Alternative E is not consistent with this goal as it proposes a retail commercial development outside of downtown.
Goal LU 6 New development will be coordinated with the provision of infrastructure and public services.	Alternative A is consistent with this goal. Alternative A proposes no significant impacts to public services after mitigation.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A
Goal LU 8 Maintain the Cloverdale Airport and allow only airport-compatible land uses near the airport.	Alternative A is consistent with this goal as discussed in Section 4.9.	Same as Alternative A	Same as Alternative A	Same as Alternative A	Same as Alternative A

The development of wastewater treatment ponds could potentially create a hazardous wildlife attractant near the airport. This impact is potentially significant. **Mitigation Measure 5.9-2** would reduce impacts to a less than significant level.

Significance after Mitigation: Less than Significant

Impact 4.9.4-4 Effect on Agriculture (Less than Significant)

As with Alternative A, Alternative D would result in the conversion of a portion of the project site from land used and/or designated for agriculture to non-agricultural uses. These uses would be very similar to those described for Alternative A. As discussed for Alternative A, the site's scoring on the Farmland Conversion Impact Rating Form is at a level where further consideration is not needed. Williamson Act contracts would be removed (through non-renewal or cancellation) prior to a trust acquisition action. Additionally, the City envisions future non-agricultural uses for the site and there are no off-site agricultural uses which would be affected by development of this alternative. For these reasons, the effect on agriculture is considered less than significant.

4.9.5 Alternative E – Commercial Retail-Office Space

Impact 4.9.5-1 Consistency with Existing Land Use Policies (Less than Significant)

Land Use Designations and Zoning

The eastern portion of the project site, would be developed with water and wastewater facilities and sprayfield crops, similar to Alternative A. As discussed under Alternative A, the proposed uses are generally compatible, although not specifically consistent, with the City and County's designations and zoning.

The western portion of the project site, which would be developed with the commercial retail/office space and warehousing space, is designated Limited Industrial and zoned Rural Residential by the County. The western portion is designated by the City as Business Park and General Industry. While the project site currently contains rural residential it is assumed from the County and City's designation that non-residential uses are envisioned for the site. The proposed commercial and light industrial development is generally compatible, although not specifically consistent, with the City and County's designations and zoning.

The project is not so incompatible as to affect the designation and/or zoning of surrounding uses. In addition, the area surrounding the project site and City in general is not so developed that it precludes the City from obtaining land in the vicinity for uses intended for the project site. For these reasons this impact is considered less than significant.

Sonoma County and City of Cloverdale General Plan

Table 4.9-1 summarizes the consistency of the project with applicable goals, policies and objectives of the Sonoma County and City of Cloverdale General Plan. As discussed in the table the project is consistent with the exception of development on agricultural soils and retail commercial outside of the downtown area. Impacts to agriculture are discussed below and found to be less than significant. The retail commercial proposed for the project site would likely serve a different function than retail in the downtown area. Alternative E is also a mixed use development with a significant amount of office and warehouse uses in addition to retail. As the retail is a component of a larger mixed-use development and provides space for larger retail stores than would be located in the downtown environment, this impact is considered less than significant.

Impact 4.9.5-2 Compatibility with Surrounding Uses (Less than Significant)

The eastern portion of the project site is surrounded by the City's wastewater treatment plant to the north, open space and the Russian River to the east, and open space to the south. The use of this portion of the site for water and wastewater treatment facilities and sprayfield irrigation crops is compatible with these surrounding uses as discussed for Alternative A.

The western portion of the project site is surrounded by light industrial and commercial uses to the south and Highway 101 to the west. Development of the western portion of the project site with proposed commercial retail/office space and warehouse facilities would not be incompatible with these surrounding uses. Highway 101 provides a buffer between the project site and rural residential and agricultural uses on the west side of Highway 101.

Development of Alternative A would not preclude these surrounding uses from continuing to operate. As development on the project site would be compatible with surrounding uses this impact would be less than significant.

Impact 4.9.5-3 Consistency with the Airport Land Use Plans (Potentially Significant)

As with Alternative A, Alternative E is not consistent with the proposed density of uses within the TPZ; however, it is noted in the CALUP that this TPZ is not used. The proposed building heights would be lower than Alternative A and thus would not penetrate navigable air space. The project is located at a distance which requires notification of construction under FAR Part 77. Dust and smoke created by construction activities can penetrate the navigable airspace and potentially interfere with aircraft operations. Although unlikely, construction equipment, such as cranes, may also penetrate navigable airspace during construction. This impact is potentially significant. **Mitigation Measure 5.9-1** is recommended to address the requirement for notification to reduce this impact to less than significant.

The development of wastewater treatment ponds could potentially create a hazardous wildlife attractant near the airport. This impact is potentially significant. **Mitigation Measure 5.9-2** would reduce impacts to a less than significant level.

Significance after Mitigation: Less than Significant

Impact 4.9.5-4 Effect on Agriculture (Less than Significant)

As with Alternative A, Alternative E would result in the conversion of a portion of the project site from land used and/or designated for agriculture to non-agricultural uses. As discussed for Alternative A, the site's scoring on the Farmland Conversion Impact Rating Form is at a level where further consideration is not needed. Williamson Act contracts would be removed (through non-renewal or cancellation) prior to a trust acquisition action. Additionally, the City envisions future non-agricultural uses for the site and there are no off-site agricultural uses which would be affected by development of this alternative. For these reasons, the effect on agriculture is considered less than significant.

4.9.6 Alternative F – No Action

Under the No Action Alternative, future development would be consistent with local land use and agriculture regulations and thus impacts would be less than significant.