

8.4 LAND USE AND AGRICULTURE

8.4.1 INTRODUCTION

Land use in California is regulated using various methods of land use controls. Cities and counties in California are required by law to adopt a comprehensive, long-term General Plan for the physical development of their jurisdictional areas. These plans include Land Use Elements that establish a pattern of appropriate land uses, as well as policies and guidelines for the development of those uses. The Land Use Element also reflects the ultimate patterns and applicable zoning ordinances and maps reflect current land use designations. Local zoning ordinances, Specific Plans, and maps implement the Land Use Element of the General Plan.

This section includes a discussion of existing land and agricultural uses and zoning designations in the area of the proposed Kings River Conservation District Community Power Plant (KRCDD CPP) and discusses potential land use and agricultural impacts associated with construction, operation and maintenance (O&M) of the proposed KRCDD CPP. The affected environment section provides a discussion of the regional setting and includes a discussion of land and agricultural uses within the project area (i.e., an area defined as one-mile from the project site and one-quarter mile on each side of all offsite linear facilities). Other planned development and land use trends are also discussed. The section also includes a discussion of all applicable federal, state and local laws, ordinances, regulations and standards (LORS), a discussion of potential impacts, proposed mitigation measures and the potential for cumulative impacts.

8.4.2 AFFECTED ENVIRONMENT

8.4.2.1 Regional Setting

The proposed KRCDD CPP is located near the City of Parlier, in Fresno County and in the center of the San Joaquin Valley, which stretches approximately 100 miles from the Coast Range foothills to the eastern slope of the Sierra Nevada. The proposed project site is located in the Eastside Valley geographic area and in a rural area of Fresno County between the cities of Selma and Parlier. The vast majority of Fresno County's rural area is designated for agricultural, rangeland and open space uses (Fresno County, 2000).

8.4.2.2 Project Area Setting

This section includes a discussion of existing and future land and agricultural uses in the area of the KRCDD CPP. This section also provides land use patterns and agricultural resource information within the project area. Land uses in the area of the KRCDD CPP project site generally consist of agricultural uses.



Figures 8.4-1 shows existing land uses and jurisdictional boundaries for the project area. Figure 8.4-2 shows of all agricultural land uses found within the project area. Figures 8.4-3 shows general plan and specific plan designations for the project area. Figure 8.4-4 shows existing zoning for the area within the project area. Figure 8.4-5 shows proposed development projects in the project area.

8.4.3 LAND AND AGRICULTURAL USE DESIGNATIONS

8.4.3.1 Project Site and Construction Staging Area

KRCD is proposing to develop the KRCD CPP, a nominal 565-megawatt (MW) natural gas-fired combined-cycle base load power plant. The plant will be located near the City of Parlier, in Fresno County, and within the service territory of KRCD.¹ The project site is approximately 32 acres in size. The site is located in an area currently zoned for agriculture and being used predominately for agricultural purposes (vineyards). Existing structures on the project site include a vacant rural dwelling, detached garage and barn. Table 8.4-1 provides some general land use information for the project site.

Table 8.4-1 Project Location Information KRCD CPP			
Assessor's Parcel Number	Site Address	Site Location Information	Current Zoning/Land Use
358-032-41	9664 South Bethel Avenue Selma, CA 93662-9755	On the eastern side of South Bethel Avenue between Manning and East Dinuba avenues	AE-20 (Exclusive Agriculture 20-acre minimum parcel size)

Approximately 15 acres of a 40-acre parcel to the immediate south of the project site will be used for temporary staging and parking during project construction. The western portion of the parcel to the south (i.e., the 15-acres of which will be used for the KRCD CPP construction staging area) is currently used for agricultural purposes (vineyards). The eastern portion of the parcel to the south (which will not be utilized during KRCD CPP construction) includes vacant land in the northern portion and is occupied by several structures and rural dwellings in the southern portion.

8.4.3.2 Electric Transmission

Electric transmission for the KRCD CPP will be provided by a new interconnection from the plant site to the Pacific Gas and Electric Company (PG&E) McCall Substation located on the west side of Leonard Avenue and north of Manning Avenue. A new approximately five mile-

¹ The KRCD service territory includes a 1.2 million acre service area in portions of Fresno, Kings and Tulare counties.

long 230-kilovolt (kV) radial transmission line will connect the KRCDD CPP to McCall Substation.

The entire length of the proposed transmission line route is in the County of Fresno and will cross both private property and public right-of-way. Existing land uses along the transmission line route include primarily vineyard and orchards with a small area of lacustrine/open water where the proposed transmission line will cross multiple PG&E transmission lines. Agricultural land uses along the along the transmission line route include orchards and vineyards with a small area of cropland and pastures. Many of the parcels along the proposed transmission line route are currently under Williamson Act contracts. The route of the proposed transmission line route, including existing land and agricultural uses are shown on Figures 8.4-1 and 8.4-2.

8.4.3.3 Water Pipeline

The primary source of process makeup water for the KRCDD CPP will be reclaimed water delivered by new underground pipeline interconnections to the City of Parlier Waste Water Treatment Plant (WWTP) and the Sanger WWTP effluent percolation and evaporation ponds located on Lincoln Avenue (i.e., Lincoln Ponds). The Parlier WWTP is located adjacent to the north of the plant site, and the interconnection will be located at the northern plant site boundary. The proposed interconnection to the Sanger Lincoln ponds is approximately five miles north and will be located primarily in the public right-of-way. Currently, two options are being considered for the water pipeline interconnection to Lincoln Ponds (i.e., Water Supply Pipeline Option 1 and Option 2). Up to four new shallow wells recovering percolated effluent will provide a back-up cooling water supply.

Existing land uses along the water pipeline route (Option 1) include primarily vineyards and orchards with small areas of lacustrine/open water, field crops, industrial and transportation, and ruderal or vacant land. Agricultural land uses along the along the water pipeline route (Option 1) include orchards and vineyards with a small area crop and pasture land. Many of the parcels along the proposed water pipeline route (Option 1) are currently under Williamson Act contracts. The route of the proposed water pipeline route (Option 1), including existing land and agricultural uses are shown on Figures 8.4-1 and 8.4-2.

Existing land uses along the water pipeline route (Option 2) include primarily vineyards and orchards with small areas of lacustrine/open water and field crops. Agricultural land uses along the along the water pipeline route (Option 2) include orchards and vineyards with a small area crop and pasture land. Many of the parcels along the proposed water pipeline route (Option 2) are currently under Williamson Act contracts.

The route of the proposed water pipeline routes (Options 1 and 2), including existing land and agricultural uses are shown on Figures 8.4-1 and 8.4-2. The majority of both water pipeline routes is located in the County of Fresno and will interconnect into the Lincoln Ponds which are located in the City of Sanger.

8.4.3.4 Natural Gas Pipeline

Fuel for the KRCDD CPP will be natural gas supplied from a new approximately 26-mile long 20-inch underground pipeline interconnection to the Southern California Gas Company (SCG) Line 7000 near Visalia, California. The gas pipeline closely follows existing road right-of-way corridors and will primarily be located in the public right-of-way.

Existing land uses along the gas pipeline route include primarily vineyards and orchards and field crops with smaller amounts of, residential areas, industrial/transportation, wetlands, idle and retired farmland, ruderal or vacant land, confined feeding area, and valley-foothill riparian. Agricultural land uses along the along the natural gas pipeline route include primarily orchards and vineyards with smaller amounts of croplands and pasture, idle farmland and confined feeding operations. Many of the parcels along the proposed natural gas pipeline route are currently under Williamson Act contracts.

In order to facilitate construction of the natural gas pipeline, five temporary construction staging areas have also been identified along the pipeline route, each 200 foot by 200 foot in size (see Figure 8.4-1). The construction staging area described above in Section 8.4.3.1 will also be used as one of the gas pipeline staging areas and will also serve as the main parking area for workers and the location for storing pipe and other pipeline construction materials. The other staging areas are to be set up to serve as locations to be used for field offices, materials storage, dirt stockpile if required, and worker parking. Existing land uses at the gas pipeline staging areas includes ruderal or vacant land, field crops and residential. Existing agricultural uses include orchards and vineyards and cropland and pastures.

The route of the proposed natural gas pipeline and construction staging areas and existing land and agricultural uses are shown on Figures 8.4-1 and 8.4-2. The natural gas pipeline route and staging areas are located in Fresno and Tulare counties.

8.4.3.5 Potable Water and Domestic Sewer

Potable water for domestic use will be supplied by a new groundwater well to be installed on the project site. There is no offsite linear associated with the potable water supply. Domestic wastewater will be discharged to the Parlier WWTP. The sewer interconnection is located at the northern boundary of the project site. There is no offsite linear associated with the domestic



sewer discharge. Existing land and agricultural uses for the potable water and sewer connections are the same as for the KRCDD CPP project site as described above in Section 8.4.3.1.

8.4.3.6 Area Surrounding Project Site

Other land uses in the area of the proposed KRCDD CPP project site include agricultural land to the west, south, and north/northwest. To the east of the site is the County of Fresno Southeast Regional Disposal Site, a Class III landfill that was closed in 1998. The City of Parlier WWTP is adjacent to the north. The western portion of the parcel to the south is used for agricultural purposes and the eastern portion includes vacant land in the northern end and several structures and rural dwellings in the southern end. The nearest residential uses in the area of the project site are located approximately 1,800 feet to the north along the western property boundary, 100 feet due west, 600 feet to the south and 250 feet west from the southeast property corner and 600 feet east and 500 feet south from the southeast property corner.

8.4.3.7 Other Land Uses in the Project Area

Recreational, Scenic, Natural Resource Protection and Extraction Areas, Educational and Religious, Unique, Cultural and Historic Areas

There are no parks or recreational areas located within a one-mile radius of the project site. The nearest school is the historical Fruitvale School, which is not an active school site, but which is located approximately two-tenths of a mile from the project site. The closest active school (Indianola Elementary School) is located within a half-mile of the project site and six other schools and day care facilities located within a two-mile radius of the project site. There are no churches located within a one-mile radius of the project site.

Section 8.14, Cultural Resources contains information on cultural resources in the project area. A study of buildings, structures and objects in the area of the project site and proposed transmission line is also included in Section 8.14 and identifies historic resources in the project area. No known natural resource protection, extraction or unique areas have been identified in the KRCDD CPP project area.

Important Farmlands

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. This section discusses the farmland types and identifies the farmland types that exist in the project area. The farmland types discussed in this section are also shown on Figure 8.4-2.



Prime Farmland

Prime Farmland is land, which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly-owned lands for which there is an adopted policy preventing agricultural use.

Farmland of Statewide Importance

Farmland of Statewide Importance is land other than Prime Farmland, which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly-owned lands for which there is an adopted policy preventing agricultural use.

Unique Farmland

Unique Farmland is land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, but that has been used for the production of specific high economic value crops at some time during the two update cycles prior to the mapping date. It has special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. It does not include publicly-owned lands for which there is an adopted policy preventing agricultural use.

Farmland of Local Importance

Land of importance to the local agricultural economy is determined by each county's board of supervisors and a local advisory committee. In Fresno County, all farmable lands that do not meet the definitions of Prime, Statewide, or Unique is classified as Farmland of Local Importance. This includes land that is or has been used for irrigated pasture, dryland farming, confined livestock and dairy, poultry facilities, aquaculture and grazing land.

8.4.4 GENERAL PLAN DESIGNATIONS

The KRCDD CPP project site is designated Agriculture by the Agriculture and Land Use Element of the Fresno County General Plan (Fresno County, 2000). Pursuant to the Fresno County Zoning Ordinance, a Conditional Use Permit (CUP) or Unclassified CUP would typically be required for certain uses of land or types of businesses which are not allowed as a matter of right



in a particular zone district. Construction of a power plant on the project site would be an allowable use with the issuance of an Unclassified CUP.

California Government Code Section 53091 governs the applicability of building and zoning ordinances to electrical generation facilities. Subparagraph (d) of that section makes it clear that building ordinances of a county or city do not apply to the location or construction to electrical energy generation facilities for a local agency. Subparagraph (d) also says that zoning ordinances of a county or city do not apply to such facilities except that zoning ordinances do apply to the location or construction of facilities of the storage or transmission of electrical energy if the zoning ordinances make provision for such facilities. KRCDD, as a local public agency, is exempt from the CUP process and is not required to comply with city or county building or zoning ordinances for the KRCDD CPP.

Figure 8.4-3 provides General Plan designations in the KRCDD CPP project area. General Plan designations throughout the project area is primarily Agriculture/Rural Residential.

8.4.5 ZONING DESIGNATIONS

8.4.5.1 Agricultural District

The KRCDD CPP project site is designated as Exclusive Agriculture 20-acre minimum parcel size (AE-20) pursuant to Chapter 2, Section 816 of the Ordinance Code of the County of Fresno (Fresno County, 2004). The Ordinance Code was developed by the Zoning Division of the County of Fresno. The purpose of the Zoning Division is to classify and regulate the highest and best use of buildings, structures, and land located in the unincorporated area of the County of Fresno in a manner consistent with the Fresno County General Plan. The Zoning Division incorporates zoning regulations implementing the Fresno County General Plan and all of its elements, including the Fresno County Open Space Plan.

The AE-20 district is intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. The AE-20 district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses, which by their nature would be injurious to the physical and economic well-being of the agricultural district.

8.4.5.2 Other Zoning Designations

Figure 8.4-4 provides zoning information for the KRCDD CPP project area. Zoning throughout the project area is primarily Agriculture.



8.4.6 SUMMARY OF LAND USE INFORMATION FOR THE PROJECT AREA

Table 8.4-2 summarizes the existing land and agricultural uses, general plan and zoning designations for the KRCD CPP project site and associated linear facilities.

Table 8.4-2 Applicable Land Use, Agriculture Use, General Plan and Zoning Designations KRCD CPP	
Project Component	Uses
Project Site	Land Use: Vineyards and orchards Agricultural Uses: Orchards and vineyards General Plan: Agriculture/Rural Residential Zoning: AE-20
Construction Staging Area	Land Use: Vineyards and orchards Agricultural Uses: Orchards and vineyards General Plan: Agriculture/Rural Residential Zoning: Agriculture
Transmission Line	Land Use: Vineyard and orchards, lacustrine/open water Agricultural Uses: Orchards and vineyards, cropland and pastures General Plan: Agriculture/Rural Residential Zoning: Agriculture
Natural Gas Pipeline and Staging Areas	Land Use: Vineyards and orchards, field crops, residential areas, industrial/transportation, wetlands, idle and retired farmland, ruderal or vacant land, confined feeding area, and valley-foothill riparian Agricultural uses: Orchards and vineyards, croplands and pasture, idle farmland and confined feeding operations General Plan: Agriculture/Rural Residential Zoning: Agriculture
Water Pipeline (Options 1)	Land Use: Vineyards and orchards, lacustrine/open water, field crops, industrial and transportation, and ruderal or vacant land Agricultural Uses: Orchards and vineyards, crop and pasture land General Plan: Agriculture/Rural Residential Zoning: Agriculture
Water Pipeline (Options 2)	Land Use: Vineyards and orchards, lacustrine/open water and field crop Agricultural Uses: Orchards and vineyards, crop and pasture land General Plan: Agriculture Zoning: Agriculture

8.4.7 SITE CONTROL

KRCD purchased the project site from previous owner Roy Heiniger, Inc in July 2007. A copy of the Grant Deed is included in Appendix 8.4-1.

8.4.8 WILLIAMSON ACT

The California Land Conservation Act, also known as the Williamson Act has been the state’s premier agricultural land protection program since its enactment in 1965. The California Legislature passed the Williamson Act to preserve agricultural and open space lands by discouraging premature and unnecessary conversions of land to urban uses. The act allows private landowners to restrict parcels to agricultural and open space uses in return for property

taxes which are assessed at a rate consistent with their actual use rather than potential market value. Williamson Act contracts are legal documents that obligate the property owner, and any successors of interest to the contract's enforceable restrictions and are held for a term of ten years, and unless either party files a "notice of nonrenewal" the contract is automatically renewed annually for an additional year. The Williamson Act is estimated to save agricultural landowners from 20 percent of 75 percent in property tax liability each year.

The proposed project site is currently under a Williamson Act Contract (Contract Number 1156). A copy of the Williamson Act contract is included as Appendix 8.4-1. The adjacent staging area and many parcels crossed by the offsite project linears are also under Williamson Act Contracts (see Figure 8.4-2). The Williamson Act Contract Number 1156 will be cancelled prior to development of the KRCDD CPP. In July, 2007 KRCDD purchased the project site. Now that they own the site, KRCDD will file a Notice of Nonrenewal and apply for cancellation with the County of Fresno. Representatives of KRCDD have met with County of Fresno representatives and have discussed the process.

Construction of the linear features or use of the temporary construction staging area are not inconsistent with the Williamson Act Contracts for those parcels affected by these activities and, therefore, contract cancellation is not necessary.

8.4.9 LAND USE AND FUTURE GROWTH TRENDS

The KRCDD CPP project site is located within Fresno County and near both the cities of Selma and Parlier. Both cities are actively exploring expanding their sphere of influence (SOI) to include area near the proposed KRCDD CPP project site. According to the Fresno Local Agency Formation Commission, as of the date of this AFC, there are currently no actions planned for the area surrounding the power plant. This AFC is based on the current status of the jurisdiction of the project site (i.e., that the project site is located within the jurisdiction of Fresno County).

8.4.10 RECENT DISCRETIONARY REVIEWS BY PUBLIC AGENCIES

Land Use and growth trends identified in the project area are based on discretionary reviews by the cities of Parlier and Selma and Fresno County which have been reviewed within the past 18 months as discussed below. Projects identified below are located within an approximately three-mile radius of the KRCDD CPP project site.

8.4.10.1 City of Selma

There are multiple residential development projects being both under construction and being considered within the City of Selma. These development projects include varying numbers of lots and vary in total size in acres. As of the date of this AFC, three residential developments are

under construction, four residential developments have been approved, six residential development projects have submitted applications to the Selma Planning Department and another six residential development projects that are still in the conceptual phase (City of Selma, 2007). Additional information on the status of these developments is located on the City of Selma's website at: <http://www.cityofselma.com/planning/index.htm>. Only one of the proposed developments will potentially be located within a one-mile radius of the KRCDD CPP project site (Hemby, 2007). This development is Amberwood, which is still in the conceptual phase with an anticipated 2570 lots on 686 acres. The locations of the proposed development projects are shown on Figure 8.4-5.

8.4.10.2 City of Parlier

The City of Parlier is in the process of revising their 1998 General Plan and is working with Fresno County on redefining their SOI. The driver behind the General Plan revision and updating of the SOI is two residential developments that have been proposed but are not currently entirely located with the City of Parlier or its current SOI. The first development has been proposed by Jonathon Homes and includes approximately 640-acres north and west of the project site at the northwest quadrant of the intersection of Academy and Manning Avenues. The second development has been proposed by Wellington Homes and includes approximately 500 acres to the east of the project site between Mendocino and Zediker Avenues. The residential development projects are approximately nine to twelve months away from having necessary permits and approvals for construction (O'Neill, 2007). Also, the Parlier Industrial Park is located south of Manning Avenue between Academy and Mendocino avenues. The total area is about 225 acres and the city has purchased 72 acres of land on the Mendocino Avenue side of the development. The city is installing infrastructure on the land it owns and has sold one parcel which is developed with a packing operation. All the of the city's land associated with this development has been committed/sold (O'Neil, 2007). The locations of the proposed development projects are shown on Figure 8.4-5.

In addition, recent discretionary reviews by the City of Parlier include:

- 36.4 acre residential development with 158 single family units;
- 16.2 acre residential development with 72 single family units;
- 1.61 acre Rite Aid Drug Store;
- 60.0 acre residential development with 236 single family units;
- 30 acre residential development with 107 single family units;
- 48.87 residential development with 169 single family units; and
- 5.07 Avila Apartments with 81 multi-family units.



The last four of these development projects are not currently within the city limits and, therefore, must also complete the annexation process prior to receiving approvals for construction (O'Neal, 2007).

8.4.10.3 Fresno County

According to Fresno County, there have been no discretionary reviews within a three-mile radius of the project site within the last two years (Kettler, 2007).

8.4.11 ENVIRONMENTAL CONSEQUENCES

The following section discusses the potential effects of project site preparation, construction and operation of the KRCDD CPP on existing land and agricultural resources in the KRCDD CPP project area.

8.4.11.1 Significance Criteria

Significance criteria for impacts to land use and agriculture were determined through review of applicable state and local regulations. Because the Warren-Alquist Act is equivalent to California Environmental Quality Act (CEQA) review, the following criteria that were developed from the CEQA Guidelines and the CEQA Checklist are used to evaluate the potential environmental impacts of the project:

- Will the project physically divide an established community?
- Will the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?
- Will the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- Will the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
- Conflict with existing zoning for agricultural use or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.



8.4.11.2 Construction Impacts

Site Preparation

Site preparation will involve the clearing of vineyards that cover a portion of the project site and the removal of existing structures on the project site, which include a vacant rural dwelling, detached garage and barn. Vineyards will also be removed on the 15-acre portion of the parcel to the south of the project site that is proposed to be used as the construction staging area for the KRCDD CPP.

Construction

Construction activities will include work on the project site including the construction of an onsite switchyard, and the installation and connection of offsite facilities including the transmission line, water and natural gas pipelines. Sequential activities for onsite and offsite work includes site preparation, foundation construction, erection of major equipment and structures, installation of piping, electrical systems and control systems and startup and testing.

Construction activities have the potential to create temporary impacts to local roadways as they may create additional noise, dust and emissions from grading equipment and other construction equipment and vehicles. Additional information on these issues is provided in Section 8.2, Noise and Section 8.1, Air Quality. Residences and businesses located near the KRCDD CPP project area may also experience short-term impacts associated with KRCDD CPP construction activities including visual disruption, dust, increased traffic, and equipment and vehicle emissions. Additional information on these issues is provided in Section 8.3, Visual Resources, Section 8.1, Air Quality, and Section 8.6, Traffic and Transportation.

Proposed construction activities will result in short-term land use impacts as described below.

Project Site

The construction of the KRCDD CPP will result in the conversion of approximately 32 acres of agricultural land, which is under a Williamson Act contract, to a non-agricultural use. This will be accomplished through a cancellation of the Williamson Act contract as described in Section 8.4.8. The conversion of this farmland is a potentially significant impact but will be mitigated through the implementation of a farmland preservation program, as described below in Section 8.4.11.5.

Construction Staging Area

Vineyards will also be removed from the western portion of the parcel to the south (i.e., the 15 acres of which will be used for the KRCDD CPP construction staging area). The construction staging area is currently under a Williamson Act contract. Uses of a portion of the parcel will be temporarily changed during the KRCDD CPP construction period. Since the land use changes are



short-term in nature, the land use impacts associated with KRCD CPP construction are not considered significant and are not inconsistent with the Williamson Act. There will be no permanent change in land use on the construction staging area.

Transmission Line

Electricity generated by the KRCD CPP will be delivered to PG&E's McCall Substation. All upgrades at the McCall Substation will occur within the existing fence line. The KRCD CPP will connect to PG&E's electrical transmission system via a 230-kV double circuit steel poles radial transmission line running from the project site to the PG&E McCall Substation. The transmission line will cross both private property and public right-of-way.

Depending on the placement of the proposed transmission poles, minor areas of agricultural land could be taken out of production. KRCD will work with individual landowner on the placement of the poles to minimize the potential for impacts to land use or agricultural lands. KRCD will also include the amount of permanent acreage lost to transmission pole placement in the amount of farmland permanently preserved pursuant to it the farmland preservation program which will be implemented, as described below in Section 8.4.11.5.

Natural Gas Pipeline and Staging Areas and Water Pipeline (Options 1 and 2)

The natural gas and water pipelines will primarily be constructed in the public right-of-way. There are numerous Williamson Act contract lands in the area of the proposed natural gas and water pipeline routes, including the proposed construction staging areas for the natural gas pipeline. Uses of some of these lands will be temporarily changed during construction but then returned for agricultural uses. Since the land use changes are short-term in nature, the land use impacts associated with construction of these lands are not considered significant.

8.4.11.3 Operation and Maintenance Impacts

The development of the KRCD CPP will not result in changes to land use and zoning designations in the project area. The existing character of the immediate area surrounding the project site will remain unchanged by the development of the project. The majority of the 32-acre site is designated as Prime Farmland, with a small portion on the eastern side designated Unique Farmland (see Figure 8.4-2). The entire project site will be permanently taken out of production and converted to a non-agricultural uses.

Development of a power generating facility is a permitted use in the AE-20 zoning designation with the issuance of an Unclassified CUP from Fresno County. KRCD, as a local public agency, is exempt from the CUP process and is not required to comply with city or county building or zoning ordinances for the KRCD CPP under California Government Code Section 53091.

Therefore, since neither the General Plan, zoning or CUP requirements are applicable LORS, KRCDD need not demonstrate consistency.

However, the KRCDD CPP is consistent with the surrounding and existing land use because the site is adjacent to the Parlier WWTP and county landfill and for the reasons outlined in this AFC the project does not result in significant environmental impacts.

8.4.11.4 Cumulative Impacts

The assessment of cumulative impacts for the KRCDD CPP includes a review of other projects when an application has been filed with Fresno County, the City of Parlier or the City Selma, as well as other projects that are anticipated by the CEC in Fresno County (CEC, 2007). Although most of the landscape already reflects a high level of human intervention, these modifications are primarily associated with agricultural activities. Overall, the various planned developments for the area including the proposed project will lead to a decrease in the area's agricultural character due to the expected increase in the suburban and industrial quality of the area. No cumulative land use or agricultural impacts are expected.

8.4.11.5 Mitigation Measures

Farmland Preservation Program

KRCDD's Board of Directors largely consist of farmers and as a Conservation District, KRCDD has always been a long-term proponent of sustainable farming. As discussed above the KRCDD CPP project site currently supports vineyards that will be removed as part of development of the KRCDD CPP. In order to mitigate that removal KRCDD will implement a farmland preservation program intended to result in the permanent preservation of sustainable farmland in an amount equal to or greater than the current vineyards at the site and including any permanent acreage lost due to transmission pole placement. The farmland preservation program will either establish a permanent farmland conservation easement on an equivalent number of farmland acres to be designated by the County of Fresno or will consist of farmland mitigation fees payable to a farmland trust such as the American Farmland Trust. KRCDD is currently working with the County of Fresno and communities surrounding the proposed project to establish lands that may be preserved pursuant to the farmland conservation easement.

8.4.12 LAWS, ORDINANCES, REGULATIONS AND STANDARDS

Land and agricultural uses are both controlled and regulated through a system of plans, policies, goals and ordinances that are adopted by various jurisdictions with land use authority over an area. This section includes a discussion of the federal, state and local LORS that are applicable to the proposed KRCDD CPP. These LORS are also summarized below in Table 8.4-3.



Table 8.4-3 Land Use and Agriculture LORS KRCD CPP		
Regulation/Program	Description and Jurisdiction	Project Applicability/ AFC Section Reference
Federal		
None		
State		
California Public Resources Code – Section 25000 et seq. (Warren Alquist Act)	The CEC has the responsibility for licensing all thermal power plants in the State of California that are over 50 megawatts in capacity.	This AFC evaluates with compatibility of the proposed KRCD CPP with relevant land use plans and other environmental resource requirements. See Section 8.4
CEQA	The CEC licensing process has deemed the functional equivalent of a CEQA process, with the CEC serving as the Lead Agency for CEQA compliance.	The KRCD CPP AFC will be processed through the CEC licensing process. See Section 8.4
California Government Code Section 65300 et seq.	In compliance with California state planning law, each city and county shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries which in the planning agency’s judgment bear relation to its planning. Fresno County, the jurisdiction where the KRCD CPP is located, has an approved general plan.	The KRCD CPP will comply with applicable requirements as discussed below under Local LORS. See Section 8.4.12.3.
California Land Conservation Act of 1965 (Williamson Act)	Regulated by the Department of Conservation, the Williamson Act preserves agricultural and open space lands by allowing private landowners to restrict parcels to agricultural and open space uses in return for property taxes which are assessed at a rate consistent with their actual use rather than potential market value.	The KRCD CPP project site is currently under a Williamson Act contract, which will be cancelled prior to project construction. The staging area and multiple areas along the linear facility routes are also under Williamson Act contracts and will see a temporary change in use, but such temporary change is use is



Table 8.4-3 Land Use and Agriculture LORS KRCD CPP		
Regulation/Program	Description and Jurisdiction	Project Applicability/ AFC Section Reference
		not inconsistent with the Williamson Act. See Section 8.4.8.
California Government Code Section 53091	Governs the applicability of building and zoning ordinances to electrical generation facilities. Subparagraph (d) of that section makes it clear that building ordinances of a county or city do not apply to the location or construction of electrical energy generation facilities for a local agency. Subparagraph (d) and (e) also says that building and zoning ordinances of a county or city shall not apply to such facilities except that zoning ordinances do apply to the location or construction of facilities of the storage or transmission of electrical energy if the zoning ordinances make provision for such facilities.	Based on this statute, KRCD, as a local agency, is not required to comply with city or county building or zoning ordinances for the proposed KRCD CPP. See Section 8.4.5.
Local		
Fresno County General Plan – Agricultural and Land Use Element	The Agricultural and Land Use Element of the Fresno County General Plan designates the general distribution and intensity of land uses in the county outlines goals, policies and implementation programs to guide the land use decision-making process and minimize the conversion of productive agricultural land. Specific policies that are applicable to the KRCD CPP are discussed below.	The KRCD CPP although not required, will comply with otherwise applicable Fresno County provisions. See Section 8.4.12.3.
	Policy LU-A.3 – Allows by discretionary permit development in areas designated Agriculture, the development of certain non-agricultural uses including certain oil, gas, and electric substation development activities.	KRCD, as a public agency is not required to obtain a discretionary permit, but compliance with the policy will be met through the CEC process. See Section 8.4.5.
	Policy LU-A.12 – County seeks to protect agricultural activities from encroachment of	The KRCD CPP project site is currently under a

<p align="center">Table 8.4-3 Land Use and Agriculture LORS KRCD CPP</p>		
<p>Regulation/Program</p>	<p>Description and Jurisdiction</p>	<p>Project Applicability/ AFC Section Reference</p>
	<p>incompatible land uses.</p>	<p>Williamson Act contract, which will be cancelled prior to project construction.</p> <p>The construction and operation of the KRCD CPP will not significantly alter surrounding land uses.</p> <p>See Section 8.4.5 and 8.4.8.</p>
	<p>Policy LU-A.13 – County shall protect agricultural operations from conflicts with non-agricultural uses by requiring a buffer between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The KRCD CPP will include appropriate landscaping including a berrn to be located along South Bethel Avenue and trees around the entire perimeter which will serve as a buffer for agricultural uses to the west, south and north/northwest.</p> <p>See Section 8.3, Visual Resources.</p>
	<p>Policy LU.A-14 – County shall ensure the review of discretionary permits included an assessment of the conversion of productive agricultural land and the implementation of mitigation as appropriate.</p>	<p>The KRCD CPP project site is currently under a Williamson Act contract, which will be cancelled prior to project construction. Small areas of agricultural land along the transmission line route may be taken out of production associated with the placement of the new transmission poles; however pole locations</p>



<p align="center">Table 8.4-3 Land Use and Agriculture LORS KRCD CPP</p>		
<p>Regulation/Program</p>	<p>Description and Jurisdiction</p>	<p>Project Applicability/ AFC Section Reference</p>
		<p>will be selected to minimize the loss of productive agricultural land, to the extent feasible and any permanent loss will be mitigated through implementation of the farmland preservation program.</p> <p>See Section 8.4.11.5.</p>
<p>Fresno County Zoning Ordinance</p>	<p>The Fresno County Zoning Ordinance is the principal tool for implementing the General Plan and by State law must also be consistent with the General Plan. The Zoning Ordinance contains maps and portrays the distribution of land uses throughout the county.</p>	<p>Based on California Government Code Section 53091, KRCD, as a local agency, is not required to comply with city or county building or zoning ordinances.</p> <p>See Section 8.4.5.</p>
	<p>Section 816 - <u>“AE” Exclusive Agricultural District</u>. Defines the AE-20 district as intended to be an exclusive district for agriculture and for those uses which are necessary and an integral part of the agricultural operation. The AE-20 district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses, which by their nature would be injurious to the physical and economic well-being of the agricultural district.</p>	<p>The KRCD CPP project site is zoned AE-20.</p> <p>See Section 8.4.4.</p>
	<p>Section 853 – <u>Uses Permitting Subject to Condition Use Permit</u>. Certain uses are only permitted when subject to a CUP; in addition other permitted uses may be permitted by an Unclassified CUP including a power generating plant that does not utilize coal, coke or other coal-based fuel as an industrial</p>	<p>The KRCD CPP will use only natural gas as its fuel source. In addition, based on California Government Code Section 53091, KRCD, as a local agency, is not required to comply</p>



Table 8.4-3 Land Use and Agriculture LORS KRCD CPP		
Regulation/Program	Description and Jurisdiction	Project Applicability/ AFC Section Reference
	fuel source.	with city or county building or zoning ordinances and therefore will not be required to obtain an Unclassified CUP. See Chapter 5, Natural Gas Supply and Section 8.4.5.
	Section 875 – <u>Electric Utilities and Services</u> . Outlines a formal means by which the county shall review and comment on electric transmission facilities and electric utility facilities which are subject to approval by the California Public Utilities Commission (CPUC) or the CEC.	KRCD, as a local agency, is not required to comply with city or county building or zoning ordinances. See Section 8.4.5.
Tulare County General Plan – Agriculture Element	The general concept of the Agricultural Element of the general plan is to identify agriculture as not only an economic asset to the county but also as a cultural, scenic and environmental resource to be protected.	The KRCD CPP will comply with applicable Tulare County provisions. See Section 8.4.12.3.
	AG-1 – Promote long-term preservation of productive and potentially productive agricultural lands in support of the viability of agriculture and to further the county’s economic development goals.	The construction of the natural gas pipeline in Tulare County will be primarily in the public right-of-way and will result in no permanent conversions of agricultural lands. See Section 8.4.11.
Tulare County General Plan – Land Use Element	The general concept of the Land Use Element of the general plan is to continue to grow and develop the counties communities while preserving natural resource lands.	The KRCD CPP will comply with applicable Tulare County provisions. See Section 8.4.12.3.
	LU-1.11 – Access to public roadways will be required for all new development.	KRCD will coordinate with Tulare County for installation of the natural

Table 8.4-3 Land Use and Agriculture LORS KRCD CPP		
Regulation/Program	Description and Jurisdiction	Project Applicability/ AFC Section Reference
		gas pipeline in the public right-of-way. See Section 8.4.14.
City of Sanger General Plan	In compliance with California State Planning Law, each city and county shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries which in the planning agency’s judgment bear relation to its planning.	The KRCD CPP proposed water pipeline (Option 1 and Option 2) will cross City of Sanger right-of-way. KRCD will comply with all applicable city provisions. See Section 8.4.14.
City of Parlier General Plan	In compliance with California State Planning Law, each city and county shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries which in the planning agency’s judgment bear relation to its planning.	The KRCD CPP proposed water pipeline (Option 1 and Option 2) will cross City of Parlier right-of-way. KRCD will comply with all applicable city provisions. See Section 8.4.14.

8.4.12.1 Federal

There are no federal LORS related to land use or agriculture that have been identified for the KRCD CPP.

8.4.12.2 State

California Public Resources Code and California Environmental Quality Act

Under the Warren Alquist Act (Public Resources Code Section 25000, et seq.) the CEC has responsibility for licensing all thermal power plants in the State of California that are over 50 MW in capacity. The CEC siting process has been deemed the functional equivalent to CEQA and the CEC is serving as the Lead Agency for CEQA compliance.

California Government Code

In compliance with California State Planning Law, each city and county shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city or county and

of any land outside its boundaries which in the planning agency's judgment bear relation to its planning.

The administering agencies for the KRCD CPP include Fresno County, Tulare County, the City of Parlier and the City of Sanger.

Williamson Act

The Williamson Act preserves agricultural and open space lands by allowing private landowners to restrict parcels to agricultural and open space uses in return for property taxes which are assessed at a rate consistent with their actual use rather than potential market value.

The administering agency for the KRCD CPP project site is Fresno County. As described above, KRCD will be filing a Notice of Nonrenewal and a request to cancel Williamson Act Contract No. 1156 with the County of Fresno.

8.4.12.3 Local

The project site will be located in the County of Fresno and therefore the KRCD CPP is subject to the rules and requirements of the Fresno County General Plan (Fresno County, 2000) and Zoning Ordinance. The Fresno County General Plan is a comprehensive, long-term framework for the protection of the county's agricultural, natural, and cultural resources and for development in the county. The Zoning Ordinance is the principal tool for implementing the General Plan and by State law must also be consistent with the General Plan. Applicable goals, policies, and implementation measures that may be pertinent to the KRCD CPP are discussed above in Table 8.4-3.

Planning policies for Tulare County, the City of Parlier and the City of Sanger are applicable to certain offsite linears associated with the KRCD CPP, as previously described in Table 8.4-3.

8.4.13 INVOLVED AGENCIES AND CONTACTS

Table 8.4-4 identifies agency contacts for the KRCD CPP.



Table 8.4-4 Land Use and Agriculture Agency Contacts KRCD CPP		
Agency	Contact Person, Title and Email	Phone Number
Fresno County Department of Public Works and Planning - Development Services Division 2220 Tulare Street, Suite A Fresno, California 93721	William M. Kettler Principal Staff Analyst wkettler@co.fresno.ca.us	(559) 262-4242
Tulare County Government Plaza 5961 South Mooney Boulevard Visalia, California 93277	Theresa Szymanis, Chief Planner Tszymanis@co.tulare.ca.us	(559) 733-6291
City of Sanger 1700 7 th Street Sanger, CA 93657-6513	Ralph Kachadourian, Senior Planner, RKachadourian@ci.sanger.ca.us	(559) 876-6300 Extension 1540
City of Parlier 1100 East Parlier Avenue Parlier, CA 93648	Bruce O'Neill City Planner b.oneal@comcast.net	(559) 256-4250
Selma Community Development Department – City Hall Annex 1710 Tucker Street Selma, CA 93662	Bryant Hemby City Planner bryanth@cityofselma.com	(559) 891-2209
California Department of Transportation - District 6 1352 W. Olive Avenue Fresno, CA 93728	Encroachment Permit Officer	(559) 488-4082

8.4.14 REQUIRED PERMITS AND PERMITTING SCHEDULES

Table 8.4-5 identifies the required permits and permit schedule for the KRCD CPP.

Table 8.4-5 Required Permit and Schedules KRCD CPP	
Permit/Approval Required	Due Date
Public	
Encroachment Permit - County of Fresno (for work in County’s rights-of-way and crossings of County roads).	Submit plans showing work 90 days prior to construction work in public right-of-way.
Encroachment Permit – County of Tulare (for work in County’s rights-of-way and crossings of county roads associated with the proposed natural gas pipeline).	Submit plans showing work 90 days prior to construction work in public right-of-way.
Encroachment Permit - City of Parlier (for work in City’s rights-of-way associated with the proposed water supply pipeline).	Submit plans showing work 90 days prior to construction work in public right-of-way.



Table 8.4-5 Required Permit and Schedules KRCD CPP	
Permit/Approval Required	Due Date
Encroachment Permit - City of Sanger (for work in City’s rights-of-way associated with the proposed water supply pipeline).	Submit plans showing work 90 days prior to construction work in public right-of-way.
Encroachment Permit Caltrans District Office 6 (for installation of gas pipeline under Highways 99 and 198).	Submit plans showing work approximately three to six months prior to construction work.
Railroad Crossing Permits.	Submit plans showing work approximately three to six months prior to construction.
Private	
Easements from Private landowners.	KRCD will negotiate and secure all required easements prior to construction activities.
Easement from PG&E (for crossing of existing PG&E transmission and distribution lines).	PG&E will undergo a Section 851 process with the CPUC, which will be coordinated with the CEC CEQA process.
Crossings of Cross Creek and Kings River.	See Biological Resources.
Crossings of multiple canals, ditches.	KRCD will negotiate and secure all required easements or crossing permits prior to construction activities.

8.4.15 REFERENCES

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Caltrans, 2007. California Department of Transportation. Website at: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

City of Sanger, 2025 Sanger General Plan – Land Use and Urban Form Element.

City of Selma, 2007 Planning Department website at: <http://www.cityofselma.com/planning/index.htm>.

Fresno County, 2000. Fresno County General Plan – Policy Document. Adopted by the Fresno County Board of Supervisors, October 3, 2000.

Fresno County, 2004. The Ordinance Code of the County of Fresno - Chapter 2. Establishment Of Land Use Districts And Regulations Applicable Therein Sections 810 - 850.B.7. Last Amended March 2, 2004.

Hemby, 2007. Personal Communication between Amy Cuellar, Navigant Consulting, Inc. and Bryant Hemby, Planner with the City of Selma. April 2007.

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Land Use Associates, 1998. Final Environmental Impact Report. City of Parlier General Plan Update 1998 Update – Land Use, Circulation, Economic Development and Housing Elements and Revision to the City of Parlier Sphere of Influence. December 1998.

O’Neal, 2007. Personal Communication between Amy Cuellar, Navigant Consulting and Bruce O’Neal, Planner with the City of Parlier. April 2007.

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Tulare County, 2006. Tulare County General Plan – Public Review Draft. November 21, 2006.

