

## 5.6 Land Use

### 5.6.1 Introduction

On August 16, 2001, GWF Energy LLC filed an Application for Certification (AFC) with the California Energy Commission (CEC) for the Tracy Peaker Project (TPP). The CEC found the AFC data adequate on October 17, 2001. The CEC Staff released a staff assessment on December 28, 2001 and a supplemental staff assessment on February 1, 2002. The CEC published its Presiding Member's Proposed Decision on May 31, 2002, with the project receiving its Final Decision on July 17, 2002. These documents are incorporated by reference into this AFC and are contained in electronic form in Appendix 1A.

This section inventories existing land uses in the vicinity of the GWF Tracy Combined Cycle Power Plant (GWF Tracy) and discusses the potential land use impacts associated with the project. Land uses are described within 1 mile of the project site. The local, state, and federal jurisdictions potentially affected by the project are identified, as are their respective plans, policies, laws, regulations (including zoning), and potentially sensitive land uses. Planned development and land use trends in the area of the project site are identified based on currently available development plans. Reasonably foreseeable future development projects within the affected area are noted, and the potential land use impacts associated with the project are assessed. The conformance of the project with local plans and regulations and the compatibility of the project with general land uses in the area are evaluated.

The land use issues for the proposed project site have been identified and evaluated using onsite reconnaissance surveys, a review of current aerial photography, a review of local land use ordinances, and a review of the land use goals and policies identified in the San Joaquin County General Plan, and associated maps, which are cited throughout this section.

Land uses are controlled and regulated using a complex system of plans, policies, goals, and ordinances adopted by the various jurisdictions with authority over land uses in the area of the proposed project. The general plan is the broadest planning document in scope; it defines large-scale planned development patterns over a relatively long time frame. A zoning ordinance is typically used to implement the objectives of the general plan. A zoning ordinance provides detailed specifications for allowable development (e.g., density, lot size, height, setback, subdivisions, etc.). Other regulations governing development include grading and subdivision ordinances and building codes.

This section includes the following: Section 5.6.2 briefly discusses the onsite and adjacent land uses surrounding the project site; Section 5.6.3 discusses the laws, ordinances, regulations, and standards (LORS) applicable to the project; Section 5.6.4 provides an overview of the affected environment, including agricultural uses within the "Study Area" (i.e., within 1-mile of the project site and within a ¼ mile buffer on either side of the existing transmission line segments that will be reconducted as part of this project), and describes existing and planned land uses in the land use Study Area; Section 5.6.5 discusses recent or proposed zoning and General Plan amendments completed by public agencies within the past 18 months; Section 5.6.6 discusses recent discretionary review by public agencies within the past 18 months; Section 5.6.7 presents an analysis of potential land use and agricultural impacts of the project and the project's conformity with existing and designated land uses

and applicable plans and policies; Section 5.6.8 discusses cumulative projects in the vicinity of the project and potential cumulative effects; Section 5.6.9 discusses mitigation measures; Section 5.6.10 provides the agencies and agency contacts for land use issues; Section 5.6.11 provides a discussion of permits and the permit schedule; and Section 5.6.12 lists the references used in preparing this section.

### **5.6.2 Onsite and Adjacent Land Uses**

Two simple-cycle GE 7EA combustion turbines (CTGs) with a total nominal output of 169-megawatts (MW) are presently in operation at the project site. GWF Energy LLC proposes to convert the existing TPP into a combined-cycle facility by building a heat recovery steam generator (HRSG) on the exhaust of each CTG, which provide steam to a nominal 145-MW steam turbine generator. This will result in GWF Tracy being a nominal 314-MW, combined-cycle power plant, on an approximately 16-acre fenced site within a 40-acre parcel in unincorporated San Joaquin County. The site is located southwest of Tracy, California and approximately 20 miles southwest of Stockton, California. The GWF Tracy conversion would consist of the steam power plant, connections to the existing onsite switchyard, onsite natural gas and water supply from the Delta-Mendota Canal interconnections, onsite 115-kV electric transmission line, installation of two transmission termination structures, relocation of the stormwater retention basin, relocation of the equipment storage, and reconductoring of three existing offsite transmission line segments.

The GWF Tracy site is located on a single parcel owned by GWF Energy, LLC, Assessor's Parcel Number 799-000-45. The property is bounded by the Delta-Mendota Canal to the southwest, agricultural property to the south and east, and the Union Pacific Railroad to the north. Immediately north of the railroad are the Owens-Brockway glass container manufacturing plant and the Nutting-Rice warehouse. The Tracy Biomass power plant is approximately 0.6 mile to the northwest. Of the three existing transmission line segments that will be reconductored, Segment 1 is immediately west of the project site. Segments 2 and 3 lie approximately 9 miles northeast of the project site and approximately 5 miles northeast of Tracy, almost entirely within unincorporated San Joaquin County. The northern portion of the Study Area for Segment 3 and a small portion (approximately 0.30 mile) of the Segment 3 right-of-way cross into the city of Lathrop. Reconductoring will not require ground disturbance and, subsequently, no impacts are expected to occur outside of the transmission line right-of-way. Therefore, reconductoring activities will not impact the city of Lathrop, therefore, Lathrop LORS are not presented or discussed.

Figures 5.6-1a and 5.6-1b illustrate the existing land uses in the project Study Area, including residential, agricultural and industrial uses. Figures 5.6-2a and 5.6-2b illustrate the applicable governmental jurisdictional boundaries.

### **5.6.3 Laws, Ordinances, Regulations, and Standards**

This section discusses LORS that may apply to the project. Table 5.6-1 summarizes the applicable LORS and provides a page reference for the section of the AFC that explains the project's conformance with the LORS.

TABLE 5.6-1  
Laws, Ordinances, Regulations and Standards for Land Use

LORS	Requirements/Applicability	Administering Agency	AFC Section Explaining Conformance
<b>Federal</b>			
Federal Aviation Regulations, Part 77, Section 77.13 ff	The Federal Aviation Regulations require notice of any construction or alteration that is (a) more than 200 feet in height above ground level or (b) greater than certain planes extending outward and upward at specified radius and slopes from the nearest runway of certain airports.	Federal Aviation Administration	5.6.3.1.1
<b>State</b>			
Warren-Alquist Act and California Environmental Quality Act; California Public Resources Code, Sections 21000 through 21178.1, including Guidelines for implementation of CEQA are codified in the California Code of Regulations (CCR) Sections 15000 through 15387.	Establishes policies and procedures for review of proposed power plants greater than 50 MW in California.	California Energy Commission 1516 Ninth Street Sacramento, CA 95814	5.6.3.2.1
California Lands Conservation Act (Williamson Act)	Preserves agricultural land and encourages open space preservation and efficient urban growth.	Department of Conservation (NRCS)	5.6.3.2.2
<b>Local</b>			
San Joaquin County General Plan	Includes specific policies intended to ensure appropriate development in unincorporated areas of San Joaquin County.	San Joaquin County Community Development Department	Table 5.6-4
San Joaquin County Development Title	Specifies the zoning districts that correspond with the land use designations of the San Joaquin County General Plan. The Development Title, which is very much like a zoning ordinance, sets the development standards such as allowable uses, activities, set backs, and height requirements for each zoning district in the unincorporated areas.	San Joaquin County Community Development Department	Table 5.6-5

TABLE 5.6-1  
Laws, Ordinances, Regulations and Standards for Land Use

LORS	Requirements/Applicability	Administering Agency	AFC Section Explaining Conformance
San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP)	Requires conformance with the SJCMSCP in order to comply with federal Endangered Species Act requirements, as implemented by the U.S. Fish and Wildlife Service.	San Joaquin County Council of Governments (SJCOG)	5.6.3.3.1

### 5.6.3.1 Federal LORS

#### 5.6.3.1.1 Federal Aviation Regulations, Title 14 CFR 77, Section 77.13 ff

The Federal Aviation Regulations require notice of any construction or alteration that is (a) more than 200 feet in height above ground level or (b) greater than certain planes extending outward and upward at specified radius and slopes from the nearest runway of certain airports (Federal Aviation Regulations, Part 77, §77.13 ff). As with the existing TPP facility, the components of the proposed GWF Tracy conversion would neither exceed 200 feet in height nor exceed the most restrictive radius and slope requirements as the closest airport, Tracy Municipal Airport, which located more than 2.5 miles southeast of the project site. Since the Tracy Municipal Airport is located more than 2.5 miles from the project site, the proposed project does not trigger any distance or height standards that would require more than notification of the project modifications with Federal Aviation Regulations.

### 5.6.3.2 State LORS

#### 5.6.3.2.1 Warren-Alquist Act

CEQA requires analysis and disclosure of potential environmental impacts for most development projects within the state. Pursuant to section 25500 of the Warren-Alquist Act, the CEC certification process is in lieu of all state, regional, and local permits and requirements. The AFC process is CEQA-equivalent under the Warren-Alquist Act, so it fulfills the requirements of CEQA. CEQA is codified in the California Public Resources Code, Sections 21000-21178.1. Guidelines for implementation of CEQA are codified in the CCR Sections 15000-15387.

The CEC's authority to permit power plants supersedes all local ordinances including zoning or land use plans. The CEC normally, however, defers to and allows the local land use jurisdictions to make changes to plans, zones, and allowed uses. Where such a local jurisdiction does not or will not make changes, the CEC is allowed to permit the facility where special findings are made. Specifically, Public Resources Code Section 25525 allows the CEC to permit facilities not in compliance with local ordinances where it "determines that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity."

#### 5.6.3.2.2 California Land Conservation Act (Williamson Act)

The California Land Conservation Act of 1965, commonly known as the Williamson Act, was enacted to encourage preservation of agricultural lands. The main purposes of the Williamson Act are to preserve agricultural land and to encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to create an agricultural preserve and agree to keep their land in agricultural production (or another compatible use) for at least 10 years. Maps, statistics, and reports on Williamson Act lands are available online. While the project site was previously subject to a Williamson Act contract, the contract expired in March 2002 (CEC, 2002) and the project site is not currently under a Williamson Act contract (San Joaquin County, 2008a).

#### 5.6.3.3 Local LORS

Land use provisions included in every California city and county general plan (California State Planning Law, Government Code §65302, et seq.) reflect the goals and policies that guide the physical development of land in their jurisdiction.

The proposed project is located within San Joaquin County. The Study Area for the plant site includes areas within the jurisdiction of the City of Tracy, according to the July 2002 Final Decision for the TPP [01-AFC-16], the City of Tracy's LORS were determined not to be applicable (CEC, 2002). The background on this determination is discussed below.

The City of Tracy previously adopted two Specific Plans for development within the vicinity of the project site (Tracy Hills Specific Plan, located within the City of Tracy's incorporated area and the South Schulte Specific Plan, which includes the project site). The South Schulte Plan area is in an unincorporated area of San Joaquin County. The Plan area has not been annexed to the City. Although the South Schulte Plan area is within the City of Tracy's sphere of influence, the entire area, including the TPP site and the site for GWF Tracy, remains within the County's jurisdiction since no annexation has occurred.

Because the TPP site was never annexed to the City of Tracy, the CEC found as part of the CEC's Final Decision for the TPP (01-AFC-16) that the TPP site is within the County's jurisdiction and that the City of Tracy's LORS were not applicable to the project. Further, the Warren-Alquist Act consistently refers to compliance with "applicable" laws, and as determined in the CEC's approval of 01-AFC-16, as a result, conformance with the City of Tracy LORS is not required because they are not applicable. Additionally, under CEQA the initial inquiry for potential significance is whether a project conflicts with the land use plan, policy or regulation of an agency with "jurisdiction over the project" (CCR, title 14, §15387, App. G, IX(b)). This CEQA procedure is analogous to the CEC's process that seeks comments on LORS compliance from agencies that, but for the CEC's exclusive jurisdiction, would have jurisdiction over the project. In the case of the TPP, the CEC found that the County would have exclusive jurisdiction over the project site, but for the CEC's exclusive jurisdiction under the Warren-Alquist Act. Also, the CEC found as part of the Final Decision for 01-AFC-16, that it is undisputed that the County would not have to ensure compliance with City of Tracy LORS in order to develop the project site, even though the site is within the City's sphere of influence.

In addition to the City of Tracy, the northern portion of the Study Area for Segment 3 and a small portion (approximately 0.30 mile) of the Segment 3 right-of-way crosses into the

Lathrop. Reconductoring will not require ground disturbance and, subsequently, no impacts are expected to occur outside of the transmission line right-of-way. Thus, reconductoring activities will not impact the City of Lathrop and therefore City of Lathrop LORS are not presented or discussed.

#### **5.6.3.3.1 San Joaquin County General Plan**

The San Joaquin County General Plan includes specific policies intended to ensure appropriate development in unincorporated areas of San Joaquin County. The San Joaquin County General Plan contains seven elements: land use, circulation, housing, open space, conservation, safety, and noise. The San Joaquin County General Plan divides all unincorporated lands in the county into general land use designations and includes provisions specifying acceptable uses. Land use designations in a general plan are intended to guide land use patterns and development.

The General Plan designates the project site as General Agriculture. The Study Area, including the buffer around the transmission line segments that will be reconducted, is also designated primarily as General Agriculture (refer to Figures 5.6-3a and 5.6-3b). This designation is intended to identify areas generally committed to agriculture with viable commercial agricultural enterprises that require large land areas to efficiently produce their crops. The San Joaquin County General Plan indicates that power generating facilities are compatible uses within agricultural and industrial areas (San Joaquin County, 1992). Table 5.6-4 provides a conformity analysis of the project to all applicable policies with the San Joaquin County General Plan.

#### **5.6.3.3.2 San Joaquin County Development Title**

The San Joaquin County Development Title specifies the zoning districts that correspond with the land use designations of the San Joaquin County General Plan. The Development Title, which is equivalent to a zoning ordinance, establishes the development standards and allowable uses, activities, setbacks, and height requirements for each zoning district in the unincorporated areas within the County.

The proposed site and most of the area surrounding the site are zoned Agriculture (AG 40) (see Figures 5.6-4a and 5.6-4b). Most of the areas surrounding the transmission line segments proposed for reconductoring are also zoned AG-40, with some small portions zoned for other uses. Pursuant to Section 9-605.6 (d) of the Development Title, consistent with the General Plan requirements for lands designated General Agriculture, power generating facilities are a conditionally permitted use within the AG 40 district (San Joaquin County, 2001). But for the CEC's exclusive jurisdiction under the Warren-Alquist Act for power plants, while the County's zoning requires a conditional use permit (CUP) and site approval before a power generating facility can be approved on a property zoned AG 40, the CEC's licensing process subsumes the County's land use permitting requirements, and, therefore, a CUP is not required.

Section 9-1080 of the San Joaquin County Development Title, Agricultural Mitigation, went into effect in March 2007 and requires mitigation for loss of agricultural land when a General Plan Amendment or Zone Reclassification changes an agricultural area to non-agricultural. Agricultural mitigation must be satisfied by granting a farmland conservation easement or other farmland conservation mechanism to a qualifying entity.

However, since a General Plan Amendment or Zone District reclassification is not part of the GWF Tracy project, these requirements do not apply.

Table 5.6-5 provides a conformity analysis of the project to all applicable policies within the San Joaquin County Development Title. The analysis demonstrates that the proposed project is a conforming land use and would qualify for a County conditional use permit, though, as noted above, one is not required.

#### **5.6.3.3.3 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan**

GWF Tracy is located within the jurisdiction of the SJMSCP. The SJMSCP is a habitat conservation planning document developed by SJCOG in order to comply with the requirements of the federal Endangered Species Act (ESA) as implemented by USFWS (Section 10 of the ESA). The TPP participated in SJMSCP through a “fee” mitigation program administered by SJCOG that was determined to mitigate impacts. As part of the TPP Final Decision (July 2002), GWF was required to purchase 34.6 acres of land or pay an SJMSCP fee of \$58,474 to satisfy the conditions of habitat compensation. GWF satisfied this requirement in July 2002 through the fee payment of \$58,474 to the SJCOG. In addition, the TPP Final Decision required preparation of a Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) to implement the biological resources mitigation requirements. SJCOG reviewed and approved the BRMIMP as part of the Section 10 consultation. It is expected that GWF Tracy will comply with any required additional mitigation requirements, including amending the existing TPP biological resource-related plans.

The 3.28 acres of permanent construction in addition to work within the existing TPP and 12.3 acres of temporary laydown and staging area proposed for GWF Tracy are fully contained within the 34.6-acre area covered by the SJMSCP fee for TPP. Additionally, transmission line reconductoring will not involve ground disturbance and suitable pre-disturbed pull sites will be used. Therefore, no additional SJMSCP fees are anticipated for this project.

Refer to Section 5.2, Biological Resources, for additional discussion regarding biological impacts and mitigation measures.

### **5.6.4 Affected Environment**

In accordance with the CEC Siting Regulations (CCR, Title 20, Chapter 5, Appendix B), this section discusses the affected environment for the Study Area (i.e., 1-mile surrounding the project site and ¼ mile on either side of the existing transmission line segments that will be reducted as part of this project).

#### **5.6.4.1 General Description of Study Area**

The project site is located in San Joaquin County. The site is bounded by the Delta-Mendota Canal to the southwest, agricultural property to the south and east, and the Union Pacific Railroad to the north. Immediately north of the railroad are the Owens-Brockway glass container manufacturing plant and the Nutting-Rice warehouse. The Tracy Biomass power plant is approximately 0.6 miles northwest of the site. Of the three existing transmission line segments that will be reducted, Segment 1 is immediately west of the project site. Segments 2 and 3 lie approximately 9 miles northeast of the project site and approximately

5 miles northeast of the City of Tracy, almost entirely within unincorporated San Joaquin County Existing Land Uses, Planning, and Zoning Designations.

This section describes the land use designations and zoning classifications for the project site, properties located within 1 mile of the project site, and properties located within a ¼ mile to either side of centerline of the transmission line segments proposed for reconductoring (the “Study Area”). Figures 5.6-3a and 5.6-3b show the San Joaquin County and City of Tracy General Plan Land Use Designations within the Study Area, which are described in Table 5.6-2. Figures 5.6-4a and 5.6-4b show the San Joaquin County and City of Tracy zoning districts within the Study Area, which are defined in Table 5.6-3. As noted previously, Segment 3 and its associated Study Area runs into Lathrop. Reconductoring will not require ground disturbance and, subsequently, no impacts are expected to occur outside of the transmission line right-of-way. Thus, reconductoring activities will not impact Lathrop and, therefore, City of Lathrop LORS are not presented or discussed.

**TABLE 5.6-2**  
Description of San Joaquin County and City of Tracy General Plan Land Use Designations Within the Wider Study Area

<b>Land Use Designation</b>	<b>Description</b>
<b>San Joaquin County</b>	
General Agriculture	This designation is intended to identify areas generally committed to agriculture with viable commercial agricultural enterprises that require large land areas to efficiently produce their crops.
General Industrial	This designation is intended to identify areas which encompass a wide range of industrial activities whose location and operational characteristics typically involve moderate to high nuisances for surrounding uses if not mitigated.
Limited Industrial	This designation provides for a range of industrial activities, including production, assembly, warehousing and distribution.
Neighborhood Commercial	This designation provides for small, localized retail and service businesses that offer goods and merchandise to the immediate neighborhood.
Low Density Residential	This designation is appropriate for single family neighborhoods.
Rural Residential	This designation provides for large lot (1-5 acres) residential development where full urban services are not available or expected.
Public	This designation provides for major institutional facilities, including schools.
Open Space/Resource Conservation	Resource Conservation Zones included those areas with significant resources that generally are to remain in open space.
Rural Service Commercial	This designation provides for retail and service uses which are frequently required by rural residents and the surrounding agricultural community.
Freeway Service Commercial	This designation provides for commercial uses oriented almost exclusively to serving the needs of the freeway traveler.

**TABLE 5.6-2**  
Description of San Joaquin County and City of Tracy General Plan Land Use Designations Within the Wider Study Area

**City of Tracy**

Industrial (I)	Specific uses allowed in the industrial category range from flex/office space to manufacturing to warehousing and distribution. Industrial parcels should have a maximum floor to area ratio of 0.5. Ancillary uses, such as restaurants and consumer services, may be allowed to serve the daily needs of the workers. Industrial uses are located to provide proper truck access, buffering from incompatible uses and proximity with rail corridors and transit links.
Residential Low (RL)	Single-family dwelling units are the principal type of housing stock allowed in these areas. Attached units, zero lot line and clustered housing are also permissible and are encouraged within the overall framework of each community. These housing types can help to meet the City's desire to create unique neighborhoods and enhance the character of the community. Allowable densities are from 2.1 to 5.8 units per gross acre.
Residential Medium (RM)	The characteristic housing for the Residential Medium designation includes small lot single-family detached homes, duplexes, triplexes, fourplexes, townhouses, apartments and includes condominiums as an ownership type. Densities in the Residential Medium designation are from 5.9 to 12 dwelling units per gross acre.

Source: San Joaquin County, 1992 and 2008b; City of Tracy General Plan, 2006

**TABLE 5.6-3**  
Description of San Joaquin County and City of Tracy Zoning Districts Located Within the Wider Study Area

Zoning District	Description
<b>San Joaquin County</b>	
General Agriculture (AG 160, AG 40)	The General Agriculture Zone is established to preserve agricultural lands for the continuation of commercial agricultural enterprises. AG 160 and AG 40 indicate minimum lot sizes. Special use regulations allow for conditional uses including power-generating facilities.
Agriculture-Urban Reserve (AU-20)	The Agriculture-Urban Reserve Zone is intended to retain in agriculture those areas planned for future urban development in order to facilitate compact, orderly urban development and to assure the proper timing and economical provision of services and utilities.
General Industrial (I-G)	The General Industrial Zone provides for a wide range of manufacturing, distribution, and storage uses. Uses within this zone tend to have moderate to high nuisance characteristics, such as noise, heat, glare, odor, and vibration, requiring segregation from other land uses, and/or may require extensive outdoor storage areas.
Rural -Residential (R-R)	The Rural Residential Zone is intended to provide for large lot rural homesites within or adjacent to existing rural communities. Typically, areas in the zone will contain parcels too small to support significant commercial agriculture yet suitable for residential use without undue detriment to the agricultural productivity of the San Joaquin County.
Freeway Service Commercial (C-FS)	The Freeway Service Commercial Zone is intended to provide for commercial uses adjacent to full freeway interchanges oriented almost exclusively to serve the needs of the highway traveler.

TABLE 5.6-3

Description of San Joaquin County and City of Tracy Zoning Districts Located Within the Wider Study Area

Rural Service Commercial (C-RS)	The Rural Service Commercial Zone is intended to provide for retail and service uses within rural communities that are frequently required by rural residents and the surrounding agricultural community.
Crossroads Commercial (C-X)	The Crossroads Commercial Zone is intended to provide for a limited variety of retail and service uses and agriculturally related uses at specific intersections to serve rural residents outside of designated urban and rural communities.
Industrial Warehouse (I-W)	The Warehouse Zone is intended to accommodate warehouses and service establishments catering to those uses whose primary distinguishing features are independence from public sewage disposal systems through the use of septic tanks and the nonproduction of industrial wastes.
Public Facilities (P-F)	The Public Facilities Zone is intended to provide for the establishment of major correctional, medical, and infrastructure facilities; publicly owned recreation facilities and areas and similar facilities are areas; educational facilities meeting State requirements for primary, secondary, and higher education; police and fire protection facilities; public facilities and supporting uses in areas where they are most likely to benefit the County's residents.
<b>City of Tracy</b>	
MDR Medium Density Residential	In addition to those uses in Low Density Residential and Medium Density Commercial, apartments are allowed on lots at least 6,000 square feet in area, with at least 3,000 square feet of lot area per unit.
PUD Planned Unit Development	Any and all uses are permitted, provided such use or uses are in conformance with the General Plan and are indicated upon an approved development plan are allowed in this zone district.
M-1 Light Industrial	Commercial and industrial uses are permitted, including agriculture and manufacturing facilities.

Source: San Joaquin County, 2001 and 2008c; City of Tracy, 1998; City of Tracy, 2008a

#### 5.6.4.1.1 Study Area

Land uses within the Study Area are a mix of rural residential, agricultural, industrial and commercial. This section includes a description of the land uses located near the project site. Recent development projects are described in Section 5.6.8, Cumulative Effects.

#### 5.6.4.1.2 Description of Land Uses Near Project Site

In accordance with CEC Siting Regulations, this section provides a description of certain types of land uses located near the project site, including: Residential, Commercial, Industrial, Recreation, Scenic, Agricultural, Natural Resource Protection and Extraction, Educational, Religious, Cultural, Historic, and Unique Land Uses.

##### *Residential*

As shown on Figures 5.6-1a and 5.6-1b, there are only limited rural residences within the Study Area. These residences are located along South Lammers Road, east of the project site; on Hansen Road, southwest of the site; on West Grant Line Road, northwest of Segment 2; and on Mancuso Road, both west of Segment 2 and just south of Segment 3 and Interstate 5 (I-5). The closest residence is approximately 0.4 mile east of the project site adjacent to the Delta-Mendota Canal. Residential development within the City of Tracy is located east of the project site, just outside the Study Area. Additional residential development is located north of the Study Area, north of State Highway 205, more than 2 miles from the site.

Additional residential development is proposed outside of the Study Area and is described in Section 5.6.8.

### *Commercial*

There are no commercial uses within the Study Area, although there is a small area approximately 0.5 mile from the project site that is designated as neighborhood commercial under the County General Plan. The ¼-mile buffer surrounding Segments 2 and 3 encompasses several small commercial uses adjacent to I-5 as shown in Figure 5.6-1a. Numerous commercial uses are located closer to the center of Tracy, approximately 2 miles east of the site. Additional commercial development is proposed outside of the Study Area and is described in Section 5.6.8.

### *Industrial*

Several industrial developments are within the Study Area. Directly north of the project site are the Owens-Brockway Glass Container manufacturing plant, the Nutting-Rice warehouse, and the Tracy Biomass Power Plant. A meat packing facility is approximately 1.5 miles southwest of the site. Various trucking distribution centers and a county firehouse are located to the west just outside the 1-mile radius. Several industrial uses occur within the ¼-mile buffer surrounding Segment 2, including a substation, and a fuel refinery.

### *Recreation*

Currently, no recreational land uses are within the Study Area, including the areas surrounding Segments 2 and 3. However, the City of Tracy previously contemplated the development of a youth sports facility project that would have been located immediately northwest of the GWF Tracy site (south of Schulte Road and north of the Delta-Mendota Canal) on land designated as Park in the City's current 2006 General Plan. However, the City Council recently voted to no longer pursue the construction of a sports complex at the site (Lombardo, 2008).

### *Scenic Land Use*

The character of the overall view within GWF Tracy's immediate proximity is industrial. The site is already dominated by the existing facility, which contains exposed pipelines, tanks, fences, and several other industrial-appearing structures. In addition, multiple transmission lines are visible adjacent to the project site and in nearby areas visible from the project site. This area is also known for expansive views of agricultural operations, grazing lands, and grassland-covered foothills leading up to the Diablo Range to the west. Additionally, transmission line Segments 2 and 3, east of Tracy, are in an area of agricultural and industrial uses. Reconductoring would have no effect on scenic land uses because the transmission lines will remain visually identical because only the cable will be replaced. As discussed in Section 5.13 Visual Resources, no vista points or other important scenic viewpoints exist within the project vicinity. Interstate 580 (I-580) is a State- and County-designated scenic road. However, the effect of the proposed project on the view from I-580 was determined to be less than significant, because GWF Tracy would not appear to be out of scale with the existing visible industrial facilities.

### *Agricultural Use*

As shown on Figure 5.6-5a, the project site and Segment 1 are surrounded by agricultural lands. These lands are presently in production including irrigated crops, orchards, and grazing lands. Agricultural activities in the Study Area, as shown on Figure 5.6-5a, also

include seasonally rotating, flood-irrigated row crops and fruit and nut orchards. As discussed in Section 5.6.7.3, since the development of the TPP, the undeveloped portion of the parcel has been made available for agricultural use, consistent with the current TPP Condition of Certification (COC) LAND-2. However, no agricultural activities are presently occurring on the project site. Similar to the project site, Segments 2 and 3 are surrounded by agricultural lands (refer to Figure 5.6-5b). These lands are primarily in production growing row crops.

The U.S. Department of Agriculture, Soil Conservation Service developed categorical definitions of important farmlands for land inventory purposes. Important farmlands provide the best opportunity for agricultural production. Land designated as “Prime Farmland” or “Farmland of Statewide Importance” has a good combination of physical and chemical features for the production of agricultural crops. Figures 5.6-5a and 5.6-5b show the various classifications of agricultural farmlands in the project Study Area. The project site includes Prime Farmland, Unique Farmland and Farmland of Local Importance. In addition to the agricultural land classifications, the Study Area also includes Urban Built-up Land and Grazing Land.

#### ***Natural Resource Protection and Natural Resource Extraction Areas***

The potential for geologic resources of recreational, commercial, or scientific value, or rare mineral or fossil deposits is very low, given the geologic environment in the area and the previous industrial and agricultural development in the Study Area. Refer to Section 5.2, Biological Resources for additional discussion of habitat preservation in the project area.

#### ***Education***

Currently, no educational land uses exist within the Study Area. However, a new Tracy Unified School District school (Kimball High School) is proposed approximately 1.5 miles from the project site. Additional information regard Kimball High School is included in Section 5.6.8.

#### ***Religious***

Currently, no religious land uses are within the Study Area, however the proposed Pastor of St. Bernard’s Church project is located 2 to 3 miles from the site and additional information regarding the Church project is included in Section 5.6.8.

#### ***Cultural and Historic***

No significant or potentially significant cultural resources are known to exist within the Study Area. See Section 5.3, Cultural Resources, for additional discussion, including the implementation of standard mitigation measures to address incidental discovery of cultural or historic resources during construction of the proposed project.

#### ***Unique Land Uses***

No unique land uses exist within the Study Area that have not been otherwise described in this section.

### **5.6.5 Recent or Proposed Zoning and General Plan Amendments**

The section discusses recent or proposed Zoning and General Plan amendments completed by San Joaquin County and City of Tracy within the past 18 months. While, it has been previously determined by the CEC that the City of Tracy plans and policies do not apply to

the TPP site, City of Tracy information is included in this AFC in order to comply with the requirements for identifying information within the Study Area for GWF Tracy.

#### 5.6.5.1 San Joaquin County

In San Joaquin County, no recent or proposed General Plan Amendments or zoning changes within the plant site and Segment 1 Study Area have occurred in the last 18 months (Martin, 2008). The Old River Specific Plan, a potential General Plan amendment (discussed in the AFC and Final Decision for the TPP) is no longer being contemplated by the County (Martin, 2008).

The Costco Warehouse project, located outside the 1-mile Study Area and approximately 2 miles northwest of the project site, includes a proposed General Plan Amendment and Zone Reclassification from General Agriculture to Limited Industrial (Martin, 2008).

#### 5.6.5.2 City of Tracy

The City of Tracy completed a General Plan update, which was adopted on July 20, 2006. The General Plan update included changes to Land Use Designations; there have been no General Plan Amendments since that date (Lombardo, 2008). A portion of the project Study Area is within the City's Sphere of Influence and includes the Urban Reserve General Plan designation, which applies to relatively large, contiguous, geographic areas where comprehensive planning must occur prior to urbanization. The purpose of assigning the Urban Reserve designation to these large, undeveloped areas rather than specific land use designations to various parcels was to provide guidance regarding the vision and types of land uses allowed while still allowing flexibility in location of these uses.

The Tracy Hills Specific Plan area is located south of the GWF Tracy site, (a mixture of residential, commercial, office, and industrial) (Lombardo, 2008).

The Tracy General Plan update also included revisions to the City's Sphere of Influence including the addition of the Cordes Ranch Specific Plan area located within the 1-mile Study Area.

The City of Tracy is in the process of updating the City's zoning map with an expected completion of mid-2009 (Lombardo, 2008). The City has recently begun a zoning code update (one of the General Plan implementation items), which will influence the zoning map and will consist of changing zoning designations to be consistent with the new General Plan designations (Lombardo, 2008).

In 2002, the City approved the Gateway Business Park, which is located just north of the 1-mile Study Area. As part of this project, the site was annexed into the City, and there was a zoning change (Lombardo, 2008).

The City of Tracy had considered the South Schulte Specific Plan, which contemplated a mixture of residential and agricultural uses for lands south of Schulte Road and north of the Delta-Mendota Canal, including the existing TPP. However, the South Schulte Specific Plan has been withdrawn (Lombardo, 2008).

While numerous changes have been proposed within the City of Tracy, none of these changes would impact the implementation of GWF Tracy. Refer to Section 5.6.8 for a discussion of cumulative development within the vicinity of GWF Tracy.

## 5.6.6 Recent Discretionary Reviews by Public Agencies

Within the last 18 months, there have been no discretionary reviews by San Joaquin County within the project Study Area (plant site and Segment 1).

The City of Tracy recently (December 2007) considered the Youth Sports Facility project (see previous discussion in section 5.6.4.1.2), which was to be located within the Study Area. The project was discontinued and a decision was made to no longer pursue the construction of a sports complex at the site (Lombardo, 2008).

No discretionary permits have been approved for the City of Tracy Cordes Ranch Specific Plan project discussed above (Lombardo, 2008).

The City of Tracy recently approved the Gateway Business Park's Final Implementation Plan in late 2007 (Mina, 2008) for the Gateway project located just outside the Study Area.

## 5.6.7 Environmental Analysis

### 5.6.7.1 Significance Criteria

#### 5.6.7.1.1 Land Use Criteria

Significance criteria for impacts to land use were determined through review of applicable state and local regulations. Because the Warren-Alquist Act is equivalent to CEQA review, the following criteria developed from the CEQA Guidelines and the CEQA Checklist was 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 to, 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?

#### 5.6.7.1.2 Agriculture Criteria

The potential for impacts to soils resources and their uses (such as agriculture) were evaluated with respect to the criteria described in the Appendix G checklist of CEQA. An impact is considered potentially significant if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps for the Farmland Mapping and Monitoring Program by the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use or a Williamson Act contract.
- Involve other changes in the existing environment which, given their location and nature, could result in conversion of Farmland to nonagricultural use.

### 5.6.7.2 Analysis of Potential Effects on Land Use

The following discussion analyzes the project against CEQA significance criteria for evaluating environmental impacts to the area of land use.

- **Will the project physically divide an established community?**

The project will not physically divide an established community because the proposed GWF Tracy is located within the existing TPP site, which is in an area currently used for power generation and industrial uses. GWF Tracy involves the installation of project components within the existing TPP site as well as installation of two transmission termination structures, relocation of the stormwater retention basin, and relocation of the equipment storage area (3.28 acres) adjacent to the existing 13.1-acre TPP site and within the 40-acre larger property owned by GWF. In addition, reconductoring of Segments 1, 2, and 3 will not alter the existing transmission line poles location or size or involve any ground disturbance. Therefore, GWF Tracy will not 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 to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

The San Joaquin County General Plan identifies a number of goals and policies that could apply to the project. The proposed project would conform to these goals and policies, as described in Tables 5.6-4 and 5.6-5. The current San Joaquin County zoning designation at the proposed GWF Tracy site is AG 40. If not for the CEC process, power generating facilities, less than 50 MW are conditionally permitted uses within the AG 40 district subject to a conditional use permit.

- **Will the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

As discussed previously, the TPP was subject to compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and participated in the SJMSCP through the “fee” mitigation program administered by SJCOG, which required the TPP to mitigate potential biological resource impacts. It is expected that GWF Tracy will comply with any required additional mitigation requirements, including amending the existing TPP Worker Education Program and BRMIMP.

TABLE 5.6-4  
Consistency Determination for San Joaquin County General Plan Policies Related to the Project

Authority Category	Policy	Consistency Determination
<b>San Joaquin County General Plan</b>		
Community Organization and Development Pattern	Development shall be orderly and compact (Policy No. 5)	<b>Consistent.</b> The GWF Tracy new project facilities would be adjacent to the existing TPP facility resulting in an orderly and compact addition to the TPP.
	Development shall be compatible with adjacent uses. (Policy No. 10.)	<b>Consistent.</b> GWF Tracy will be located within the boundaries of the existing TPP with the exception of two transmission termination structures, relocation of the stormwater retention basin, reconductoring three segments of the electrical transmission line downstream of the point of first interconnection, relocation of the equipment storage area location adjacent to the TPP site and within the 40-acre larger property owned by GWF, and reconductoring of Segments 1, 2, and 3. The plant site is located in an existing industrial area and agricultural and industrial areas allow for the development of power plants.
	Development should complement and blend in with its setting. (Policy No. 11)	<b>Consistent.</b> GWF Tracy will convert the existing TPP power plant located within an existing industrial area.
	Development shall not jeopardize public health and safety. (Policy No. 13)	<b>Consistent.</b> GWF Tracy would be designed to maximize safe operation. Facility operators would be trained in safe operation and emergency response procedures to minimize the risk of personal injury and damage to the plant. Existing safety and emergency systems would be modified to include the design and construction of the new project to ensure safe and reliable operation. The new GWF Tracy project components would be designed to meet applicable code requirements. The existing fire protection systems would be modified to include the new project. Refer to Sections 5.5, 5.9, 5.10, and 5.16 for additional information on GWF Tracy compliance with health and safety requirements.
	Development shall minimize impacts on the County's resources. (Policy No. 15)	<b>Consistent.</b> The GWF Tracy project design features would minimize impacts and provide mitigation for potentially significant impacts to resources, where feasible as discussed in Sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.8, 5.13, and 5.16.
	Existing and future conditions shall be considered in the evaluation of projects. (Policy No. 22)	<b>Consistent.</b> A review of potential future projects and land uses in the project area is included in Sections 5.5, 5.6, and 5.8 of this analysis.

TABLE 5.6-4  
Consistency Determination for San Joaquin County General Plan Policies Related to the Project

Authority Category	Policy	Consistency Determination
	<p>All development, public and private shall be consistent with the County General Plan. Minor differences in boundaries from those shown in the Plan Map may be considered in conformity with the Plan, unless an undesirable precedent would be set for more extensive and nonconforming changes in adjacent areas. (Policy No. 23)</p>	<p><b>Consistent.</b> GWF Tracy would be consistent with the General Plan policies, as further described in this table.</p>
	<p>Existing infrastructure should be maintained and upgraded when feasible, to reduce the need for new facilities. (Policy No. 25)</p>	<p><b>Consistent.</b> GWF Tracy would modify the existing TPP power plant to avoid some of the need for new facilities. The project proposes to use the existing infrastructure and all connections would occur on the existing TPP site with the exception of two transmission termination structures adjacent to the 13.1-acre parcel. The existing transmission line will be reconducted as opposed to constructing a new transmission line. TPP site and within the 40-acre larger property owned by GWF.</p>
Industrial Development	<p>General industrial areas shall be a) developed so that buildings occupy no more than 60 percent of the lot area and are no more than 100 feet in height; b) located in areas served by, or planned to be served by, a wastewater treatment plant, a water system, and a drainage system, all of which shall be public, unless only one parcel is involved outside of a community. (Policy No. 2(b)(3))</p>	<p><b>Consistent.</b> GWF Tracy will result in the permanent conversion of 3.28 acres which is less than 60 percent of the 40-acre lot owned by GWF. There are no new buildings proposed as part of the project therefore no building will exceed the 100 feet height requirements. Water is provided to the site via an existing water supply pipeline to the TPP. GWF Tracy would be a near-zero wastewater discharge facility, the small quantities of industrial wastewater generated from the project would be stored on-site and periodically transported from the plant for offsite recycling or disposal.</p>
	<p>Industrial uses shall be grouped to reduce conflicts with surrounding land uses and to make efficient use of the services and facilities. (Policy No. 3)</p>	<p><b>Consistent.</b> GWF Tracy would be located within the existing TPP facility and would be clustered near other nearby industrial uses to reduce conflicts with surrounding uses.</p>
	<p>Each industrial site should have frontage on a road developed to County standards. The planned industrial area shall have access on a Minor Arterial or higher classification roadway. The creation of flag lots should be prohibited. (Policy No. 4)</p>	<p><b>Consistent.</b> GWF Tracy would have frontage on the existing access road for the TPP, which is developed to County standards.</p>

**TABLE 5.6-4**  
Consistency Determination for San Joaquin County General Plan Policies Related to the Project

Authority Category	Policy	Consistency Determination
	New industrial development shall be required to provide adequate services, access, parking, landscaping, loading and storage areas, and buffers. (Policy No. 5)	<b>Consistent.</b> GWF Tracy will use the services, parking, construction laydown area, and loading and storage used for the construction and operation of the existing TPP. These facilities will be adequate to accommodate GWF Tracy with the exception of two transmission termination structures, relocation of the stormwater retention basin, and relocation of the equipment storage area. Development of GWF Tracy will occur within the 40-acre parcel owned by GWF.
	Industrial areas should be protected from encroachment by other land uses that would diminish the supply of available land, except in limited circumstances where limited commercial uses are desired to meet the needs of industrial employees. (Policy No. 6)	<b>Consistent.</b> GWF Tracy is proposed within an area already developed with the TPP and encroachment by other land uses will not occur.
Interjurisdiction Coordination	In coordinating with other jurisdictions, the County shall promote the policies of the General Plan, including the planned types and densities of development, the provision of public services and facilities, the protection of public safety, and the conservation of agricultural land and other resources. (Policy No. 2)	<b>Consistent.</b> The GWF Tracy would be consistent with the applicable General Plan policies discussed in this section.
	The County shall coordinate land use policies and public improvement standards with neighboring communities. (Policy No. 3)	<b>Consistent.</b> GWF Tracy would be consistent with the applicable General Plan policies discussed in this section.
Infrastructure Services—Utility Corridors	The environmental assessment of new or expanded utility lines shall address the potential adverse impacts on development as a result of a rupture or malfunction, and shall identify mitigation measures to be adopted by the utility to safeguard against such accidents and to respond in the event of an accident. (Policy No. 1)	<b>Consistent.</b> GWF Tracy would interconnect to existing utilities that serve the TPP with three segments of the transmission line reconducted downstream of the first point of interconnection. This AFC addresses the impacts of all project components to safeguard against such accidents and to respond in the event of an accident as described in Sections 3.0, 4.0, 5.5, 5.9, 5.10 and 5.16.

TABLE 5.6-4  
Consistency Determination for San Joaquin County General Plan Policies Related to the Project

Authority Category	Policy	Consistency Determination
	Utility lines shall not adversely impact significant plant and animal species. (Policy No. 2)	<b>Consistent.</b> GWF Tracy will only result in minor modifications to an existing electrical transmission system and reconductoring of three segments of the transmission line downstream of the first point of interconnection (no excavations required). This AFC addresses all potential impact significant plant and animal species and provides mitigation as necessary, as described in more detail in Section 5.2, Biological Resources.
	The County shall encourage the use of existing transmission corridors for new lines, except in the case of electrical transmission lines over 500 kV, which for safety reasons shall be separated from existing corridors by at least 500 yards. (Policy No. 4)	<b>Consistent.</b> GWF Tracy will connect to the existing electrical transmission system.
	The County shall encourage utilities to route their facilities along property lines and where they will not interfere with agricultural operations or other land use activities. (Policy No. 6)	<b>Consistent.</b> The GWF Tracy will connect to the existing electrical transmission system. These activities will not significantly interfere with agricultural operations or other land use activities.
Public Health and Safety—Hazardous Materials and Wastes	Land uses and structures which contain hazardous materials or wastes which may be a safety hazard for nearby areas shall be located away from existing and planned populated areas. (Policy No. 3)	<b>Consistent.</b> GWF Tracy will manage hazardous wastes and materials to avoid potential impacts to population areas, including through implementation of a Hazardous Materials Business Plan (HMBP), Waste Management Plan (WMP), and other measures described in more detail in Sections 5.5, Hazardous Materials Handling, and 5.14, Waste Management.
	All development shall be consistent with the County's Waste Management Plans. (Policy No. 5)	<b>Consistent.</b> As discussed in Section 5.14, Waste Management, the project would comply with all applicable Waste Management Plans.
Resources—Agricultural Lands	Agricultural areas shall be used principally for crop production, ranching, and grazing. All agricultural support activities and non-farm uses shall be compatible with agricultural operations.... (Policy No. 5)	<b>Consistent.</b> As discussed in Section 5.6.7.3, the GWF Tracy project site includes Prime Farmland, Unique Farmland and Farmland of Local Importance. The new facilities will result in 3.28 acres of permanent disturbance and 12.3 acres of temporary disturbance to agricultural lands for construction laydown and parking. The applicant expects to comply with Conditions of Certification similar to the TPP that require onsite preservation of agricultural land on the property not converted for the power generation facility and financial compensation for agricultural conversion which are expected to reduce impacts to less than significant levels.

**TABLE 5.6-4**  
Consistency Determination for San Joaquin County General Plan Policies Related to the Project

Authority Category	Policy	Consistency Determination
	<p>There shall be no further fragmentation of land designated for agricultural use, except ... a parcel may be created for a use granted by permit in the A-G zone, provided that conflicts with surrounding agricultural operations are mitigated. (Policy No. 7)</p>	<p><b>Consistent.</b> See above response related to the preservation of agricultural lands.</p>
	<p>To protect agricultural land, non-agricultural uses which are allowed in the agricultural areas should be clustered, and strip or scattered development should be prohibited. (Policy No. 8)</p>	<p><b>Consistent.</b> GWF Tracy will minimize losses to agricultural areas by locating the facility within the existing TPP site. Impacts to agricultural resources will be fully mitigated, as discussed in Section 5.6.</p>
Resources—Air Quality	<p>San Joaquin County shall meet and maintain all State and national standards for air quality. (Policy No. 1)</p>	<p><b>Consistent.</b> As discussed in Section 5.1, Air Quality, GWF Tracy would comply with all State and national standards for air quality during construction and operation.</p>
	<p>Projects shall be designed to minimize concentrations of carbon monoxide. (Policy No. 3)</p>	<p><b>Consistent.</b> As discussed in Section 5.1, Air Quality, GWF Tracy would comply with applicable standards, including minimizing concentrations of carbon monoxide, during construction and operation.</p>

**TABLE 5.6-5**  
Consistency Determination of the Project with San Joaquin County Development Title Requirements

<b>Development Title</b>		
Section 9-605.6(d) Power-Generating Facility	A permit approval shall be subject to the following findings: (1) the source of the power requires locating the use in an area designated as Agriculture or Resource Conservation in the General Plan; (2) The use will not have a significantly detrimental effect on agricultural activities in the vicinity; and (3) The site of the use can be rehabilitated for agricultural projection or a permitted use if the power source is temporary.	<b>Consistent.</b> The GWF Tracy site is zoned Agriculture (AG 40). Pursuant to this section of the Development Title and consistent with the General Plan requirements for lands designated General Agriculture, power generating facilities is a conditionally permitted use. While the County's zoning requires a CUP and site approval before a power generating facility can be approved on a property zoned AG 40, the CEC's licensing process subsumes the County's land use permitting requirements, and therefore a CUP is not required. Nevertheless, the project would otherwise comply with these permit approval requirements because the project must be located on a very small portion of lands designated as Agriculture because of the existing location of the TPP, the project would not have a significant detrimental effect on agricultural activities because of the mitigation measures described below including but not limited to the payment of agricultural mitigation fees, and project is not anticipated to be a temporary power source.
Section 9-610, Table 9-610.2	Standards for Minimum Lot Area & Width, Yard Dimensions, Height, Building Coverage, and Depth: Width Ratio  Lots Zoned AG-40 shall be at least 40 acres; Lot width shall be at least 330 feet; Yard dimensions (applicable to residential uses); Height (applicable to residential uses); Building coverage (applicable to residential uses); and Depth: Width Ratio (applicable to residential uses).	<b>Consistent.</b> The GWF-owned parcel proposed for the GWF Tracy project complies with the minimum lot requirements. The parcel also complies with the lot width requirements. Refer to the consistency discussion above under General Plan Industrial Development for additional discussion on project requirements.

### 5.6.7.3 Analysis of Potential Effects on Agriculture

The following discussion analyzes the proposed project against the CEQA thresholds of significance for evaluating environmental impacts to the area of agriculture.

- **Will the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps for the Farmland Mapping and Monitoring Program by the California Resources Agency, to non-agricultural use?**

The project site includes Prime Farmland, Unique Farmland and Farmland of Local Importance as shown on Figure 5.6-5a. The TPP converted 13.1 acres of Prime Farmland to a non-agricultural use. COC LAND-2 from the TPP Final Decision required the Applicant to provide mitigation fees to the American Farmland Trust to compensate for Prime Farmland conversion impacts. It also required the Applicant to develop an agricultural mitigation plan describing long-term management of the remaining agricultural operation on the unconverted portion (29.7 acres) of the 40-acre parcel where the project will be located. The preservation of the remaining land in the parcel to be made available as agricultural land will prevent interference, disruption, or division of agricultural uses in adjacent properties. With implementation of COC LAND-2, the COC found that conversion of the 13.1 acres of Prime Farmland to a non-agricultural use was determined to have a less-than-significant impact.

GWF Tracy will be located within the boundaries of the existing TPP with the exception of the two transmission termination structures, relocation of the stormwater retention basin, relocation of the equipment storage area, and reconductoring of three existing transmission line segments. Reconductoring of three portions of the transmission line downstream of the first point of interconnection will not require any excavation or pole replacement. Farmland within a 1-mile radius of the project site is shown on Figure 5.6-5a, while farmland within the ¼ mile on either side of Segments 2 and 3 is shown on Figure 5.6-5b. Similar to the TPP, GWF Tracy will be located within the 40-acre larger property owned by GWF. These new facilities will result in 3.28 acres of permanent disturbance and 12.3 acres of temporary disturbance for construction laydown and parking. The GWF Tracy project will result in the additional conversion of 3.28 acres of Prime Farmland to non-agricultural uses. In addition, COC LAND-2 also required preparation of an agricultural mitigation plan describing long-term management of the remaining agricultural operation on the property for approval by the CEC compliance project manager (CPM). The mitigation plan included onsite preservation of agricultural land on the property not converted for the power generation facility and details how the agricultural land on the subject property that is not converted for the power generation facility (i.e., approximately the remaining 29.7 acres of the proposed site parcel) is to be made available for farming. Reconductoring of Segments 1, 2, and 3 will not involve ground disturbance or power pole relocation and, therefore, will not convert any identified farmland. Similar to the TPP, the Applicant expects to comply with similar measures to mitigate impacts to agricultural uses such as COC LAND-2 from the TPP Final Decision and that this impact will be reduced to a less-than-significant level.

- **Will the Project conflict with existing zoning for agricultural use or a Williamson Act contract.**

The Williamson Act contract for the 40-acre parcel acquired by TPP expired in March 2002 prior to the submittal of the 01-AFC-16 for the TPP. As a result, there are no impacts associated with the loss of farmland under a Williamson Act contract.

The current San Joaquin County zoning classification for the project plant site is AG 40, which is compatible with the development power generation facilities.

Reconductoring of Segments 1, 2, and 3 will not involve ground disturbance or power pole relocation and, therefore, will not conflict with any existing Williamson Act contracts or zoning designations.

- **Will the Project involve other changes in the existing environment which, given their location and nature, could result in conversion of Farmland to nonagricultural use.**

Soil disturbance during construction is not expected to result in any temporary or permanent impacts to Farmland adjacent to the project site since the balance of the 40-acre site owned by the Applicant will create a buffer for the adjacent agriculturally productive lands.

### 5.6.8 Cumulative Effects

The CEQA Guidelines (14 California Code of Regulations, Chapter 3) Section 15355 define cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

The CEQA Guidelines further note that:

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative effects can result from individually minor, but collectively significant, projects taking place over a period of time.

Cumulative land use impacts could occur if the development of the proposed project and other related past, present, and reasonably foreseeable probable future projects would be inconsistent with applicable plans and policies, or have other cumulative land use related impacts such as the conversion of Farmland. Table 5.6-6 includes a list of cumulative projects that was developed in consultation with the City of Tracy and San Joaquin County for the plant site and Segment 1.

GWF Tracy would involve the conversion of an extremely small portion of Farmland on the existing parcel for additional power generation. However, GWF Tracy anticipates payment of a mitigation fee to the American Farmland Trust to fully mitigate this impact. In addition, GWF Tracy would continue to implement the approved management plan for continued availability of the remaining undeveloped portion of the parcel for agricultural use. As a result, GWF Tracy will not cause a significant cumulative impact related to farmland conversion.

TABLE 5.6-6  
Cumulative Projects List

Project Name	Location	Description	Status
<b>San Joaquin County Projects</b>			
Mountain House	Approximately 6 miles northwest of the project site, generally bounded to the west by the Alameda County Line, to the east by Mountain House Parkway and between I-205 to the south and the Old River to the north. A portion of the project lies north of Byron and east of Mountain House Parkway.	The development includes 12 residential neighborhoods (a total of 16,000 homes), commercial and industrial development supporting 21,000 jobs, and schools including a community college (Delta College). The total population associated with the project would be approximately 44,000 persons. Total development includes approximately 5,000 acres.	Construction of two of the 12 neighborhoods is near completion (2,100 homes), and a third is under construction. Tentative maps are partially or fully approved for seven of the remaining neighborhoods. Some commercial and office space is built, but commercial and industrial development will lag approximately three years behind residential development. Complete build out is estimated to be 2015 to 2025.
Pastor of St. Bernard's Church	Approximately two to three miles east of the project site, at 12100 Valpico Road at Corral Hollow Road.	The development includes a regional church and school. Phase I includes a 25,060 square foot multipurpose building; Phase II includes a 48,376 square foot church with a seating capacity of 2,000 people; and Phase III includes two school buildings, each totaling 31,200 square feet, a 1,200 square foot multipurpose support building and two church support buildings, 17,588 square feet and 8,421 square feet.	The project was approved in mid-2007 by the San Joaquin County Planning Commission. The grading permit/plan has been issued; a building permit has not been issued but was approved. The construction schedule is unknown at this time.
Costco Warehouse	Approximately 2 miles northwest of the project site, at the northeast corner of Mountain House Parkway and Schulte Road.	1,085,000 square foot warehouse distribution facility. The project includes a General Plan Amendment and Zone Reclassification from General Agriculture to Limited Industrial.	Environmental review is being completed. Construction schedule is unknown.
<b>City of Tracy Projects</b>			
Ellis Specific Plan	Less than 1 mile southeast of the project site, bounded by Lammers Rd. to the west, Corral Hollow Rd. to the east, Linne Rd. to the south and south of Valpico road to the north.	Residential project consisting of approximately 2,500 units.	The project is located within the City's sphere of influence, but outside the City limits. Developer agreement with the City in process. An Initial Study was completed by the City and an EIR is being completed. Construction is not expected to occur prior to 2013.

TABLE 5.6-6  
Cumulative Projects List

Project Name	Location	Description	Status
Tracy Hills	Less than 1 mile south, southeast and southwest of the project site. The Tracy Hills project site is bisected north and south by Lammers Road and I-580 runs through the site from the northwest to southeast.	Approximately 6,175-acre development consisting of residential, commercial, office and industrial land uses.	Final EIR was prepared by the City of Tracy in 1998 and the Tracy Hills Specific Plan was previously approved. The developer is early in the process of a development agreement with the City. The Specific Plan is expected to be revised to comply with the new City of Tracy General Plan. Construction timeline is unknown at this time but may not occur prior to 2014.
Cordes Ranch Specific Plan	Less than 1 mile northwest of the project site, south of I-205, north of Schulte Road, west of the City's Gateway project and east of the Delta Mendota Canal.	Approximately 1,730 acres, with 100 acres commercial, 400 acres office, and 1,230 acres industrial.	No discretionary action has occurred related to this project. The project is within the City's sphere of influence, but outside the City limits. Timeline for construction and environmental documents is unknown.
Gateway	Just over 1 mile north of project site, south of I-205, and north of Schulte Road.	Approximately 538-acre business park development. The project included a zoning change from the County zoning to the City's PUD district (project was annexed to the City).	EIR finalized in 2002, annexed to City in 2003, Phase I approved in 2004. First final map approval pending, development map completed. Construction may begin in Summer of 2008 and occur in phases over three to five years.
Kimball High School	Approximately 1.5 miles northeast of the project site, near southeast corner of Eleventh Street and Lammers Road.	Development of new High School.	EIR completed in 2007. Construction to begin in February 2008.
Walmart	Approximately 2 miles northeast of project site, southeast of Lammers Road and Grant Line Road	80,000 square foot expansion.	EIR completed. Hearings expected in early 2008. Construction schedule unknown.
Winco Grocery Store	Approximately 2 to 3 miles northeast of project site near Grant Line and Lammers.	90,000 square foot new grocery store.	Project approved in June 2007. No construction timeline at this time.

Sources: Martin, 2008; Lombardo, 2008; Wakefield 2008; Mina, 2008; Arend, 2008; and City of Tracy, 2008b.

### 5.6.9 Mitigation Measure

In order to compensate for Prime Farmland land conversion impacts (i.e., the conversion of 3.28 acres of Prime Farmland to non-agricultural uses) the Applicant shall implement a mitigation program consistent with COC LAND-2 from the TPP Final Decision. As part of this program, the Applicant will provide financial compensation to the American Farmland Trust. The American Farmland Trust and the San Joaquin County Planning Director, in conjunction with the CEC CPM will decide how the funds will be disbursed for the protection of farmland in San Joaquin County. In addition, the Applicant shall develop an amendment to the existing TPP agricultural mitigation plan previously approved by the CEC CPM as part of the TPP. The purpose of this plan amendment will be to describe the long-term management of the remaining agricultural operation on the property (approximately 23.5 acres) to be available for agricultural activities.

### 5.6.10 Agencies and Agency Contacts

Table 5.6-7 lists the agency contacts for land use.

TABLE 5.6-7  
Agency Contacts for Land Use

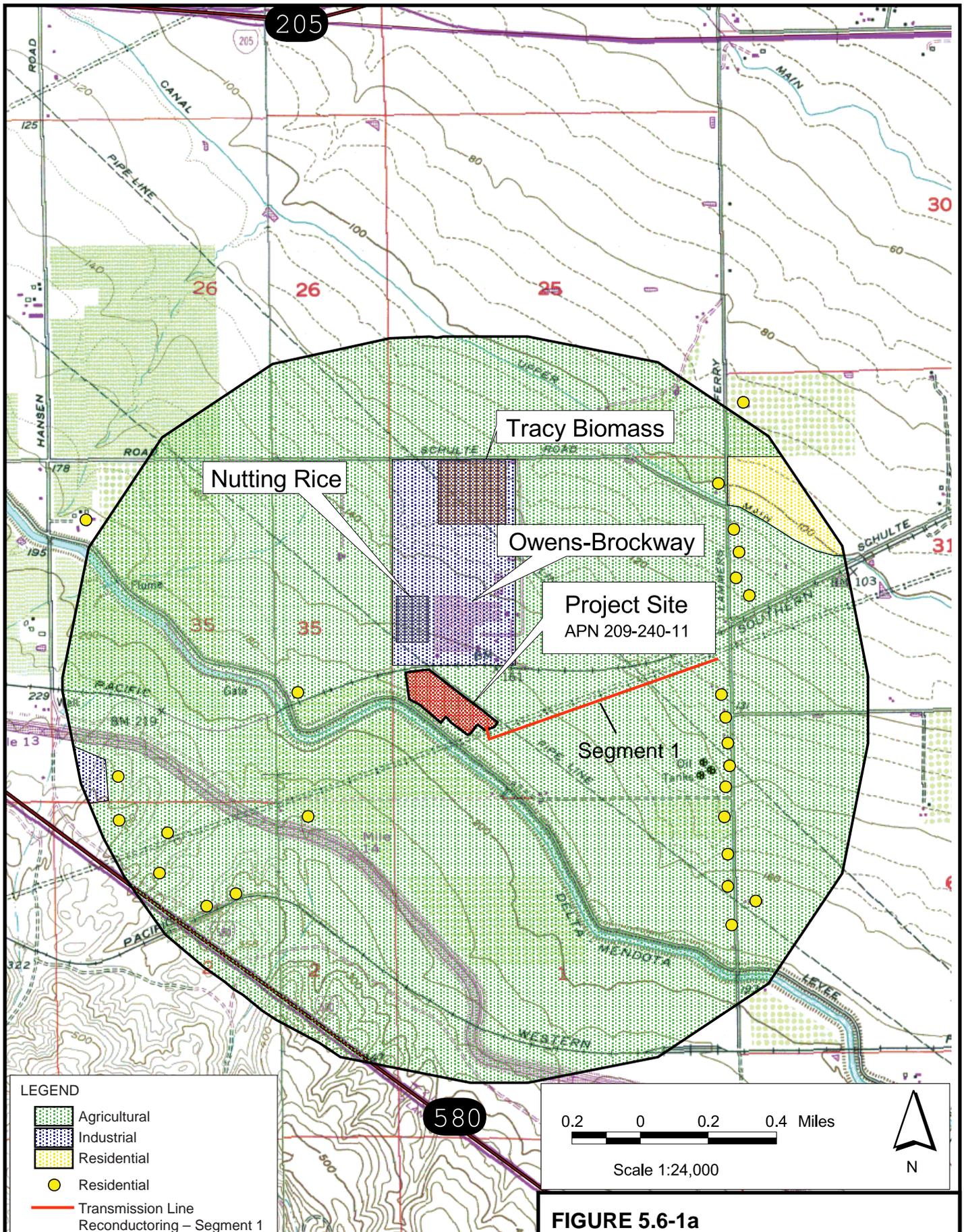
Issue	Agency	Contact
Power Plant Licensing	California Energy Commission	California Energy Commission 1516 Ninth Street Sacramento, CA 95814 Project Manager to be Determined
San Joaquin County Multi-Species Habitat Conservation and Open Space Plan	San Joaquin Council of Governments	San Joaquin Council of Governments 555 E. Weber Ave., Stockton CA 95202-2804 (209) 468-3913
San Joaquin County Land Use Conformance	San Joaquin County, Community Development Department	Chandler Martin, Deputy Director Planning Division 1810 East Hazelton Avenue Stockton, CA 95205-6232 (209) 468-3144 cmartin@sjgov.org
City of Tracy Land Use Conformance	City of Tracy, Department of Development and Engineering Services	Vicki Lombardo, Senior Planner Department of Development and Engineering Services 333 Civic Center Plaza Tracy, CA 95376 (209) 831-6428 Victoria.Lombardo@ci.tracy.ca.us

### 5.6.11 Permits and Permit Schedule

There are no permits required for implementation of GWF Tracy related to Land Use.

## 5.6.12 References

- Arend, Michael/City of Tracy Assistant Planner. 2008. Personal communication with M. Hood/CH2M HILL. January.
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**LEGEND**

-  Agricultural
-  Industrial
-  Residential
-  Residential
-  Transmission Line Reconductoring - Segment 1

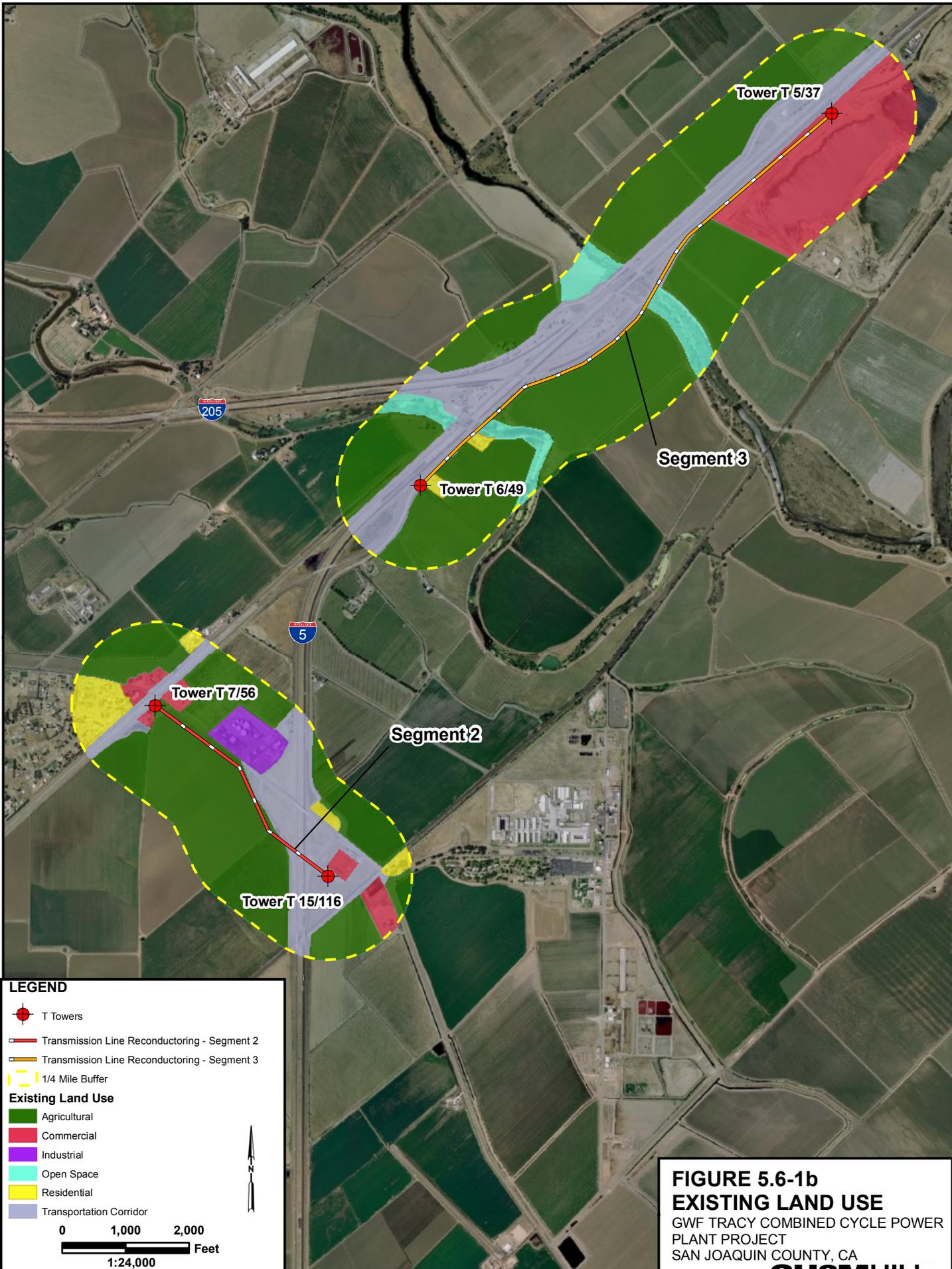
0.2 0 0.2 0.4 Miles

Scale 1:24,000



**FIGURE 5.6-1a**  
**EXISTING LAND USES**  
 GWF TRACY COMBINED CYCLE POWER PLANT PROJECT  
 SAN JOAQUIN COUNTY, CA

Source: URS

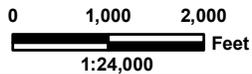


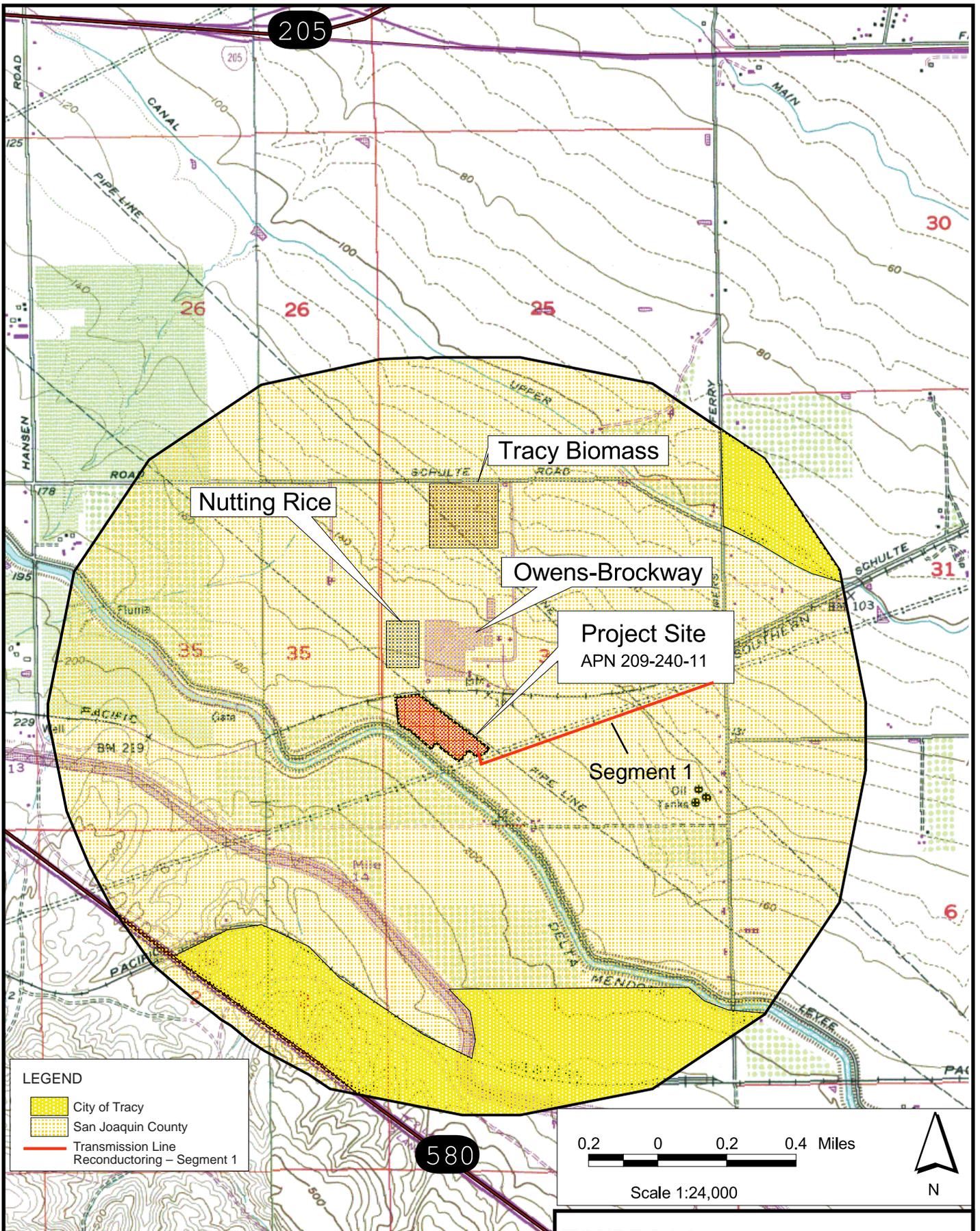
**FIGURE 5.6-1b**  
**EXISTING LAND USE**  
 GWF TRACY COMBINED CYCLE POWER  
 PLANT PROJECT  
 SAN JOAQUIN COUNTY, CA

**CH2MHILL**

**LEGEND**

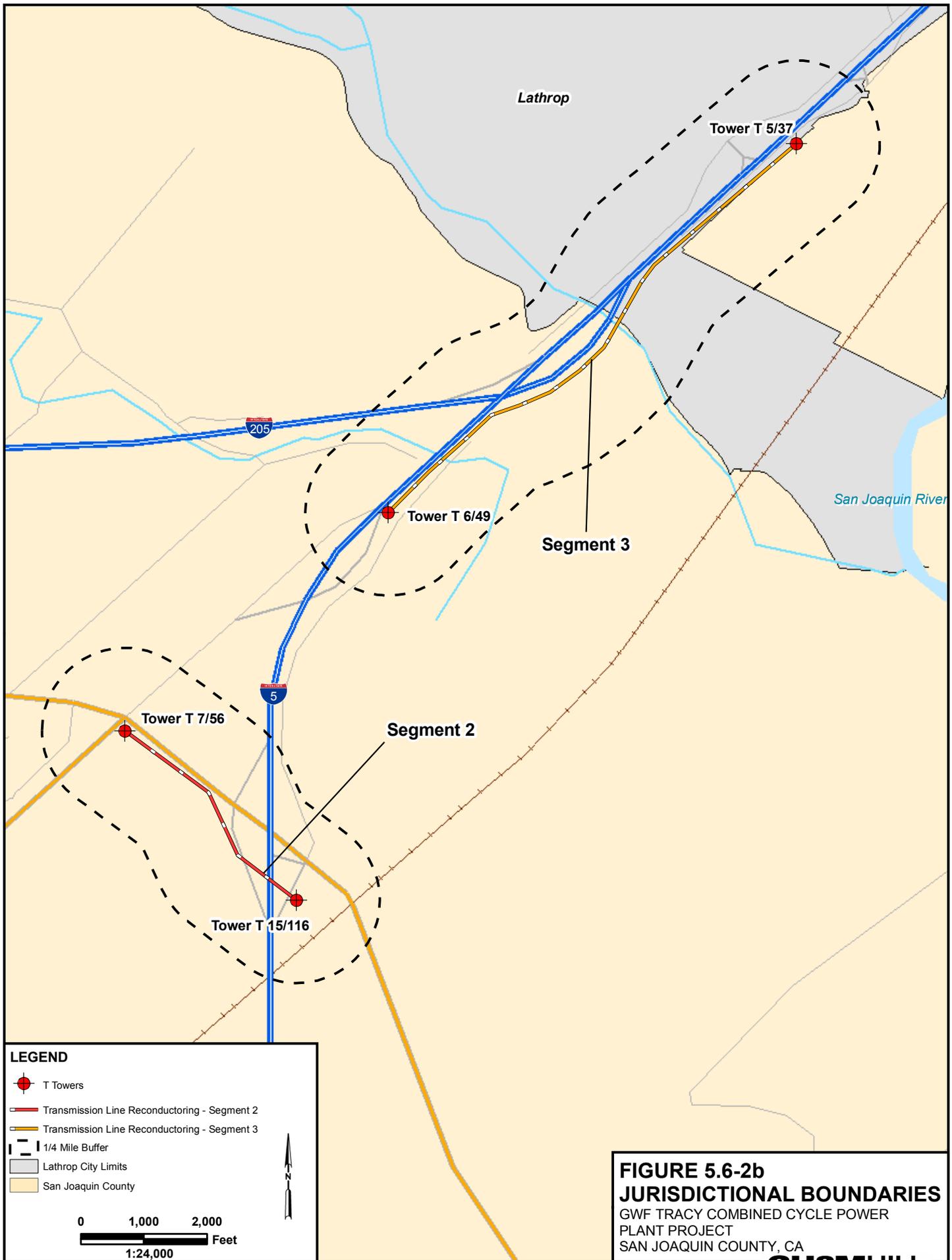
- T Towers
- Transmission Line Reconductoring - Segment 2
- Transmission Line Reconductoring - Segment 3
- 1/4 Mile Buffer
- Existing Land Use**
- Agricultural
- Commercial
- Industrial
- Open Space
- Residential
- Transportation Corridor

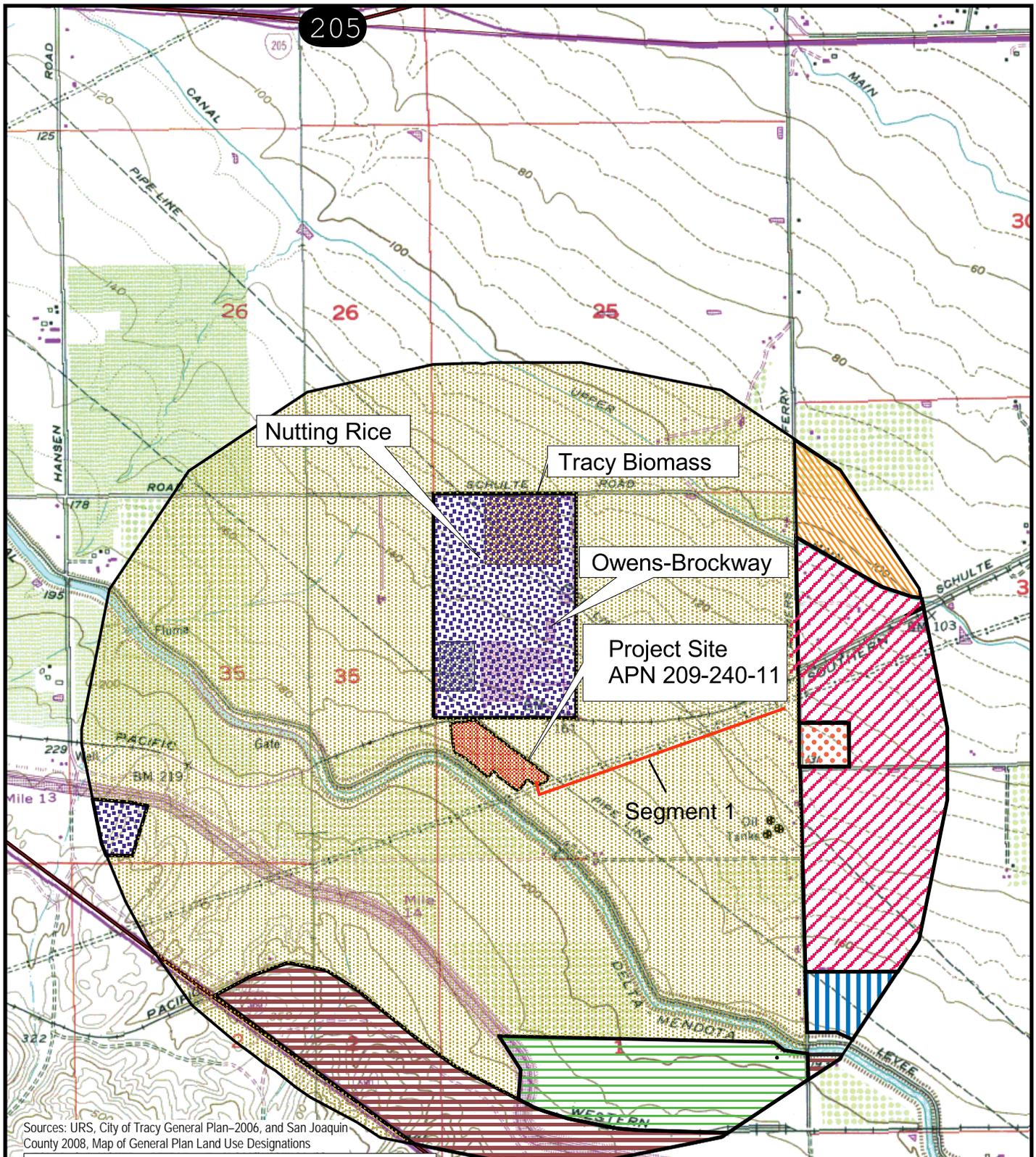




**FIGURE 5.6-2a**  
**JURISDICTIONAL BOUNDARIES**  
 GWF TRACY COMBINED CYCLE POWER PLANT PROJECT  
 SAN JOAQUIN COUNTY, CA

Sources: URS, City of Tracy General Plan-2006



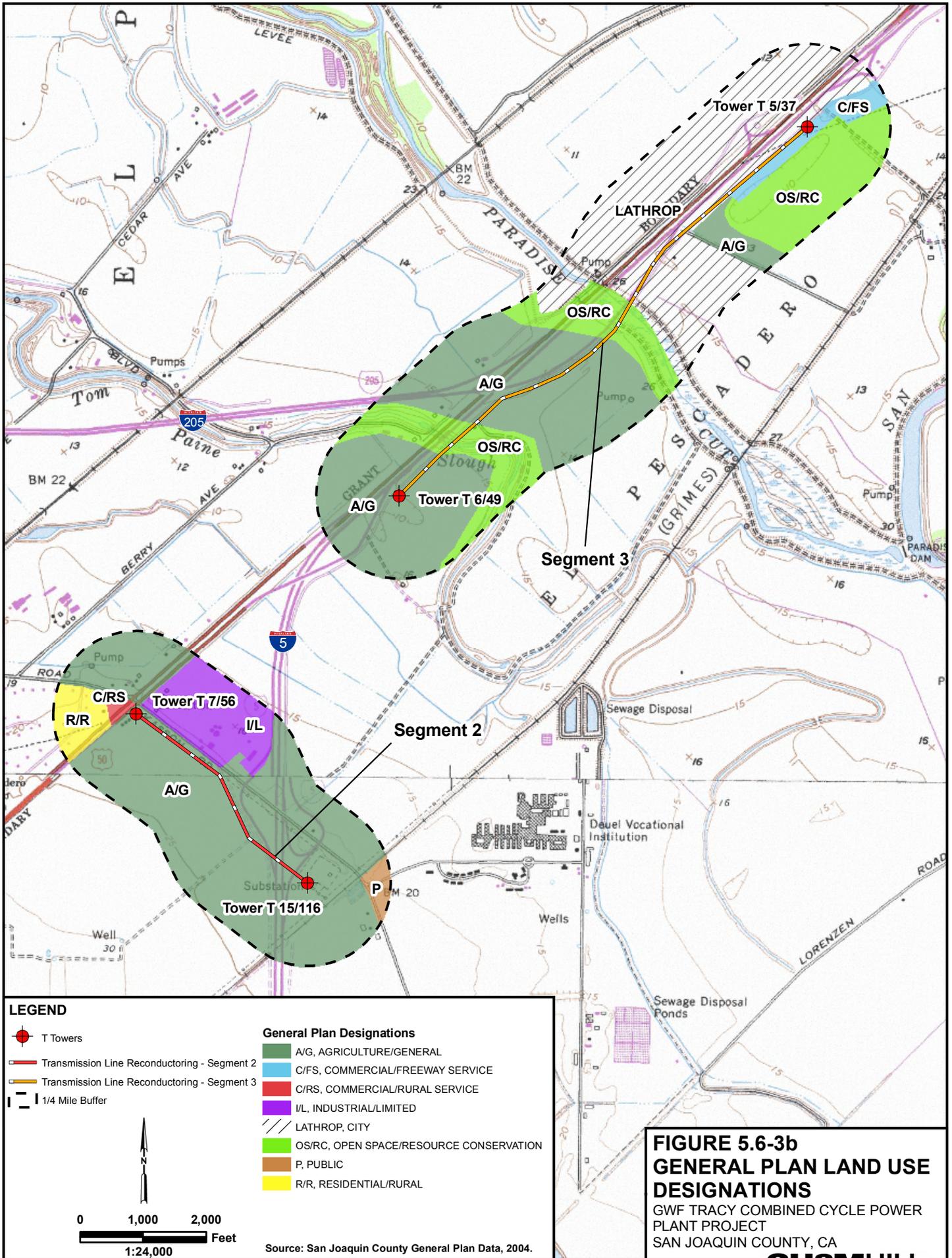


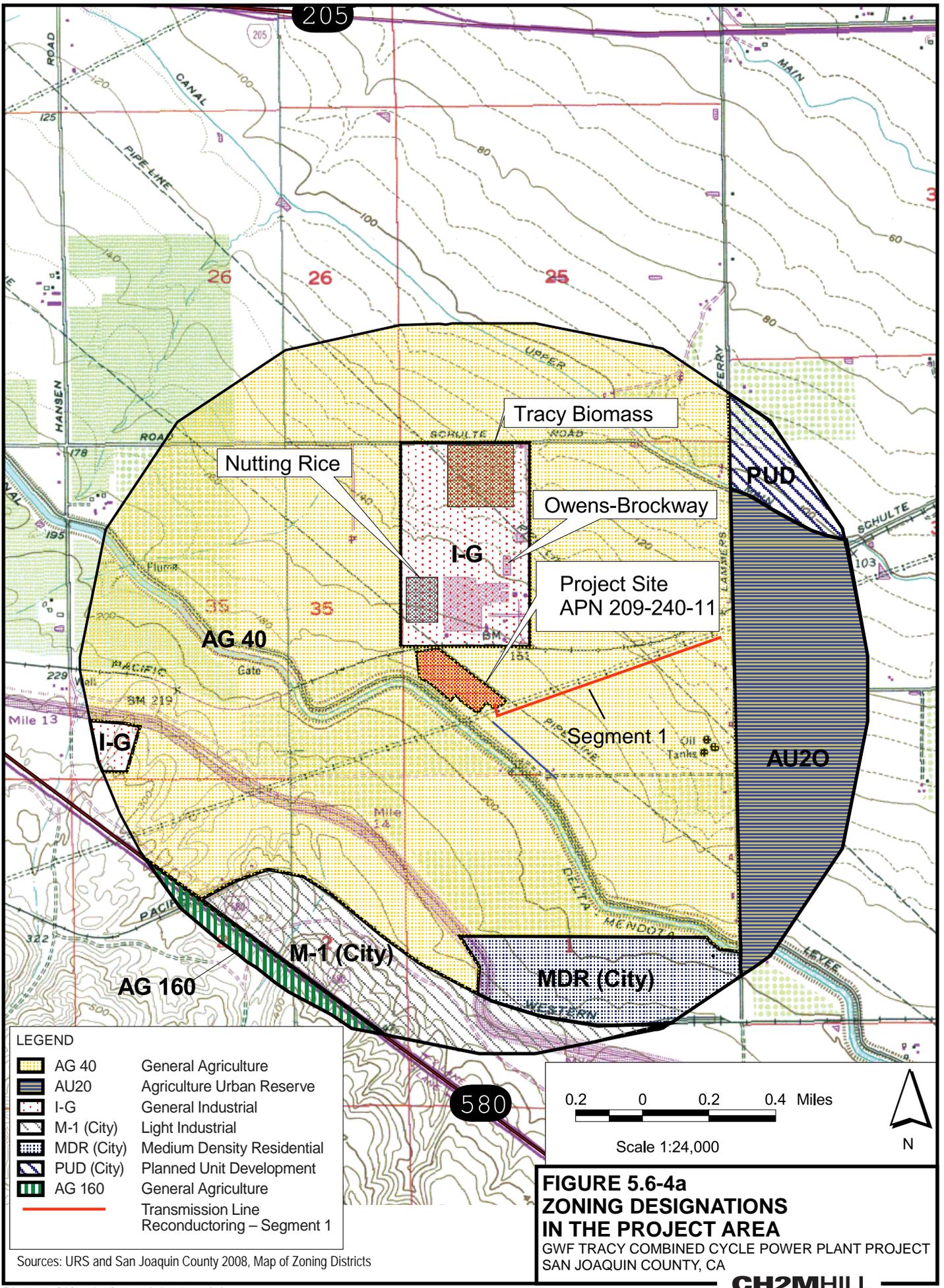
Sources: URS, City of Tracy General Plan-2006, and San Joaquin County 2008, Map of General Plan Land Use Designations

LEGEND	
	General Agriculture (San Joaquin County)
	Industrial (San Joaquin County)
	Limited Industrial (San Joaquin County)
	Neighborhood Commercial (San Joaquin County)
	Residential Low (San Joaquin County)
	Residential Medium (City of Tracy)
	Residential Low (City of Tracy)
	Industrial (City of Tracy)
	Transmission Line Reconductoring – Segment 1



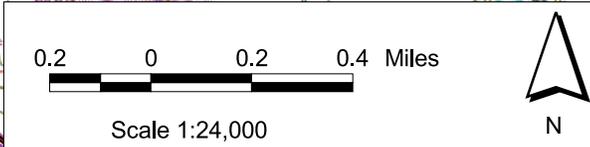
**FIGURE 5.6-3a**  
**GENERAL PLAN LAND USE DESIGNATIONS**  
 GWF TRACY COMBINED CYCLE POWER PLANT PROJECT  
 SAN JOAQUIN COUNTY, CA





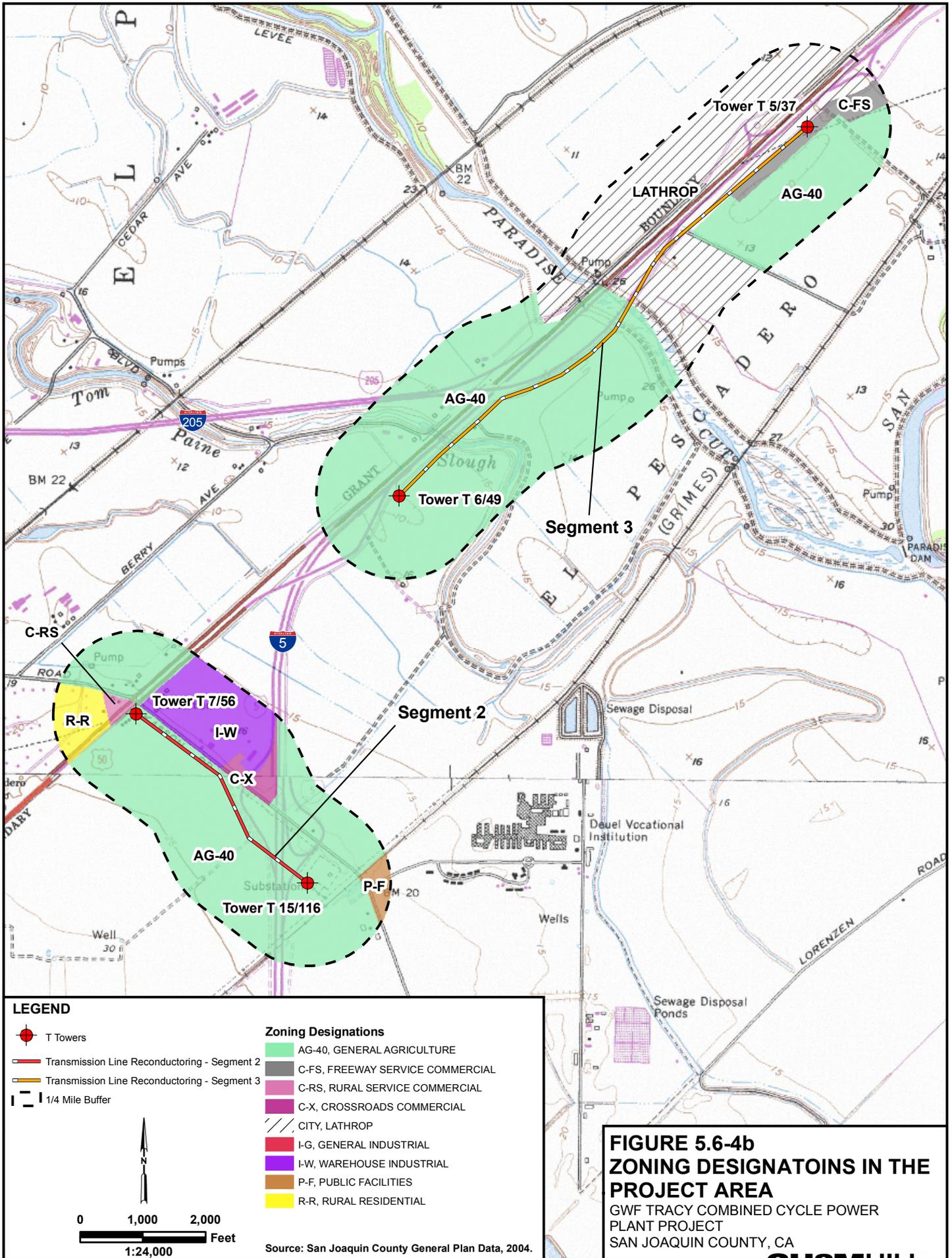
**LEGEND**

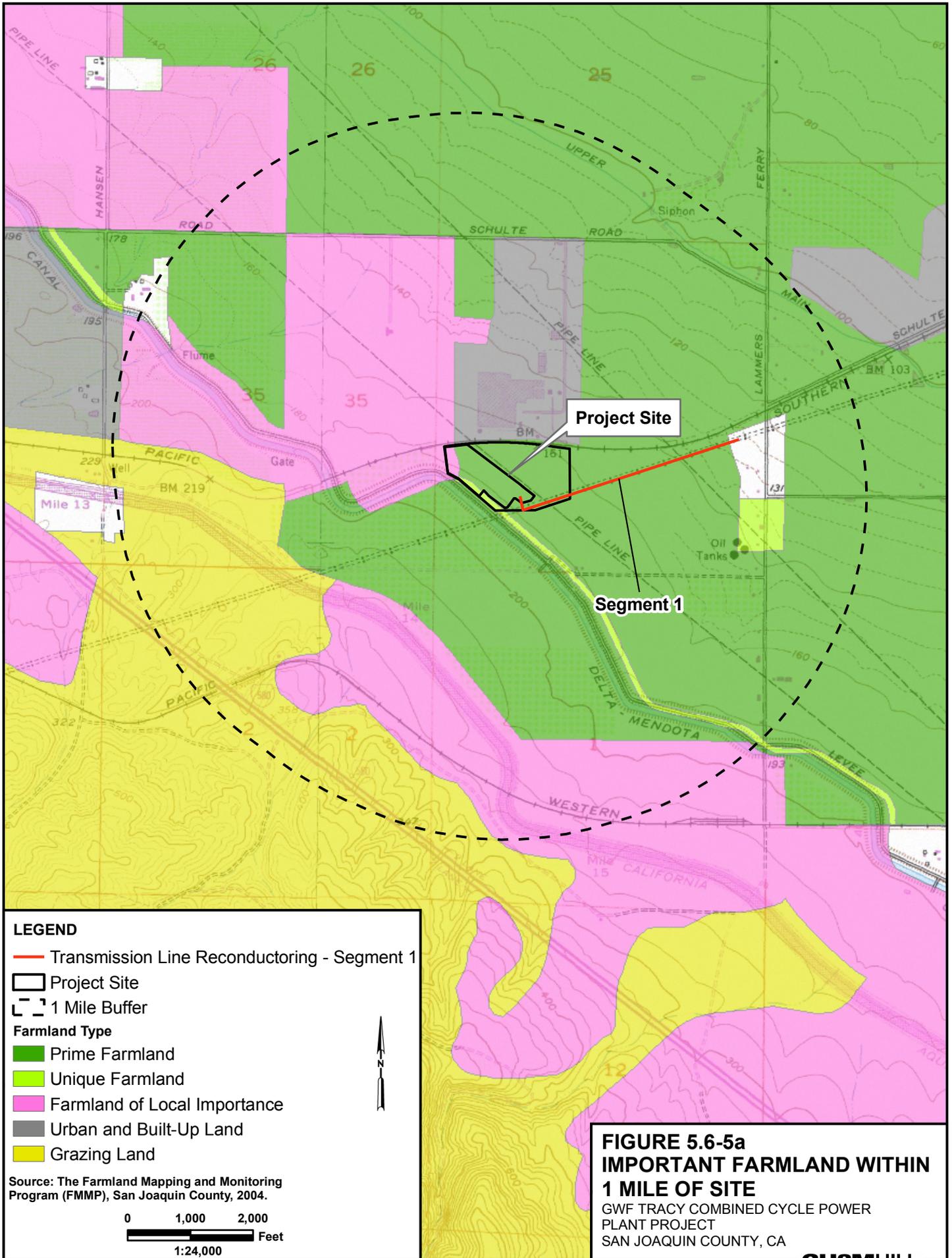
	AG 40	General Agriculture
	AU20	Agriculture Urban Reserve
	I-G	General Industrial
	M-1 (City)	Light Industrial
	MDR (City)	Medium Density Residential
	PUD (City)	Planned Unit Development
	AG 160	General Agriculture
	Transmission Line	
	Reconductoring – Segment 1	



**FIGURE 5.6-4a**  
**ZONING DESIGNATIONS**  
**IN THE PROJECT AREA**  
 GWF TRACY COMBINED CYCLE POWER PLANT PROJECT  
 SAN JOAQUIN COUNTY, CA

Sources: URS and San Joaquin County 2008, Map of Zoning Districts





**LEGEND**

- Transmission Line Reconductoring - Segment 1
- Project Site
- 1 Mile Buffer
- Farmland Type**
- Prime Farmland
- Unique Farmland
- Farmland of Local Importance
- Urban and Built-Up Land
- Grazing Land

Source: The Farmland Mapping and Monitoring Program (FMMP), San Joaquin County, 2004.

0 1,000 2,000  
 Feet  
 1:24,000

**FIGURE 5.6-5a  
 IMPORTANT FARMLAND WITHIN  
 1 MILE OF SITE**

GWF TRACY COMBINED CYCLE POWER  
 PLANT PROJECT  
 SAN JOAQUIN COUNTY, CA

