

8.4 **Land Use**

GWF Energy LLC proposes to build and operate the Tracy Peaker Project (TPP), a nominal 169-megawatt (MW) simple-cycle power plant, on a nine-acre, fenced site within a 40-acre parcel in an unincorporated portion of San Joaquin County. The site is located immediately southwest of Tracy, California, and approximately 20 miles southwest of Stockton, California. The TPP would consist of the power plant, two onsite 115-kilovolt (kV) switchyards, an onsite electric transmission interconnection, an approximately 1,470-foot water supply pipeline (as measured from the fence line), an onsite natural gas supply interconnection, and improvements to an existing dirt access road approximately one mile in length. An approximately 5.2-acre area west of the plant fence line and within the 40-acre parcel would be used for construction laydown and parking. Figure 2-1 shows the regional location of the GWF site. Figure 2-2 shows the immediate site location of the GWF project, including the location of the proposed generating facility and the proposed water supply pipeline and access routes.

This section inventories existing land uses in the vicinity of the proposed site for the TPP and discusses the potential land use impacts associated with the TPP. Land uses are described within one mile of the TPP site and within a quarter-mile of the corridor formed by the proposed water supply pipeline and access routes associated with the TPP. The local, state, and federal jurisdictions potentially affected by the TPP 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 TPP 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 TPP are assessed. The conformance of the TPP with local plans and regulations and the compatibility of the TPP with general land uses in the area are evaluated. Where appropriate, mitigation measures are proposed to reduce the potential land use impacts to acceptable levels.

The land use issues for the proposed TPP site have been identified and evaluated using onsite reconnaissance surveys, a review of current U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle maps, 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 and City of Tracy General Plans, 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 TPP. 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.

8.4.1 Affected Environment

The affected environment of a project is defined by the California Energy Commission (CEC) as the study area boundary. For the proposed TPP, the affected environment includes, but is not limited to, the territory within one mile of the TPP site and all lands within a quarter-mile of the proposed water supply pipeline and access routes associated with the TPP. The zoning districts in the affected environment are shown on Figure 8.4-1.

Governmental jurisdictions within the affected environment include San Joaquin County and the City of Tracy, as shown on Figure 8.4-2. The existing transmission lines within one mile of the proposed TPP are discussed in Section 6.0 (Electric Transmission).

Figure 8.4-3 identifies both existing and potentially sensitive land uses in the affected environment. Potentially sensitive land uses include recreational and religious sites, agricultural areas, schools, churches, health care facilities, parks, commercial and residential areas, airports and landing strips, and radar sites. Sensitive land uses can also include cultural and historical sites as well as natural scenic areas. See Section 8.3 (Cultural Resources) and Section 8.11 (Visual Resources) for assessments of these environmental areas. Table 8.4-1 summarizes the land uses identified on Figure 8.4-3.

Section 8.9 (Agriculture and Soils) describes the proximity of prime, statewide, and unique farmland to the project site, as designated by the Natural Resources Conservation Service, and any potential project-related impacts on such lands.

The affected environment is discussed in Section 8.4.3 by project component. Topics addressed include existing and proposed land uses, sensitive land uses, jurisdictions and associated land use plans (i.e., general plans), zoning, subdivision, and the general plan goals, policies, and implementation guiding development at the TPP site. Land ownership patterns are discussed in accordance with the CEC Guidelines (CEC, 1997).

8.4.2 Land Use Plans and Policies

8.4.2.1 City and County

The proposed location of the TPP and its associated water supply pipeline and access routes are entirely within unincorporated areas of San Joaquin County; the affected environment also includes areas within the jurisdiction of the City of Tracy.

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 policies and goals of the San Joaquin County General Plan that relate to the proposed project are summarized in Table 8.4-2.

The City of Tracy General Plan includes specific policies intended to ensure appropriate development within city limits. The City of Tracy General Plan contains nine elements: land use, circulation, public facilities and services, housing, air quality, noise, safety, conservation and open space. The policies and goals of the City of Tracy General Plan that relate to the proposed project are also summarized in Table 8.4-2.

The San Joaquin County and City of Tracy General Plans divide all unincorporated lands in the county and city into general land use designations and include provisions specifying acceptable uses. Land use designations in a general plan are intended to

guide land use patterns and development. The land use designations described in the San Joaquin County and City of Tracy General Plans that are located within the affected environment are summarized in Table 8.4-3.

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 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. Title 10 Planning and Zoning specifies the zoning districts that correspond with the land use designations of the City of Tracy General Plan. Title 10 similarly sets the development standards for each zoning district in the City. Table 8.4-4 depicts the actual zoning designations by project component, and Table 8.4-5 gives definitions for each zoning district.

Division 9, Sections 9-900ff of the San Joaquin County Development Title, adopted pursuant to the Subdivision Map Act, require the recording of every subdivision created through sale, lease, or financing of unincorporated County lands on a tract or parcel map (San Joaquin County, 2001). Tract maps, required for subdivisions consisting of five or more parcels, and parcel maps, required for minor subdivisions consisting of four or fewer parcels, are the result of discretionary approvals. The San Joaquin County Community Development Department is the primary review agency for subdivision applications and oversees the planning of tract maps during the review process. Final approval is granted by the Planning Commission, who records the final maps.

San Joaquin County has authority over the location and conditions of energy development in incorporated areas of the county. The plans and policies that relate to the TPP are identified in Table 8.4-2. The San Joaquin County and City of Tracy General Plans and related zoning are the only land use management plans relevant to the affected environment of the proposed TPP.

8.4.2.2 State

The CEC has both policy development and permitting responsibilities for power generation projects that have a capacity of over 50 megawatts (MW). Generating facilities such as the proposed TPP require CEC approval. The CEC is also the lead agency in the implementation of the California Environmental Quality Act (CEQA) and must follow appropriate state law and guidelines in its review and decision making.

The California Department of Conservation, Division of Land Resources Protection implements the Williamson Act, a state land use policy that is intended to preserve agricultural land and open space. The act discourages premature urbanization and prevents landowners from being forced to develop their property, because their property taxes are based on the greater value of the land as represented by commercial or residential use. The Williamson Act is implemented by creating a voluntary contract with property owners that restricts land use for 10 years, with an automatic annual renewal. In return for the agreement to restrict the use of land for agriculture, the landowner receives preferential property tax rates based on the current use of the land rather than its market value.

8.4.2.3 Federal

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). The proposed TPP and the associated water supply pipeline and access road would neither exceed 200 feet in height nor exceed the most restrictive radius and slope requirement (City of Tracy, 1965 [1998], see radii shown on zoning map). In addition, the proposed TPP project would not exceed the height of existing neighboring transmission towers. No other applicable federal land use plans or policies have been identified for the proposed TPP site.

8.4.3 Description of the TPP and Its Components

8.4.3.1 Proposed TPP

The proposed site for the TPP is located within unincorporated land in San Joaquin County. The nine-acre proposed plant site is located on a 40-acre parcel that would be acquired by GWF comprising the western portion of an approximately 170-acre parcel in township-range-section 2S-4E-36. The property would be accessed from Schulte Road by an approximately one-mile access road along the boundary between sections 35 and 36. A detailed description of the proposed TPP, the proposed water supply pipeline, and the proposed access road can be found in Section 2.0. Figures 8.4-1 and 8.4-3 illustrate the zoning districts and existing land uses, respectively, within a one-mile radius of the proposed site for the TPP. Existing and potentially sensitive land uses, general plan designations, and zoning are also summarized in Tables 8.4-1, 8.4-2, and 8.4-6.

The proposed water supply pipeline extends approximately 1,470 feet and would parallel the Delta-Mendota Canal at the west edge of the property, running under an existing dirt road. The proposed access road is approximately one mile long and consists of an existing dirt road, which would be improved (paved). A new grade crossing would be constructed over the inactive Union Pacific Railroad tracks.

Land Acquisition. GWF has executed a binding option to purchase the TPP site from Jepsen-Webb Ranch LLC. The minimum lot size for districts zoned AG 40 is 40 acres. The TPP parcel will be created by means of a lot line adjustment. An application for the lot line adjustment was approved by the San Joaquin County Community Development Department on September 6, 2001. Together with the 40-acre parcel, GWF will obtain an easement for the 1,470-foot-long water supply pipeline.

TPP will also negotiate to obtain permission from Nutting-Rice, the adjacent agricultural landowner to the north, to improve and utilize the one-mile-long access road. Owens-Brockway, the adjacent industrial landowner to the north, east of Nutting-Rice, has an existing agreement to use this unimproved road. It is therefore anticipated that an agreement will be reached.

Although lands within one mile of the TPP site are zoned Agricultural (see Figures 8.4-1 and 8.4-3) and some are currently in agricultural production (URS, 2001), the TPP would only permanently impact the nine-acre plant site.

Existing and Proposed Land Uses. Figure 8.4-3 shows existing land uses within the proposed TPP site and in the surrounding one-mile area. The plant site itself is located at the west end of an agricultural parcel bounded on the south by the Delta-Mendota Canal, on the west by the property boundary, and on the north by the Union Pacific Railroad, with Nutting-Rice and Owens-Brockway across the rail line. The proposed TPP site has historically been used for agriculture, though it is not planted at present. The TPP would tie into Line 401, which passes under the Jepsen-Webb property from northwest to southeast under the proposed TPP site. As described in Section 6.0 (Electric Transmission) and as shown on Figure 8.4-3, three 115-kV transmission lines cross the TPP site from the east to the south. The nine-acre TPP plant would be located west of PG&E Line 401 and north of the existing transmission lines, isolated from the remainder of the adjoining agricultural land.

Residential use within the surrounding one-mile area includes isolated farming residences on land zoned Agricultural, and Redbridge, a residential development within the city limits of Tracy zoned for residential development pursuant to an approved Specific Plan, as shown on Figure 8.4-3. The closest farming residence is approximately 0.4 miles west of the TPP site. Redbridge is approximately 0.8 miles east of the TPP site.

Other nonagricultural uses within the surrounding one-mile area include Owens-Brockway, a glass container manufacturer, which also operates a warehouse on a portion of the Nutting-Rice property, located across the Union Pacific rail line adjacent to the north. Tracy Biomass, a cogeneration power plant that uses waste material, primarily wood, as a fuel source, is just north of Owens-Brockway and a meat-packing facility, located approximately 0.9 miles southwest on the eastern side of Hansen Road. Various trucking distribution centers (including Safeway and Costco) and a county fire department are located to the west just outside the one-mile radius. Both the U.S. Bureau of Reclamation and the State of California own and operate major water canals southwest of the TPP site, the Delta-Mendota Canal, and the California Aqueduct, respectively. Interstate 580 (I-580) runs roughly parallel to the canals and just to the

west. None of these major infrastructure features have parcel numbers. With these exceptions, the remainder of the surrounding one-mile area is currently used for agricultural purposes (URS, 2001).

The TPP site and the proposed water supply pipeline and access routes would be located on property under Williamson Act contract (see Section 8.9, Agriculture and Soils). Only the nine-acre plant site proper would be permanently removed from productive agricultural use.

According to the San Joaquin County Community Development Department, three commercial/industrial developments are proposed within the vicinity of the plant site. Costco is considering expansion of its trucking distribution center. Several community meetings have been held related to development of the Old River Specific Plan, a commercial/industrial development of 1,000 acres north of I-205 and northwest of the proposed TPP site. No project description is available for these proposals.

Two amendments to the San Joaquin County General Plan are currently under consideration: the Old River Specific Plan described above and an amendment to change portions of Map 209-13 to commercial zoning. The County is also considering a zoning change from Commercial Freeway to Limited or General Industrial for property near the intersection of Schulte and Patterson Pass Roads (on Map 209-11) (Martin, 2001).

The City of Tracy has previously approved the Tracy Hills Specific Plan and annexed property south of the Delta-Mendota Canal, a portion of which is shown on Figure 8.4-2. The Tracy Hills Specific Plan contemplated a mixture of residential, commercial, office, and industrial land uses in this area. The first phase has been rezoned pursuant to this plan; the remainder of the plan area retains its agricultural zoning (see Figure 8.4-1). Development of Tracy Hills has been put on hold and the plan is currently being re-evaluated by a new developer.

The City of Tracy has also 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 TPP site and its immediate vicinity. However,

no plans were carried forward past the conceptual stage of planning for the South Schulte Specific Plan. No project description is available for either proposal (Martin, 2001; Dean, 2001).

There have been two significant discretionary project reviews in the vicinity of the proposed TPP by San Joaquin County within the 18 months prior to the applicant's Application for Certification (AFC). One was a 200-acre auto auction facility at Patterson Pass Business Park. The other was a Special Purpose Plan for a number of small commercial/industrial projects; about 100,000 square feet of these facilities remain to be constructed (Martin, 2001).

Agency Approvals. But for the CEC's exclusive jurisdiction, discretionary agency approval by the San Joaquin County Community Development Department would be required to locate power-generating facilities, such as the proposed TPP facility, in land zoned AG 40. Chapter 9-605 of the San Joaquin County Development Title describes Special Use Regulations for Agricultural Zones that require site approval (attached as Appendix D1). Section 9-605.6(d) states the following findings that must be made (San Joaquin County, 2001):

- (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 production or a permitted use in the AG zone if the power source is temporary.

As described above and in Section 2.0 (Project Description), PG&E Line 401, the fuel source, passes under the proposed TPP site; existing transmission lines, to which the grid interconnection will be made, cross above the proposed site. Also, as described above, the proposed TPP site is adjacent to other property zoned General Industrial on which industrial activities occur, including power generation. Finally, the TPP would not be a temporary use. GWF initiated the application process for site approval in August 2001.

Potentially Sensitive Land Uses. There are no parks, recreational areas, educational facilities, religious sites, health care facilities, or commercial uses on the TPP site or within a one-mile radius of the site (see Section 8.1 and Section 8.5 for additional information regarding sensitive land uses). As described above, residential and agricultural areas are found at the TPP site and within the study area.

Zoning. As shown on Figure 8.4-1, the proposed TPP site and most of the area surrounding the site are zoned Agriculture (AG 40) (see Table 8.4-5). Pursuant to Section 9-605.6(d) of the Development Title, power generating facilities are a conditionally permitted use under the San Joaquin County Development Title for areas zoned Agriculture (AG 40) (San Joaquin County, 2001). Thus, the proposed project is an allowable use pursuant to receipt of site approval.

Land Ownership Patterns. Both public and private land ownership is found within one mile of the proposed TPP site and in the surrounding study area. The public lands are held by the United States of America (the Delta-Mendota Canal southwest of the TPP site and the abandoned communication facility west of Nutting-Rice) and the State of California (the California Aqueduct and I-580). Table 8.4-7 and Appendix D2 list the surrounding property owners within 1,000 feet of the proposed TPP site and within 500 feet of the proposed linear facilities.

Land Use Goals, Policies, and Implementation. Land use policies pertaining to power generating facilities are expressed in the San Joaquin County Development Title, Section 9-605.6(d) of the Development Title. But for the CEC's exclusive jurisdiction, discretionary agency approval by the Community Development Department would be required to obtain approval to locate the proposed TPP facility, in land zoned AG 40. Chapter 9-605 of the San Joaquin County Development Title describes Special Use Regulations for Agricultural Zones which require site approval (San Joaquin County, 2001).

8.4.3.2 Proposed Water Pipeline Route

The proposed water pipeline for the TPP would originate at the plant site. The pipeline would follow the west property boundary of the Jepsen-Webb property, which adjoins

the Delta-Mendota Canal for approximately 1,470 feet to an existing turnout (Turnout 1187 LT) on the canal. The water pipeline route lies entirely within unincorporated San Joaquin County and beneath an existing dirt road (see Figure 8.4-2).

Potentially Sensitive Land Uses. No potentially sensitive land uses occur within a quarter-mile of the proposed water pipeline route. The nearest residences to the water pipeline route are approximately 0.5 to 0.75 miles west of the water pipeline, as shown on Figure 8.4-3.

Zoning. The zoning designations within a half-mile of the proposed water pipeline route include AG 40 and IG. As a component of a power generating facility, the proposed pipeline is a conditionally permitted use in San Joaquin County. Figure 8.4-1 illustrates the zoning districts along the route. These districts are also described in Table 8.4-5. A right-of-way or easement would be required with the property owner.

8.4.3.3 Proposed Access Road

The proposed access road for the TPP would originate at the plant site and follow the west side of the Nutting-Rice property approximately one mile north to Schulte Road. The road would cross the inactive Union Pacific tracks via a newly constructed private crossing. The proposed access road lies entirely within unincorporated San Joaquin County (see Figure 8.4-2).

Potentially Sensitive Land Uses. No potentially sensitive land uses occur within a quarter-mile of the proposed access road. The nearest residences to the access road are approximately 0.5 miles west, as shown on Figure 8.4-3.

Zoning. The zoning designations within a quarter-mile of the proposed access road include AG 40 and IG. As a component of a power generating facility, the proposed pipeline is a conditionally permitted use in San Joaquin County. Figure 8.4-1 illustrates the zoning districts along the route. These districts are also described in Table 8.4-5. A private crossing agreement with Union Pacific and a right-of-way or easement with Nutting-Rice would be required.

8.4.4 Environmental Consequences

This section discusses the environmental consequences of the TPP within one mile of the proposed site and within one-quarter mile of the proposed water supply pipeline and access routes. The potential environmental consequences concern both the construction and the operation of the generating plant, the water supply pipeline, and the access road.

8.4.4.1 Significance Criteria

To determine the significance criteria appropriate to this study, the CEC Guidelines (CEC, 1997) and CEQA Guidelines (14 California Code of Regulations [CCR] 15,000 et seq. [1999]) were consulted. The following criteria were used to determine whether significant project-related impacts might occur as a result of the TPP:

- Conflict with the adopted environmental plans and goals of the community where a project is located; displacement of a large number of people or the inducement of substantial population growth; disruption or division of an established community (Appendix G of the CEQA Guidelines).

The following are the CEC staff analyses requirements:

- Noise and odor nuisances that will cause existing land uses to cease or be adversely affected, or inhibit the development of future land uses;
- Traffic problems that will restrict access, adversely affecting land uses, such as residential or commercial; or
- Visual impacts that will impact land uses, such as recreation.

8.4.4.2 Proposed TPP

Construction-Related Impacts. Construction activities would take place in such a way as to minimize interference with existing agricultural and power generation-related uses. The proposed site for the TPP is a nine-acre site within a 40-acre parcel of land that has been acquired. Construction activities could impact local roadways by adding additional traffic along access routes to existing industrial operations within the area. These potential impacts are discussed in Section 8.10 (Traffic and Transportation). Construction activities would also

increase the amount of noise, dust, and emissions in the area. These issues are discussed in detail in Sections 8.5 (Noise) and 8.1 (Air Quality).

Material and equipment staging areas would be required during the construction period. The staging areas would serve as base stations for employees, field office locations, laydown areas, and places to store materials, equipment, and vehicles. The proposed staging areas would be located adjacent to and northwest of the proposed TPP site, on an agricultural site with no known environmentally sensitive areas. It is estimated that a single onsite construction laydown area adjacent and northwest of the proposed TPP would be required for the construction of the plant. In addition, an onsite area would be used for construction parking.

Residences located in the vicinity of the proposed TPP may experience short-term impacts associated with facility construction, including visual disruption, increased noise and dust, and increased traffic and vehicle emissions due to project equipment and vehicles using surrounding roadways (see Sections 8.1, 8.5, 8.10, and 8.11).

Overall, the land use impacts associated with the construction activities would be insignificant, because they would result from the construction of a compatible land use, which would expand an existing industrial area (including another power generating facility, Tracy Biomass), and because they would be temporary (approximately 11 months).

Operations-Related Impacts. The TPP would be located adjacent to existing industrial facilities. The TPP would be designed for an operating life of 30 years. The TPP represents further development of an area committed to industrial and power generation uses rather than the introduction of industry to a nonindustrial area. The proposed use of the site is compatible with adjacent uses, as evidenced by its inclusion within the range of conditionally permitted uses by the San Joaquin County Development Title. The operations of the proposed plant are not expected to result in significant adverse impacts to surrounding land uses.

Compatibility with Existing and Proposed Land Uses. The San Joaquin County General Plan indicates that power generating facilities are compatible adjacent land uses to agricultural and industrial areas (San Joaquin County, 1992). The proposed TPP involves the creation of additional power generation in an area already committed to industrial and power

generation uses. The TPP would be consistent with the existing uses and proposed uses in the vicinity.

The TPP site is located on land that is currently under Williamson Act contract (see Section 8.9). The construction of the TPP would permanently remove a nine-acre portion of the 40-acre parcel from agricultural production. As described in detail above, the plant site is surrounded on most sides by railroads, the Delta-Mendota Canal, and existing pipelines and transmission lines. The Delta-Mendota Canal acts as a natural barrier between the project vicinity and the Tracy Hills plan area.

The operation of the TPP is not expected to result in a significant inflow of workers to the surrounding San Joaquin County (see Section 8.10). The impact of the proposed TPP on recreational facilities would be insignificant and would not result in an increased demand on area facilities or services.

Consistency with Existing Land Use Plans, Policies, and Regulations. The current San Joaquin County zoning designation at the proposed TPP site is AG 40. Power generating facilities are conditionally permitted uses within the AG 40 district. The development of the power plant is therefore consistent with the existing land use plans, policies, and regulations for the site.

8.4.4.3 Proposed Water Pipeline and Access Routes

Construction-Related Impacts. The construction activities associated with the development of the proposed water pipeline and access routes are expected to occur over an 11-month period. Construction activities would be undertaken in a way that minimizes interference with existing land uses in the proposed routes.

Construction impacts from the proposed water supply pipeline route would result from the installation of a buried pipeline. The proposed pipeline would be located near the property boundary between agricultural land and the Delta-Mendota Canal and beneath an existing dirt road for its entire length. No aboveground structures would be associated with the proposed water pipeline. An area approximately 20 feet wide along the length of the proposed

route would be temporarily disturbed during construction. Overall, construction of the water pipeline would temporarily disturb approximately 0.7 acres, but would not permanently disturb land because the line would be entirely underground.

Construction impacts from the proposed access road would be minimal and limited to paving an existing dirt road and construction of a private rail crossing.

The residential areas in the project study area may experience short-term impacts associated with facility construction, including visual disruption, an increase in noise and dust, and an increase in traffic and vehicular emissions because project equipment and vehicles would use surrounding roadways. However, these potential impacts are anticipated to be short-term in nature, occurring only during project construction, and would not result in any significant long-term impacts (see Sections 8.5, 8.10, and 8.11).

There are no schools, hospitals, parks, or other sensitive land uses located within the one-half mile corridor study area identified for the proposed water supply pipeline and access routes.

Operations-Related Impacts. All permanent access routes would utilize existing roadways; therefore, no additional maintenance of access routes to the TPP site and water supply pipeline and access routes would be required during operation.

Compatibility with Existing and Proposed Land Uses. Existing land uses along the proposed water supply pipeline and access routes consist of agriculture and industrial operations that include power generation. The proposed water supply route traverses slightly more than 0.2 miles of active agricultural areas zoned AG 40. The proposed access road traverses approximately one mile of active industrial property zoned IG. Both designations provide for power generation as a conditionally permitted use. Because the zoning descriptions of the proposed routes identify power generation facilities as compatible uses, no substantial conflict exists between the compatibility of the new and the existing land uses. For Williamson Act considerations, see discussion in Section 8.9 (Agriculture and Soils).

There are no schools within the study area. No residential developments have been proposed in the study area along the proposed water supply pipeline or access routes. No adverse impacts to residences and schools are anticipated from the operation of the proposed TPP and its associated linear facilities.

Consistency with Existing Land Use Plans, Policies, and Regulations. The proposed water supply pipeline and access routes traverse land that is zoned Agricultural or Industrial and thus would be compatible with existing land use plans and policies.

8.4.5 Potential Cumulative Impacts and Indirect Effects

The TPP site is located in unincorporated San Joaquin County adjacent to an existing industrial area. Permanent conversion of agricultural lands to nonagricultural use would be minimal and would be limited to the nine-acre site of the power generating facility. While collectively this activity indicates a trend toward energy-related uses in this part of San Joaquin County, the proposed location of the TPP minimizes the impact on agricultural lands by reducing the requirement for extended utility connections (the proposed site includes or is adjacent to sources of natural gas, water, and transmission corridors) and is consistent with the County's land use planning goal of consolidating industrial uses.

The trend toward energy-related land uses could conflict with future uses of the lands recently annexed by the City of Tracy in the project vicinity. As discussed in Section 8.4.3.1, two mixed-use development plans were proposed in the southeast area of the study area. These land uses, although not adopted by the City of Tracy, would not be compatible with the TPP project if located near or adjacent to the project site. Because the City of Tracy has annexed property within a mile of the TPP project site, potential land use conflicts could arise in the future relating to the use of the area. If adopted, the proposed TPP project would take precedence over any future proposal for mixed or residential uses in the area. It is the responsibility of the City of Tracy Planning Commission to consider potential land use conflicts in the area.

The proposed water supply pipeline and access road would be built above or below existing farm roads. Although the TPP and its linear facilities would intensify the use of

existing transmission corridors, the use of these corridors would limit the overall impact by reducing the amount of land that would otherwise be converted for transmission line or natural gas pipeline use. Permanent disturbance of agricultural land would be limited to the nine-acre site of the proposed TPP facility. The consolidation of aboveground transmission lines in established transmission corridors minimizes the overall land use impact and is consistent with the San Joaquin County General Plan land use element (San Joaquin County, 1992).

The proposed linear facilities would not cause a significant change in the character of the region when considered in conjunction with similar, planned projects (see Section 8.4.3.1). The proposed TPP would impact land use in its vicinity by increasing the concentration of industrial and power generating activity. However, it would not result in changes to existing land use patterns and is consistent with existing zoning. No other energy-related projects are planned or proposed in the vicinity of the TPP. As a result, the cumulative land use impacts are considered insignificant.

The proposed TPP would result in the conversion of nine acres of agricultural land to power generation uses. This limited conversion of land adjacent to industrial zoned lands would result in an incremental loss of agricultural lands. The proposed location of the TPP minimizes the impact on agricultural lands and is consistent with the County's land use planning goal of consolidating industrial uses. Further, because the proposed location of TPP is adjacent to two permanent barriers to agricultural production (the Delta-Mendota Canal and the Union Pacific railway), the location is consistent with the requirements of the San Joaquin County General Plan to minimize the conversion of agricultural land. Therefore, the proposed facility would have an insignificant impact on land use patterns.

8.4.6 Unavoidable Adverse Impacts

No significant unavoidable adverse impacts would occur to land uses due to the construction or operation of the TPP and its associated water pipeline and access routes.

8.4.7 Agency Contacts

Agency	Contact/Title	Telephone
County of San Joaquin Community Development Department 1810 E. Hazelton Ave. Stockton, CA 95205	Chandler Martin Senior Planner	(209) 468-3144
City of Tracy Department of Development and Engineering Services 520 N. Tracy Blvd. Tracy, CA 95376	Mr. William Reeds Director of Development and Engineering Services Mr. Bill Dean Associate Planner	(209) 831-4600
American Farmland Trust 1324 West Center Street Visalia, CA 93291	Greg Kirkpatrick	(559) 627-3708

8.4.8 LORS Compliance

This section provides a summary of the laws, ordinances, regulations, and standards (LORS) that may be applicable to the TPP. The LORS are organized into federal, state, and local standards, if applicable. Table 8.4-8 provides a summary of the LORS and includes the corresponding AFC section where compliance with each of the LORS is discussed.

Proposed Conditions of Certification are contained in Appendix K. These conditions are proposed in order to ensure compliance with applicable LORS and/or to reduce potentially significant impacts to less-than-significant levels.

The proposed TPP site is located entirely within unincorporated areas of San Joaquin County. The San Joaquin County General Plan identifies goals and policies regarding energy and industrial development. The proposed TPP would conform to these goals and policies.

The proposed water supply pipeline and access routes would traverse lands under the jurisdiction of San Joaquin County. These facilities would conform to the goals, policies, and implementation measures of the San Joaquin County General Plan, as discussed in this section.

8.4.9 Schedule of Other Required Permits/Approvals

Permit/Approval	Project Component	Responsible Agency	Schedule
Lot line adjustment (ministerial)	TPP	San Joaquin County Community Development Department	Approved September 6, 2001

8.4.10 References

CEC (California Energy Commission), 1997. *Siting Regulations: Rules of Practice and Procedure and Power Plant Site Certification Regulations.*

City of Tracy, 1993. City of Tracy General Plan, An Urban Management Plan.

City of Tracy, 1965 [rev. 1998]. City of Tray Title 10 Planning and Zoning.

City of Tracy, 1997. South Schulte Specific Plan.

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TABLES

**Table 8.4-1
Existing Land Uses in the Study Area**

Project Component	Existing Land Uses (General Type)¹
Tracy Peaker Project Site	Agricultural (including existing easements for transmission lines and pipelines)
Proposed Water Supply Pipeline	Agricultural, existing dirt road
Proposed Access Road	Agricultural (improvements to existing dirt road and new railroad crossing)

¹ Existing land uses correspond to an inventory of land uses within a half mile corridor centered on the water supply pipeline (one-quarter mile to either side) and within one mile of the proposed TPP site.

**Table 8.4-2
Land Use Plans and Policies Related to the Tracy Peaker Project**

Authority Category	Policy
San Joaquin County General Plan	
Community Organization and Development Pattern	Development shall be orderly and compact (Policy No. 5)
	Development shall be compatible with adjacent uses. (Policy No. 10.)
	Development should complement and blend in with its setting. (Policy No. 11)
	Development shall not jeopardize public health and safety. (Policy No. 13)
	Development shall minimize impacts on the County's resources. (Policy No. 15)
	Existing and future conditions shall be considered in the evaluation of projects. (Policy No. 22)
	All development, public and private, and all county plans for development and ordinances 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)
	Existing infrastructure should be maintained and upgraded when feasible, to reduce the need for new facilities. (Policy No. 25)
	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))
	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)
Industrial Development	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)
	New industrial development shall be required to provide adequate services, access, parking, landscaping, loading and storage areas, and buffers. (Policy No. 5)
	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)

Table 8.4-2 (continued)
Land Use Plans and Policies Related to the Tracy Peaker Project

Authority Category	Policy
Interjurisdiction Coordination	<p>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)</p> <p>The County shall coordinate land use policies and public improvement standards with neighboring communities. (Policy No. 3)</p>
Infrastructure Services—Utility Corridors	<p>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)</p> <p>Utility lines shall not adversely impact significant plant and animal species. (Policy No. 2)</p> <p>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)</p> <p>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)</p>
Public Health and Safety—Hazardous Materials and Wastes	<p>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)</p> <p>All development shall be consistent with the County’s Waste Management Plans. (Policy No. 5)</p>
Resources—Agricultural Lands	<p>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)</p> <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>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>
Resources—Air Quality	<p>San Joaquin County shall meet and maintain all State and national standards for air quality. (Policy No. 1)</p> <p>Projects shall be designed to minimize concentrations of carbon monoxide. (Policy No. 3)</p>

Table 8.4-2 (continued)
Land Use Plans and Policies Related to the Tracy Peaker Project

Authority Category	Policy
City of Tracy General Plan	
Land Use	<p>Ensure development is well-planned and well-developed. (Policy No. LU 4.2)</p> <p>Plan for the conservation and development of areas in and around Tracy. (Policy No. LU 4.5)</p> <p>Retain existing industry when it is consistent with overall intent of the plan. (Policy No. LU 6.1)</p> <p>Encourage a diversity of industries. (Policy No. LU 6.2)</p> <p>Support location and mix of land use types and intensities that minimize conflicts with other uses and transportation corridors. (Policy No. LU 7.1)</p> <p>Establish land uses along freight rail lines that are consistent and compatible with rail service and exposure. (Policy No. LU 7.7)</p> <p>Retain Agricultural land in economically viable parcel sizes. (Policy No. LU 8.5)</p> <p>Guide development to maintain open space and agricultural areas. (Policy No. LU 8.7)</p> <p>Minimize impact on agriculture during transition of existing agricultural areas to urban development. (Policy No. LU 8.9)</p> <p>Limit urban encroachment into agricultural areas, except where consistent with the Urban Management Plan. (Policy No. LU 8.10)</p> <p>Optimize use of planning area resources for efficient siting of public facilities. (Policy No. PF 1.1)</p> <p>Minimize land use conflicts between emission sources and sensitive receptors. (Policy No. AQ 2.2)</p> <p>Discourage noise sensitive land uses in noisy exterior environments unless measures can be implemented to reduce exterior and interior noise to acceptable levels. Alternatively, encourage less sensitive uses in areas adjacent to major noise generators but require appropriate interior working environments. (Policy No. NO 1.1)</p> <p>Coordinate planning efforts such that noise sensitive land uses are not located near major stationary noise sources. (Policy No. NO 2.3)</p> <p>Minimize conflicts between land uses and the circulation network. (Policy No. NO 2.4)</p>

Sources: San Joaquin County, 1992; City of Tracy, 1993.

**Table 8.4-3
General Plan Land Use Designations¹**

San Joaquin County Land Use	
Designation	Definition
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.
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.
City of Tracy Land Use Designation	
Designation	Definition
Residential Medium Density (M)	This designation is intended to identify residential areas consisting of single-family detached and attached, duplexes and other multi-unit dwelling units at 5.9-12 dwelling units per gross acre.
Residential Low Density (LH)	This designation is intended to identify residential areas consisting of single-family detached and attached, zero lot line and clustered housing at 2.1-5.8 dwelling units per gross acre.
Industrial (I)	This designation is intended to identify areas consisting of heavy industrial, warehousing and technical support offices.
Residential Very Low (VL)	This designation is intended to identify residential areas consisting of single-family detached and attached, zero lot line and clustered housing at 0.1-2.0 dwelling units per gross acre.

¹ The land use designations identified have been summarized, and only those designations directly affected by the proposed TPP are discussed.

Sources: San Joaquin County, 1992; City of Tracy, 1993.

Table 8.4-4
Zoning Designations Within the Study Area¹

Project Component	Zoning Designation²
Tracy Peaker Project	AG 40 (San Joaquin County)
Proposed Water Supply Pipeline	AG 40 (San Joaquin County)
Proposed Access Road	AG 40 (San Joaquin County)
Vicinity	I-G (San Joaquin County) AU 20 (San Joaquin County) M-1 (City of Tracy) MDR (City of Tracy) PUD (City of Tracy)

¹ The affected environment consists of that area within one mile of the generating plant site and within a one-half mile corridor centered on the proposed water supply route (one-quarter mile to either side).

² These abbreviated zoning designations correspond with the descriptions given Table 8.4-5.

Sources: San Joaquin County, 1992; City of Tracy, 1965[1998].

**Table 8.4-5
Zoning Districts Within the Study Area**

San Joaquin County Zoning	
District	Description
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.
City of Tracy Zoning District	
District	Description
Light Industrial (M-1)	This designation is designed to provide for light industrial uses including, but not limited to, light manufacturing, warehousing, minor public service uses, local public service and utility installation. Permitted conditional uses include intermediate and very heavy manufacturing.
Medium Density Residential (MDR)	This designation is designed to provide for apartments, multiple-family dwellings, dwelling groups, and supporting uses including mobile home parks, condominiums, and attached single-family dwellings.
Planned Unit Development (PUD)	This designation is designed to allow flexibility and creativity in site planning for residential, commercial, or industrial uses to achieve greater efficiency in land use by maximizing open space, preserving natural amenities, and creating additional amenities. The PUD Zone can also be useful when a rezoning is coupled with an annexation proposal. A PUD concept development plan may be used to adequately describe and establish any and all land uses allowed upon annexation of a property into the City. Preliminary and final development plans are required following annexation.

Sources: San Joaquin County, 2001; City of Tracy, 1965 [1998].

**Table 8.4-6
General Plan Land Use Designations Within the Study Area¹**

Project Component	General Plan Land Uses²
GWF Tracy Peaker Project	General Agriculture (San Joaquin County)
Proposed Water Supply Pipeline	General Agriculture (San Joaquin County)
Proposed Access Road	General Industrial (San Joaquin County)
Vicinity	General Agriculture (San Joaquin County)
	Industrial (San Joaquin County)
	Residential Medium Density (City of Tracy)
	Residential Low Density (City of Tracy)
	Industrial (City of Tracy)
	Residential Very Low Density (City of Tracy)

¹ The study area consists of that area within one mile of the generating plant site and within a one-half mile corridor of the proposed water supply pipeline and access routes.

² General plan land use designations are defined in Table 8.4-3.

Sources: San Joaquin County, 1992; City of Tracy, 1993.

**Table 8.4-7
Landowners Within the Study Area**

Assessor's Parcel Number (APN)	Owner
209-230-03	United States of America
209-230-05	Frederick G Orlando
209-230-16	Union Pacific Railroad Company
209-230-17	Union Pacific Railroad Company
209-230-18	Union Pacific Railroad Company
209-230-20	Harold & P H Timmins
209-230-23	David J Pombo
209-240-03	George Cheng
209-240-10	Cheun Hee Lee
209-240-11	Russell Kagehiro /
APN for Project Site TBD	Jepsen Webb Ranch LLC
209-240-21	Union Pacific Railroad Company
209-240-24	Owens Illinois Glass Container Inc. / Owens-Brockway Glass Container Inc.
209-240-25	Nutting Rice Tracy LLC
240-140-01	John & A Zambetti
240-140-02	Roger Traina, Anthony Traina et al.
251-040-01	Gene Panella
251-040-06	Frederick G Orlando
251-040-08	Valley Land Co Corp
251-040-09	James A & Mary Stokley
251-040-10	F A & C K Robertson
251-040-13	Paul & Barbara Swartzle
251-040-14	Laurel Eckert
251-040-15	Robert & Emily Richardson
251-040-16	Harold & P H Timmins
251-040-17	Frederick G Orlando
251-050-01	Charles J & Marilyn Tuso et al
251-050-03	Sam & Marie Tuso

**Table 8.4-8
Laws, Ordinances, Regulation, and Standards for Land Use**

Jurisdiction	Authority	Administering Agency	AFC Conformance Section
Federal	Federal Aviation Regulations, Part 77, §77.13 ff.	Bureau of Land Management (BLM)	8.4.2.3
State	Williamson Act, California Government Code §§ 51200-51295	Department of Conservation, Office of Land Conservation	8.4.2.2
	California Environmental Quality Act, Public Resources Code §§ 21000-21177	California Energy Commission (CEC)	AFC in its entirety
	PRC § 25523(a); 20 CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2 Subchapter 5, Appendix B, part (i)(3) and (4)	CEC	8.4.2.1
Local	San Joaquin County General Plan	San Joaquin County Community Development Department	8.4.3, 8.4.4, and 8.4.5
	San Joaquin County Development Title	San Joaquin County Community Development Department	8.4.3, 8.4.4, and 8.4.5
	City of Tracy General Plan	City of Tracy Department of Development and Engineering Services	8.4.3, 8.4.4, and 8.4.5
	City of Tracy Title 10 Planning and Zoning	City of Tracy Department of Development and Engineering Services, site approval for conditional use.	8.4.3, 8.4.4, and 8.4.5

FIGURES