

4.9 Land Use, Planning, and Policies

This section addresses potential impacts to land uses in the study area. The analysis considers potential impacts resulting from the construction, operation and maintenance of the Proposed Project and alternatives. Land use issues include compatibility of the proposed improvements with adjacent land uses, and potential conflicts with applicable plans and policies. This evaluation is based on review of local and regional land use plans and policies.

4.9.1 Setting

The majority of the Proposed Project and alternatives would be located within unincorporated Tulare County. Portions of the Proposed Project and alternatives would cross through the City of Visalia. Short segments of the Proposed Project would also run through the City of Farmersville and the community of Lemon Cove. The Big Creek 3 Substation is located in unincorporated Fresno County.

Existing Land Uses

Proposed Project

The Proposed Project would be located in northwestern Tulare County, California near the cities of Visalia and Farmersville. From the Rector Substation to Structure #7 (approximately 1.1 miles), the Proposed Project alignment heads north within the existing SCE right-of-way (ROW). Land uses adjacent to the ROW in this section include nut and fruit orchards. At Structure #7, the Proposed Project alignment turns due east to Structure #54. This area is characterized by row crops, including fruit, nut, olive and orange orchards, and a small amount of commercially used lands. From Structure #55, the alignment continues north to Structure #73, traversing navel orange orchards. From Structure #73, the Proposed Project alignment continues in an easterly/northeasterly direction through orchard crops (i.e., nut, orange, lemon, and olive orchards), terminating in dry pasture at its connection point at the existing Big Creek-Springville Line (see Figure 4.9-1) (Tulare County Assessor's Office, 2007). Based on a reconnaissance survey conducted by ESA staff, the Proposed Project would pass within 300 feet of approximately 87 residences, including 52 along the existing ROW and 35 along the new ROW (ESA, 2009).

The substations (i.e., Rector, Springville, Vestal, and Big Creek 3) that would receive electrical and safety upgrades as part of the Proposed Project and alternatives are located on land currently used by SCE for industrial purposes. The Big Creek 3 Substation is located within U.S. National Forest area (Fresno County Fire Department, 2009).

Alternatives 2, 3 and 6

Alternative 2 heads due north, following the existing SCE ROW from the Rector Substation for approximately 10.8 miles. The alignment passes through residential areas, fruit and olive orchards and row crops. At mile 10.8 the alignment turns east along new ROW, passing through vineyards and orange orchards for approximately 3.5 miles. At this point the route briefly turns north for

0.6 miles, and then turns in an easterly/southeasterly direction for the remainder of the alignment. From mile 14.8 to mile 23.0 (the tie-in at the Springville Transmission Line), the alignment traverses predominantly dry pasture, as well as some orange and other fruit tree orchards (Tulare County Assessor's Office, 2007). Alternative 2 would pass within 300 feet of approximately 216 residences, including 213 in the existing ROW and three in the new ROW (ESA, 2009).

Alternative 3 heads due north, following the existing SCE ROW from the Rector Substation for approximately 14.6 miles, traversing residential areas, orchards, a poultry operation, the Stone Corral Preserve, and dry pasture. At mile 14.6 the alignment turns in an east/north-easterly direction to mile 24.3 (the tie-in with the Springville Transmission Line), traversing mountains and dry pasture (Tulare County Assessor's Office, 2007). Alternative 3 would pass within 300 feet of approximately 214 residences along the existing ROW but would not pass within 300 feet of any residences along the new ROW (ESA, 2009).

Alternative 6 heads due north, following the existing SCE ROW from the Rector Substation for approximately 8.1 miles, traversing residential areas, orchards, field crops and row crops. At mile 8.1 the alignment turns due east for approximately 6.9 miles, crossing predominantly orange orchards as well as other fruit orchards. At mile 15 the alignment turns north for 2.0 miles passing through orange orchards and some field and row crops. At mile 17 the alignment turns east/north-east for 0.3 miles through dry pasture, joining with the Alternative 2 alignment. Alternative 6 would pass within 300 feet of approximately 213 residences, including 202 along the existing ROW and 11 along the new ROW (ESA, 2009).

See Figure 4.9-1 for existing land uses crossed by the Proposed Project and alternatives.

Regulatory Context

State

California Public Utilities Commission General Order No. 131-D

The California Public Utilities Commission (CPUC) has sole and exclusive jurisdiction over the siting and design of the Proposed Project and alternatives because it authorizes the construction, operation, and maintenance of investor-owned public utility facilities. Although such projects are exempt from local land use and zoning regulations and discretionary permitting (i.e., would require approval from a local decision-making body such as a planning commission or city council), General Order No. 131-D, Section XIV.B requires that in locating a project "the public utility shall consult with local agencies regarding land use matter." The public utility is required to obtain any required non-discretionary local permit.

Local

Tulare County General Plan (Proposed Project and Alternatives 2, 3 and 6)

The Tulare County General Plan is the County's long-range planning document and consists of eleven topical elements (provided with the element's year of adoption): Land Use (1964); Transportation/Circulation (1964); Environmental Resource Management (1972); Open

Space/Recreation/Conservation (1972); Seismic Safety (1975); Scenic Highways (1975); Water and Liquid Waste Management (1981); Urban Boundaries (1983); Aviation and Airport Systems (1985); Noise (1988); and Housing (2003) (Tulare County, 2007).

Tulare County does not have specific “land use designations” in the General Plan Land Use Element. Unincorporated communities in Tulare County have Community Plans or Area Plans, and those Community Plans have designated land uses. (The community of Lemon Cove does not have a Community Plan. As such, land use and zoning designations within Lemon Cove limits would be determined by County designations.) For all County lands within the study area, the land use designation is *Agriculture* (Washam, 2008).

In addition to the General Plan, the County also has area and sub area plans to guide planning for all areas outside incorporated cities. The study area falls within two area plans: the Rural Valley Lands Plan (1975) and the Foothill Growth Management Plan (1981). These area plans contain additional land use designations, and are discussed later in this section. (See Figure 4.9-2, General Plan Land Uses.)

The Tulare County General Plan contains the following goals, policies and objectives that would be applicable to the Proposed Project and alternatives:

Land Use and Urban Boundaries Element

Policy 1LU.A.4: The predominant agricultural character of land between communities should be preserved.

Environmental Resources Management Element

Policy 6.E.20: Service to urban areas should be coordinated so that easements can be utilized for more than one purpose and land fragmentation can be minimized. The concept of “utilidors” (utility corridors) is recommended.

Policy 6.M.29: Coordinate public and private utility easements in order to maximize multiple use of such easements and minimize land fragmentation. The concept of “utilidors” is recommended.

Policy 6.M.30: Wherever possible, institute joint agreements with public and private agencies, which control utility easements, in order to incorporate such lands into permanent open space linkages throughout the county. Design for uses such as bicycle, horse and hiking trails or for green belt planting to enhance the visual amenities of the county.

(Tulare County, 2001).

Tulare County Rural Valley Lands Plan (Proposed Project and Alternatives 2, 3 and 6)

The Rural Valley Lands Plan (RVLP) is an area plan of the Tulare County General Plan that provides additional land use designations and policies for areas zoned for agriculture. The RVLP applies to approximately 773,500 acres of the western portion of the County and applies to areas outside the County’s planned Urban Development Boundaries for cities and unincorporated communities. The RVLP was initiated to protect and maintain agricultural viability. The RVLP both establishes minimum parcel sizes for areas zoned for agriculture and implements a policy

that supports reasonable accommodation for parcels that are not deemed suitable for agricultural activities (Tulare County, 2007).

The RVLDP designates five *Exclusive Agricultural (AE)* zones: *AE*, *AE-10*, *AE-20*, *AE-40*, and *AE-80*. Each requires a different minimum parcel size (ranging from five to 80 acres). The RVLDP also contains non-agricultural land-use designations.

The Proposed Project would cross the following RVLDP land use designations: *Agricultural (A-1)*, *AE-20*, *AE-40*, *AE-80*, and *Foothill Agriculture (AF)*. Alternative 2 would traverse *AE-20*, *AE-40*, *AE-80* and *AF* land use designations. Alternative 3 would traverse *AE-20*, *AE-40*, *AF* land use designations. Alternative 6 would traverse *AE-20*, *AE-40*, and *AF* zoning designations.

Tulare County Foothill Growth Management Plan (Proposed Project and Alternatives 2, 3 and 6)

The Foothill Growth Management Plan (FGMP) is an area plan of the Tulare County General Plan that provides development policies and standards for the foothill region of Tulare County. The Plan's policies provide guidelines for community identity, new development, recreation/open space, agriculture, environmental protection, scenic corridors protection, history/archaeology, infrastructure facilities, and public services (Tulare County, 2007).

The FGMP utilizes four land use designations, all of which would be crossed by the Proposed Project and/or an alternative:

- *Development Corridor* (Proposed Project and Alternatives 2 and 6)
- *Extensive Agriculture* (Alternatives 2, 3 and 6)
- *Foothill Extension* (Alternatives 2, 3 and 6)
- *Valley Agriculture Extension* (Proposed Project and Alternatives 2 and 6)

(Tulare County, 1998).

Tulare County Zoning Ordinance (Proposed Project and Alternatives 2, 3 and 6)

The Proposed Project would traverse parcels with *Exclusive Agricultural (AE-20 and AE-40)*, *Foothill Agricultural (AF)*, *Agricultural (A-1)*, *Planned Development (PD)*, *Scenic Corridor Combining (SC)*, *Special Mobile Home (M)*, and *Service Commercial (C-3)* zoning designations. Alternative 2 would traverse parcels with *AE-20*, *AE-40*, *AE-80*, *AF*, *Primary Floodplain Combining (F-1)*, *PD*, *Foothill Combining Zone (F)*, *M*, and *Rural Residential (R-A-12.5 and R-A-43)* zoning designations. Alternative 3 would traverse parcels with *AE-20*, *AE-40*, *AF*, and *R-A-12.5* zoning designations. Alternative 6 would traverse *AE-20*, *AE-40*, *AF*, *PD*, *F*, and *M* zoning designations (Tulare County, 1999).

The *AE-20*, *AE-40*, and *AE-80* Districts are intended to be applied to land areas which are used or are suitable for use for intensive agricultural production on 20, 40, and 80 acre minimum parcels, respectively. The *AF* District is intended to be applied to agricultural and open space protection. The *A-1* District is intended to provide an area for agricultural production. The *R-A* District is for single family residential units and agricultural production (Tulare County, 2007).

The Tulare County Zoning Ordinance also contains several ‘overlay’ zones. Overlay zones combine with an underlying zoning district to provide additional development requirements for the underlying district. The *PD* District is an overlay zone intended to provide an area of planned development, and is combined with other zones to reduce development restrictions and provide for harmonious uses. The *SC* District is an overlay zone intended to provide an area for a scenic corridor, and is combined with other zones to protect the visual quality of roads. The *M* District is an overlay zone intended to provide for mobile home use in communities where such housing is desirable. The *C-3* District is intended to provide land areas for wholesale and repair services. The *F-1* overlay zone is intended to protect property in high risk flood areas. The *F* zone is intended to be combined with the *PD* zone for use within areas designated as *Development Corridor* or *Foothill Extension* by the FGMP (Tulare County, 2007).

Fresno County General Plan (Proposed Project and Alternatives 2, 3 and 6)

The Fresno County General Plan, adopted in 2000, is the County’s long-range planning document and consists of seven topical elements: Agriculture and Land Use, Economic Development, Health and Safety, Housing, Open Space and Conservation, Public Facilities and Services, and Transportation and Circulation (Fresno County, 2000).

Fresno County has specific land use designations in the Agriculture and Land Use Element in the General Plan. The Big Creek 3 Substation is the only portion of the Proposed Project and alternatives in Fresno County, and it is located in an area designated *Public Lands and Open Space* (Adams, 2009). This designation is applied to land or water areas that are essentially unimproved and planned to remain open in character. The designation provides for the preservation of natural resources, the managed production of resources, parks and recreation, and the protection of the community from natural and manmade hazards (Fresno County, 2000).

The Fresno County General Plan also designates Regional Plan Areas, to guide planning for all areas outside incorporated cities. The Big Creek 3 Substation is located in the Sierra-North Regional Plan Area. Consistent with the Agriculture and Land Use Element, the Substation is located on land designated *Public Lands and Open Space* in the Regional Plan. This designation is for land or water areas which are essentially unimproved and planned to remain open in character. *Public Lands and Open Space* areas are devoted to activities such as preservation of natural resources, parks and recreation, and managed production of resources, or are subject to fire, flood or geologic hazard (Fresno County, 1997).

The Fresno County General Plan and Sierra-North Regional Plan do not contain any goals, policies and objectives that would be applicable to the Proposed Project and alternatives.

Fresno County Zoning Ordinance (Proposed Project and Alternatives 2, 3 and 6)

The Big Creek 3 Substation is located in an area zoned *Resource Conservation District, 40-acre minimum lot size (R-C-40)* (Adams, 2009). *R-C* districts are intended to provide for the conservation and protection of natural resources and natural habitat areas, and are accompanied by a minimum acreage designation allowing for 40, 80, or 160 acre parcels (Fresno County, 2004).

City of Visalia General Plan (Proposed Project and Alternatives 2, 3 and 6)

The City of Visalia General Plan Land Use Element designates the proposed general distribution, location, and extent of land uses for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private land uses. The first 2.3 miles of the Proposed Project, which would include Structures #1 through #14, would be located on land within the jurisdiction of the City of Visalia. In addition, a small segment of the Proposed Project would be located outside City limits but within the City of Visalia's Urban Area Boundary (UAB). The UAB is an approximately 90-square mile area which represents the City's 'Sphere of Influence' or its probable ultimate physical boundary and service area.

The Proposed Project would traverse land designated by the City of Visalia General Plan for *Residential Low Density (RLD)*, *Residential High Density (RHD)*, *Urban Reserve*, and *Agriculture (Ag)*; Alternatives 2, 3 and 6 would traverse parcels designated for *RLD*, *RHD*, *Urban Reserve*, *Ag*, *Park* and *Conservation* uses (see Figure 4.9-3) (City of Visalia, 2008c).

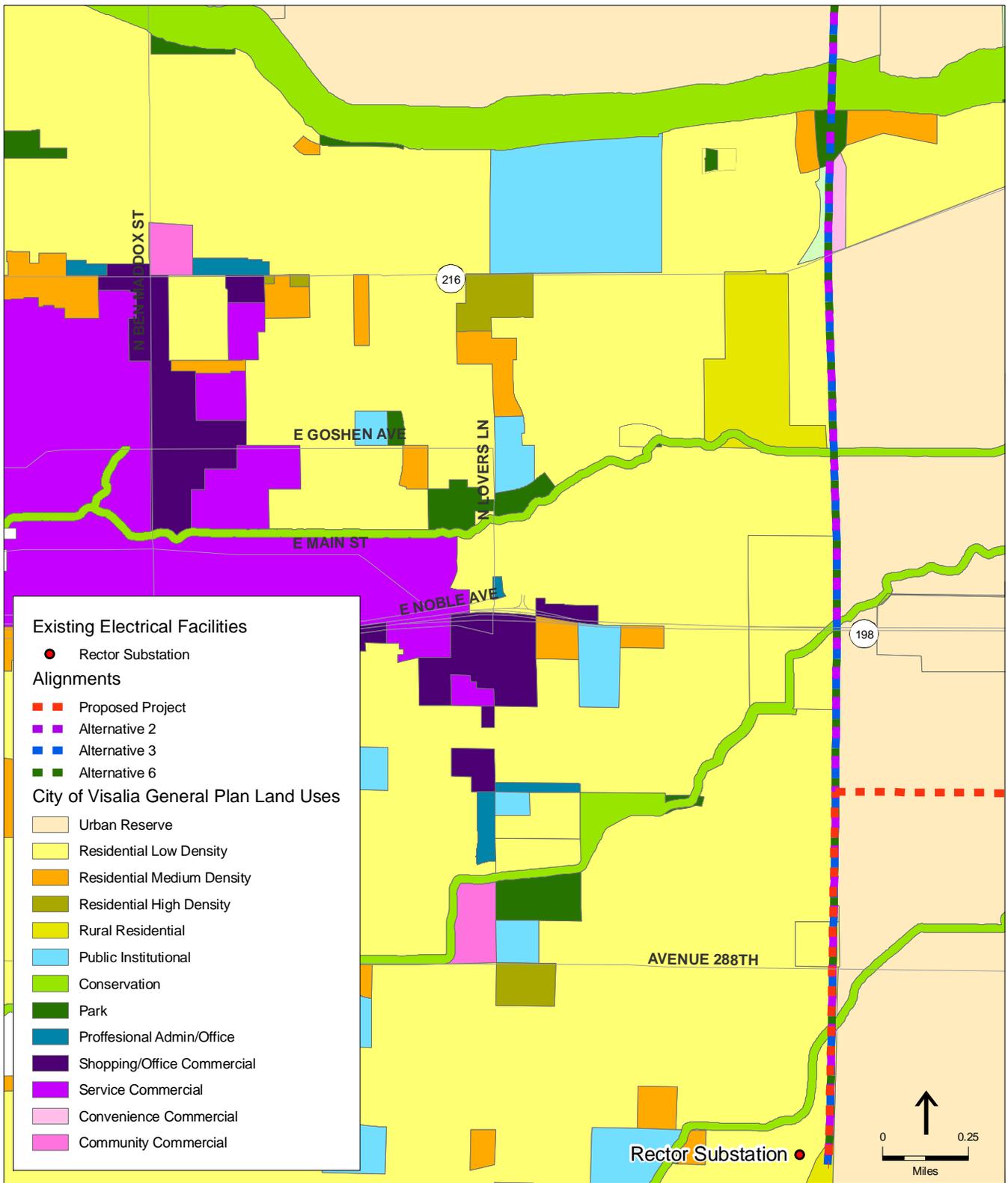
The *Ag* designation is for land primarily used for the production of food and fiber. All land outside of the Urban Development Boundary (UDB)¹ is designated *Ag* irrespective of size or actual use. The *Conservation* designation is for land reserved for preservation and enhancement of natural resources including animal life, plant life, irrigation water conveyance, ground water recharge, flood protection, and limited recreation. If conservation areas are not adversely impacted, development adjacent to these areas may be permitted. The *Park* designation is for open space land for private and public outdoor recreation purposes. The *RLD* designation is Visalia's traditional residential land use and density range. It permits two to 10 dwelling units per net acre, up to 21 persons per acre. *RHD* permits 15 to 29 dwelling units per net acre (up to 58 persons per acre). *Urban Reserve* areas are comprised of the last planning and implementation areas outside of the 129,000 population UDB (City of Visalia, 1996).

The Land Use Element of the City of Visalia General Plan contains the following goals, policies and objectives that would be applicable to the Proposed Project and alternatives:

Implementing Policy 1.1.4: Work with utilities and transportation companies to landscape power line and railroad right-of-ways throughout the community and to underground utilities and abandoned railroad spurs where possible.

Implementing Policy 1.1.5: Develop land use and site design measures for areas adjacent to high-voltage power facilities.

¹ **UDB:** These boundaries designate the estimated urbanizable area within which a full-range of urban services will need to be extended or provided to accommodate urban development through 2020. Boundaries are depicted in the City of Visalia General Plan for the years 2000, 2010 (population 129,000), and 2020 (population 165,000). The UDBs are different than the UAB, which is an approximately 90-square mile area representing the City's 'Sphere of Influence' or its probable ultimate physical boundary and service area. The land area between the UAB and the UDB is considered the 'urban fringe', and is designated for agriculture. Urban fringe is generally not suited for urban development within the Land Use Element's 30-year planning and implementation period (year 2020) (City of Visalia, 1996).



SOURCE: SCE, 2008; City of Visalia, 2009

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Figure 4.9-3
City of Visalia General Plan Land Uses

Implementing Policy 4.1.16: Require special site development standards for proposed non-residential or more intensive land uses adjacent to established residential areas to minimize negative impacts on abutting properties.

(City of Visalia, 1996).

City of Visalia Zoning Ordinance (Proposed Project and Alternatives 2, 3 and 6)

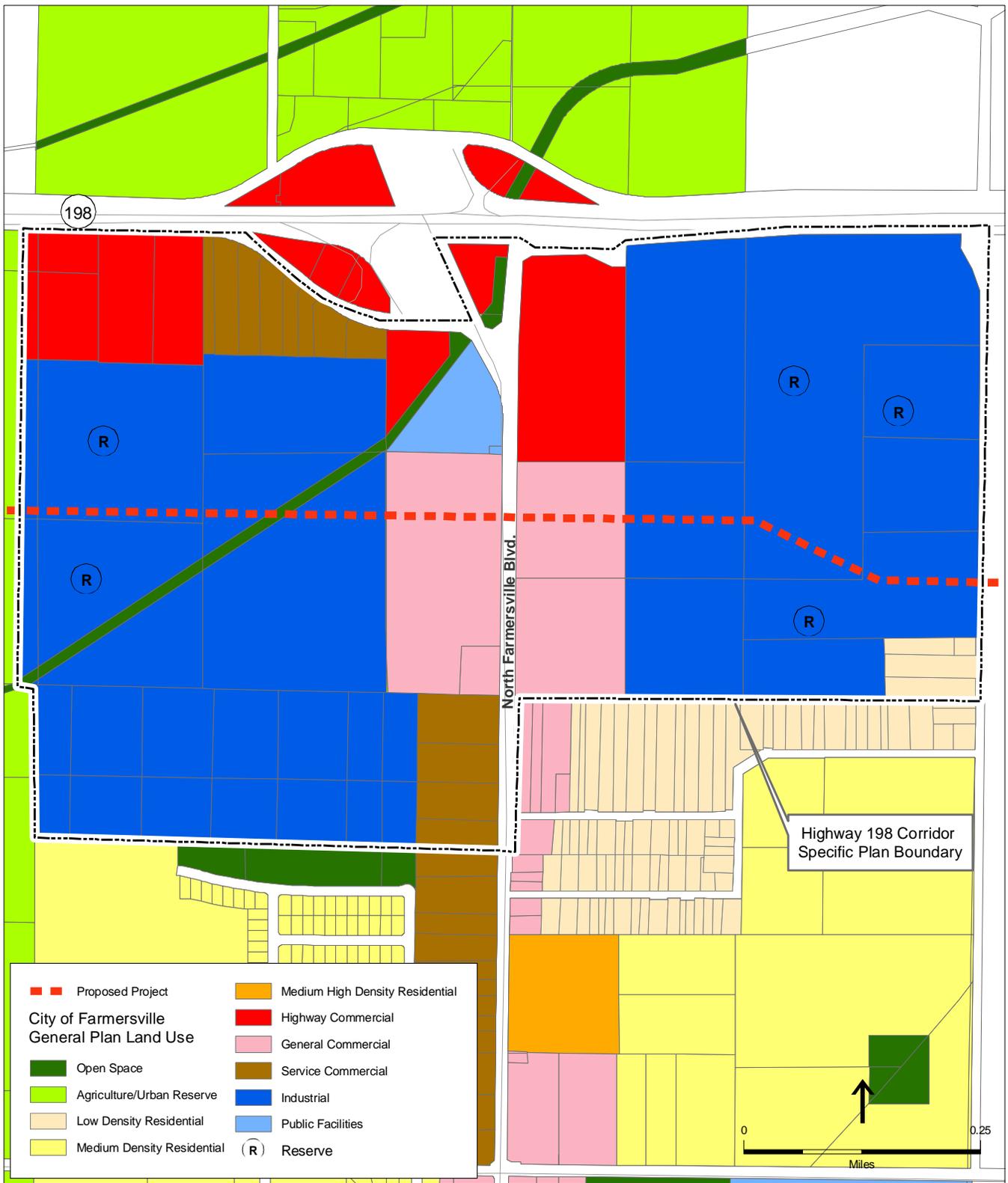
The Proposed Project and Alternatives 2, 3 and 6 would traverse parcels designated as *R-1-6*: one family residential zone, 6,000 square feet minimum site area. In addition, Alternatives 2, 3 and 6 would traverse land zoned *Quasi-public* and *Agriculture* (City of Visalia, 2008b).

The current City of Visalia Zoning Ordinance provides additional information regarding allowable uses and development standards within these designations. The *R-1* zone is intended to “provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions which require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use” (City of Visalia, 2008a). The *Agriculture* designation is intended to preserve lands best suited for agriculture from the encroachment of incompatible uses, and to prevent the intrusion of urban development into agricultural areas in such a manner as to make agricultural production uneconomical or impractical. The *Quasi-Public* designation is intended to allow for the location of governmental, institutional, community service, academic, and nonprofit uses (City of Visalia 2008a).

City of Farmersville General Plan (Proposed Project)

The City of Farmersville General Plan Land Use Element designates the proposed general distribution, location, and extent of land uses for residential, commercial, industrial, public, open space, agricultural, and other categories of public and private land uses. Miles 2.75 to 3.78 of the Proposed Project, which would include Structures #16 through #22, would be located within the Farmersville Urban Area Boundary. Structures #18 through #20 would fall within City limits. The Proposed Project would traverse land designated by the City of Farmersville General Plan for *Agriculture/Urban Reserve*, *Industrial*, and *General Commercial* uses (Figure 4.9-4) (City of Farmersville, 2002).

The *Agriculture/Urban Reserve* designation is meant to protect agriculture from urban encroachment, ensure that conflicts do not arise between agriculture and urban uses, and maintain land in agriculture until the time is appropriate for conversion to urban uses. This designation applies to lands that have the capacity to be, or are actively being farmed but are within the planning area and proposed to eventually be developed. This designation is also applied to lands with agriculturally-related uses, including cold storage operations, packing houses, or agriculturally-related businesses. *Industrial* uses include those involved in manufacturing, processing, warehousing, and certain commercial uses. Development with this designation must be landscaped, parking lots must be landscaped and constructed off-street, signs shall be regulated, storage areas must be fenced and screened, and new uses or extensive expansion of



SOURCE: SCE, 2008; City of Farmersville, 2008

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Figure 4.9-4

City of Farmersville General Plan Land Uses

existing uses require site plan review or a conditional use permit, as determined by the City's Zoning Ordinance. The *General Commercial* designation is intended for properties generally located on Visalia Road and Farmersville Boulevard, outside the downtown area. The designation provides for shopping centers, offices, and retail uses. According to the Land Use Element, new development with this designation must be landscaped, have off-street parking, and signs shall be regulated and new uses or extensive expansion of existing uses require site plan review or a conditional use permit, as determined by the City's Zoning Ordinance (City of Farmersville, 2002).

The Land Use Element of the City of Farmersville General Plan contains the following goal that would be applicable to the Proposed Project:

Issue Ten, Infrastructure, Goal III: Maintain, rebuild and upgrade infrastructure systems.

(City of Farmersville, 2002).

City of Farmersville Highway 198 Corridor Specific Plan (Proposed Project)

Within the City of Farmersville's limits, the Proposed Project would traverse the area included in the City of Farmersville Highway 198 Corridor Specific Plan, adopted on June 23, 2003 and depicted in Figure 4.9-4 (City of Farmersville, 2003a). The 356-acre Plan area is generally bounded on the east by Road 168, State Route 198 (SR 198) on the north, approximately one-half mile west of Farmersville Boulevard on the west, and approximately 350 feet south of Terry Avenue on the south. The scope and purpose of the Specific Plan is twofold. First, the Plan establishes the policy framework for the long-term evolution and development of land uses and supportive infrastructure and services for the Plan Area. Second, the Plan identifies the type, nature and phasing of industrial, commercial, and public facility development in the northern part of the City (City of Farmersville, 2003b).

The Specific Plan implements goals, objectives, and action plans from the City of Farmersville General Plan Land Use Element, as well as its own goals, including:

Goal-1: The Plan Diagram, as shown in Figure 4-6, shall be regarded as prescribing the distribution of land uses for the Plan Area. The locations, patterns and development standards for streets shall be regarded as fixed by the Plan Diagram, as well. Unless otherwise prescribed by this Plan, the network of local streets and on-site circulation characteristics for any segment of the Plan Area shall be subject to City review and approval of specific development plans and designs.

(City of Farmersville, 2003b).

The Proposed Project would traverse land designated as *Industrial* and *General Commercial*. The definitions and limitations of the *Industrial* and *General Commercial* land uses in the Specific Plan are the same as in the City of Farmersville General Plan, described earlier in this document.

Retail Site Determination. Moving forward with plans for development to implement the Highway 198 Corridor Specific Plan, the City of Farmersville contracted with Buxton, Inc. to

prepare a Retail Site Determination in January 2008 (Miller, 2008). While the report identified retailers and restaurants that could be recruited to the City of Farmersville, it did not identify specific parcels for future development. According to the City of Farmersville City Manager, the Proposed Project's Structure #20 would directly bisect the preferred parcel for future development of a retail site (Miller, 2008). However, at the time of publication of this Draft EIR, no applications to develop any specific parcel(s) and/or change the existing land use designations have been received by the City (Miller, 2009); therefore potential land use conflicts associated with the implementation of the Proposed Project will not be discussed further in this EIR in either the context of existing land use or in the cumulative scenario regarding the Highway 198 Corridor Specific Plan.

City of Farmersville Zoning Ordinance (Proposed Project)

The Proposed Project would traverse land zoned by the City of Farmersville as *Urban Reserve* (U-R) (Crumly, 2008). The current City of Farmersville Zoning Ordinance provides information regarding allowable uses and development standards within this zoning designation. The purpose of the *Urban Reserve* designation is to “preserve an agricultural or open space use, land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed so as to ensure the orderly and beneficial conversion of these lands to non-agricultural use, and to provide appropriate areas for certain predominantly open uses of land which are not injurious to agricultural uses” (City of Farmersville, 2007).

4.9.2 Significance Criteria

Based on guidance provided by the California Environmental Quality Act (CEQA) regarding what constitutes a significant environmental effect (Guidelines Section 15064, 15126, and Appendix G), a project would have a significant land use impact if it would:

- a) Physically divide an established community;
- b) 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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan.

4.9.3 Applicant Proposed Measures

No Applicant Proposed Measures have been identified by SCE to reduce project impacts on land use, planning, and/or policies.

4.9.4 Impacts and Mitigation Measures

Approach to Analysis

Although construction-related activities would not be considered to be land use impacts, activities that could affect adjacent land uses are discussed in Sections 4.1, *Aesthetics*; 4.3, *Air Quality*; 4.10, *Noise*; and 4.14, *Transportation and Traffic*. Construction-related impacts would be relatively short-term in nature (approximately nine to 12 months) and would not continue after the project begins full operation. In general, the physical construction-related effects on adjacent land uses would be less than significant. Certain physical construction-related effects would require the mitigation measures identified in the sections mentioned above to reduce those impacts to less than significant levels. For analyses and discussions of these construction-related impacts, please refer to the above-identified sections.

a) Physical division of an established community.

Impact 4.9-1: The Proposed Project could physically divide an established community. *Less than significant (Class III)*

The Proposed Project would be located within an existing or new ROW in a largely undeveloped area, though it would pass through two communities. As discussed in the Setting, the Proposed Project would pass through an undeveloped area in the northern part of the City of Farmersville. In this area, the transmission line would traverse open space and would not restrict access or constitute a physical barrier to the City. The Proposed Project would also pass through the community of Lemon Cove (a Census Designated Place in Tulare County). However, all homes in Lemon Cove would be located on the north side of the alignment, and there are no buildings currently located to the south of the Proposed Project alignment. Furthermore, the transmission line would not restrict access or constitute a physical barrier to this community. Therefore, the Proposed Project would have a less than significant impact to the physical division of an established community.

Mitigation: None required.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

To determine the Proposed Project's consistency with applicable plans and policies, the following land use consistency analysis is provided. The CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project. As discussed in the Setting, although the Proposed Project would be exempt from local land use and zoning regulations and discretionary permitting, General Order No. 131-D, Section XIV.B requires that in locating a project "the public utility shall consult with local agencies regarding land use matter." Therefore, because the public utility

is exempt from local land use zoning regulations and discretionary permitting, this land use consistency analysis is provided for informational purposes only.

Impact 4.9-2: The Proposed Project could conflict with applicable land use plans, policies, or regulations of an agency with jurisdiction over the Proposed Project adopted for the purpose of avoiding or mitigating an environmental effect. *Less than significant* (Class III)

Tulare County General Plan. The project applicant proposes to construct and operate a transmission line through lands within the jurisdiction of Tulare County. As discussed in the Setting, the Proposed Project would cross areas that are designated Ag (Washam, 2008). The Tulare County General Plan does not discuss the allowance or disallowance of transmission line facilities within this land use designation; however, the project applicant would obtain input from Tulare County regarding land-use matters related to the siting of the Proposed Project prior to project construction. In addition, a significant number of the parcels designated as Ag are currently under a Williamson Act contract (see Section 4.2, *Agricultural Resources*). Government Code Section 51238 states that electrical facilities are a compatible Williamson Act use.

Tulare County Rural Valley Lands Plan. The Proposed Project would traverse parcels zoned by the RVLP as *A-1*, *AE-20*, *AE-40*, *AE-80*, and *AF*. The RVLP does not discuss the allowance or disallowance of transmission line facilities within these land use designations; it defers to the Tulare County Zoning Ordinance (discussed below).

Tulare County Foothill Growth Management Plan. The Proposed Project would traverse parcels zoned by the FGMP as *Development Corridor* and *Valley Agriculture Extension*. The FGMP does not discuss the allowance or disallowance of transmission line facilities within these land use designations; it defers to the Tulare County Zoning Ordinance (discussed below).

Tulare County Zoning Ordinance. The Proposed Project would traverse parcels zoned by the Tulare County Zoning Ordinance as *AE-20* and *AE-40*, *AF*, *A-1*, *PD*, *SC*, *M*, and *C-3* (Tulare County, 1999). Public utility structures, including transmission lines, are permitted within the *AE-20*, *AE-40*, *AF*, *A-1* and *C-3* districts subject to obtaining a Special Use Permit (Tulare County, 2005). (*PD*, *SC*, and *M* designations are overlay zones, and are combined with a base zone.) While the project applicant, in accordance with General Order 131-D, would obtain input from Tulare County regarding land use matters related to siting (i.e., location of proposed facilities), a use permit is a discretionary land use instrument, and the project applicant would not be required to obtain a use permit from Tulare County prior to project approval.

Fresno County General Plan. As discussed in the Setting, the Big Creek 3 Substation is located in an area designated *Public Lands and Open Space*. The Fresno County General Plan does not discuss the allowance or disallowance of substation facilities within this land use designation. However, the proposed modifications at the Big Creek 3 Substation would occur at a currently existing electrical substation, and would consist solely of electrical system and safety upgrades. All substation work would occur on previously disturbed areas within the existing footprint of the substation. Given the nature of the modifications, the associated construction,

operation and maintenance activities associated with the Proposed Project at the Big Creek 3 Substation would constitute a continuation of current land use at the Substation.

Fresno County Zoning Ordinance. The Big Creek 3 Substation site is zoned *R-C-40* by the Fresno County Zoning Ordinance. Neither electric distribution substations nor electric transmission substations are explicitly permitted in *R-C* zones, nor are they listed under Uses Permitted Subject to Director Review and Approval, or Uses Permitted Subject to Conditional Use Permit. Section 813.4 lists as Uses Expressly Prohibited "...industrial uses not specifically listed in Sections 8.13.1, 8.13.2, or 8.13.3". However, as discussed above, the modifications proposed by the Project would occur within the fence line of existing substation facilities, and would be considered electrical and safety upgrades. The modifications would be considered a continuation of current land use at the substation site.

City of Visalia General Plan. As discussed in the Setting, the Proposed Project would traverse land designated by the City of Visalia General Plan for *RLD*, *RHD*, *Urban Reserve*, and *Ag*. The General Plan does not discuss the allowance or disallowance of transmission line facilities within these land use designation (Scheibel, 2008). However, the project applicant would, in accordance with General Order 131-D, obtain input from the City of Visalia regarding land-use matters related to the siting of the Proposed Project prior to project construction.

City of Visalia Zoning Ordinance. The Proposed Project would traverse land designated by the City of Visalia Zoning Ordinance as *R-1-6* (City of Visalia, 2008b). However, according to Section 17.02.040 G. of the City of Visalia Zoning Ordinance—Application and Interpretation—Exceptions—transmission lines are not covered under the Zoning Ordinance (Scheibel, 2008; City of Visalia, 2008a). Therefore, the Proposed Project is not in conflict with the City of Visalia Zoning Ordinance. The project applicant, in accordance with General Order 131-D, would obtain input from the City of Visalia regarding land-use matters related to the siting of the Proposed Project prior to project construction.

City of Farmersville General Plan. The Proposed Project would traverse land designated by the City of Farmersville General Plan for *Industrial* and *General Commercial* uses (City of Farmersville, 2002). The General Plan does not discuss the allowance or disallowance of transmission line facilities within these land use designation (Schoettler, 2008). However, the project applicant would, in accordance with General Order 131-D, obtain input from Farmersville regarding land-use matters related to the siting of the Proposed Project prior to project construction.

City of Farmersville Zoning Ordinance. The Proposed Project would traverse land designated by the City of Farmersville Zoning Ordinance as *U-R* (Crumly, 2008). Section 17.56.021, Table 2 of the Farmersville Zoning Ordinance specifies the conditions under which Conditional Use Permits are required for 'Communication and Public Utility Service Facilities' (City of Farmersville, 2007). According to the Table, 'Communication and Public Utility Service Facilities' are not permitted in *U-R* zones. However, according to a City of Farmersville planning consultant, transmission lines are, in fact, allowed under certain conditions in *U-R* zones, and the Zoning Ordinance should be amended to list 'Communication and Public Utility Service Facilities' as consistent with the *U-R* designation (Schoettler, 2008). Regardless, the project applicant would, in accordance with General

Order 131-D, obtain input from Farmersville regarding land-use matters related to the siting of the Proposed Project prior to project construction.

City of Farmersville Highway 198 Corridor Specific Plan. The Proposed Project would traverse land designated by the City of Farmersville Highway 198 Corridor Specific Plan for *Industrial* and *General Commercial* uses (City of Farmersville, 2003b). The Specific Plan does not discuss the allowance or disallowance of transmission line facilities within these land use designation (Schoettler, 2008). However, the project applicant would, in accordance with General Order 131-D, obtain input from the City of Farmersville regarding land-use matters related to the siting of the Proposed Project prior to project construction.

Mitigation: None required.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan.

As discussed in Section 4.4, *Biological Resources*, there are no habitat conservation plans or other approved governmental habitat plans that involve lands within the Proposed Project area. Therefore, the Proposed Project would not result in any conflicts with an adopted habitat conservation plan or natural community conservation plan (No Impact).

4.9.5 Cumulative Impacts

The geographic context for the cumulative impacts associated with land use issues are the cities and unincorporated communities of western Tulare County.

As noted in Section 3.6, *Cumulative Projects*, a number of projects are planned within the project area and would have the potential to be constructed simultaneously with the Proposed Project. All potential Proposed Project land use impacts resulting from temporary construction activities, including temporary increases in noise and dust, decreased air quality from construction vehicles, odors from construction equipment, safety issues, loss of vegetation, and access issues, are analyzed in the corresponding sections of this EIR (see Sections 4.1, *Aesthetics*; 4.3, *Air Quality*; 4.4, *Biological Resources*; 4.10, *Noise*; and 4.14, *Transportation and Traffic*). From an operations and maintenance perspective, there would be no cumulatively considerable impacts because the projects discussed in Section 3.6, *Cumulative Projects*, are representative of the ongoing level of development in the region, would be located in areas away from the Proposed Project's area of impact, and would not affect the same lands. Therefore, implementation of the Proposed Project would not result in a cumulatively considerable contribution to land use and planning impacts (Class III).

4.9.6 Alternatives

No Project Alternative

Under the No Project Alternative, the Proposed Project would not be implemented; therefore, no land use impacts would occur (No Impact).

Alternative 2

Construction, operations, and maintenance activities associated with Alternative 2 would be similar to the Proposed Project. Alternative 2 would not pass through any communities; therefore, impacts relating to the physical division of an established community would be less than significant (Class III). Also like the Proposed Project, there are no habitat conservation plans or other approved governmental habitat plans that involve lands within the Alternative 2 areas (No Impact).

In Tulare County, Fresno County and the City of Visalia, land use and zoning impacts related to Alternative 2 would be the same as the Proposed Project (Class III). However, Alternative 2 would cross some different land use and zoning designations than the Proposed Project; therefore, a land use consistency analysis is provided below.

Tulare County Rural Valley Lands Plan

Like the Proposed Project, Alternative 2 would traverse parcels zoned *AE-20*, *AE-40*, *AE-80* and *AF*; therefore, Alternative 2 would be consistent with the Zoning Ordinance (see below), and therefore would not conflict with the RVLP.

Tulare County Foothill Growth Management Plan

Alternative 2 would traverse two FGMP zoning designations not traversed by the Proposed Project: *Extensive Agriculture and Foothill Extension*. The FGMP does not discuss the allowance or disallowance of transmission line facilities within these land use designations; it defers to the Tulare County Zoning Ordinance. Alternative 2 would be consistent with the Zoning Ordinance (see below), and therefore would be consistent with the FGMP.

Tulare County Zoning Ordinance

Alternative 2 would traverse five Tulare County zoning designations not traversed by the Proposed Project: *AE-80*, *F-1*, *F*, *R-A-12.5*, and *R-A-43*. Public utility structures, including transmission lines, are permitted within the districts Alternative 2 would cross, subject to obtaining a Special Use Permit (Tulare County, 2005). While the project applicant, in accordance with General Order 131-D, would obtain input from Tulare County regarding land use matters related to siting, a use permit is a discretionary land use instrument, and the project applicant

would not be required to obtain a use permit from Tulare County prior to project approval. Therefore, Alternative 2 would be consistent with the Tulare County Zoning Ordinance.

City of Visalia General Plan

Alternative 2 would traverse two Visalia General Plan land use designations not traversed by the Proposed Project: *Park* and *Conservation*. As discussed above, the General Plan does not discuss the allowance or disallowance of transmission line facilities within these land use designation. As such, Alternative 2 would not conflict with the City of Visalia General Plan.

City of Visalia Zoning Ordinance

Alternative 2 would traverse two Visalia zoning designations not traversed by the Proposed Project: *Quasi-Public*, and *Agriculture*. According to Section 17.02.040 G. of the City of Visalia Zoning Ordinance, transmission lines are not covered under the Zoning Ordinance. Therefore Alternative 2 would not conflict with the City of Visalia Zoning Ordinance.

Despite crossing some different land use designations than the Proposed Project, Alternative 2 would be consistent with all local land use policies. Therefore, like the Proposed Project, overall impacts from Alternative 2 would be less than significant (Class III).

Alternative 3

Construction, operations and maintenance activities associated with Alternative 3 would be similar to the Proposed Project. Alternative 3 would not pass through any communities; therefore, impacts relating to the physical division of an established community would be less than significant (Class III). Also like the Proposed Project, there are no habitat conservation plans or other approved governmental habitat plans that involve lands within the Alternative 3 areas (No Impact).

In Tulare County, Fresno County and the City of Visalia, land use and zoning impacts related to Alternative 3 would be the same as the Proposed Project (Class III). However, Alternative 3 would cross some different land use and zoning designations than the Proposed Project; therefore, a land use consistency analysis is provided below.

Tulare County Rural Valley Lands Plan

Like the Proposed Project, Alternative 3 would traverse parcels zoned *AE-20*, *AE-40*, and *AF*; therefore, Alternative 3 would be consistent with the Zoning Ordinance (see below), and therefore would not conflict with the RVLP.

Tulare County Foothill Growth Management Plan

Alternative 3 would traverse two FGMP zoning designations not traversed by the Proposed Project: *Extensive Agriculture and Foothill Extension*. The FGMP does not discuss the allowance or disallowance of transmission line facilities within these land use designations; it defers to the Tulare County Zoning Ordinance. Alternative 3 would be consistent with the Zoning Ordinance (see below), and therefore would be consistent with the FGMP.

Tulare County Zoning Ordinance

Alternative 3 would traverse one Tulare County zoning designation not traversed by the Proposed Project: *R-A-12.5*. Public utility structures, including transmission lines, are permitted within this designation, subject to obtaining a Special Use Permit (Tulare County, 2005). While the project applicant, in accordance with General Order 131-D, would obtain input from Tulare County regarding land use matters related to siting, a use permit is a discretionary land use instrument, and the project applicant would not be required to obtain a use permit from Tulare County prior to project approval. Therefore, Alternative 3 would be consistent with the Tulare County Zoning Ordinance.

City of Visalia General Plan

Alternative 3 would traverse two Visalia General Plan land use designations not traversed by the Proposed Project: *Park and Conservation*. As discussed above, the General Plan does not discuss the allowance or disallowance of transmission line facilities within these land use designation. As such, Alternative 3 would not conflict with the Visalia General Plan.

City of Visalia Zoning Ordinance

Alternative 3 would traverse two Visalia zoning designations not traversed by the Proposed Project: *Quasi-Public*, and *Agriculture*. As discussed above, transmission lines are not covered under the Zoning Ordinance. Therefore, Alternative 3 would not conflict with the Visalia Zoning Ordinance.

Despite crossing some different land use designations than the Proposed Project, Alternative 3 would be consistent with all local land use policies. Therefore, like the Proposed Project, overall impacts from Alternative 3 would be less than significant (Class III).

Alternative 6

Construction, operations and maintenance activities associated with Alternative 6 would be similar to the Proposed Project; therefore, impacts relating to the physical division of an established community would be less than significant (Class III). Also like the Proposed Project, there are no habitat conservation plans or other approved governmental habitat plans that involve lands within the Alternative 6 areas (No Impact).

In Tulare County, Fresno County and the City of Visalia, land use and zoning impacts related to Alternative 6 would be the same as the Proposed Project (Class III). However, Alternative 6 would cross some different land use and zoning designations than the Proposed Project; therefore, a land use consistency analysis is provided below.

Tulare County Rural Valley Lands Plan

Like the Proposed Project, Alternative 6 would traverse parcels zoned *AE-20*, *AE-40*, and *AF*; therefore, Alternative 6 would be consistent with the Zoning Ordinance (see below), and therefore would not conflict with the RVLP.

Tulare County Foothill Growth Management Plan

Alternative 6 would traverse two FGMP zoning designations not traversed by the Proposed Project: *Extensive Agriculture and Foothill Extension*. The FGMP does not discuss the allowance or disallowance of transmission line facilities within these land use designations; it defers to the Tulare County Zoning Ordinance. Alternative 6 would be consistent with the Zoning Ordinance (see below), and therefore would be consistent with the FGMP.

Tulare County Zoning Ordinance

Alternative 6 would traverse one Tulare County zoning designation not traversed by the Proposed Project: *F*. As discussed above, public utility structures, including transmission lines, are permitted within this designation, subject to obtaining a Special Use Permit (Tulare County, 2005). While the project applicant, in accordance with General Order 131-D, would obtain input from Tulare County regarding land use matters related to siting, a use permit is a discretionary land use instrument, and the project applicant would not be required to obtain a use permit from Tulare County prior to project approval. Therefore, Alternative 6 would be consistent with the Tulare County Zoning Ordinance.

City of Visalia General Plan

Alternative 6 would traverse two Visalia General Plan land use designations not traversed by the Proposed Project: *Park* and *Conservation*. As discussed above, the General Plan does not discuss the allowance or disallowance of transmission line facilities within these land use designation. As such, Alternative 6 would not conflict with the Visalia General Plan.

City of Visalia Zoning Ordinance

Alternative 6 would traverse two Visalia Zoning designations not traversed by the Proposed Project: *Quasi-Public*, and *Agriculture*. As discussed above, transmission lines are not covered under the Zoning Ordinance. Therefore, Alternative 6 would not conflict with the Visalia Zoning Ordinance.

Despite crossing some different land use designations than the Proposed Project, Alternative 6 would be consistent with all local land use policies. Therefore, like the Proposed Project, overall impacts from Alternative 6 would be less than significant (Class III).

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