

3.10 Land Use and Planning

This section describes the regulatory and environmental setting for land use and planning in the program and individual project areas. It also describes impacts on land use and planning that could result from implementation of the program and the two individual projects.

3.10.1 Existing Conditions

Regulatory Setting

Federal

There are no federal regulations regarding land use and planning that apply to the program or proposed projects.

State

All cities and counties are required by the state to adopt a general plan establishing goals and policies for long-term development, protection from environmental hazards, and conservation of identified natural resources (California Government Code 65300). California Government Code Section 65302 lists seven elements or chapters that cities and counties must include in their general plans: land use, circulation, housing, conservation, open space, noise, and safety.

Of the mandatory general plan elements, the land use element typically has the broadest scope. This central element describes the desired distribution, location, and extent of the jurisdiction's land uses, which may include housing; business; industry; open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty; education, public buildings and grounds; solid and liquid waste disposal facilities; and other public and private uses of land.

Local

As stated above, land use and planning are the province of local governments in California. General plans lay out the pattern of future residential, commercial, industrial, agricultural, open space, and recreational land uses within a community. To facilitate implementation of planned growth patterns, general plans typically also include goals and/or policies addressing the coordination of land use patterns with the development and maintenance of infrastructure facilities and utilities.

Local jurisdictions implement their general plans by adopting zoning, grading, and other ordinances. Zoning identifies the specific types of land uses that are allowed on a given site and establishes standards for new development.

Lands within the program area are planned and managed according to the Alameda County General Plan. The Alameda County General Plan is split into three area plans; the program and proposed projects fall entirely within the ECAP.

East County Area Plan

The ECAP guides the future development and resource conservation within unincorporated eastern Alameda County, which encompasses more than 400 square miles around the cities of Dublin, Livermore, Pleasanton, and east of Hayward. This area extends from the Pleasanton/Dublin ridgeline on the west to the San Joaquin County line on the east and from the Contra Costa County line on the north to the Santa Clara County line on the south.

The ECAP contains goals, policies, and procedures regarding land use, including urban and rural development, sensitive lands and open space, public facilities, and special land uses (Alameda County 2000). Several of its land use policies and programs apply to the program and proposed projects. Various ECAP policies specifically relating to selected environmental resources (e.g., aesthetics, hazards and hazardous materials, noise) are presented in the regulatory setting discussions of those resource sections.

Relevant general open space land use policies are listed below.

Policy 52: The County shall preserve open space areas for the protection of public health and safety, provision of recreational opportunities, production of natural resources (e.g., agriculture, windpower, and mineral extraction), protection of sensitive viewsheds (see definition in Table 1 [of East Area County Plan]), preservation of biological resources, and the physical separation between neighboring communities (see Figure 4 [of East Area County Plan]).

Policy 53: The County shall preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive, rather than piecemeal, habitat conservation for all of East County. This open space should, as much as possible, be outside of the Urban Growth Boundary and contiguous to large open space areas of Contra Costa, Santa Clara, and San Joaquin Counties.

Policy 70: The County shall work with the East Bay Regional Park District (EBRPD), the Livermore Area Recreation and Park District (LARPD), and other relevant agencies to ensure that open space trails adjacent to San Joaquin, Contra Costa, and Santa Clara Counties connect with trail systems in these other counties.

Relevant agriculture land use policies are listed below.

Policy 71: The County shall conserve prime soils (Class I and Class II, as defined by the USDA Soil Conservation Service Land Capability Classification) and Farmland of Statewide Importance and Unique Farmland (as defined by the California Department of Conservation Farmland Mapping and Monitoring Program) outside the Urban Growth Boundary.

Policy 89: The County shall retain rangeland in large, contiguous blocks of sufficient size to enable commercially viable grazing.

Policy 92: The County shall encourage the retention of existing large parcels of greater than 320 acres in remote areas designated "Large Parcel Agriculture" or "Resource Management," where the parcels are not well served by roads, infrastructure, and services.

Relevant windfarm land use policies and implementation programs are listed below.

Policy 169: The County shall allow for continued operation, new development, redevelopment, and expansion of existing and planned windfarm facilities within the limits of environmental constraints.

Policy 170: The County shall protect nearby existing uses from potential traffic, noise, dust, visual, and other impacts generated by the construction and operation of windfarm facilities.

Environmental Setting

The program area is characterized by mostly treeless, rolling hills of annual grassland. Livermore, approximately 1 mile west of the program area boundary, is the nearest established community to the program area.

The primary land designation in the program area is Large Parcel Agriculture. The dominant land uses are wind energy generation, agriculture, and cattle grazing. The rural-residential districts on Dyer and Midway Roads are separate, small rural communities.

Golden Hills Project

Like the rest of the program area, the Golden Hills project area is characterized by rolling foothills of annual grassland, and it is mostly treeless. The land consists of undeveloped grazing land. The Golden Hills project area is zoned A (Agriculture), which is intended to promote implementation of general plan land use proposals (or designations) for agricultural and other nonurban uses.

Land use in the Golden Hills project area is designated as Large Parcel Agriculture. Permitted uses include a variety of agricultural and agricultural support uses. Wind generation is a conditionally permitted use, and privately owned wind electric generators appear throughout the project area.

Patterson Pass Project

Like the rest of the program area, the Patterson Pass project area is characterized by rolling foothills of annual grassland, and it is mostly treeless. The land consists of undeveloped grazing land. The Patterson Pass project area is zoned A (Agriculture), and privately owned wind electric generators are a conditionally permitted use.

The Patterson Pass Project area is designated as Large Parcel Agriculture.

3.10.2 Environmental Impacts

This section describes the impact analysis relating to land use for the proposed program and two individual projects. It describes the methods used to determine the impacts of the projects and program and identifies the thresholds used to conclude whether an impact would be significant. If applicable, measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany each impact discussion.

Methods for Analysis

Analysis of land use within the program area involved a review of the Alameda County Zoning Map, General Plan Land Designation Map, and other applicable land use plans to determine whether any land uses would be adversely affected. CEQA does not require an assessment of the degree to which a project conforms to land use policy or promotes general plan goals or objectives, with the exception of policies that have been adopted specifically to protect an environmental resource addressed by CEQA.

Determination of Significance

In accordance with Appendix G of the State CEQA Guidelines, program Alternative 1, program Alternative 2, the Golden Hills project, or the Patterson Pass project would be considered to have a significant effect if it would result in any of the conditions listed below.

- Physically divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Impacts and Mitigation Measures

Impact LU-1a-1: Physically divide an established community—program Alternative 1: 417 MW (no impact)

There are no established communities in the program area that would be bisected by any development associated with Alternative 1. The program area is in a rural area of Alameda County with only two small rural community districts. The program area and vicinity are primarily used for cattle grazing and wind energy production. The dominant land use category in the program area is rural. Accordingly, the program would not divide an established community. There would be no impact.

Impact LU-1a-2: Physically divide an established community—program Alternative 2: 450 MW (no impact)

There are no established communities in the program area that would be bisected by any development associated with Alternative 2. The program area is in a rural area of Alameda County with only two small rural community districts. The program area and vicinity are primarily used for cattle grazing and wind energy production. The dominant land use category in the program area is rural. Accordingly, the program would not divide an established community. There would be no impact.

Impact LU-1b: Physically divide an established community—Golden Hills Project (no impact)

There are no established communities within the Golden Hills project area. It is located in a rural area of Alameda County. This project area and vicinity are primarily used for cattle grazing and wind energy production. Accordingly, the Golden Hills Project would not divide an established community. There would be no impact.

Impact LU-1c: Physically divide an established community—Patterson Pass Project (no impact)

There are no established communities within the Patterson Pass project area. It is located in a rural area of Alameda County. The Patterson Pass project area and vicinity are primarily used for cattle grazing and wind energy production. Accordingly, the Patterson Pass Project would not divide an established community. There would be no impact.

Impact LU-2a-1: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect—program Alternative 1: 417 MW (no impact)

Program Alternative 1 consists of operational modifications, removal and replacement of wind turbines, and site reclamation in eastern Alameda County. Land uses within and adjacent to the program area include grazing land, scattered rural residences, and other windfarms. Program area lands are under agricultural use and are designated LPA. Wind energy production is a conditionally permitted use, and wind turbines exist throughout the program area. The program would not conflict with any applicable land use plan, policy, or regulation, including the Alameda County General Plan, the ECAP or the Alameda County Zoning Ordinance. As permitted in the ECAP, windpower operations are compatible with the preservation of open space, habitat conservation, and the County's trail system, and would therefore not conflict with Policies 52, 53, or 70 of the ECAP. The program would also be compatible with ECAP agricultural land use Policies 71, 89, and 92 for the preservation of prime soils, rangelands, and large parcels. The program would directly serve to implement Policies 169 and 170 regarding the continued and redeveloped use of land for windfarms, and the PEIR supports development of measures to mitigate adverse traffic, noise, dust, visual, and other effects of windfarms on existing sensitive land uses. Accordingly, program implementation would not result in any changes to existing land uses or pose any land use conflicts. There would be no impact. No mitigation is required.

Impact LU-2a-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect—program Alternative 2: 450 MW (no impact)

Program Alternative 2 consists of operational modifications, removal and replacement of wind turbines, and site reclamation in eastern Alameda County. Land uses within and adjacent to the program area include grazing land, scattered rural residences, and other windfarms. Program area lands are under agricultural use and are designated LPA. Wind energy production is a conditionally permitted use, and wind turbines exist throughout the program area. The program would not conflict with any applicable land use plan, policy, or regulation, including the Alameda County General Plan, the ECAP or the Alameda County Zoning Ordinance. As permitted in the ECAP, windpower operations are compatible with the preservation of open space, habitat conservation, and the County's trail system, and would therefore not conflict with Policies 52, 53, or 70 of the ECAP. The program would also be compatible with ECAP agricultural land use Policies 71, 89, and 92 for the preservation of prime soils, rangelands, and large parcels. The program would directly serve to implement Policies 169 and 170 regarding the continued and redeveloped use of land for windfarms, and the PEIR supports development of measures to mitigate adverse traffic, noise, dust, visual, and other effects of windfarms on existing sensitive land uses. Accordingly, program implementation would not result in any changes to existing land uses or pose any land use conflicts. There would be no impact. No mitigation is required.

Impact LU-2b: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect—Golden Hills Project (no impact)

The Golden Hills Project consists of operational modifications, removal and replacement of wind turbines, and site reclamation in several large parcels in eastern Alameda County. Land uses within and adjacent to the Golden Hills project area include grazing land, scattered rural residences, and other windfarms. Project area lands are under agricultural use with extensive windfarm operations. Wind turbines exist throughout the project area and constitute a conditionally permitted use. The Golden Hills Project would not conflict with any applicable land use plan, policy, or regulation, including the Alameda County General Plan, the ECAP or the Alameda County Zoning Ordinance. Accordingly, project implementation would not result in any changes to existing land uses or pose any land use conflicts. There would be no impact. No mitigation is required.

Impact LU-2c: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect—Patterson Pass Project (no impact)

The Patterson Pass Project consists of operational modifications, removal and replacement of wind turbines, and site reclamation in eastern Alameda County. Land uses within and adjacent to the Patterson Pass project area include grazing land, scattered rural residences, and other windfarms. Project area lands are under agricultural use with extensive windfarm operations. Wind turbines exist throughout the project area and constitute a conditionally permitted use. The Patterson Pass Project would not conflict with any applicable land use plan, policy, or regulation, including the ECAP or the Alameda County Zoning Ordinance. Accordingly, project implementation would not result in any changes to existing land uses or pose any land use conflicts. There would be no impact. No mitigation is required.

Impact LU-3a-1: Conflict with any applicable habitat conservation plan or natural community conservation plan—program Alternative 1: 417 MW (no impact)

The program area is not within an HCP or NCCP area. Accordingly, it would not conflict with an HCP or NCCP. There would be no impact.

Impact LU-3a-2: Conflict with any applicable habitat conservation plan or natural community conservation plan—program Alternative 2: 450 MW (no impact)

The program area is not within an HCP or NCCP area. Accordingly, it would not conflict with an HCP or NCCP. There would be no impact.

Impact LU-3b: Conflict with any applicable habitat conservation plan or natural community conservation plan—Golden Hills Project (no impact)

The Golden Hills project area is not within an HCP or NCCP area. Accordingly, it would not conflict with an HCP or NCCP. There would be no impact.

Impact LU-3c: Conflict with any applicable habitat conservation plan or natural community conservation plan—Patterson Pass Project (no impact)

The Patterson Pass project area is not within an HCP or NCCP area. Accordingly, it would not conflict with an HCP or NCCP. There would be no impact.

3.10.3 References Cited

Alameda County. 2000. *East County Area Plan*. Adopted May 1994. Modified by passage of Measure D, effective December 22, 2000. Oakland, CA.

