

## 3.9 Land Use and Planning

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>9. LAND USE AND PLANNING— Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 3.9.1 Environmental Setting

The majority of the Proposed Project would be located within unincorporated northwestern San Benito County and northeastern Monterey County. The Hollister Substation and a portion of the Hollister Pole Segment would be located within the City of Hollister sphere of influence; however, the City's General Plan would not be applicable unless and until the properties on which the Proposed Project would be located are annexed.

#### Existing Land Uses

From the Lagunitas Switches to Tower 3/21, the Hollister Tower Segment would head north within existing PG&E ROW located within Monterey County. Land uses in and surrounding this segment include grazing and agricultural rangeland. Around Tower 3/21, the Hollister Tower Segment would continue north to Tower 6/40A within existing PG&E ROW in San Benito County. Land uses in this area are also composed of primarily agricultural and rangeland uses with the exception of the portion of the line between Towers 4/27 and 5/31, which are and would continue to be located near a cluster of single family residences in the vicinity of Avenida Del Piero.

The Hollister Pole Segment would head west from the Hollister Substation to Tower 5/31 and would cross through hills and agricultural lands of San Benito County. With the exception of the 1.3-mile Proposed River Crossing, the Hollister Pole Segment would be located within existing PG&E ROW. The Proposed River Crossing would be located in agricultural and rangeland land uses, and would not be located within the vicinity of any residential communities. The Hollister Substation and the eastern portion of the Hollister Pole Segment would be located within the City of Hollister sphere of influence. This easternmost portion of the Hollister Pole Segment would be located approximately 0.5 mile north of an existing community in the Planning Area of the City of Hollister.

The project area does not fall within the geographic boundaries of any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## 3.9.2 Regulatory Setting

### 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 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., they would not require discretionary approval from a local decision-making body such as a planning commission, county board of supervisors 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

#### ***San Benito County General Plan***

The Proposed Project would traverse land designated as *Agricultural Productive* and *Agricultural Rangeland* in the General Plan. The *Agricultural Productive* designation protects lands that are identified as being prime agricultural lands. It also includes agriculturally productive lands of any type, including grazing land. The *Agricultural Rangeland* designation is assigned to remote hillside areas, watersheds and rangeland, such as Williamson Act lands, many of which have been classified as some form of open space within the Open Space and Conservation Elements of the County’s General Plan (San Benito County, 2005).

The San Benito County General Plan contains the following policy that would be applicable to the Proposed Project (San Benito County, 2005):

*Policy 2:* The types of uses allowed within the agriculturally designated areas shall be related to the suitability of the soil resources, climate and water supply. The types of uses allowed on most agriculturally designated areas within the County include agriculture, agricultural processing, grazing, land in its natural state, wildlife refuges, and low intensity residential. Uses subject to use permit approval include low intensity recreation facilities, mineral extraction and processing, and also institutional uses and uses that by their nature, should be located in undeveloped areas.

#### ***San Benito County Zoning Ordinance***

The Proposed Project would traverse parcels designated as *Agricultural Productive (AP)* and *Agricultural Rangeland (AR)* under the San Benito County Zoning Ordinance. The intent of the AP district is to provide areas within the County to be used for agricultural production of any type

as set forth in the general plan (San Benito County, 1984). Public utility facilities are allowed in the *AP* district with a conditional use permit. The intent of the *AR* district is to provide areas within the County to be used for agricultural rangeland purposes as set forth in the general plan (San Benito County, 1992). As with the *AP* district, public utility facilities are considered conditionally acceptable within the *AR* district.

### ***Monterey County General Plan***

The Proposed Project would traverse parcels designated as *Permanent Grazing* in the Monterey County General Plan. Lands designated as *Permanent Grazing* typically have 40 to 160 acre minimums and include a range of land uses to conserve and enhance the productive grazing lands in the County (Monterey County, 2007).

The Monterey County General Plan contains the following policy that would be applicable to the Proposed Project (Monterey County, 2007):

*Policy LU-1.12:* Structures in electrical transmission corridors or rights-of-way shall be prohibited.

### ***Monterey County Zoning Ordinance***

The Proposed Project would traverse parcels designated as *Permanent Grazing* in the Monterey County Zoning Ordinance. The *Permanent Grazing* designation provides a district to preserve, protect, and enhance those productive exclusive grazing lands in the County of Monterey. Uses generally permitted in this district include all soil dependent agricultural uses including crop and tree farming, dry land farming, livestock farming, greenhouses and vineyards. Public and quasi-public land uses such as public utilities are conditionally permitted within this district (Monterey County, 1997).

### ***City of Hollister General Plan***

The Proposed Project would be located on lands that are within the City's sphere of influence, which have not been annexed to the City; therefore, the City of Hollister General Plan would not be applicable to the Proposed Project unless and until annexation occurs.

If annexed, the Proposed Project would be located on land designated as *Agricultural* and *High Density Residential* in the City of Hollister General Plan. The *Agricultural* designation encompasses lands with continuing commercial agriculture potential. Land uses allowed within the *Agricultural* designation include orchards, row crops, nurseries, grazing lands, open space, farm services and parks. The *High Density Residential* designation is intended to provide opportunities for multiple-family residential development in a well-designed environment. Land uses allowed within the *High Density Residential* designation include multi-family apartments, condos, row houses, apartments, court homes, and cluster housing (City of Hollister, 2005).

The City of Hollister General Plan contains the following policy that would apply to the Proposed Project if it were proposed within City limits (City of Hollister, 2005):

Policy LUI.5: Maintain the exiting regulations that promote the undergrounding of utility lines.

### ***City of Hollister Zoning Ordinance***

Given that the City of Hollister's zoning regulations only apply to land with the city limits and the Proposed Project is located on parcels that are not currently annexed; the City of Hollister zoning regulations would not be applicable to the Proposed Project. Furthermore, the Proposed Project would not traverse any parcels that have been pre-zoned by the City of Hollister (Prado, 2010 and Johnson, 2010).

## **3.9.3 Applicant Proposed Measures**

No applicant proposed measures have been identified by PG&E to reduce land use and planning impacts associated with the Proposed Project.

## **3.9.4 Environmental Impacts and Mitigation Measures**

### **a) Physically divide an established community: *NO IMPACT.***

The Hollister Tower Segment traverses primarily agriculture and grazing land with the exception of a cluster of residences located near Avenida Del Piero in unincorporated San Benito County. This segment is located entirely within existing PG&E ROW, where similar infrastructure currently exists. Therefore, replacement of towers and conductors along the Hollister Tower Segment would not physically divide an established community. Therefore, the Hollister Tower Segment would have no impact on an established community.

The Hollister Pole Segment would be located within existing PG&E ROW with the exception of the 1.3-mile Proposed River Crossing alignment, which would traverse agricultural lands in a new ROW. Given that the majority of the pole segment would be located within existing ROW where similar infrastructure currently exists, and that the proposed power line in new ROW would not divide an established community, the Hollister Pole Segment would have no impact on an established community.

The Hollister Substation is located on an approximately 1.7-acre site primarily surrounded by agricultural lands. The substation is an existing use, and implementation of the Proposed Project would not result in any changes to the substation that would physically divide an established community; therefore, the Hollister Substation would have no impact on 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, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect: *NO IMPACT.***

The CPUC has sole and exclusive permitting jurisdiction over the siting and design of the Proposed Project. Therefore, the Proposed Project would be exempt from local land use and

zoning regulations and discretionary permitting. Therefore, the Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. Thus, no related impact would result.

However, CPUC General Order No. 131-D requires that in locating a project “the public utility shall consult with local agencies regarding land use matters.” Therefore, a local land use consistency analysis is provided below, for informational purposes only.

#### ***San Benito County General Plan***

The Proposed Project would traverse land designated by the San Benito County General Plan as *Agricultural Productive* and *Agricultural Rangeland*. However, with the exception of the 1.3-mile Proposed River Crossing alignment, the Proposed Project would be located within existing PG&E ROW where similar infrastructure currently exists. Therefore, the existing land use would not change. Although the proposed 1.3 mile river crossing would be located in new ROW, the Proposed Project would be consistent with General Plan Policy 2, which allows institutional uses within agriculturally designated areas. The Hollister Substation is located on land designated by the San Benito County General Plan as *Agricultural Productive*. Given that all modifications to the Substation would occur within the existing fenceline, the existing land use would not change as a result of the Proposed Project. Therefore, the Proposed Project would not conflict with the San Benito County General Plan.

#### ***San Benito County Zoning Ordinance***

The Proposed Project would traverse parcels zoned as *AR* and *AP* in the San Benito County Zoning Ordinance. In these zones, public utility facilities are conditionally permitted uses. However, given that the CPUC has sole and exclusive jurisdiction over the siting and design of the Proposed Project, a discretionary permit would not be required. Furthermore, aside from the 1.3-mile Proposed River Crossing, the Proposed Project would be constructed within existing PG&E ROW and all activities at the Hollister Substation would occur within the existing fenceline. Therefore, since the Proposed Project would not result in a land use change, it would not conflict with the San Benito County Zoning Ordinance.

#### ***Monterey County General Plan***

The Proposed Project would traverse parcels designated as *Permanent Grazing*. The Monterey County General Plan does not discuss the allowance or disallowance of power line facilities within this land use designation. However, the portion of the Proposed Project within Monterey County would be constructed entirely within existing PG&E ROW where similar infrastructure currently exists. Therefore, since the Proposed Project would not result in a change to existing land use, it would not conflict with the Monterey County General Plan.

#### ***Monterey County Zoning Ordinance***

The Proposed Project would traverse parcels zoned as *Permanent Grazing*. This zoning designation allows public/quasi public uses (including utility lines) with approval of a use permit. However, given that the CPUC has sole and exclusive jurisdiction over the siting and design of

the Proposed Project, a discretionary permit would not be required. Furthermore, the Proposed Project would be constructed entirely within existing PG&E ROW in Monterey County. Therefore, since the Proposed Project would not result in a change to existing land use, it would not conflict with the Monterey County Zoning Ordinance.

#### ***City of Hollister General Plan***

The Hollister Substation and a portion of the Hollister Pole Segment are located within the City of Hollister's sphere of influence. The City's General Plan would not be applicable unless and until the properties on which the Proposed Project would be located are annexed. The Proposed Project would be located on land designated as *Agricultural* and *High Density Residential*. Given that the portion of the Proposed Project located within the City of Hollister's Sphere of Influence would be located within existing PG&E ROW and therefore would not result in a change to land use, the Proposed Project would not conflict with the City of Hollister General Plan.

#### ***City of Hollister Zoning Ordinance***

The City of Hollister zoning regulations only apply to lands within the City limits. Therefore, such regulations would not apply to the Proposed Project as it is located in an unincorporated planning area. Thus, the Proposed Project would not conflict with the City of Hollister Zoning Ordinance.

#### **c) Conflict with any applicable habitat conservation plan or natural community conservation plan: *NO IMPACT.***

No habitat conservation plan or natural community conservation plan has been adopted in the project area. Therefore, no such plan would apply to the Proposed Project and the Proposed Project would not conflict with any such plan. Accordingly, the Proposed Project would have no impact on any applicable habitat conservation plan or natural community conservation plan.

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## **References**

- City of Hollister, 2005. *City of Hollister General Plan, Chapter 2: Land Use and Community Design Element*, adopted December 5, 2005.
- Johnson, Judy. Executive Director, San Benito County Local Agency Formation Commission. Phone conversation, March 10, 2010.
- Monterey County, 2007. *Monterey County General Plan, Chapter 2.0 - Land Use Element*, adopted January 3, 2007.
- Monterey County, 1997. *Monterey County Code, Chapter 21.34 – Regulations for Permanent Grazing Zoning Districts or "PG" Districts*, codified 1997.
- Prado, Abraham, 2010. Assistant Planner, Planning Department, City of Hollister. Phone conversation, March 10, 2010.

San Benito County, 1984. *Code of Ordinances, Section 25.07.020*, codified 1984.

San Benito County, 1992. *Code of Ordinances, Section 25.07.003*, codified 1992.

San Benito County, 2005. *General Plan, Land Use Element*, last amended April 5, 2005.

