

## 5.10 Land Use and Planning

### 5.10.1 Environmental Setting

The proposed Cressey-Gallo 115 kV Power Line would be located in the San Joaquin Valley in Merced County, California near the community of Cressey and the City of Livingston. The project route is oriented primarily east-to-west between Cressey Substation and Gallo Substation, intersecting with SR-99 south of the City of Livingston. The project location is shown in Figure 4-1 and in detail on Figures 4-3a through 4-3h in Section 4 (Project Description).

A majority of the project route is designated for agricultural use and is zoned as General Agricultural by Merced County. Within a half-mile of the project route southwest of Cressey Substation, small areas are designated as Agricultural Residential, Single-Family Residential, General Commercial, and General Manufacturing land uses. The corresponding Merced County zoning designations for these areas are Agricultural Residential, Residential, General Commercial, and Industrial, respectively (PG&E 2011; Merced County 1990 and 2011a). Figure 5.2-1 in Section 5.2 (Agriculture and Forestry Resources) shows existing agricultural uses within the project corridor (within 0.5 miles of the proposed power line), and Figures 5.10-1a through 5.10-1d, at the end of this section, show residences in the project area. The project route would divide parcel 140-190-051 near the intersection of Mercedes Avenue and Cressey Way.

### Regulatory Setting

#### *Federal*

**PG&E San Joaquin Valley Operations and Maintenance Habitat Conservation Plan.** Section 10 of the federal Endangered Species Act allows for issuance of incidental take permits for endangered species to private parties provided a Habitat Conservation Plan (HCP) is developed and approved. Typically, a private party initiates consultation with USFWS or National Oceanic and Atmospheric Administration (NOAA) Fisheries to discuss target species in a project area, and then the private party prepares an HCP, which must be approved by USFWS or NOAA Fisheries. The HCP assesses the potential for the project to adversely affect federally listed species and presents the measures that will be undertaken to avoid and minimize such impacts.

PG&E has a habitat conservation plan (HCP) for its operations and maintenance activities in the San Joaquin Valley, the PG&E San Joaquin Valley Operations & Maintenance Habitat Conservation Plan (Jones and Stokes, 2006b). This HCP covers 23 wildlife and 42 plant species for 33 routine operations and maintenance activities for PG&E's electric and gas transmission and distribution systems within nine counties of the San Joaquin Valley, including Merced County. The Proposed Project is within the boundaries of this HCP. The compatibility of the project with this HCP is discussed in Section 5.10.2(c).

#### *State and Local*

The Proposed Project is located within Merced County; however, the CPUC has exclusive jurisdiction over the design, siting, installation, operation, maintenance, and repair of electric transmission facilities, pursuant to Article XII, Section 8 of the California Constitution. Therefore, the Proposed Project is not subject to local discretionary regulations. However, as part of the CEQA impact assessment, this analysis addresses the compatibility of the Proposed Project with local policies. This analysis reviews land use policies contained in the following: Merced County Year 2000 General Plan (1990), 2030 Merced County General Plan Public Review Draft (2011), Merced County Public Works Standards, and the City of Livingston 2025 General Plan (2008).

**Merced County General Plan.** The Merced County General Plan contains policies and goals related to land use in the County. The existing Merced County General Plan is the Merced County Year 2000 General Plan (1990). There is also a public review draft available for the 2030 Merced County General Plan (2011). Nearly all of the land within the Proposed Project area is designated for agricultural use; see Section 5.2 (Agriculture and Forestry Resources) for descriptions of Merced County General Plan land use designations and zoning districts in the project corridor.

**Merced County Public Works Standards.** The Merced County Department of Public Works Improvement Standards and Specifications (2009), Appendix A (Utilities Occupying County Roadways), contains standards and specifications for power pole placement. Appendix A establishes procedures and policies for the issuance of encroachment permits for placement, relocation, and maintenance of utilities in or adjacent to County roadways.

**City of Livingston General Plan.** Limited portions of the project are located within the Sphere of Influence for the City of Livingston which is covered under the City of Livingston 2025 General Plan (City of Livingston, 2008). The City of Livingston 2025 General Plan provides policy direction for land uses within the current city limits, the City’s Sphere of Influence, and areas outside of the city limits within the unincorporated area of Merced County. While the City does not have land use authority over land areas outside of the City, the 2025 General Plan provides direction on the City’s vision for land use within the SOI should those areas be annexed to the City.

**Applicant Proposed Measures**

PG&E proposes to implement measures during the design, construction, and operation of the Proposed Project to ensure it would occur with minimal environmental impacts in a manner consistent with applicable rules and regulations. Applicant Proposed Measures (APMs) are considered part of the Proposed Project in the evaluation of environmental impacts. CPUC approval would be based upon PG&E adhering to the Proposed Project as described in this document, including this project description and the APMs, as well as any adopted mitigation measures identified by this Initial Study (see Table 5.10-1).

**Table 5.10-1. Applicant Proposed Measures (APMs) Related to Land Use and Planning**

APM Number	Issue Area
<b>Land Use and Planning</b>	
APM LU-1	<p><b>Agriculture Impacts Avoidance and Compensation.</b> To avoid or minimize potential less-than-significant impacts to agriculture, PG&amp;E will work with farmers and ranchers to schedule project work, to the extent feasible, around their harvest and planting periods. Access across active fields will be negotiated with the farmer and/or landowner in advance of any construction activities. In areas containing permanent crops (i.e., grape vines, orchard crops, etc.) that must be removed to gain access to pole sites for construction purposes, PG&amp;E will provide compensation to the farmer and/or landowner in accordance with its Project Damage Assessment and Resolution Program.</p>

### 5.10.2 Environmental Impacts and Assessment

#### LAND USE PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

Significance criteria established by CEQA Guidelines, Appendix G.

**a. Would the project physically divide an established community?**

*LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.* The project would not physically divide an established community; however, it would divide parcel 140-190-051, an existing orchard and would not remain along the borders of existing lots. APM LU-1 would require PG&E to avoid agriculture impacts and compensate farmers and/or landowners for impacts to permanent crops, but it does not address the division of existing parcels. To reduce this impact to less than significant levels, Mitigation Measure L-1 would be required to reroute the transmission line to the eastern edge of the property along the existing property line, with the utility easement contiguous with the existing property line along the southerly and easterly boundaries. The power line would likely mostly be located in the second row of trees in from the easterly property line, except on the southern end. As with the Proposed Project, final design would determine final power pole locations.

**MM L-1 Re-route the proposed transmission to avoid dividing a parcel.** PG&E shall reroute the proposed Cressey-Gallo transmission line route north of Arena Way after the crossing of the existing irrigation canal to follow the eastern property line of parcel 140-190-051, as shown in Figure 5.10-2. PG&E shall coordinate with the property owner and use techniques such as strain poles, to reduce interference with the farming operation consistent with feasibility and engineering requirements. PG&E shall submit an engineering sketch or other construction plan for the re-route demonstrating compliance with this measure to the CPUC for review prior to the start of construction of this section of the project

**Environmental Assessment of Implementation of Mitigation Measure L-1**

Implementation of Mitigation Measure L-1 (Re-route the proposed transmission to avoid dividing a parcel) would relocate the proposed line about 500 feet east of the proposed route to follow the property line of parcel 140-190-051. This route would located the line further from the nearest residence to the west of the line, 1,000 feet instead of 500 feet, and closer to the nearest residence to the east of the line, 1,000 feet instead of 1,500 feet. Both routes cross have the same irrigation crossing and both routes would affect existing agricultural operations at parcel 140-190-051. Impacts to agricultural operations would be reduced to below the level of significance with implementation of APMs and Mitigation Measure AG-1 (Coordinate with Landowners, Farmers, and Ranchers Regarding Construction Activities).

The overall length of the proposed route would not change with implementation of this measure. Therefore, the length and intensity of short-term construction impacts and ground disturbance impacts in air

quality, noise, transportation and traffic, hazardous materials related to environmental contamination, and geologic resources related to soil erosion would be similar. The re-route has not been surveyed for biological and cultural resources; as such, Mitigation Measures B-1 (Preconstruction surveys) and C-1 (Conduct Preconstruction Cultural Resources Surveys for Areas Not Previously Surveyed) would be required. The potential to disturb unknown cultural resources and impact vegetation and wildlife, including noxious weed introduction, would also be comparable and the same APMs and associated mitigation measures would apply.

Overall, implementation of Mitigation Measures L-1 would reduce potentially significant impacts to land use, and would not result in new potentially significant impacts to other issue areas.

***b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?***

*LESS THAN SIGNIFICANT IMPACT.* Land use and zoning designations in the project corridor are described in the Regulatory Setting in Section 5.2 (Agricultural and Forestry Resources). Figure 5.2-1 in Section 5.2 (Agriculture and Forestry Resources) shows existing agricultural uses within the project corridor (within 0.5 miles of the proposed power line), and Figures 5.10-1a through 5.10-1d, at the end of this section, show residences in the project area. Compatibility with General Plan policies related to aesthetics is addressed in Section 5.1 (Aesthetics); compatibility with local noise ordinances is addressed in Section 5.12 (Noise); and compatibility with local transportation policies is addressed in Section 5.16 (Transportation and Traffic).

As described in Section 5.2.1(b), the Proposed Project would not require any changes in the land use designations or zoning established in the Merced County General Plan. The Proposed Project is compatible with the policies related to agricultural land use in the Merced County Year 2000 General Plan and the review draft of the 2030 Merced County General Plan (Merced County, 2011b). In keeping with the agricultural preservation goals in the Agriculture Element and the Land Use Element of the Merced County Year 2000 General Plan and the 2030 Merced County General Plan Public Review Draft, the Proposed Project would not convert agricultural land to non-agricultural use or permanently interfere with any agricultural use of the land within the project corridor. The Proposed Project does not conflict with General Plan goals related to directing urban growth toward urban areas because while the project route is located in a predominantly agricultural area, it is intended to increase service reliability, including reliability of electric service for agricultural operations. The Proposed Project would not trigger an increase in urban growth in the area that would contribute to the conversion of agricultural land.

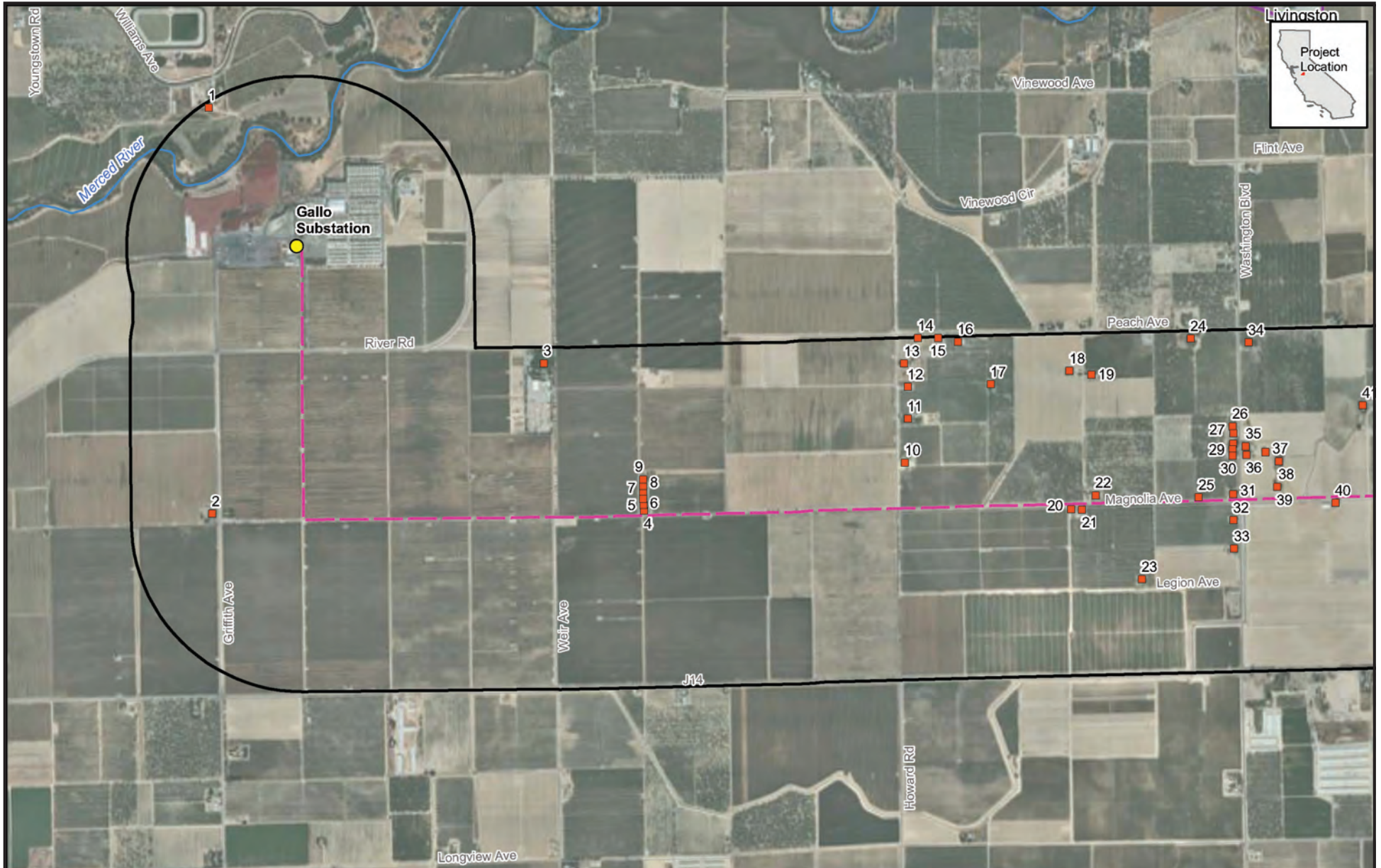
The Proposed Project would require PG&E to obtain right-of-way easements on 67 privately owned parcels in along the power line route. Properties where PG&E would need to acquire easements for the proposed power line are listed in Table A-1 in Appendix A (Affected Properties) in the PG&E's Application (A.11-11-020) to the CPUC (PG&E, 2011). The new right-of-way for the Cressey-Gallo 115 kV Power Line would be approximately 40 feet wide when located on private property, and new poles would be located in the center of the right-of-way. PG&E would work with affected landowners to purchase easements for this right-of-way at fair market value. Adjacent to county roads, the right-of-way is expected to be approximately 22 to 25 feet wide and poles would be located on private property within approximately 2 to 5 feet of the edge of the county road right-of-way. The power line would be within the county road right-of-way to either side the SR-99 crossing along Arena Way. PG&E's acquisition of right-of-way easements and other components of the project would be consistent with the Merced County Department of Public Works Improvement Standards and Specifications for power pole placement. In addition,

APM LU-1 commits the Applicant to coordinating with landowners, farmers, and ranchers in the project corridor regarding construction activities. With the implementation of this measure, impacts related to conflicts with local plans or policies would be less than significant.

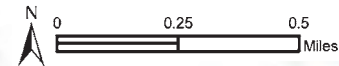
***c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?***

*NO IMPACT.* The PG&E San Joaquin Valley Operations & Maintenance Habitat Conservation Plan (Jones & Stokes, 2006) is the only HCP or natural community conservation plan (NCCP, the California Endangered Species Act version of a federal HCP) that applies to the project. Compliance with this HCP is addressed in Section 5.4.2(f) (Biological Resources, Environmental Impacts and Assessment). Operations and maintenance activities for the proposed power line would comply with the avoidance and minimization measures in the HCP. The HCP covers 23 wildlife and 42 plant species for 33 routine operations and maintenance activities for PG&E's electric and gas transmission and distribution systems within nine counties of the San Joaquin Valley, including Merced County. Construction activities are not covered by the HCP, but the APMs for biological resources (see Section 5.4) are compatible with the requirements in the HCP. Therefore, the project would not conflict with any applicable HCP or NCCP, and no impacts would occur.

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- Substation
- Cressey-Gallo Power Line Route
- Half-mile Radius Around Power Line Route
- City Boundary
- State Highway
- Road
- River
- Residence
- Residential Area
- School



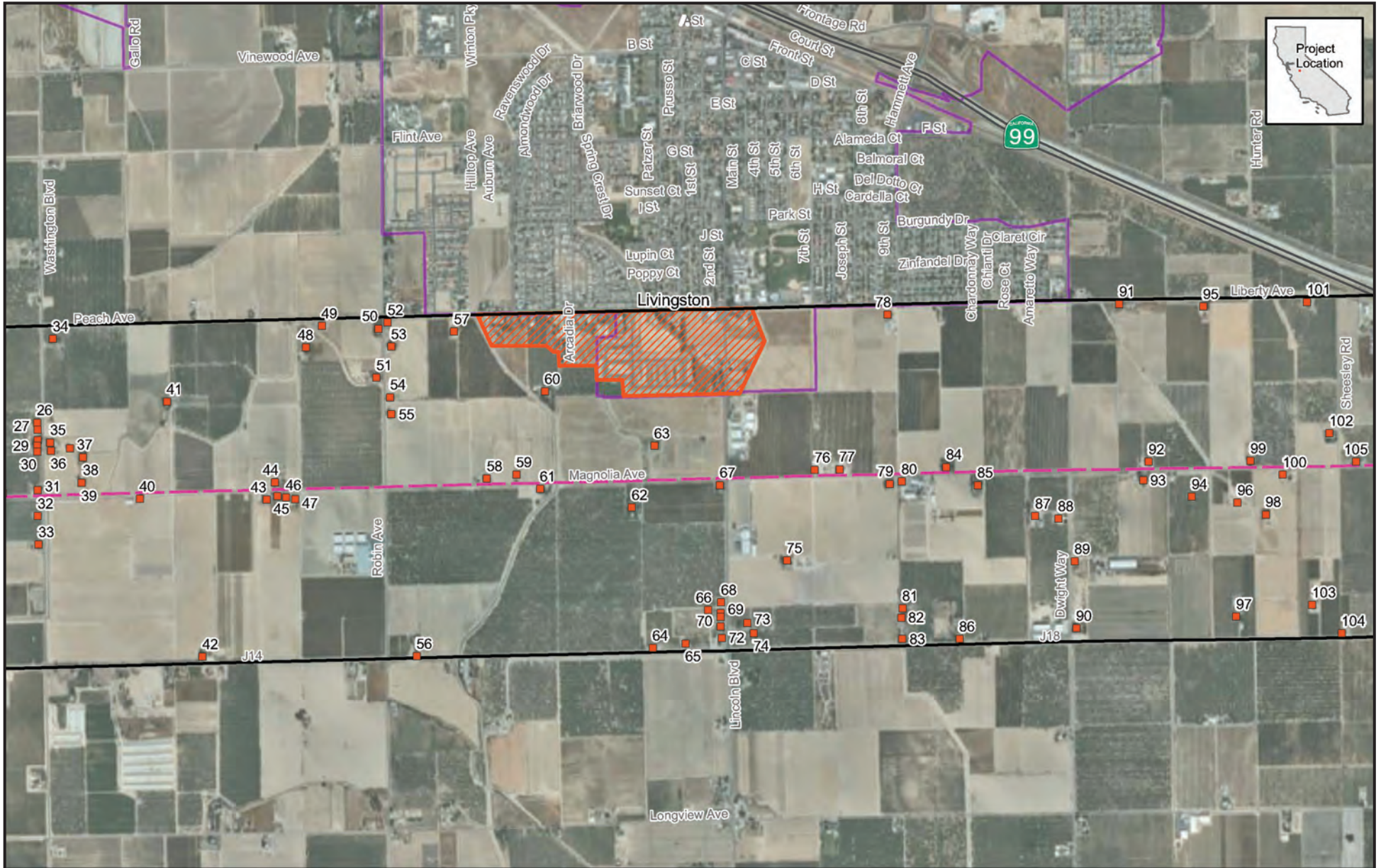
**Figure 5.10-1a**  
**Sensitive Receptors**



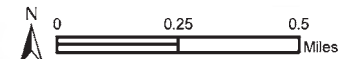
Source: PG&E, 2011.

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- Substation
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- Half-mile Radius Around Power Line Route
- City Boundary
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- Road
- River
- Residence
- Residential Area
- School

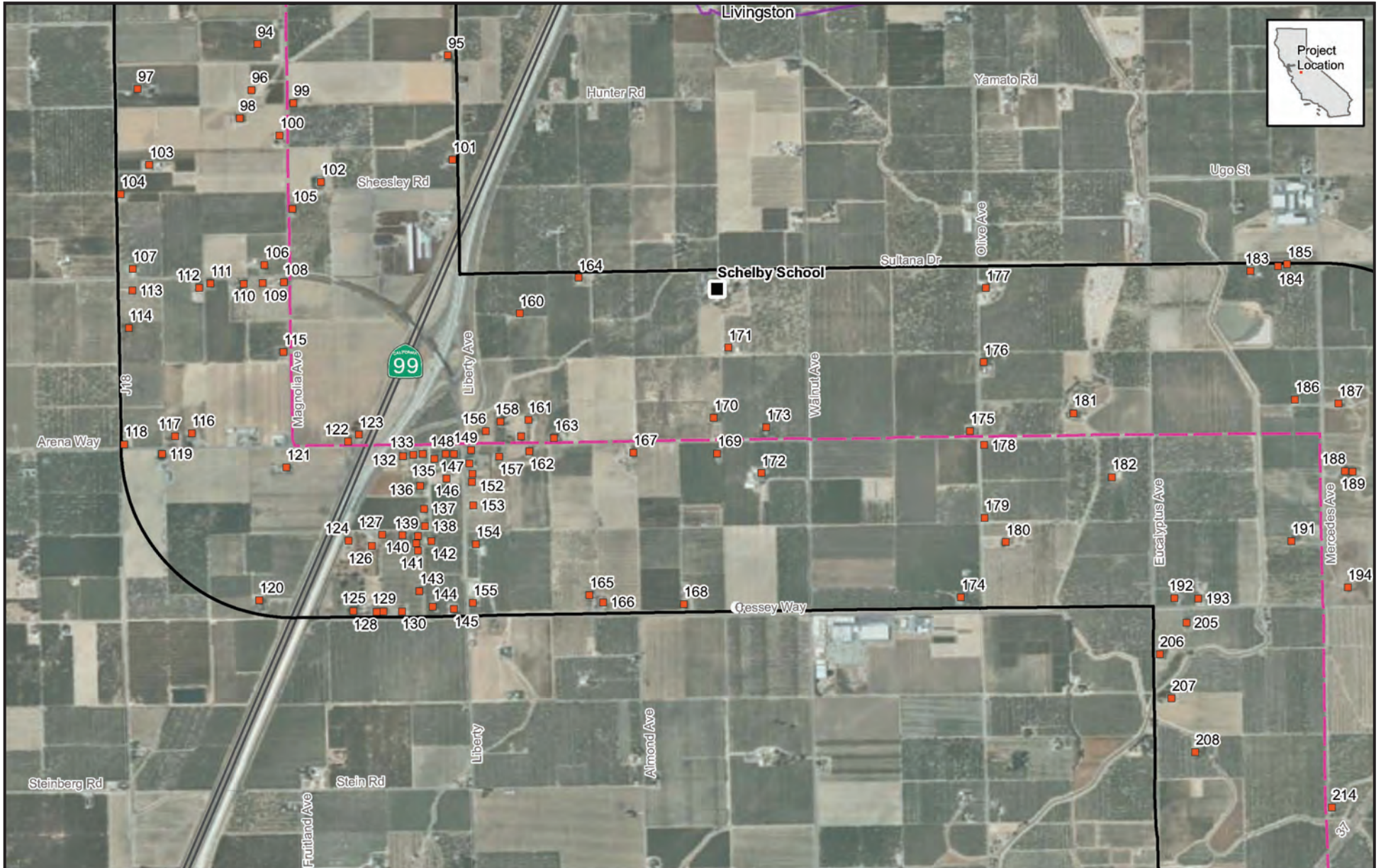


**Figure 5.10-1b**  
**Sensitive Receptors**



Source: PG&E, 2011.

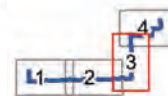
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- Substation
- Cressey-Gallo Power Line Route
- Half-mile Radius Around Power Line Route
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- River
- Residence
- Residential Area
- School

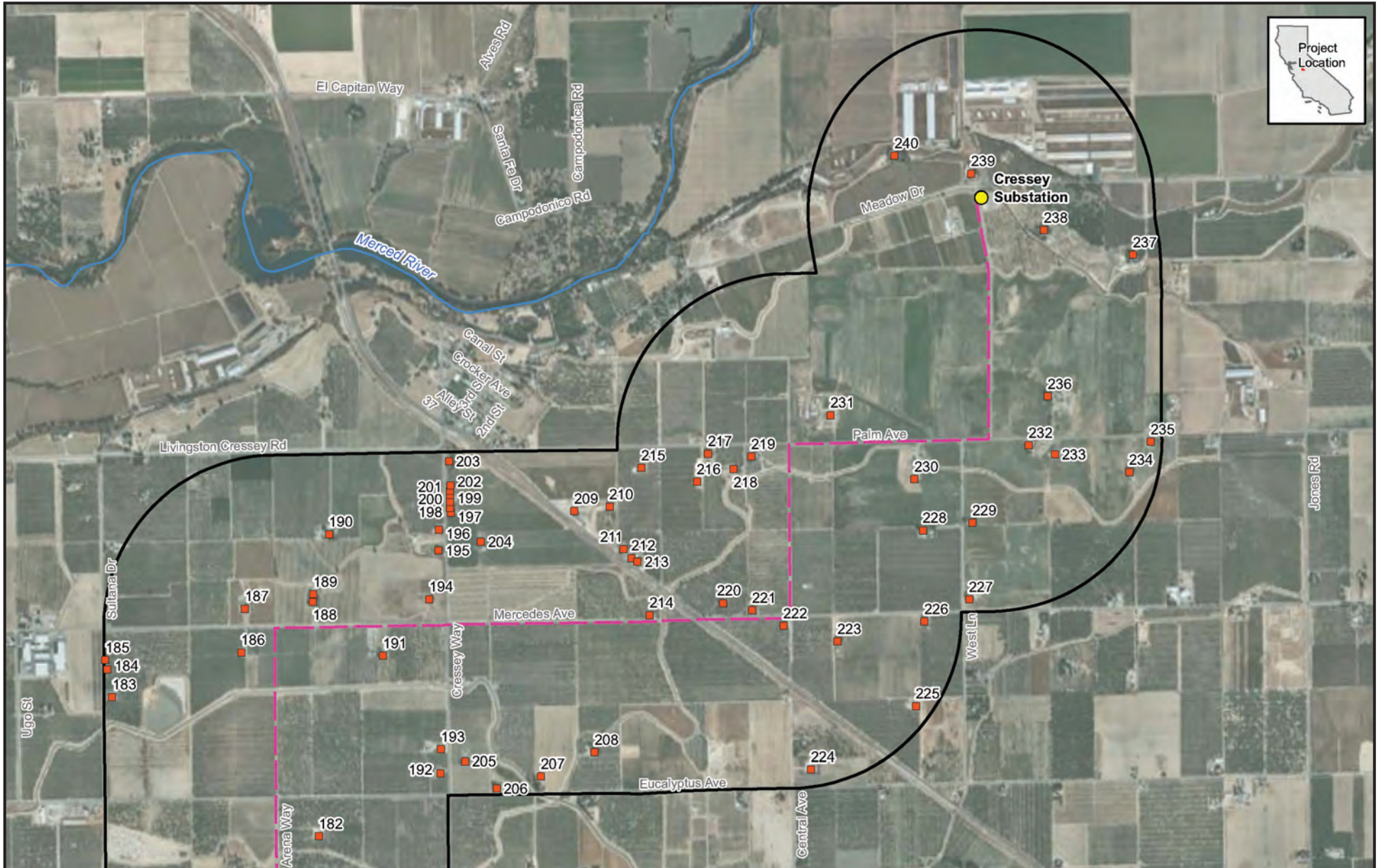


Source: PG&E, 2011.

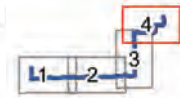
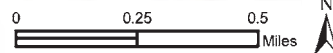


**Figure 5.10-1c**  
**Sensitive Receptors**

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- Substation
- Cressey-Gallo Power Line Route
- Half-mile Radius Around Power Line Route
- City Boundary
- State Highway
- Road
- River
- Residence
- Residential Area
- School



Source: PG&E, 2011.

**Figure 5.10-1d**  
**Sensitive Receptors**

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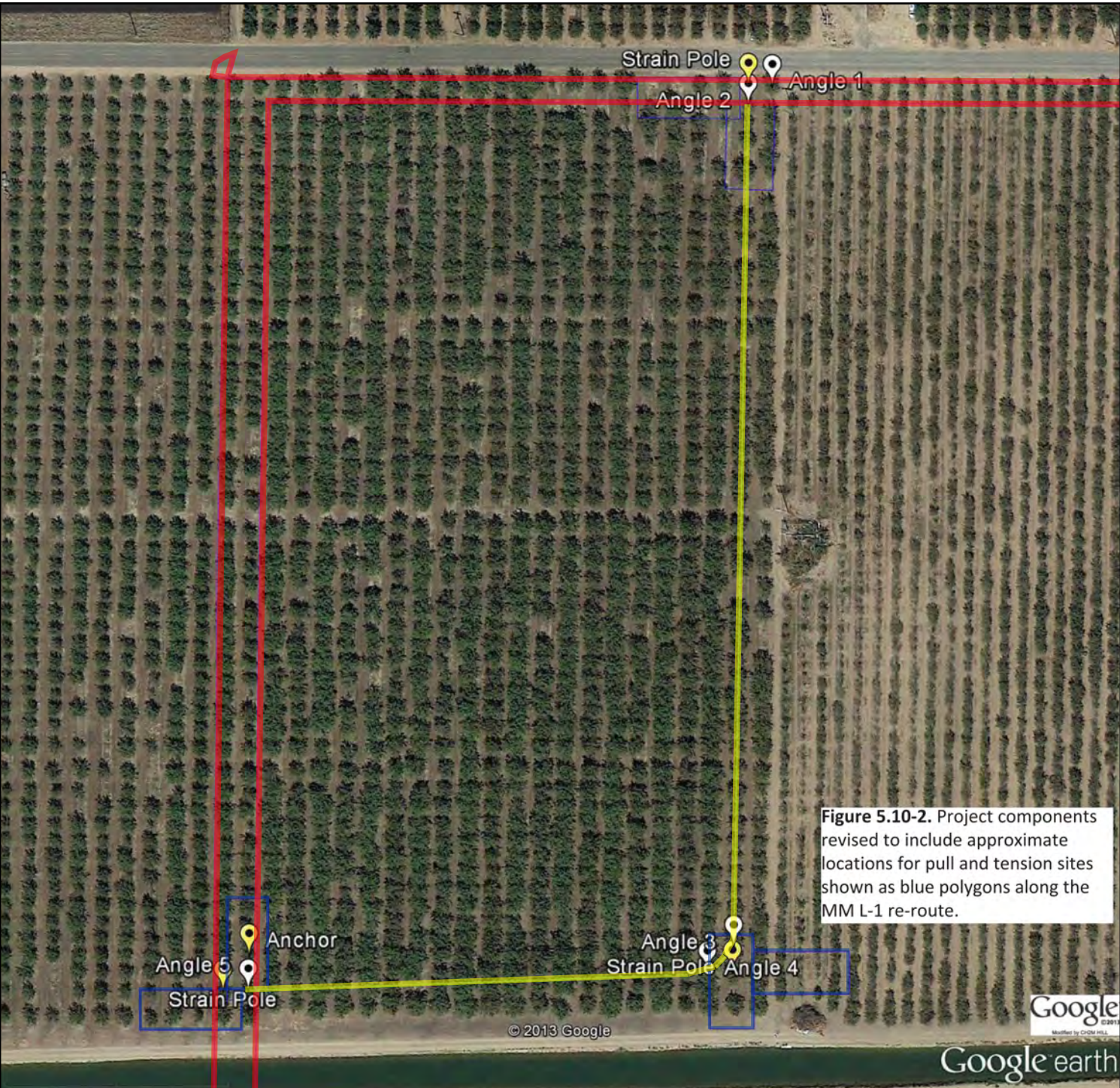


Figure 5.10-2. Project components revised to include approximate locations for pull and tension sites shown as blue polygons along the MM L-1 re-route.

— MM L-1 Re-route  
— Proposed Project

Source: PG&E, 2013.



**Figure 5.10-2**  
**Mitigation Measure L-1 Re-route**

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