

7.10 LAND USE AND PLANNING

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7.10.1 INTRODUCTION

7.10.1.1 Content

This section describes the impacts of the Monterey Amendment and the Settlement Agreement on land use resources (land use and planning). Only some elements of the Monterey Amendment and the Settlement Agreement have the potential to directly affect land use resources. The elements with the potential to directly affect land use resources are shown in Table 7.10-1.

TABLE 7.10-1		
IMPACTS OF PROPOSED PROJECT ELEMENTS ON LAND USE AND PLANNING		
Proposed Project Element	Potentially Affected Environmental Resources	Impact Number
Monterey Amendment		
Reallocation of water supplies in droughts	Changes in land uses associated with changes in agricultural practices	7.10-1
Permanent transfers of water	Changes in land uses associated with changes in agricultural practices	7.10-1
Transfer of Kern Fan Element lands	Changes in land use associated with construction and operation of groundwater storage facilities in Kern Fan Element	7.10-1
Water supply management practices	Changes in land use associated with construction and operation of groundwater storage facilities	7.10-1
Restructured financial arrangements	NA	NA
Settlement Agreement		
Substitute Table A amount for entitlement	NA	NA
Disclosure of SWP delivery capabilities	NA	NA
Guidelines on permanent transfers	NA	NA
Guideline for public participation	NA	NA
Restrictions on Kern Fan Element lands	Changes in land use associated with development of 490 acres of land in Kern Fan Element	7.10-1
Watershed forum in Plumas	NA	NA
Amendment of Plumas SWP contract	NA	NA
Funding for plaintiffs	NA	NA
<small>Note: NA – Not Applicable.</small>		

During public review of the NOP for this EIR, interested parties submitted no comments on land use and planning.

7.10.1.2 Analytical Method

The assessment of impacts to land use resources was conducted in accordance with standard professional practices for CEQA documents. Factors considered in the analysis included:

- the actual and projected nature and magnitude of changes in land use;
- the number of established communities that would be physically divided; and
- likely reactions to changes in land uses.

Substantial changes are defined as changes beyond those normally observed because of historical variation or fluctuation, changes that are disproportionate to any previously experienced or irreversible changes that would negatively affect an average person's impression of an area.

7.10.1.3 Standards of Significance

The following standards of significance are based on Appendix G of the CEQA guidelines. For the purposes of this EIR, impacts to land use resources would be considered significant if the proposed project would:

- 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 the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- conflict with any applicable habitat conservation plan or natural community conservation plan.

7.10.2 ENVIRONMENTAL SETTING

7.10.2.1 Physical Setting in 1995

Southern San Joaquin Valley Portion of Kern County Including Kern Fan Element

In 1998, Tenneco West sold approximately 20,000 acres of land in the Kern Fan to the Department. The Department began examining ways to use the Kern Fan Element of the Kern Water Bank as a groundwater storage facility for SWP water. In 1993, uncertainties regarding the proposed groundwater storage facility ultimately convinced the Department to halt feasibility studies and design work on the project.¹ The uncertainties were created by proposed water quality standards for the Delta and issues associated with the protection of threatened and endangered species, both of which would have reduced the amount of water that could be pumped from the Delta. Later, the Department concluded that these constraints on Delta pumping made development of an SWP groundwater storage facility in the Kern Fan Element not feasible at the time.² In 1994, the potential of the Kern Fan Element for groundwater storage remained unrealized and the land in the Kern Fan Element remained undeveloped.

7.10.2.2 Changes in Physical Setting between 1996 and 2003

The land use designations in the Kern Fan Element have remained unchanged since 1994. Therefore, the environmental setting described under 1995 conditions for southern San Joaquin Valley portion of Kern County (including the Kern Fan) is the same under 2003 conditions.

7.10.2.3 Regulatory Setting in 1995

Regulations related to land use relevant to the proposed project are described below.

Federal

There are no applicable federal regulations pertaining to land use.

State

There are no applicable state regulations pertaining to land use.

Local

General Plans of the various counties and cities of California contain goals and policies to address land use. Individual projects under the proposed project would be expected to be consistent with goals and policies in applicable General Plan documents.

7.10.2.4 Changes in Regulatory Setting between 1996 and 2003

There has been no change in regulations governing land use; therefore, the regulatory setting described under 1995 conditions applies to conditions from 1996 to 2003 as well.

7.10.3 IMPACTS AND MITIGATION MEASURES

7.10-1 Implementation of the proposed project could potentially change land use designations, thereby physically dividing an established community in the southern San Joaquin Valley portion of Kern County.

1996 — 2003

It is possible that some land was converted to permanent crops as a result of the proposed project. As discussed in Section 7.6, Agricultural Resources, this was an existing trend. In addition, a change in cropping patterns would not represent a change in land use since the land would remain in agricultural production. If the land use planning authority did change existing land use designations and zoning, the appropriate environmental review would have been conducted to approve such a change at that time.

In 1995, the Monterey Amendment added Article 52 to the SWP contracts, and required the Department to convey state-owned land, other property and water in the Kern Fan Element to KCWA. Some SWP water had already been placed in storage in the Kern Fan Element at the time that the Monterey Amendment was negotiated as a result of the Berrenda Mesa Demonstration Program and the La Hacienda Water Purchase Program. Article 52 required that one-half of the stored SWP water would remain SWP water but the other half would be transferred to Kern County Water Agency.

In 1995, the Kern Water Bank Authority (KWBA) constructed 3,034 acres of recharge ponds. From 1998 through 2003, an additional 4,080 acres were converted to shallow percolation ponds, for a total of 7,114 acres in 2003 in the Kern Fan Element. KWBA also constructed the Kern Water Bank Canal, and a six-mile long earthen canal extending from the Kern River to the California Aqueduct.³ Elsewhere in Kern County, outside of the Kern Fan Element, approximately 520 acres of percolation ponds were developed as part of other groundwater storage projects.

A Habitat Conservation Plan (HCP) was developed for the Kern Fan Element. The HCP allows developed uses on about 4,000 acres of the Kern Fan Element.⁴ Developed uses include farming, permanent facilities for the Kern Water Bank and commerce. Approximately 490 acres of land adjacent to Interstate 5 (I-5) is designated for possible commercial use. Between 1995 and 2003, no development occurred on the 490-acre parcel.

Implementation of the proposed project has altered the physical use of the land; however, overall land use and designations have not changed. The operation of percolation ponds is compatible with the surrounding existing uses. No commercial, retail, office, residential or other uses were developed, and an established community has not been divided. In addition, development of uses in the Kern Fan Element was consistent with the HCP. Therefore, the impact of the proposed project on land use is considered to be ***less than significant***.

Mitigation Measures

None required.

Future Impacts

As discussed in Section 7.6, Agricultural Resources, the proposed project would have little or no impact on the acreage of irrigated land in the southern San Joaquin Valley in the future. Assuming that any land is taken out of irrigated production as a result of the proposed project, it would remain in agricultural use as dry farmed or fallow land. In addition, the trend of replacing irrigated annual crops with permanent crops is expected to continue in the future with or without the proposed project. While it is possible that additional land could be converted to permanent crops as a result of the proposed project, no clear trend can be attributable to the proposed project that can be discerned for the historical analysis period. Because agricultural use would continue, there would be no change in land use. If the land use planning authority were to change existing land use designations and zoning, the appropriate environmental review would be under taken to approve such a change at that time.

The HCP for the Kern Fan Element allows developed uses on about 4,000 acres of the Kern Fan Element.⁵ Developed uses include farming, permanent facilities for the Kern Water Bank and commerce. Approximately, 490 acres is designated for possible commercial use. Between 1994 and 2003, no development occurred on the 490-acre parcel. The Settlement Agreement prohibits development of this parcel and so under the proposed project the parcel would remain undeveloped.

Under the proposed project, it is expected that the KWBA would construct an additional 1,200 acres of percolation ponds in the Kern Fan Element. It is also anticipated that an additional 500 acres of ponds would be developed as part of other groundwater storage facilities in Kern County. Construction of percolation ponds and associated levees could alter land use patterns. However, the land use designations would not change and the percolation ponds would be compatible with the surrounding uses. No commercial, retail, office, residential or other uses that would support population have been designated, and an established community has not been divided. Therefore, the impact of the proposed project on land use would be ***less than significant***.

Mitigation Measures

None required.

ENDNOTES

1. California Department of Water Resources, Bulletin 132-93:11-12, 1995.
2. California Department of Water Resources, Bulletin 132-94:26, 1996.
4. Jonathon Parker, Kern Water Bank Authority, personal communication with John Davis, EIP team, October 2003.
5. Kern Water Bank Authority, *Kern Water Bank Habitat Conservation Plan/Natural Community Conservation Plan*, October 1997.
6. Kern Water Bank Authority, *Kern Water Bank Habitat Conservation Plan/Natural Community Conservation Plan*, October 1997.