

7.10 LAND USE AND PLANNING (NEW)

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7.10.1 INTRODUCTION

7.10.1.1 Content

The proposed project analyzed in the Monterey Plus EIR was the Monterey Amendment and the Settlement Agreement. The Monterey Plus EIR considered five “elements” of the Monterey Amendment as follows:

- Changes in the procedures for allocation of Table A water and surplus water among the SWP contractors;*
- Approval to permanent transfers of 130,000 acre feet and retirement of 45,000 acre-feet of SWP long-term water supply contracts’ Table A amounts;*
- Transfer of property known as the “Kern Fan Element property” in Kern County;*
- Water supply management practices; and*
- Restructured water rates.*

This REIR has changed the description of the Kern Fan Element property transfer to be:

- Transfer of property known as the “Kern Fan Element property” in Kern County and its development and continued use and operation as a locally owned and operated groundwater banking and recovery project.*

There are no revisions to the other elements of the Monterey Amendment or of the Settlement Agreement, and no changes have been made relating to them in this REIR. (See discussion in Introduction/Executive Summary.)

This REIR does not supersede the analysis of the Monterey Plus EIR but supplements the Monterey Plus EIR. The Monterey Plus EIR focused on the transfer of the KFE property, which was fully analyzed in the Monterey Plus EIR. This REIR did not identify any new impacts or changes to impacts caused by the transfer of the KFE property. Therefore, this REIR focuses on the development and continued use and operation of the KWB as a locally owned and operated groundwater banking and recovery project (“KWB activities”).

The Monterey Plus DEIR Section 7.10 identified potential impacts to land use and planning as a result of the transfer of the Kern Fan Element. Substantial new information is presented in this section, however, that replaces text from DEIR Section 7.10 that discusses KWB activities. All other text in DEIR Section 7.10 remains unchanged. In addition to the impacts discussed below, to the extent they apply, indirect impacts as a result of population growth are presented in Chapter 8, Growth-Inducing Impacts, and indirect impacts from potential cropping changes are presented in Section 10.1, Cumulative Environmental Impacts.

Table 7.10-1A identifies the potentially affected environmental resources from impacts of KWB activities on land use and planning.

TABLE 7.10-1A**IMPACTS OF KWB ACTIVITIES ON LAND USE AND PLANNING**

Proposed Project Element	Potentially Affected Environmental Resources	Impact Number
Transfer of Kern Fan Element lands, and KWB activities	Change in land use could potentially conflict with adopted general plan policies, land use designations, and zoning codes	7.10-1, 7.10-2

During public review of the Notice of Preparation for the Monterey Plus 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 documents prepared pursuant to the California Environmental Quality Act (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;
- likely reactions to changes in land uses;
- *Kern County General Plan*;¹
- *Metropolitan Bakersfield General Plan* (Unincorporated Planning Area);²
- Kern County Zoning Code;
- KWB Habitat Conservation Plan/Natural Communities Conservation Plan (KWB HCP/NCCP) annual compliance and management reports; and
- field review and consultation with appropriate agencies.

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.

This analysis included a review of the environmental setting, impacts, and mitigation measures related to land use and planning, to the extent they apply, presented in the 1997 Monterey Initial Study and Addendum (see Appendix 7-6a).

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 KWB activities would:

- physically divide an established community;
- substantially 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;

- substantially conflict with any applicable habitat conservation plan or natural community conservation plan; or
- induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).

KWB activities would not induce substantial population growth directly or indirectly or displace substantial numbers of people or existing housing within KWB Lands. Therefore, this potential impact is not discussed further in this section. However, indirect impacts as a result of population growth from providing water supplies for urban uses are presented in Chapter 8, Growth-Inducing Impacts.

Any consistency issues between KWB activities and local land use designations and zoning are issues related to land use regulations; they are not issues related to a physical environmental impact of KWB activities. Therefore, any such consistency issues are not considered a significant land use and planning impact under CEQA, in and of themselves. Specific impacts and consistency with local land use designations associated with other resource and issue areas are addressed in each technical section of this draft REIR, as appropriate. These technical sections provide an analysis of other relevant physical environmental effects that could result from KWB activities.

7.10.2 ENVIRONMENTAL SETTING

7.10.2.1 Physical Setting in 1995

Prior to the California Department of Water Resources' (Department's) purchase of the KFE property in 1988, approximately 17,068 acres of the property was under extensive cultivation (see Revised Appendix E). The remaining property contained 1,515 acres of isolated sensitive native plant communities and 1,317 acres of non-native grassland, which had been leased for oil recovery facilities. Most of the land was used for agriculture, and irrigation water was provided by surface water deliveries by the former James-Pioneer Improvement District of the North Kern Water District and by groundwater pumping.

The KFE property included a number of agricultural wells and conveyance facilities that had been constructed primarily to deliver irrigation water for the agricultural activity occurring then and historically on the property. These facilities were not constructed for water bank operations of recharge and recovery, and many were not suitable for these purposes. Agricultural water supplies for lands surrounding the KFE property were provided by Rosedale-Rio Bravo Water Storage District for most lands to the north, by Kern Delta Water District for lands to the southeast, by Henry Miller Water District for lands to the south, and by Buena Vista Water Storage District for lands to the northwest. A memorandum of understanding signed between the Department and Kern County Water Agency (KCWA) on March 25, 1987, provided for the phase-out of all agricultural production in the KFE property by the end of 1993. One of the tenants' leases was terminated in 1989. Then in 1991, at the peak of the drought, all the remaining tenant leases were terminated, and thereafter all agricultural lands owned by the Department were fallowed and introduced annual grasses and forbs colonized the KFE property.

Before the KFE property was transferred to KCWA, the Department managed the KFE property by:

- performing demonstration studies and exploratory investigations for the potential development of the KFE property as a water banking facility; and
- controlling weeds, dust, trespassers, and vandalism.

Several tenants with active oil and gas extraction wells, brine disposal wells, and oil storage tanks were also on the property. One oil and gas lease tenant, Grayson Services Inc., had a residence with an

equipment repair and storage yard on the property. The Kern County Fire Department operated a firefighting training facility on a portion of the KFE property.

Approximately 320 acres of shallow recharge ponds had been constructed on the KFE property before the Department acquired the property. In 1995, approximately 3,034 acres of recharge ponds were constructed pursuant to the KCWA flood emergency program. Surrounding lands were used primarily for agriculture, habitat preserves, or other water banking programs.

7.10.2.2 Changes in Physical Setting between 1996 and 2014

Southern San Joaquin Valley Portion of Kern County Including KWB Lands

The KWB is one of several groundwater banks in Kern County. Other groundwater banks include: City of Bakersfield 2,800 Acre Recharge Project (operational since 1978); West Kern/Buena Vista (operational since 1978); Berrenda Mesa Project (operational since 1983); Arvin-Edison Water Storage District (operational for groundwater banking for other districts since 1990); Semitropic Water Storage District (operational for groundwater banking for other districts since 1990); Pioneer Project, including Kern River Channel (operational since 1995); Rosedale-Rio Bravo Water Storage District Banking Program (operational since 2003); Kern Delta Water Storage District (operational since 2003); Buena Vista Water Storage District (operational since 2003); and Irvine Ranch Water District – Strand Ranch Integrated Banking Project (operational since 2013). With the exception of the Arvin-Edison, Berrenda Mesa Project, Kern Delta, and Semitropic groundwater banks, all of the projects are located adjacent to KWB Lands on the Kern River Alluvial Fan.

KWB Lands

The KWB facilities include approximately 7,200 acres of recharge ponds, 85 recovery wells, an extensive network of monitoring wells, 36 miles of pipeline, and the 6-mile-long KWB Canal. The ponds consist of low earthen berms that pond water to depths of a few feet. The ponded water infiltrates into the alluvial fan for recharge into the aquifer. Water flows between the ponds in small channels; KWBA operators control the flow with small weir boxes. The recovery wells average about 750 feet deep and produce as much as 5,000 gallons per minute of water. They are distributed throughout KWB Lands and are spaced approximately one-third mile apart. The 16- to 20-inch-diameter wells are powered with electric motors. Small diameter (15- to 36-inch-diameter) PVC pipelines transport water recovered from wells to existing canals or, in some cases, to large diameter pipelines. Approximately 31 miles of small-diameter and 5 miles of large-diameter pipeline have been constructed.

The KWB Canal was constructed to convey water both to the water bank ponds for recharge purposes and from the water bank wells for recovery purposes. The canal extends 6 miles from the Kern River on the east to the California Aqueduct on the west. Associated structures include headworks at the Kern River, a 100 cubic feet per second (cfs) pump station serving the Kern River area, a crossing under Enos Lane, a check structure, a 545 cfs pump station serving the eastern portions of the KWB, and diversion facilities at the California Aqueduct. Approximately 60 miles of Pacific Gas and Electric Company electrical power poles traverse KWB Lands. Various oil and gas companies maintain use of parcels on KWB Lands to exercise their mineral rights.

To protect endangered species on KWB Lands, the Kern Water Bank Authority (KWBA), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG) developed the KWB HCP/NCCP to preserve and restore habitat for threatened, endangered, and protected species. USFWS and CDFG approved the KWB HCP/NCCP in October 1997 (see Appendix 7-7a). The KWB HCP/NCCP planning area consists of the entire KWB Lands. As part of the KWB HCP/NCCP, annual

mowing, livestock grazing (both cattle and sheep), and prescribed burning can all be used for vegetation management (see Appendix 7-7c).

The KWB HCP/NCCP allows developed uses on about 4,000 acres of KWB Lands (see Appendix 7-7a). Developed uses included farming, permanent facilities for the KWB, and commerce. Approximately 490 acres of land adjacent to Interstate 5 (I-5) are designated for possible commercial use. Between 1995 and 2003, no development occurred on the 490-acre parcel. After 2003, development of this parcel was prohibited by the Settlement Agreement.

Since 1995, KWB Lands have been used for public and private hunting activities, birdwatching, water education, and organized nature hikes.³ Before 2005, CDFG sponsored both dove and waterfowl hunts. Safflower was farmed on about 70 acres under CDFG direction to enhance the dove hunt. Waterfowl hunts were also conducted under CDFG supervision on designated ponds in years with sufficient water.

Lands Adjacent to KWB

Agricultural land uses are located north of Stockdale Highway, south of Taft Highway, and east of Morris Road. The Irvine Ranch Water District's Strand Ranch property is located north and south of the Cross Valley Canal and west of Enos Lane adjacent to the northern boundary of KWB Lands. The Strand Ranch property includes recharge ponds, production wells, and monitoring wells.⁴

Land uses south of KWB Lands include a motel, retail, restaurants, warehouse, and recreational vehicle storage facility located at the intersection of Enos Lane and Taft Highway. The 6,100-acre Coles Levee Ecosystem Preserve is located south and southwest of KWB Lands, north and south of Taft Highway. The preserve was developed primarily as a conservation bank to offset oil and gas development activities.

In addition, the Green Acres Farm is located south of KWB Lands, east of Enos Lane, and south of Taft Highway. The 4,688-acre Green Acres Farm is used by the City of Los Angeles as a beneficial reuse site for disposal of biosolids generated by Los Angeles. Agricultural activities produce nonfood chain crops such as wheat, corn, alfalfa, oats, Milo, and Sudan grass that are sold as feedstock to local dairies.⁵

The Tule Elk State Natural Reserve is located west of Morris Road and borders the western boundary of KWB Lands. The approximately 950-acre preserve is managed by the California Department of Parks and Recreation and protects a small herd of tule elk. The park has a picnic and viewing areas, interpretive exhibits, and a visitor center.⁶

Kern County Raceway Park is a 120-acre multiuse facility which is surrounded by KWB Lands at the intersection of Enos Lane and I-5. The park includes a speedway; four-story control tower and concession building; parking; and a 250,000-square-foot paved infield for concerts, trade shows, motorcycle racing, drifting, and other events.⁷

Located between KWB Lands east of I-5 and farther upstream on the Kern River is the Kern River Parkway. The Kern River Parkway Trail, which extends through the City of Bakersfield's 2,800-acre recharge area, is located between the two parcels constituting KWB Lands. The parkway provides opportunities for walking/hiking, biking, horseback riding, canoeing, kayaking, fishing, photography, sightseeing, and attending special events.^{8,9}

7.10.2.3 Regulatory Setting in 1995

Federal

There are no applicable federal regulations pertaining to land use.

State

There are no applicable state regulations pertaining to land use.

Local

Regulations related to land use relevant to the KWB activities are described below.

7.10.2.4 Changes in Regulatory Setting between 1996 and 2014

Kern County General Plan

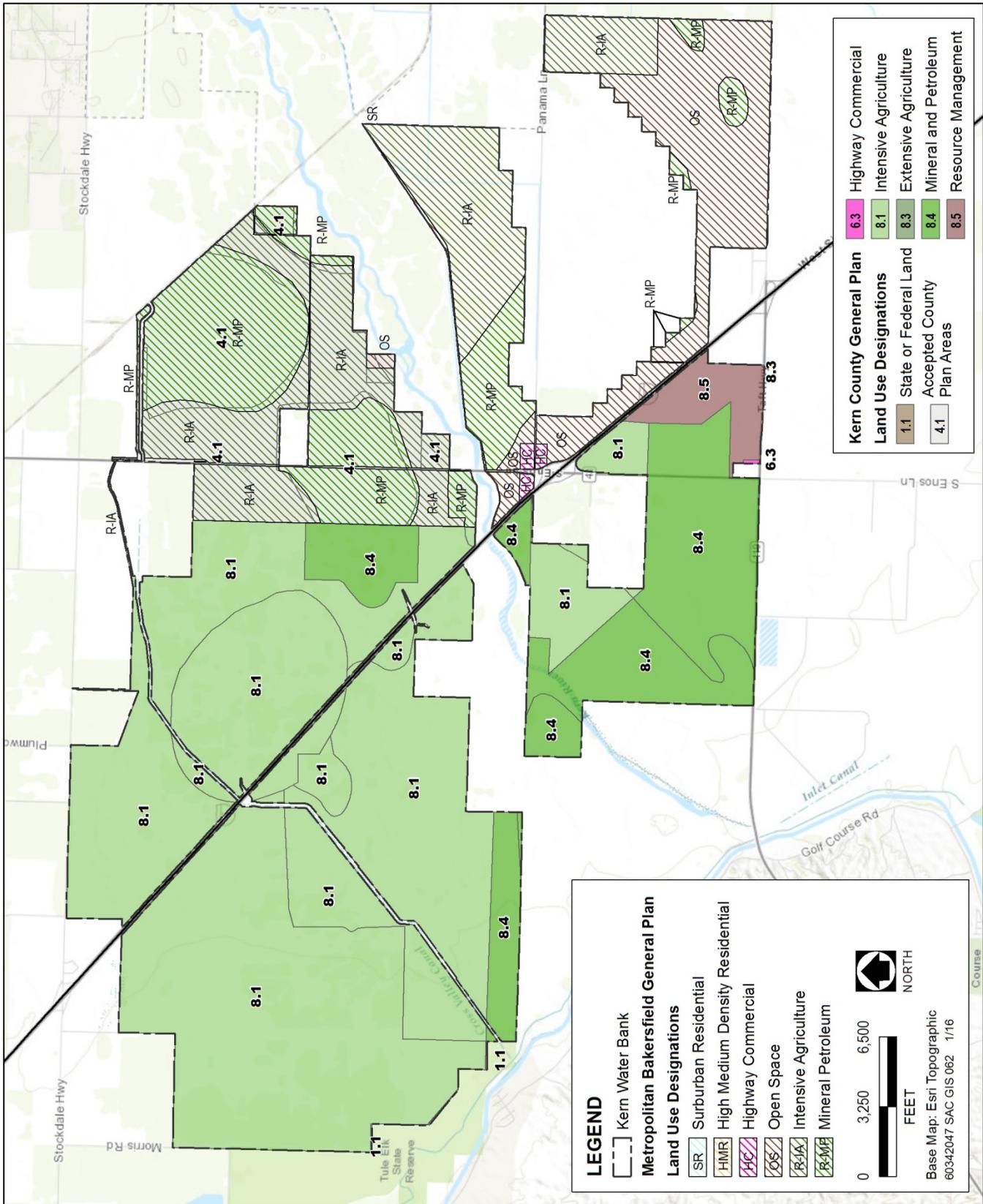
KWB Lands fall within both the *Kern County General Plan* and the *Metropolitan Bakersfield General Plan (Unincorporated Planning Area)*. Figure 7.10-1 shows which lands are governed by which plans. Figure 7.10-2 shows existing KWB land uses. The *Kern County General Plan* was adopted by the Kern County Board of Supervisors on June 15, 2004, and was last amended on September 22, 2009. The *Kern County General Plan* identifies policies that provide long-range guidance to county officials who make decisions that will affect growth and resources in unincorporated Kern County, excluding the unincorporated portion of the county within the metropolitan Bakersfield planning area. The general plan helps ensure that day-to-day planning and land use decisions conform with the long-range program. The plan is reviewed and updated periodically as the goals and requirements of the community evolve.¹⁰

Goal and Policies

The following goal and policies related to land use and planning from the Land Use, Open Space, and Conservation Element of the *Kern County General Plan* would be applicable to KWB activities:

Goal 3: Ensure the development of resource areas minimize effects on neighboring resource lands.

- **Policy 10:** To encourage effective groundwater resource management for the long-term economic benefit of the County the following shall be considered:
 - Promote groundwater recharge activities in various zone districts.
 - Support for the development of Urban Water Management Plans and promote Department of Water Resources grant funding for all water providers.
 - Support the development of groundwater management plans.
 - Support the development of future sources of additional surface water and groundwater, including conjunctive use, recycled water, conservation, additional storage of surface water and groundwater and desalination.
- **Policy 15:** Agriculture and other resource uses will be considered a consistent use in areas designated for Mineral and Petroleum Resource uses on the General Plan.



Source: Sources: City of Bakersfield, July 2014; Kern County, March 2013

Figure 7.10-1. General Plan Land Use Designations

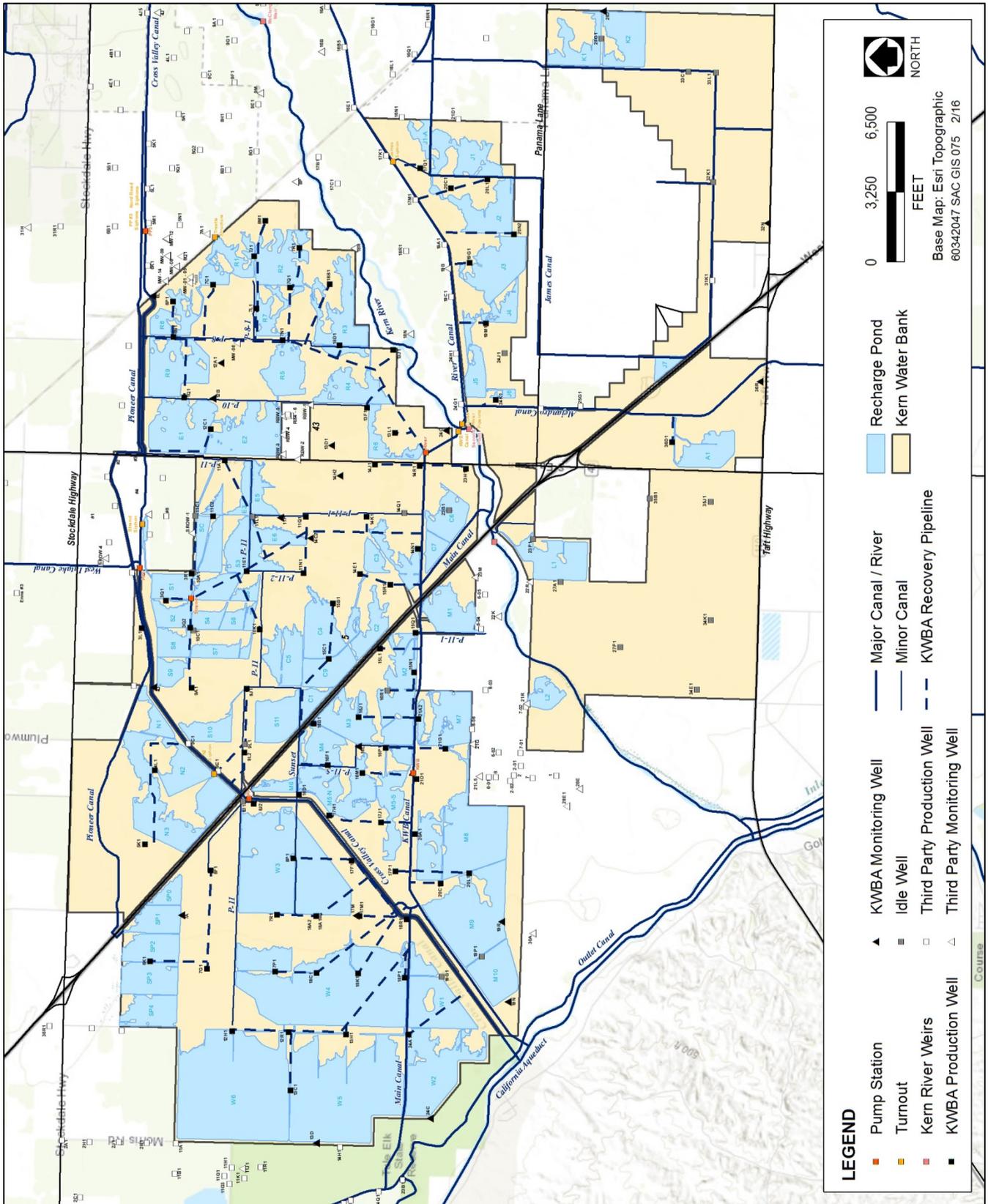


Figure 7.10-2. Existing KWB Land Uses

Land Use Designations

Those portions of KWB Lands governed by the *Kern County General Plan* are designated as Intensive Agriculture, Resource Management, and Mineral and Petroleum. The general plan describes these land use designations as follows:

- Map Code 8.1 (Intensive Agriculture).** This designation identifies areas devoted to the production of irrigated crops or having a potential for such use. The Intensive Agriculture designation allows for irrigated cropland; orchards; vineyards; horse ranches; raising of nursery stock ornamental flowers and Christmas trees; one single-family dwelling unit; cattle feed yards; dairies; dry-land farming; livestock grazing; water storage; groundwater recharge areas; mineral; aggregate; and petroleum exploration and extraction; hunting clubs; wildlife preserves, farm labor housing; and public utility uses.
- **Map Code 8.4 (Mineral and Petroleum).** This designation identifies areas that contain producing or potentially productive petroleum fields, natural gas, and geothermal resources, and mineral deposits of regional and Statewide significance. The Mineral and Petroleum designation allows for mineral and petroleum exploration and extraction, including aggregate extraction; extensive and intensive agriculture; mineral and petroleum processing (excluding petroleum refining); natural gas and geothermal resources; pipelines; power transmission facilities; communication facilities; equipment storage yards; and borrow pits.
- **Map Code 8.5 (Resource Management).** This designation identifies areas that are primarily open space lands containing important resource values, such as wildlife habitat, scenic values, or watershed recharge areas. The Resource Management designation includes areas characterized by physical constraints, or may constitute an important watershed recharge area or wildlife habitat or may have value as a buffer between resource areas and urban areas. This designation also includes undeveloped, non-urban areas that do not warrant additional planning within the foreseeable future because of current population trends, marginal physical development or no subdivision activity.

Metropolitan Bakersfield General Plan (Unincorporated Planning Area)

Figure 7.10-1 shows that some KWB Lands would be governed by the *Metropolitan Bakersfield General Plan (Unincorporated Planning Area)*. The *Metropolitan Bakersfield General Plan* is a separate but interrelated land use planning program within Kern County. The boundaries of the planning area were mutually agreed upon by the City of Bakersfield and Kern County as part of the joint adoption of the *Metropolitan Bakersfield General Plan* and represent the area where planning and land use decisions could affect both Bakersfield and Kern County.¹¹ The *Metropolitan Bakersfield General Plan* was adopted by the Kern County Board of Supervisors on December 3, 2002, and was last amended on December 11, 2007.

Goal and Policy

The following goal and policy related to land use and planning from the Conservation Element of the *Metropolitan Bakersfield General Plan (Unincorporated Planning Area)* would be applicable to KWB activities:

Goal 2: Assure that adequate groundwater resources remain available to the planning area.

- **Policy 1:** Develop and maintain facilities for groundwater recharge in the planning area.

Land Use Designations

Those portions of KWB Lands governed by the *Metropolitan Bakersfield General Plan* are designated as HC (Highway), Intensive Agriculture (R-IA), Mineral and Petroleum (R-MP), and Open Space (OS). The general plan describes these land use designations as follows:

- **Highway Commercial (HC).** This designation identifies areas that could provide services, amenities, and accommodations associated with the traveling public located adjacent to or in close proximity to major highways. These may include gas stations, restaurants, and motels.
- **Intensive Agriculture (R-IA).** This designation identifies areas devoted to the production of irrigated crops, or having the potential for such use.
- **Mineral and Petroleum (R-MP).** This designation identifies areas that contain producing, or potentially productive, petroleum fields and mineral deposits. This designation may also be used in combination with other designations.
- **Open Space (OS).** This designation identifies floodplains and resource management areas and allows agricultural uses.

Kern County Zoning

KWB Lands are zoned by Kern County as A (Exclusive Agriculture). The purpose of the A zoning district is to designate areas suitable for agricultural uses and to prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Uses in the A zoning district are limited primarily to agricultural uses and other activities compatible with agricultural uses, including:

- growing and harvesting crops;
- breeding and raising animals;
- agricultural industries, including processing, storing, packing, preserving, canning, and shipping;
- utility and communications facilities, including transmission lines and supporting towers, poles, and underground facilities for gas, water, electricity, and telephone service;
- resource extraction and energy development uses, including cogeneration facilities; steam generators; solar and wind-driven energy electrical generators; and mineral, oil, or gas exploration;
- flood control facilities;
- hunting or fishing clubs;
- managed wetlands;
- water storage or groundwater recharge facilities;
- small or large water systems; and
- wildlife or nature preserves.

7.10.3 IMPACTS AND MITIGATION MEASURES

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

1996 – 2014

In 1995, approximately 3,034 acres of recharge ponds were constructed pursuant to the KCWA flood emergency program. From 1998 through 2002, an additional 4,290 acres were converted to shallow recharge ponds, some of which overlapped earlier constructed ponds, for a total net pond area of 7,114 acres. An additional 70 acres of ponds were constructed in 2009 for a total pond area of 7,184 acres. KWBA also constructed the KWB Canal and several wells and pump stations. Elsewhere in Kern County, outside of KWB Lands, approximately 520 acres of recharge ponds were developed as part of other groundwater storage projects.

KWBA manages KWB Lands in accordance with the KWB HCP/NCCP approved by USFWS and CDFG in 1997. The KWB HCP/NCCP allows developed uses on about 4,000 acres of KWB Lands (see Appendix 7-7a). Developed uses included farming, permanent facilities for the KWB, and commerce. Approximately 490 acres of land adjacent to I-5 are designated for possible commercial use. Between 1995 and 2003, no development occurred on the 490-acre parcel. After 2003, development of this parcel was prohibited by the Settlement Agreement.

Implementation of the KWB activities has altered the physical use of the land; however, overall land use and designations have not changed. The operation of recharge 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 on KWB Lands was consistent with the KWB HCP/NCCP. KWB activities did not divide an established community.

Therefore, the impact of KWB activities from 1996 to 2014 on land use designations was ***less than significant***.

Mitigation Measures

None required.

2015 – 2030

KWBA manages KWB Lands in accordance with the KWB HCP/NCCP approved by USFWS and CDFG in 1997. The KWB HCP/NCCP allows developed uses on about 4,000 acres of KWB Lands (see Appendix 7-7a). Developed uses included farming, permanent facilities for the KWB, and commerce. Approximately 490 acres of land adjacent to I-5 are designated for possible commercial use. Between 1995 and 2003, no development occurred on the 490-acre parcel. After 2003, development of this parcel was prohibited by the Settlement Agreement.

Near-term future KWB activities include construction of approximately 190 acres of recharge ponds and three wells under the ongoing Integrated Regional Water Management (IRWM) program (Kern Water Bank Recharge and Recovery Project). Longer-term future construction of approximately 862 acres of additional recharge ponds and associated facilities is anticipated as part of full build-out. In addition to the new recharge ponds, wells, and associated facilities, other potential ground-disturbing activities could include: fencing, constructing replacement recovery wells, installing and replacing pipeline, and installing weir boxes. Maintenance of existing and new basins, wells, and ancillary facilities would also take place. The IRWM program ponds have been sited whereas the locations of additional ponds are approximate but will be consistent with KWB HCP/NCCP requirements; final locations and areas will be determined as these facilities are designed.

It is also anticipated that at least an additional 500 acres of ponds would be developed as part of other groundwater storage facilities in Kern County. Construction of recharge ponds and associated berms

could alter land use patterns. However, the land use designations would not change and the recharge 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. KWB activities would not divide an established community.

Therefore, the impact of KWB activities from 2015 to 2030 on land use designations would be ***less than significant***.

Mitigation Measures

None required.

7.10-2 KWB activities could potentially conflict with adopted general plan policies, land use designations, and zoning codes.

1996 – 2014

Construction of KWBA facilities occurred in areas designated by the *Kern County General Plan* as Intensive Agriculture and Mineral and Petroleum and in areas designated by the *Metropolitan Bakersfield General Plan* as Highway, Intensive Agriculture, Mineral and Petroleum, and Open Space. The entirety of KWB Lands is zoned by Kern County as A (Exclusive Agriculture).

No agricultural lands were converted to nonagricultural uses within KWB Lands. Groundwater recharge facilities, including conveyance structures, are allowable land uses under the Intensive Agriculture, Mineral and Petroleum, and Open Space land use designations. In addition, construction of groundwater recharge facilities is a permitted use within the A zoning district.

Approximately 490 acres of land adjacent to the east side of I-5 are designated by the *Metropolitan Bakersfield General Plan* as Highway, which identifies areas that could provide services, amenities, and accommodations associated with the traveling public located adjacent to or in close proximity to major highways. Since 2003, the Settlement Agreement prohibits development of this parcel; therefore, the 490-acre parcel remained undeveloped vacant land.

KWBA facilities were consistent with *Kern County General Plan* Policy 10 and *Metropolitan Bakersfield General Plan* Policy 1, both of which support development of groundwater recharge facilities. In addition, KWBA facilities did not change or hinder oil and gas extraction, recreational activities (hunting, birdwatching, and nature hikes), or habitat management activities associated with the KWB HCP/NCCP on KWB Lands.

For the reasons described above, KWB activities did not conflict with *Kern County General Plan* and *Metropolitan Bakersfield General Plan* policies or result in inconsistencies with land use designations or the Kern County zoning of KWB Lands.

Therefore, the impact of KWB activities from 1996 to 2014 with regard to conflict with adopted general plan policies, land use designations, and zoning codes was ***less than significant***.

Mitigation Measures

None required.

2015 – 2030

KWBA is proposing to construct additional recharge ponds, wells, and ancillary facilities within KWB Lands between 2015 and 2030. Near-term future KWB activities include construction of approximately 190 acres of recharge ponds and three wells under the ongoing IRWM program (Kern Water Bank Recharge and Recovery Project). Longer-term future construction of approximately 862 acres of additional recharge ponds and associated facilities is anticipated as part of full build-out. In addition to the new recharge ponds, wells, and associated facilities, other potential ground-disturbing activities could include: fencing, constructing replacement recovery wells, installing and replacing pipeline, and installing weir boxes. Maintenance of existing and new basins, wells, and ancillary facilities would also take place. The IRWM program ponds have been sited whereas the locations of additional ponds are approximate but will be consistent with KWB HCP/NCCP requirements; final locations and areas will be determined as these facilities are designed.

Construction of future KWBA facilities would occur in areas designated by the *Kern County General Plan* as Intensive Agriculture and Mineral and Petroleum and in areas designated by the *Metropolitan Bakersfield General Plan* as Intensive Agriculture, Mineral and Petroleum, and Open Space. The entirety of KWB Lands is zoned by Kern County as A (Exclusive Agriculture).

No agricultural lands would be converted to nonagricultural uses within KWB Lands. Groundwater recharge facilities, including conveyance structures, are allowable land uses under the Intensive Agriculture, Mineral and Petroleum, and Open Space land use designations. In addition, construction of groundwater recharge facilities is a permitted use within the A zoning district.

Approximately 490 acres of land adjacent to the east side of I-5 are designated by the *Metropolitan Bakersfield General Plan* as Highway, which identifies areas that could provide services, amenities, and accommodations associated with the traveling public located adjacent to or close to major highways. Since 2003, the Settlement Agreement prohibits development of this parcel; therefore, the 490-acre parcel would remain undeveloped vacant land.

KWBA facilities and activities would be consistent with *Kern County General Plan* Policy 10 and *Metropolitan Bakersfield General Plan* Policy 1, both of which support development of groundwater recharge facilities. In addition, KWBA facilities and activities would not change or hinder oil and gas extraction, recreational activities (hunting, birdwatching, and nature hikes), or habitat management activities associated with the KWB HCP/NCCP on KWB Lands.

No new water conveyance facilities to convey KWB-recovered water are anticipated to be constructed for this purpose. Any new facilities not identified at this time would be required to be constructed consistent with the applicable General Plans. Therefore, no conflicts with general plan policies or inconsistencies with land use designations or zoning are expected to occur in areas beyond KWB Lands. KWB participants already have facilities in place to convey and exchange recovered water.

For the reasons described above, KWB activities would not conflict with *Kern County General Plan* and *Metropolitan Bakersfield General Plan* policies or result in inconsistencies with land use designations or the Kern County zoning of KWB Lands.

Therefore, the impact of KWB activities from 2015 to 2030 with regard to conflict with adopted general plan policies, land use designations, and zoning codes would be ***less than significant***.

Mitigation Measures

None required.

ENDNOTES

1. Kern County Planning Department. 2009 (September 22). *Kern County General Plan*, Land Use, Open Space, and Conservation Element. Originally adopted by Kern County Board of Supervisors June 15, 2004; updated through September 22, 2009. Bakersfield, CA.
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