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## 3.9 LAND USE AND SOCIOECONOMICS

This section describes the existing land uses and land use designations at the Dutch Slough Restoration Project and Related Projects sites and vicinity, assesses the effects of the proposed actions to land uses, and defines mitigation measures that would reduce the impacts to less than significant levels. The compatibility of the proposed action and alternatives with land use designations, policies and goals also is evaluated. This section also characterizes the socioeconomic conditions in the project vicinity. Section 3.10, Agricultural Resources, describes agricultural uses, including Williamson Act lands and Prime Farmland designations and Section 3.11, Recreation, describes recreational use of the project site and vicinity.

### 3.9.1 Affected Environment

The Dutch Slough Restoration Project and Related Projects sites are located in the eastern portion of the City of Oakley in northeast Contra Costa County. The Dutch Slough property was purchased by the California Department of Water Resources (DWR) in 2003. The 1,166-acre Dutch Slough Restoration Project site and the 55-acre City of Oakley Community Park are bounded on the south by the Contra Costa Canal, on the west by Marsh Creek, on the north by Dutch Slough and on the east by Jersey Island Road. The 100-acre Ironhouse Project site is located immediately west of Marsh Creek on lands owned by the Ironhouse Sanitary District (ISD).

#### Site Land Uses

The Dutch Slough Restoration Project and City Community Park Project sites encompasses three adjacent parcels: the 438-acre Emerson, the 292-acre Gilbert, and the 436-acre Burroughs properties. The Emerson parcel was a dairy from 1913 until 2003. The Gilbert and Burroughs parcels were dairies from the early 1900's until the mid 1970's. For the last 30 years they have been used as grazing lands.

The Dutch Slough Restoration Project and City Community Park sites land uses include three residential compounds, grazing lands, a public access trail, a vineyard, gas wells, and various utility easements. A complex of former dairy buildings also remains on the restoration and park sites. The 100-acre Ironhouse Project site is currently used as a spray-field for treated wastewater effluent, upon which hay is grown.

Marsh Creek runs along the western boundary of the Emerson Parcel and along the eastern boundary of the Ironhouse parcel. The Contra Costa County Flood Control and Water Conservation District owns the Marsh Creek flood control channel in fee title. Marsh Creek is the principal waterway and flood control facility for both the City of Oakley and the eastern portion of Contra Costa County.

Several utility easements traverse various portions of the Dutch Slough Restoration Project site (see Figure 2-6). A PG&E high voltage power line traverses the northeast corner of the Burroughs parcel. A PG&E gas line passes underneath the site across the Burroughs' parcel. The Ironhouse Sanitary District conveys treated sewage effluent through a pipeline along the northwestern border of the Emerson parcel. Reclamation District 799 maintains and operates two storm-water pumping stations on the Burroughs parcel.

Under an existing lease, there are eleven gas wells on the Burroughs and Gilbert parcels. Wells #6-1 and 6-2, on the Burroughs parcel are active, all other wells are scheduled to be plugged and abandoned consistent with state regulation on an accelerated schedule. DWR does not own the mineral rights for the Dutch Slough property. As part of the purchase agreement, it was agreed that future drill pads would be set aside to allow the mineral rights holders access to gas in the unlikely event that future drilling on the site became economically viable.

### **Adjacent/Vicinity Land Uses**

The sites are bordered to the south and east by open space and farmland. To the north is 3,600-acre Jersey Island, land owned by ISD, where reclaimed water is spread on fields used for cattle grazing and hay production. (ISD 2006) To the west is the open water of Big Break Regional Shoreline Park, Marsh Creek, and ISD spray fields and treatment facilities.

Most of the adjacent agricultural land to the south and east is planned for conversion to other uses, and construction of residential development has occurred on many of the sites. The portion of the East Cypress Corridor Specific Plan area adjacent to the project site is primarily agricultural land planned for development. Approximately 500 homes already exist in the plan area, and construction of the Summer Lake subdivision, an approved project occupying approximately 678 acres in the specific plan area, began in 2004. Most of the land in the specific plan area adjacent to the project site is Prime Farmland or Farmland of Statewide Importance that has been designated by the city as Single Family Low or Very Low in anticipation of the residential development envisioned for the area. Buildout of the 2,500-acre specific plan area is anticipated for 2018 (CCWD 2006). See Section 5.3 Cumulative Impacts, for a complete discussion and map of all adjacent development projects.

The City is in the process of approving plans to develop approximately 1,342 residential units on approximately 300 acres immediately south of the Dutch Slough Restoration Project site between the Contra Costa Canal and Cypress Road. The future development area south of the Contra Costa Canal consists of 140 acres of the Emerson property, which is anticipated to have approximately 662 residential units; 120 acres of the Gilbert property, which the City certified an EIR and approved a tentative map for 506 residential units in November of 2007; and 44 acres of the Burroughs property, which is anticipated to have approximately 174 residential units. This development is planned for construction in the next five years.

The Contra Costa Canal, on the south border of the project site, entered service in 1940 to deliver water to large areas of Contra Costa County. CCWD is currently proposing to encase the canal in a pipeline from Rock Slough to Pumping Plant No. 1 (CCWD 2006). Phase I of the encasement is scheduled to begin in April, 2008 from Pumping Plant No. 1 to the west side of Marsh Creek (approximately 2,000 feet). The Canal Encasement project has not received final permits. .

Urban development is also planned for most of the agricultural land immediately south of the project site. Along the southern boundary of the Contra Costa Canal, the area between Marsh Creek and Jersey Island Road is primarily vacant, fallow farmland, and all of the area adjacent to the canal is designated for residential development. Construction of the Cypress Grove project, located south of the Emerson parcel just south of the Contra Costa Canal and adjacent to Marsh Creek (shown on Figure 5.3-1 in the Chapter 5.3, Cumulative Impacts) a high-density single-family residential development located on approximately 150 acres began in 2004 and is expected to be completed in 2008.

The remainder of the property along the southern boundary of the Dutch Slough Restoration Project and City of Oakley Community Park sites is agricultural land located in unincorporated Contra Costa County. It is designated Agricultural Limited, which allows for vineyards, orchards, and row crops; animal husbandry; and very low-density residential uses. This land is also slated for development, the Dutch Slough Properties Development, shown on Figure 5.3-1.

## Regulatory Framework

### OAKLEY 2020 GENERAL PLAN

#### GOALS AND POLICIES

The Oakley General Plan has specific goals, policies, and implementation programs for Land Use. Applicable Land Use Goals and Policies are included below. Goals and Policies specific to Recreation, Trails and Open Space are provided in Section 3.12 Recreation.

#### Land Use Goals

Goal 2.1 Guide development in a manner that creates a balanced and desirable community, maintains and enhances the character and best qualities of the community, and ensures that Oakley remains an economically viable City.

#### Land Use Policies

2.1.5 Preserve open space areas, of varying scales and uses, both within development projects and at the City's boundary.

2.1.6 Ensure a strong physical connection to the Delta and the waterfront, including convenient public access and recreational opportunities.

#### Implementation Programs

2.1.F Provide public access to the Delta and the Oakley waterfront through discretionary approvals of development projects, coordinated efforts with involved agencies and organizations, and the improvement of City public facilities.

### LAND USE DESIGNATIONS

The City of Oakley's 2020 General Plan (City of Oakley 2002) identifies the Land Use Designation for the Dutch Slough Restoration Project site as Delta Recreation, the City Park site as Parks and Recreation, the Ironhouse parcel as Public/Semi-Public and Marsh Creek as Waterways. (Dutch Slough is located along the northern boundary of Oakley, an area formerly identified by Contra Costa County as the M-8 Planning Area.) These designations are defined below:

#### **(DR) DELTA RECREATION**

This land use designation encompasses the lowlands of the San Joaquin Delta along the City's northern edge. Most of the land designated Delta Recreation is currently within the 100-year floodplain as mapped by FEMA, which means the area is subject to periodic flooding.

Due to the proximity of the Delta, these lands have substantial recreational value and offer important opportunities for public access to the Oakley waterfront, including parklands and trails offering

public access. Agriculture and wildlife habitat are also considered appropriate uses of these areas. Additional uses that may, at the City's discretion, be allowed within this designation include but are not limited to marinas, shooting ranges, duck and other hunting clubs, campgrounds, golf courses and other outdoor recreation complexes.

Conditional uses allowed in the Delta Recreation land use designation shall be limited to those low-to medium-intensity establishments that do not rely on urban levels of service or infrastructure, and which will not draw large concentrations of people to flood-prone areas. Specific regulations for development within the Delta Recreation designation are provided within the Goals, Policies and Programs section of this Element.

The potential for flooding on lands designated Delta Recreation is due to the possibility that bay and river waters will overtop existing levees during periods of storms. It is also possible that portions of the earthen levees may fail entirely during storms or earthquakes, resulting in flooding of low-lying areas. The effects of subsidence and high tides coincident with major storms may increase the danger of flooding.

Additionally, lands within this designation may support valuable wildlife habitat, possibly including state and federally protected wildlife species. This area is an important component of the Pacific Flyway, a major waterfowl migration route in North America.

#### **PARKS AND RECREATION (PR)**

The Parks and Recreation (PR) designation includes publicly owned city, county, and regional parks facilities, as well as publicly or privately owned golf courses. The City should strive to maintain a ratio of six (6) acres of park to every 1,000 population. The ratio of six acres of park per 1,000 population is based upon the existing inventory of developed and undeveloped park and open space lands within Oakley that are under the jurisdiction of the City, the local school districts and the East Bay Regional Park District.

Appropriate uses in this designation are passive and active recreation oriented activities, local and regional park and trails facilities, and ancillary commercial uses specifically related to the adjoining recreational activities. The construction of privately owned residences or general commercial uses, or the subdivision of land for purposes of urban development, is inconsistent with the Parks and Recreation land use designation.

#### **PUBLIC AND SEMI-PUBLIC FACILITIES (PS)**

Numerous public, semi-public and private facilities are required to serve the needs of the community. These uses support government, civic, cultural, health, education, and infrastructure aspects of the City.

Public and Semi-Public facilities should be located in a manner that best serves the community's interests, allows for adequate access by bus, bicycle, or foot to minimize trip generation and provides for access by all residents, where appropriate. This designation includes properties owned by public agencies such as libraries, fire stations, public transportation corridors, and schools, as well as privately owned transportation and utility corridors such as railroads, and power transmission lines. In specific locations, such as downtown Oakley, mixed use projects may be determined consistent with this designation.

A wide variety of public and private uses are allowed with this General Plan category. However, construction of private commercial uses will be limited to uses related to the public or semi-public activity. Residential subdivision of this designation is not allowed.

### **CYPRESS CORRIDOR PLANNING AREA**

The project site is within the Cypress Corridor Special Planning Area, which encompasses approximately 2,371 acres of land located both north and south of Cypress Road. This Area is entirely within the Oakley city limits and is bounded by the San Joaquin Delta on the north, Marsh Creek on the west, the BNSF Railroad on the southwest, Sellers Avenue and East Cypress Road on the southeast, and Jersey Island Road on the east. The Cypress Corridor Area is envisioned as a primarily residential area with supporting commercial and public uses. As described above, the Cypress Corridor Area has been the subject of various development proposals.

The Cypress Corridor Area includes approximately 1,257 acres located to the north of the Contra Costa Canal. This portion of the Area, generally referred to as the North Canal Lands within the General Plan, includes the wetland restoration and community park portions of the project site, but it does not include the Ironhouse parcel (all three project component sites are however within the City of Oakley boundaries). The General Plan states that this area “is not proposed for urban development and is anticipated to remain as open space and possibly restored as marsh habitat”, in reference to the Dutch Slough Restoration Project. There is no Specific Plan for the Cypress Corridor Planning Area (Henson 2006).

### **THE DELTA PROTECTION ACT**

The Delta Protection Act was enacted in 1992 in recognition of the increasing threats to the resources of the Delta from urban and suburban encroachment with the potential to impact agriculture, wildlife habitat, and recreation uses. Pursuant to the Act, a Land Use and Resource Management Plan was completed and adopted by the Delta Protection Commission in 1995.

The staff of the Commission reviewed the NOP for this project and determined that the proposed project is located within the Secondary Zone of the Legal Delta, adjacent to the Primary Zone. The Primary Zone is a portion of the "Legal Delta", defined in Section 12220 of the Water Code (California Delta Protection Commission 2006). Approval or denial of projects in the Secondary Zone are not subject to appeal to the Commission, however, potential impacts of the proposed project on the Primary Zone are analyzed in this EIR.

### **Socioeconomic Conditions**

The project area is located near to the City of Oakley in Contra Costa County, California. The ethnic and economic breakdowns of the City of Oakley, Contra Costa County, the State of California, and Census Tract 3020.02, Block Group 1 (which covers the site area and the northeastern edge of Oakley and is referred to as “project vicinity” in the following text) are shown in Table 3.9-1. Data is taken from the 2000 U.S. Census.

Racially, the City of Oakley and the project vicinity have a lower proportion of minorities than Contra Costa County or the State: Figure for the percentage of population counted as white, non-Latino, in 2000 were project vicinity (62.4%), Oakley (64.3%), Contra Costa Co. (57.9%) and California (46.7%). Minorities living in the project vicinity are slightly different than the **County or State. (0.5%)**.

**Table 3.9-1 Ethnicity/Race and Income for California, Contra Costa County and City of Oakley**

Year	California				Contra Costa County				Oakley		Census Tract 3020.02, Block Group 1	
	2000		2006 Estimate		2000		2006 Estimate		2000		2000	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
<b>Total Population</b>	33,871,648	100.0%	36,457,549	100.0%	948,816	100.0%	1,024,319	100.0%	25,619	100.0%	673	100.0%
<b>Race</b>												
White	15,816,790	46.7%	15,600,175	42.8%	549,409	57.9%	530,288	51.8%	16,469	64.3%	423	62.4%
Hispanic or Latino	10,966,556	32.4%	13,074,155	35.9%	167,776	17.7%	224,134	21.9%	6,399	25.0%	192	28.3%
Asian	3,648,860	10.8%	4,424,529	12.1%	102,681	10.8%	135,351	13.2%	708	2.8%	2	0.3%
Black or African American	2,181,926	6.4%	2,201,043	6.0%	86,851	9.2%	92,863	9.1%	832	3.2%	5	0.74%
American Indian and Alaska Native	178,984	0.5%	168,486	0.5%	3,648	0.4%	2,720	0.3%	151	0.6%	13	1.9%
Native Hawaiian and Other Pac Isl.	103,736	0.3%	120,837	0.3%	3,157	0.3%	4,316	0.4%	65	0.3%	5	0.7%
Some Other Race	71,681	0.2%	150,184	0.4%	2,636	0.2%	5,785	0.6%	42	0.2%	2	0.3%
Two or More Races	903,115	2.7%	718,140	2.0%	32,658	3.4%	28,862	2.8%	953	3.7%	36	5.3%
<b>Income and Poverty</b>	<b>1999</b>	<b>%</b>	<b>12 months</b>	<b>%</b>	<b>1999</b>	<b>%</b>	<b>12 months</b>	<b>%</b>	<b>1999</b>	<b>%</b>	<b>-</b>	
Median household income	\$47,493	-	\$56,645	-	\$63,675	-	\$74,241	-	\$65,589	-	NA	NA
Median family income	\$53,025	-	\$64,563	-	\$73,039	-	\$85,737	-	\$68,888	-	NA	NA
Per cap. income	\$22,711	-	\$26,974	-	\$30,615	-	\$35,790	-	\$21,895	-	NA	NA
Individuals in poverty	4,706,130	14.2%	4,690,140	12.9%	71,575	7.6%	79,636	7.8%	1,257	5.0%	NA	NA

The percentage of Asian inhabitants is lower in the project vicinity (0.3%) and Oakley (2.8%) than the County (10.8%) and State (10.8%). Conversely the percentage of American Indians or Alaskan Natives in the project vicinity (1.9%) and Oakley (0.6%) is higher than the County (0.4%) and State

The median household income for Oakley in 1999 at \$65,589 was more than Contra Costa County, which was \$63,675. Contra Costa County is a comparatively high-income County compared with the average for California where the median household income in 1999 was \$47,493. The 2000 census also counted fewer individuals in poverty in Oakley (5.0% of the population) compared with Contra Costa County (7.6%) and California in general (14.2% - falling to 12.9% by 2006-7). No income data was available for Census Tract 3020.02.

The project area and vicinity is not therefore a minority area under any of the most commonly used definitions, nor does it have a large number of low income inhabitants compared with the City, County or State.

### 3.9.2 Impacts and Mitigations

#### Significance Criteria

The project's land use impacts would be considered potentially significant if they resulted in any of the following effects, which are identified as potentially significant in the CEQA Initial Study Checklist (CEQA Guidelines, Appendix G):

- 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
- Conflict with any applicable habitat conservation plan or natural community conservation plan

#### Alternative 1: Minimum Fill Alternative

##### **IMPACT 3.9.1-1: PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY.**

The proposed projects would not divide an established community because the project sites are, and would remain, primarily open space separated from the residential areas to the south and east, and is surrounded by waterways on the north. The community park would be located at the southern boundary of the site adjacent to new development off-site, and would form a transition to the undeveloped portions of the restoration area. There would be no impact and no mitigation is required.

##### **IMPACT 3.9.1-2: CONFLICT WITH ANY APPLICABLE LAND USE PLAN, POLICY, OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT.**

The Dutch Slough Restoration Project is consistent with the City of Oakley's 2020 General Plan Goals and Policies. Specifically, the project is consistent with and fulfills the intent of land use policies 2.1.5 and 2.1.6. The Ironhouse parcel that is proposed for restoration is currently designated as Public/Semi-Public while the remainder of the Dutch Slough Restoration Project site is designated

as Delta Recreation. In addition, the zoning for the Dutch Slough wetland restoration parcel and the community park parcel is AG-3 Heavy Agricultural and for the Ironhouse parcel is AG-2 General Agricultural. Park uses are allowed under these zoning designations with a land use permit (see Section 3.11 Agricultural Resources).

### **NATURAL GAS SITES**

There are eleven gas wells on the Burroughs and Gilbert parcels. Wells #6-1 and 6-2, on the Burroughs parcel are active, all other wells are scheduled to be plugged and abandoned consistent with state regulation on an accelerated schedule. The continued operation of wells #6-1 and 6-2 would not conflict with the wetland restoration as that well site is located in the proposed upland area and the restoration and trail would be designed so that they do not interfere with the operation of this facility.

Since DWR does not own the mineral rights for the Dutch Slough property, as part of the purchase agreement, it was agreed that future drill pads would be set aside to allow the mineral rights holders access to gas in the unlikely event that future drilling on the site became economically viable. If such pads are used in the future, separate environmental documentation may be needed at that time.

The effects of drilling and operating gas wells within Oakley are addressed in the Draft Drilling Ordinance, was adopted by the City in 2006. Since future access to these mineral rights would be retained, there would be no impact to future gas production at the site. No impacts are anticipated, and no mitigations necessary.

### **DELTA PROTECTION COMMISSION'S MANAGEMENT PLAN**

The proposed Dutch Slough Restoration Project, Ironhouse Project and City Community Park Project are consistent with the policies and recommendations of the Delta Protection Commission's Management Plan. The project specifically fulfills and is consistent with the following policies:

- Environment Policy 3 regarding wildlife habitat management to provide several inter-related habitats
- Land Use Policy 3 to provide buffer zones between new developments and agricultural land
- Water Policy 3 on water quality standards and beneficial uses of State waters
- Recreation and Access Policy 3 on siting recreation facilities to minimize impacts on agricultural uses, levees, public drinking water supply intakes, and wetland and habitat areas.
- Recreation and Access Policy 7 for improved access to bank fishing
- Recreation and Access Policy 9 to encourage recreation facilities that take advantage of the Delta's unique characteristics.

The proposed Dutch Slough Restoration Project, Ironhouse Project and City Community Park Project would not have indirect impacts to land use in the Primary Zone and no mitigation is required.

### **IMPACT 3.9.1-3 CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN. (ALL OPTIONS)**

No habitat conservation plan (HCP) or natural community conservation plan (NCCP) currently applies to the project area. The East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan has been prepared by the East Contra Costa County Habitat Con-

servation Plan Association, a joint powers authority made up of a variety of agencies, including the City of Oakley and CCWD.

Although the Dutch Slough Restoration and Related Project sites are located in the area covered by the HCP/NCCP, the purpose of the HCP/NCCP is to allow a more regional, rather than project-by-project, approach to growth and development while providing species conservation and habitat planning. The proposed Dutch Slough wetland restoration and park development would not cause a conflict with the HCP/NCCP. No impact would occur and no mitigation is required.

#### **CUMULATIVE IMPACTS**

Extensive development is proposed and/or is under construction adjacent to the project site on both the southern and eastern boundaries. Conflicts between these new residential developments (planned or under construction) and the Dutch Slough Restoration Project would be reduced through a vegetation perimeter buffer between the proposed Community Park and the nearby residential uses. The proposed buffer also would reduce conflicts between the proposed Community Park and adjacent residential uses. Therefore no impact would occur and no mitigation is required.

#### **Alternative 2: Moderate Fill**

Land use impacts would be the same as under Alternative 1 (all options).

#### **Alternative 3: Maximum Fill**

Land use impacts would be the same as under Alternative 1 (all options).

#### **Alternative 4: No Project**

There would be no land use impacts under the No Project Alternative.

Impact	Dutch Slough Restoration Project	Related Projects	
		Ironhouse Project	City Community Park Project
Impact 3.9.1-1: Physically divide an established community	No impact	No impact	No impact
Impact 3.9.1-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.	The proposed wetland restoration would be consistent with the current zoning of AG-3 Heavy Agricultural.	The proposed wetland would be consistent with the current zoning of AG-2 General Agricultural.	Park uses are allowed with a Special Land Use Permit.
Impact 3.9.1-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	No impact	No impact	No impact