

## 3.12 Land Use and Planning

### 3.12.1 Introduction

This section discusses land use and planning in the study area and evaluates the potential impacts of the types of restoration projects that would be permitted under the Order. (See Section 2.6, *Categories of Restoration Projects in the Order*.)

The environmental setting and evaluation of impacts on land use and planning is based on a review of existing published documents and data, including city and county general plans and land management plans; information regarding example projects that are similar to those permitted under the Order; and other information sources listed in Chapter 8, *References*.

The indirect physical effects of actions for restoration projects permitted under the Order are the subject of the environmental analysis in this section, including those that could divide an existing community or conflict with an existing land use plan, policy, or regulation.

No comments addressing land use and planning were received in response to the notice of preparation (NOP). See Appendix B for NOP comment letters.

### 3.12.2 Environmental Setting

This section describes existing land uses in the study area. Because the Order could be implemented statewide, the environmental setting for land use covers all nine Regional Board jurisdictions. The study area covers a broad area of California with widely varying topography, vegetation, and weather. As a result, land uses in the study area are equally numerous and varied (see Table 3.12-1). Also, the extent to which restoration projects permitted under the Order would include any particular action are yet to be determined; therefore, this section presents a general discussion of land use in the study area.

**Table 3.12-1  
Existing Land Uses in the Study Area**

Land Cover and Description	Area (acres)	Percent of Study Area
Developed: Urban and Built-Up Land, Rural Residential Land	3,738,337	8
Other Land: Natural Land, Rural Residential Land, Vacant or Disturbed Land	13,267,942	27
Agricultural: Grazing Land, Farmland of Local Importance, Farmland of Local Potential, Prime Farmland, Farmland of Statewide Importance, Semi-Agricultural and Rural Commercial Land, Unique Farmland	31,351,190	64.0
Water	715,266	1

SOURCE: DOC 2017

NOTE: Totals may vary from total area in the study area because of rounding and small variances among different geographic information system datasets.

### ***Cities and Communities***

Cities and communities support residential, commercial, industrial, and public uses (e.g., utilities, transportation facilities and levees), recreation (e.g., golf courses), open space, and other lands (e.g., cemeteries and parking lots). Residential, commercial, and industrial development occurs mainly in several incorporated and unincorporated communities in the study area.

### ***Natural Habitat***

Natural habitats include alkaline seasonal wetlands, grasslands, inland dune scrub, managed wetlands, tidal and nontidal marshes, riparian forests and woodlands, riparian areas occupied by invasive species, riparian scrub, and vernal pool complexes. These habitats are described in more detail in Section 3.5, *Biological Resources—Terrestrial*.

### ***Agricultural Land***

Agricultural uses in the study area include farmlands that support a variety of crops, such as grains, fruits, vineyards, nuts, alfalfa, and vegetables. Agricultural land also supports dairies, livestock grazing, agricultural industrial and agricultural commercial uses, and farm-based tourism (e.g., wine-tasting rooms). Agricultural resources in the study area are described in more detail in Section 3.3, *Agriculture and Forestry Resources*.

### ***Open Space***

Several types of open space areas are scattered throughout the study area: national wildlife refuges and wildlife areas, trail systems, state recreation areas, preserves, and ecological reserves. For additional information on open space areas, see Section 3.5, *Biological Resources—Terrestrial*, and Section 3.16, *Recreation*.

### ***Recreation***

The study area provides extensive opportunities for water- and land-oriented recreation. As described in Section 3.16, *Recreation*, public access facilities in the study area include national, state, and county parks; marinas and yacht clubs; campgrounds; hunting clubs; and fishing areas.

### ***Transportation***

The study area contains land uses for many transportation modes, including land-based transportation, ports, and airports. Additional details about transportation are provided in Section 3.17, *Transportation, Traffic, and Circulation*.

### ***Utilities***

The study area also includes substantial infrastructure, including electric and natural gas transmission lines, water conveyance, and levees. Additional details about utilities are provided in Section 3.19, *Utilities and Public Services*.

### 3.12.3 Regulatory Setting

There are no applicable federal regulations pertaining to land use. This section discusses state and regional and local plans, policies, regulations, and laws, and ordinances pertaining to land use.

Future permitted restoration projects that would be implemented under the Order may be subject to the laws and regulations listed below, as well as other local or individual restoration projects requirements, depending on the project location.

#### **State**

##### **State of California General Plan Guidelines and Zoning Law**

The Governor's Office of Planning and Research provides a statewide regulatory document, the *State of California General Plan Guidelines*, for preparing long-term general plan documents in accordance with state law (Government Code Section 65040.2). All California cities and counties are must have a comprehensive general plan that guides planning and development decisions, and must consider a long-term perspective (Government Code Section 65300). Generally, the general plan must also cover all territory within the boundaries of the affected jurisdiction; for cities, all public and private land within the city limits must be covered, while all counties must include all unincorporated areas (OPR 2017).

The *State of California General Plan Guidelines* also explain the required components for a general plan. Plan text consists of goals in a range of categories that set the direction of a general plan concept and express community values. These goals are shaped by objectives, principles, standards, and in some cases, plan proposals, which in turn prepare specific policies to develop the changes that a jurisdiction seeks to achieve (OPR 2017).

The State Zoning Law (Government Code Section 65800 et seq.) establishes that zoning ordinances—laws that define allowable land uses in a specific zone district—must be consistent with the applicable general plan and any applicable specific plans.

##### **Habitat Conservation Plan/Natural Community Conservation Planning**

Numerous habitat conservation plans and natural community conservation plans are in the planning or implementation stage across the state. Habitat conservation plans generally provide a regional approach to managing urban development vis-à-vis habitat conservation; in some cases, they also involve agricultural protection. Typically, a habitat conservation plan identifies species that are federally or state listed as threatened or endangered, and determines the limits of development for jurisdictions to ensure that these habitats and species are appropriately protected.

The Natural Community Conservation Planning Act (California Fish and Game Code Sections 2800–2835) sets the standards for developing natural community conservation plans. Fish and Game Code Section 2805 defines a natural community conservation plan as a plan prepared pursuant to a planning agreement entered into in accordance with Section 2810 of the code. The plan identifies and provides for those measures necessary

to conserve and manage natural biological diversity in the plan area while allowing compatible and appropriate economic development, growth, and other human uses.

### ***Regional and Local***

The study area covers multiple counties with multiple cities throughout the study area. Each city and county has adopted a general plan that describes plans for the physical development of that county or city. General plans have unique goals and policies that preserve and guide development of lands within local jurisdictions; they identify an array of land use policies and policies that are meant to reduce environmental impacts. Each general plan addresses a broad range of topics, such as land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, each general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area. In addition, each jurisdiction has a zoning ordinance that defines allowable land uses in the specific zone district that are consistent with the applicable general plan.

## **3.12.4 Impacts and Mitigation Measures**

### ***Methods of Analysis***

Land use and planning impacts from the types of restoration projects permitted under the Order are evaluated in terms of how typical construction and operation of project components could impact land use conflicts and division of established communities. The analysis also considers the potential impacts of actions required for such projects to comply with applicable land use plans. However, the precise locations and detailed characteristics of potential future individual restoration projects are yet to be determined. Therefore, this land use and planning analysis focuses on reasonably foreseeable changes from implementation of the types of projects and actions that might be taken in the future consistent with the level of detail appropriate for a program-level analysis.

Permanent impacts are considered those that would continue through the life of a proposed restoration project as a result of the environmental conditions created by the project (e.g., new fish screens and floodplain restoration projects located on the periphery of a community). Temporary impacts are considered those that would be temporary in nature (e.g., construction-related activities).

The approach to assessing land use and planning impacts was to identify and review existing environmental studies, data, model results, and other information for projects that are consistent with those identified in Section 2.6, *Categories of Restoration Projects in the Order*, and Section 2.7, *Typical Construction, Operation, and Maintenance Activities and Methods*.

**Thresholds of Significance**

In accordance with Appendix G of the State CEQA Guidelines, an impact related to land use and planning is considered significant if the types of projects that would be permitted under the Order would do either of the following:

- ◆ Physically divide an established community
- ◆ Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect

For this impact analysis, restoration projects permitted under the Order would result in a significant impact related to physical division of an established community if they would directly or indirectly disrupt the existing development pattern, divide an existing incorporated or unincorporated community, or isolate such a community from other existing development.

**Impacts and Mitigation Measures**

Table 3.12-2 summarizes the impact conclusions presented in this section for easy reference.

As part of the State Water Board or Regional Board’s issuance of a NOA for a restoration project under the Order, compliance with the general protection measures and mitigation measures listed below would be required when applicable to a given project. Not all general protection measures and mitigation measures would apply to all restoration projects. The applicability of the general protection measures and mitigation measures would depend on the individual restoration activities, project location, and the potentially significant impacts of the individual restoration project. Implementation of the mitigation measures would be the responsibility of the project proponent(s) under the jurisdiction of the State Water Board, appropriate Regional Board, or other authorizing regulatory agency.

**Table 3.12-2  
Summary of Impact Conclusions—Land Use and Planning**

Impact Statement	Construction Activities	Constructed Facilities and Operations and Maintenance
<b>3.12-1:</b> Restoration projects permitted under the Order could conflict with a land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect.	LTS	SU
<b>3.12-2:</b> Implementing restoration projects permitted under the Order could physically divide an established community.	LTS	SU

SOURCE: Data compiled by Environmental Science Associates in 2019 and 2020

NOTES: LTS = less than significant; SU = significant and unavoidable

**Impact 3.12-1: Restoration projects permitted under the Order could conflict with a land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect.**

**Effects of Project Construction Activities**

Construction of restoration projects permitted under the Order could involve mobilization of equipment and materials, preparation of staging areas, installation of temporary construction offices, staging and storage of equipment and materials, vehicle parking, use of designated access and haul routes, clearing of vegetation and structures, preparation of borrow sites, site restoration and demobilization, and removal of excess materials. Restoration projects would be required to comply with applicable city and county general plans and other local policies and ordinances. Potential temporary conflicts with adjacent land uses, policies and regulations from construction noise, dust, and traffic are addressed in those sections of this PEIR. Therefore, this impact would be **less than significant**.

**Effects of Constructed Facilities (Natural or Artificial Infrastructure) and Operations and Maintenance of those Facilities**

The majority of constructed facilities for restoration projects permitted under the Order would not conflict with a land use plan, policy, or regulation adopted to avoid or mitigate environmental effects. For example, some projects—stream crossing and fish passage improvements; removal of small dams, tide gates, flood gates, and legacy structures; bioengineered bank stabilization; and removal of pilings and other in-water structures—would occur in existing water channels and would not be expected to change existing land uses. Also, constructed facilities for the restoration projects could support land use plans, policies, or regulations if the plans, policies, and regulations include environmental goals for habitat preservation or restoration.

Other restoration projects could result in new long-term or permanent features that could conflict with land use plans, policies, or regulations adopted to avoid or mitigate environmental effects. Restoring and enhancing off-channel/side-channel habitat would involve reconnecting and creating side-channel, alcove, oxbow, pond, off-channel, floodplain, and other habitats, and potentially removing off-channel fill and plugs. Work may include removing or breaching levees, berms, and dikes; excavating channels; constructing wood or rock tailwater control structures; and constructing large wood habitat features. Impacts associated with construction activities and some operation activities have the potential to conflict with land use policies, such as those related to conversion of agricultural land and reduction of noise impacts. (For more detailed impacts related to agriculture and forestry resources see Section 3.3, *Agriculture and Forestry Resources* and Section 3.14, *Noise*.) Therefore, constructed facilities and operation associated with restoration projects permitted under the Order could result in conflicts with a land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. In these limited instances, compliance with required permits and approvals would reduce impacts associated with projects to a less than significant level. However, if there is no jurisdiction by the agency and no requirement to obtain a permit, land use policy conflicts could occur. Because there could be potential adverse changes

to land use and planning due to the construction of restoration projects, this impact would be **significant and unavoidable**. The Order does not include any general protection measures applicable to this impact.

### **Impact 3.12-2: Implementing restoration projects permitted under the Order could physically divide an established community.**

#### **Effects of Project Construction Activities**

Construction activities for restoration projects permitted under the Order could include mobilization of equipment and materials, preparation of staging areas, installation of temporary construction offices, staging and storage of equipment and materials, vehicle parking, use of designated access and haul routes, clearing of vegetation and structures, preparation of borrow sites, site restoration and site demobilization, and removal of excess materials.

These types of construction activities would not be expected to physically divide an established community. For example, stockpiling of materials and new intakes/diversions associated with subsidence reversal programs would be nonlinear and localized, and therefore would not physically divide an established community. Other restoration projects permitted under the Order, such as floodplain restoration projects—including levee, berm, and dike setback, breaching and removal, and hydraulic reconnection and revegetation—could involve constructing linear infrastructure. These elements are meant to reconnect historical stream and river channels, and to reconnect freshwater deltas with floodplains and historical estuaries to tidal influence. Therefore, construction activities for these types of projects would most likely take place on the periphery of a community, rather than through the community, and would not physically divide the community.

Some of these projects could be constructed in areas between communities and developed services. For example, a levee setback outside of a community may require road closures to facilitate construction, which could temporarily physically divide the community during construction.

Construction activities for restoration projects permitted under the Order could result in the temporary physical division of the community; however, these conversions would most likely take place on the periphery of a community, rather than through the community, and would be temporary. A majority of construction activities would take place on or near a body of water, which would not further divide an established community. Therefore, this impact would be **less than significant**. The Order does not include any general protection measures applicable to this impact.

#### **Effects of Constructed Facilities (Natural or Artificial Infrastructure) and Operations and Maintenance of those Facilities**

Restoration projects permitted under the Order (e.g., new fish screens and floodplain restoration) likely would not physically divide an established community. Floodplain restoration projects—including setback, breaching, and removal of levees, berms, and dikes, and hydraulic reconnection and revegetation—would typically involve reconnecting historical stream and river channels and reconnecting freshwater deltas

with floodplains and historical estuaries to tidal influence. These projects are generally located on the periphery of a community. They would not result in a permanent division of established communities, isolate industry from communities with services, or disrupt development patterns that would adversely affect the accessibility of the area.

Some facilities outside of communities could isolate developed areas from urban services. For example, removing roads for construction of a new setback levee might isolate agricultural areas from facilities and communities that provide services and markets to farmers. Also, periodic inundation of roadways from flood widening projects could preclude or inhibit access between communities and services.

Because the extent and location of restoration projects permitted under the Order are yet to be determined, it is not possible to conclude that the restoration projects would not physically divide an established community. Therefore, this impact would be **significant and unavoidable**. The Order does not include any general protection measures or mitigation measures applicable to this impact.