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Land Use and Planning

Scope of Analysis and Indicators of Effects

This section describes the existing land uses and planning documents, the relationship of the proposed development to federal, state, and local land use plans, laws and regulations and the effects of the proposed project and alternatives. Requirements imposed by specific laws and regulations on specific resources, such as those that apply to the protection of wildlife and vegetation, are discussed within those resource sections of this EIS/EIR.

Affected Environment

Environmental Setting

The project area is a 28-mile corridor that traverses through rural portions of Eldorado National Forest and private lands within Alpine, Amador, and El Dorado Counties. For much of the alignment, the power line would be located within the Old Alpine Highway or Highway 88 right-of-way, which forms the boundary between Amador and El Dorado Counties. Nearly 85 percent of the power line would be located within Eldorado National Forest and falls within the jurisdiction of the Eldorado National Forest Land and Resource Management Plan (1989) as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (2004). Approximately 15 percent of the power line would be located within private land and falls within the jurisdiction of the general plan for the county in which it is located or the Kirkwood Specific Plan. In addition, within the Caltrans right-of-way, Caltrans has authority over all highway related activities.

The primary regional land uses are forest, open recreation, and open space. There are commercial, residential, and recreational developments at Kirkwood, Bear River Reservoir, Silver Lake and Kirkwood Lake, several campgrounds, resort facilities (reference Recreation section in Chapter 3), and other limited residential development.

Eldorado National Forest Land Management Areas

The 1989 Eldorado National Forest Land and Resource Management Plan as amended by the 2004 Sierra Nevada Forest Plan Amendment Record of Decision directs management of the federal lands within the project area. The proposed KMPUD power line alignment crosses a number of Forest Service Management Areas as summarized in Table 3-1.

Table 3-1. Forest Service Management Areas Crossed by the Proposed Project Area

Proposed Project Segment No.	Proposed Project Length Through ENF (miles)	Forest Service Management Area No.	Forest Service Management Area
Alternative 2			
1	2.3	4	Mokelumne Archeological Special Area
2	0.8	4 20 21 22 23	Mokelumne Archeological Special Area Visual Foreground Retention Visual Foreground Partial Retention Visual Middleground Retention Visual Middleground Partial Retention
3, 4, 5	10.2	20	Visual Foreground Retention
6, 7, 8, 10, 11, 12, 15, 16, 18, 19, 20	10.6	8	High Country – Roded Natural
21	0.2	13	Private Sector Recreation
Alternative 3			
Alt 3:6 Alt 3:8, Alt 3:9 Alt 3:12 Alt 3:18	3.0	8	High Country – Roded Natural
Alternative 4			
KM Green	n/a	4	Mokelumne Archeological Special Area

The purpose of the Mokelumne Archeological Special Area is to protect and manage unique archaeological resources. The area is principally managed for recreation, substantially in its natural condition, while preserving the integrity of the special archeological features for which the area was established.

The visual resource Management Area Numbers 20, 21, 22, and 23 are focused on maintaining scenic resources and visual quality, which are discussed in detail in the Aesthetics and Visual Resources section of Chapter 3. Based on the analysis presented in the Aesthetics and Visual Resources section, the project complies with the management prescription of Areas 20, 21, 22, and 23. To eliminate redundancy, discussion of Management Areas 20, 21, 22, and 23 is deferred to the Aesthetics and Visual Resources section and will not be discussed further within this Land Use section.

The purpose of Management Area 8, labeled High Country-Roded Natural, is to maintain a roded natural forest setting that provides a range of recreation opportunities and experiences. Modification to soil and vegetation must not be evident.

County Land Use and Zoning Designations

Approximately 15 percent of the 28-mile power line corridor is located on private land. Land use planning on private land is under the jurisdiction of local governments: Amador County, El Dorado County, and Alpine County. All three counties have adopted general plans, as required by California Government Code 65300, that establish the goals and policies for long-term development, protection from environmental hazards, and conservation of identified natural resources.

Each county implements their general plan by adopting ordinances, policies, and zoning regulations. Zoning identifies the specific types of land uses that may be allowed on a given site and establishes the standards that will be imposed on new development. Local planning documents and zoning ordinances provide for the installation, operation, and maintenance of utilities necessary to facilitate and support planned growth. Figures 22 and 23 illustrate the land use designations and zoning for Amador, El Dorado and Alpine Counties.

Amador County

The Amador County General Plan Land Use Maps identify the project area predominately as Open-Forest or General Forest, with Open-Recreational use areas delineated around Salt Springs Reservoir, Bear River Reservoir, and Silver Lake. Kirkwood is designated as a Special Planning Area, governed by the Kirkwood Specific Plan (2003). Amador County's zoning is governed by Title 19 of the County Ordinance. The zoning districts for the proposed utility corridor within Amador County include: Single-Family Residential, Timber Preserve, and Special Planning Area. The zoning districts for the proposed utility corridor are summarized in Table 3-2.

Table 3-2. Land Use and Zoning on Private Land within or Adjacent to the Project Area in Amador County

Project Segment No.	APN	Project Length Through Private Land (miles)	Amador County Land Use Designation	Amador County Zoning Designation
3	028-050-003-000	0.3	Open Recreation Open/General Forest	Single Family Residential - Agriculture
5	026-060-010-000	0.2	Residential Suburban	Single Family Residential - Agriculture
	026-060-014-000	0.3	General Forest	Timber Land Preserve Zone
	026-060-015-000	0.2	General Forest	Timber Land Preserve Zone
9	026-030-035-000	0.1	General Forest	Single Family Residential - Agriculture
	026-030-038-000	0.3	General Forest	Single Family Residential Agriculture
18/19	026-010-001-000	0.3	General Forest	Timberland Preserve
Alt 3: 21 ¹		1.10	Planned Development	Special Planning Area

¹ See discussion on Kirkwood Specific Plan below.

The Open Recreation land use designation is applied to a variety of public recreation lands, including National, State, and local parks and recreation areas, game and wildlife refuges, portions of fair grounds, school sites and airports, public and private golf courses, and recreation and resort developments, etc. Consistent zoning includes: open space, public facility, single-family residential-agricultural, mineral resources, agricultural-general, and planned development.

The Residential Suburban land use designation applies to lands best suited to low-density residential uses in suburban areas not served by either domestic water and sewer systems, or other urban services. Appropriate uses are single-family residential, agriculture, schools, and parks, etc. Consistent zoning designations include: multiple family residential, and single-family residential-agricultural.

The General Forest land use designation applies to lands that are both in public and private ownership and have been identified as having significant timber production resources. Consistent zoning designations include: agricultural-general, agricultural-40 (40 acre maximum density), open space, single-family residential-agricultural, mineral resources, and timberland preserve.

The Planned Development classification applies to a variety of land areas that have been, are being, or are proposed to be developed, in conformity with planned development or other carefully prepared and closely supervised plans because of natural, environmental or other factors requiring such planning controls. Acceptable uses may range from simple mining operations to complex land development projects. Consistent zoning designations include: planned development preferred, or otherwise, special use, manufacturing, or zoning closely matched to approved development plans.

El Dorado County

The El Dorado County General Plan designates the land use within the project area as Natural Resource except for the private land within Kirkwood, which is designated as Adopted Plan. El Dorado County zoning is governed by Title 17 of the County Ordinance. The zoning districts for the proposed utility corridor are summarized in the following table.

Table 3-3. Land Use and Zoning of Private Land within or Adjacent to the Project Area in El Dorado County

Project Segment No.	APN	Project Length Through Private Land (miles)	El Dorado County Land Use Designation	El Dorado County Zoning Designation
5	039-270-018-100	0.2	Natural Resource	Timberland Preserve
	039-270-035-100	0.5	Natural Resource	Timberland Preserve
9	039-160-003-100	0.3	Natural Resource	Agricultural District
	039-160-002-100	0.2	Natural Resource	Agricultural District
13/14/15	039-080-03-100	0.4	Natural Resource	Estate Residential – 5 Acres
16	039-080-04-100	0.1	Natural Resource	Agricultural District
17	039-060-02-100	0.3	Natural Resource	Timberland Preserve
21 ¹	21 ¹	0.6	Adopted Plan	Planned Development

¹ See discussion on Kirkwood Specific Plan below.

The Natural Resource land use designation identifies areas that contain economically viable natural resources. The purpose of the designation is to protect the economic viability of those resources and those engaged in harvesting/processing of those resources. The important natural resources of the county include forested areas, mineral resources, watershed, lakes, ponds, river corridors, grazing lands and areas where development encroachment would compromise the natural resource values. Compatible land uses include: agriculture, rangeland, forestry, wildlife management, recreation, water resources development and single-family dwellings.

The County’s designation of “Adopted Plan” recognizes that the Kirkwood Specific Plan provides the specific land use plans for this area. However, because El Dorado County did not have an approved General Plan until 2010, the County was unable to formally adopt the Kirkwood Specific Plan concurrently with Amador and Alpine Counties. Now that the County’s General Plan has been approved and El Dorado County is able to process applications, the formal approval process for the Kirkwood Specific Plan and EIR is moving forward (KMR, 2010b). The plan will be adopted and incorporated by reference in the county’s General Plan, and the respective land use map associated with the plan will be adopted as the General Plan map for that area.

Alpine County

There are 1.3 miles of the proposed power line within Alpine County. The Alpine County General Plan designates Kirkwood as a Planned Development, which allows “any residential, commercial, institutional and recreation uses arranged and/or designed in an integrated and organized development deemed acceptable to the County”. All of the project area in Alpine County is located within Kirkwood and regulated under the approved Kirkwood Specific Plan (2003). Review and analysis of land use and zoning in Alpine County is pursuant to the Kirkwood Specific Plan.

Kirkwood Specific Plan

The Kirkwood Specific Plan (2003) regulates the long-term development of private land within Kirkwood. The Kirkwood Specific Plan establishes the goals, objectives, and polices of development in Kirkwood and identifies allowable land use designations and densities. Regulations set forth in the Kirkwood Specific Plan are enforced by county ordinances, as appropriate. The zoning districts for the proposed utility corridor are summarized in Table 3-4.

Table 3-4. Zoning of Private Land within or Adjacent to the Project Area within private Lands in Kirkwood

Proposed Project Segment No.	Proposed Project Length Through Private Land (miles)	Kirkwood Specific Plan Zoning Designation
21	0.6	Multi-family Residential and Commercial Zone
22	1.3	Single Family/Duplex Residential Zone
Alt 3: 21	1.7	Single Family/Duplex Residential; Open Space; Multi-family Residential; Multi-family Residential and Commercial; Service/Utilities and Parking
KM Blue	Not applicable	Service/Utilities and Parking

Land use (zoning) designations within Kirkwood are designated by each county and, as specified above, include Special Planning, Adopted Plan and Planned Development by Amador, El Dorado and Alpine Counties, respectively. The Kirkwood Specific Plan further prescribes zoning designations throughout the approximately 700 acres covered under the plan.

The KM Blue substation would be located within the upper bay of the Red Cliffs Parking lot, which is zoned Service/Utilities and Parking. The Service and Parking zoning designation objectives include maximizing land uses by allowing multiple activities to occur, maintaining and expanding parking facilities, and coordinating with relevant agencies, including the KMPUD, to ensure adequate services and utilities are provided for Kirkwood visitors and residents.

The Specific Plan policies for utilities require that wherever possible, utility distribution lines should be placed in existing parking and roads (Specific Plan Policy 4.5.5.3). The proposed project is consistent with this policy, and within Kirkwood, the power line would be constructed within existing roadways from Highway 88 to the KM Blue substation.

Other Special Land Use Areas

Caltrans Right-of-Way

Caltrans manages operation and maintenance of Highway 88. Caltrans must authorize any activities proposed within the designated highway corridor that would affect the transportation system. Segments of Highway 88 are designated as controlled-access expressway, which limits the types of encroachments allowed in the highway corridor. The highway corridor is defined by a combination of Special Use Permits from the ENF and, in a few areas crossing private property (Figure 2.1-2.3), easements from local landowners. The Highway 88 corridor is typically 66 feet from the centerline of the road. Caltrans uses an encroachment permit process (Encroachment Permit Manual, 2009) to regulate both short-term construction activities and long-term activities by private parties or other public agencies within highway right-of-way.

Regulatory Setting

The proposed project and alternatives were reviewed for consistency with land use designations and zoning as outlined in the following plans and policies:

- Eldorado National Forest Land Resource Management Plan as amended by the 2004 Sierra Nevada Forest Plan Amendment Record of Decision
- Amador County General Plan, Codes and Ordinances
- El Dorado County General Plan, Codes and Ordinances
- Alpine County General Plan, Codes and Ordinances
- 2003 Kirkwood Specific Plan

Federal Regulations

The Eldorado National Forest Land and Resource Management Plan, as amended

The Eldorado National Forest Land and Resource Management Plan, as amended (SNFPA, USDA FS, 2004) applies to all federal lands surrounding the project area. While the Land and Resource Management Plan does not specifically address electric lines, the project must be consistent with the standards and guidelines contained in the Plan and management prescriptions.

In addition to the Management Areas described above, other smaller Management Areas that overlap include: sensitive species areas, meadows, historic and prehistoric cultural sites, and grazing

allotments. There are specific Forest Service standards and guidelines for each of these overlapping areas, which are discussed within their respective resource topic later in Chapter 3.

State Regulations

California Department of Transportation

The California Department of Transportation (Caltrans) manages the operation and maintenance of Highway 88. Caltrans has authority over all activities proposed within their Highway 88 right-of-way. Caltrans uses an encroachment permit process (Encroachment Permit Manual, 2009) to regulate short-term construction activities and long-term activities within their highway rights-of-way. Segments of Highway 88 are designated as controlled-access expressway, which limits the types of encroachments allowed in the highway corridor. In general, Caltrans policy is to prohibit longitudinal encroachments (such as utilities parallel to the roadway within the highway right-of-way). Longitudinal alignments are considered only when alternative placement is not reasonably available, there is compelling reason to allow an exception to the policy, and it can be demonstrated that:

- There would be no adverse affect on safety design, construction, traffic operations, maintenance, or highway stability.
- Alternate locations are not available or are cost prohibitive.
- It would not interfere with or impair present use or future expansion of the freeway.
- Permits include traffic control plans and adequate provisions for access to utility work zones and protection of workers and the traveling public.

Affects to Caltrans policies and regulations within their right-of-way are described in detail in the Transportation section later in Chapter 3.

Local Regulations

Amador County

Title 19 of the Amador County Code describes the zoning regulations. Subsections relevant to the project include:

- Amador County Code Section 19.28.020 allows for the construction and operation of public uses in any zoning district, provided that a use permit is first obtained from the County.
- Amador County Code Section 19.40.010 allows for electrical transmission lines carrying more than 100 kV and electric substations in any zone district, provided that a use permit is first obtained. Lines under 100 kV do not require a use permit.
- Amador County Code Section 19.24.035 allows for the erection, construction, alteration, or maintenance of gas, electric, water or communication transmission facilities within Timber Preserve Zones.

El Dorado County

- Zoning Ordinance 17.14.070 allows for public utility distribution, transmission lines and/or facilities, both overhead and underground, in all except Airport Safety zone districts; provided that the routes and site locations of the proposed transmission lines and/or facilities are submitted to the planning commission or the zoning administrator for site plan review or special use permitting during the preliminary planning stages and prior to the adoption of the routes and site locations or acquisition of right-of-way.
- General Plan Policy 5.6.1.1 directs County coordination with utilities for under-grounding existing and new utility distribution lines in accordance with current rules and regulations of the California Public Utility Commission and existing overhead power lines within scenic areas and existing Community Regions and Rural Centers.

Alpine County

The land use designation for the power line segments and the KM Blue substation located within Alpine County are Planned Development and details are contained in the approved Kirkwood Specific Plan.

Kirkwood Specific Plan

Section 6.4 of the Kirkwood Specific Plan provides the objectives and policies for electrical services:

- 6.4.1 Objectives for Propane and Electrical Services
 - (1) Provide electric and propane services in an efficient manner that minimizes land disturbance for distribution lines and related facilities.
 - (3) Provide cost-effective gas and electrical services to Kirkwood businesses and residents.
- 6.4.2 Policies for Propane and Electrical Services
 - (2) All utilities shall be placed underground and shall follow the alignment of roads whenever practical to minimize land disturbance.
 - (3) Utility installations shall be coordinated in terms of timing and location to minimize land disturbance.

Tri-County Joint Power Agreement, as amended

The Tri-county Joint Power Agreement (Agreement) (Tri-TAC, 1979) as amended (1984, 1985) is a resolution between Amador, El Dorado, and Alpine Counties to develop and implement a cooperative and integrated program of land-use regulation for the Planning Area, which is described as the area adjacent to Highway 88 east of Dew Drop in Amador County to the intersection with Highway 88 and Carson Pass and the parts of the three counties which are affected by Kirkwood. The counties have formed a three-county Technical Advisory Committee (Tri-TAC) consisting of staff from each county, and representatives from Eldorado National Forest, Toiyabe National Forest and Kirkwood Meadows

Public Utility District as ex-officio members. The Tri-TAC has no stand-alone policies, but compliance with county policies for visual resources and implementation of the Kirkwood Specific Plan requires a review by the Tri-TAC.

Significance Criteria

NEPA Impact Criteria

The NEPA analysis determines whether direct or indirect effects to land use would result from the project and provides a comparison of effects by alternative. As defined by the Council on Environmental Quality, significance of an effect is determined by the context and intensity of the resulting change relative to the existing environment (40 CFR 1508.27). As applicable, impacts are discussed in terms of spatial extent, duration, and intensity.

For the purposes of this project, direct and indirect effects are described in terms of consistency with:

- Goals of the specific Management Areas as designated by Eldorado National Forest Land and Resource Management Plan, as amended, and
- Applicable county land use and zoning designations.

CEQA Impact Significance Criteria

Criteria for determining the significance of impacts related to land use were based on the environmental checklist found in Appendix G of the State CEQA Guidelines and Mandatory Findings of Significance.

Effects to land use resulting from implementation of the proposed project would be considered significant if the project would:

1. Physically divide an established community;
2. Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; or
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

Effects Analysis

This section includes a joint NEPA/CEQA analysis of impacts to land use and evaluates the impacts utilizing both NEPA and CEQA criteria. At the conclusion of the discussion is a NEPA impact summary statement and CEQA impact significance determinations.

Alternative 1 (No Action / No Project)

Direct, Indirect, and Cumulative Effects

Implementation of the No Action / No Project Alternative would not result in temporary or permanent direct or indirect effects to land use or planning. Existing patterns of land use would be expected to continue. The KMPUD powerhouse and existing distribution lines would continue to provide power to the Kirkwood Service Area as currently approved under the Kirkwood Specific Plan. No cumulative impacts would occur under the No Action / No Project alternative.

Effects Common to Alternatives 2 (Proposed Action / Proposed Project), Alternative 3 (Expanded Hwy 88), and Alternative 4 (KM Green Substation at Cole Creek Road)

Direct and Indirect Effects

Alternatives 2, 3, and 4 are in conformance with the objectives of the designated management areas of the Eldorado National Forest Land and Resource Management Plan as amended by the 2004 Sierra Nevada Forest Plan Amendment Record of Decision. Alternatives 2 and 3 are consistent with the Land and Resource Management Plan direction for each resource area described in this EIS/EIR and would comply with the full set of standards and guidelines of the Forest Plan. Electric utilities are an allowable use in all of the management areas crossed by Alternatives 2 and 3, and at both proposed KM Green substation locations as described in Alternatives 2 and 4.

The proposed project and alternatives through private land would be consistent with the goals and policies set forth in the applicable county general plans, policies and ordinances specific to land use and zoning. Alternatives 2 and 3 would be in compliance with the county land use designations and zoning. As shown in the regulatory section above, county codes and ordinances allow for construction of underground transmission lines less than 100 kV (Amador County Code Section 19.40.010; El Dorado County Zoning Ordinance 17.14.070; and Kirkwood Specific Plan 6.4.2). Both KM Green substation locations are entirely on Eldorado National Forest lands and Amador County land use and zoning regulations are not applicable.

The Kirkwood Specific Plan policy requires that utilities be constructed within existing roadways to the extent possible. The proposed project is in conformance within this policy, as both the proposed alignment (Segment 21 and 22) and Alternative 3 alignment (Alt 3: 21) would be located within existing roadways through Kirkwood. The KM Blue substation would be constructed in an area designated as Service and Parking zoning, which allows for construction and operation of power generation facilities.

Cumulative Effects

There are no impacts to land use from the proposed project or alternatives. Therefore, the potential for adverse cumulative effects from the proposed activities, past activities, and reasonably foreseeable actions is expected to be negligible.

NEPA Impact Summary

As currently designed, construction, operation and long-term maintenance activities associated with Alternative 2 (Proposed Action / Proposed Project), Alternative 3 (Expanded Hwy 88), or Alternative 4 (KM Green substation at Cole Creek Road) would not result in adverse effects related to land use or federal, state, or local regulations.

- The project and alternatives are consistent with goals of the specific Management Areas as designated by Eldorado National Forest Land and Resource Management Plan.
- The project and alternatives are consistent with applicable county land use and zoning designations.

CEQA Impact Significance Determinations

The proposed project would result in a significant impact if it would:

1. Physically divide an established community.

The overbuild of the existing line is located in a rural forest setting and there are no established communities that would be physically divided. Kirkwood is the only established community within the project area and all components of the project through Kirkwood would be constructed within existing roadways. The buried line segments do not pose a physical restriction, and therefore, would have no impact to an existing community, other than creating a short-term, temporary disruption during construction, which is discussed under Traffic and Transportation. As designed, the temporary effects from construction activities within Kirkwood would result in *less than significant* impacts to an established community.

2. Conflict with an 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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The construction, maintenance, and operation of the power line would not conflict with federal or county land use and zoning designations. The placement of the power line within an accessed controlled highway, in general, conflicts with Caltrans policy; however, longitudinal alignments are considered when alternative placement is not reasonably available and there is compelling reason to allow an exception to the policy. The relationship of the proposed project to the Caltrans policy is discussed in detail under the Traffic, Transportation and Public Safety section of Chapter 3. The

proposed project would have *less than significant* on an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

There are no habitat conservation plan areas or natural community conservation plan areas crossed by the project alignment, alternative segments, or substation locations; therefore there are no conflicts.

The proposed project would have *no impact* on any applicable habitat conservation plan.