

APPENDIX 3.13-A: LAND USE AND DEVELOPMENT LOCAL AND REGIONAL PLANS AND LAWS CONSISTENCY ANALYSIS

This appendix addresses California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements to describe a proposed project's inconsistencies or conflicts with applicable local and regional plans and laws. CEQA Guidelines require that an environmental impact report (EIR) discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans (Guidelines, § 15125(d)). NEPA regulations¹ require a discussion of conflicts between a proposed undertaking and the objectives of federal, regional, state, local and tribal² land use plans, policies, and laws, as well as a description of the extent to which the Authority and the Federal Railroad Administration (FRA) would reconcile the inconsistencies (Council on Environmental Quality Regulations, §§ 1502.16(c), 1506.2(d)).

Although the Volume 1, *Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Supplemental Environmental Impact Statement* describes the Central Valley Wye alternatives' inconsistency with local and regional plans and laws in order to provide a context for the project, inconsistency with such plans and laws is not considered an environmental impact.

Table 1 of this appendix provides the following:

- A determination for each applicable local and regional plan or law that identifies whether the Central Valley Wye alternatives are consistent or inconsistent with the goals, objectives, policies, or ordinances that each applicable local and regional plan or law contains.
- In the event that an inconsistency has been identified the following information has been provided:
 - an explanation of why the Central Valley Wye alternatives are inconsistent;
 - A discussion of approaches the Authority has committed to take to reconcile any inconsistency. Such approaches consist of impact avoidance and minimization features (described in Volume 2, Technical Appendices, Appendix 2-B, California High-Speed Rail Authority Environmental Commitments: Impact Avoidance and Minimization Features); and activities described in Volume 2, Appendix 2-C, Applicable Design Standards.
 - The rationale for carrying forth the Central Valley Wye alternatives if it remains inconsistent with the local and regional plan or law despite these approaches.
- Where it has been determined that the Central Valley Wye alternatives are consistent with a local and regional goal, objective, policy, or law, neither reconciliation nor the rationale behind it are required and Table 1 shows this as "N/A".

¹ NEPA regulations refer to the regulations issued by the Council for Environmental Quality located at 40 CFR Part 1500.

² No designated tribal lands exist in the vicinity of the Central Valley Wye alternatives and no analysis of tribal land use policies is provided.

Table A-1 Applicable Local and Regional Plan and Law Consistency or Inconsistency, Reconciliation, and Rationale

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Stanislaus County General Plan (2016)			
Agricultural Element, Goal 2: Conserve our agricultural lands for agricultural uses	Consistent	N/A	N/A
Policy 2.5 To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.	Consistent	N/A	N/A
Waterford Vision 2025 General Plan (2006)			
Land Use Element, Goal Area L-1: Residential and neighborhood development	Consistent	N/A	N/A
Policy L-1.5 Protect existing neighborhoods from incompatible developments.	Consistent	N/A	N/A
2030 Merced County General Plan (2013)			
Policy LU-2.3: Limit allowed land use within Agricultural and Foothill Pasture areas to agricultural crop production, farm support operations, and grazing and open-space uses.	Inconsistent. The Central Valley Wye, as one segment of the overall statewide HSR system, would convert existing land uses for construction and could result in permanent conversion of farmland.	Where possible the Central Valley Wye alternatives would be adjacent to existing transportation rights-of-way, so that the permanent conversion of agricultural lands within the right-of-way to transportation uses would be compatible with existing transportation land uses. The design of the alternatives along existing transportation corridors would minimize disruption to farm operations.	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Policy AG-2.2: Protect productive agricultural areas from conversion to non-agricultural and urban uses by establishing and implementing an agricultural mitigation program that matches acres converted with farmland acres of similar quality to those converted preserved at a 1:1 ratio.</p> <p>Coordinate with the six cities in Merced County and the Merced Local Agency Formation Commission (LAFCo), consistent with LAFCo's statutory mission to preserve agricultural land and open space, to establish consistent standards and mitigation for the loss of farmland.</p> <p>In addition, the Land Evaluation and Site Assessment Model (LESA model) may be used to determine whether the conservation land is of equal or greater value than the land being converted.</p>	<p>Inconsistent.</p> <p>Consistent with implementation of AG-IAMF#1, Restoration of Important Farmland Used for Temporary Staging Areas</p> <p>The Central Valley Wye, as mitigated, is consistent with the first paragraph of this policy.</p> <p>Paragraph 2 is not applicable because it addresses actions relating to changes in city or district boundaries or incorporation of new cities.</p> <p>The LESA model has been used to analyze impacts.</p>	<p>Through AG-IAMF#1, the contractor would prepare a restoration plan addressing restoration of temporary construction staging areas located in Important Farmland. All construction access, mobilization, material laydown, and staging areas on Important Farmlands would be returned to a condition equal to the pre-construction staging condition.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resources areas. The project design includes measure to minimize conversion of agricultural lands.</p>
<p>Policy AG-2.4: Encourage property owner participation in programs that preserve farmland, including the Williamson Act, conservation easements, and USDA [U.S. Department of Agriculture] -funded conservation practices.</p>	<p>Inconsistent.</p> <p>Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3, Farmland Consolidation Program, into Central Valley Wye design.</p> <p>The Central Valley Wye alternatives would permanently remove land that is currently in protected agricultural status, with the result that some parcels may become too small to remain protected. The Central Valley Wye alternatives would meet all statutory requirements associated with the cancellation of Williamson Act contracts.</p>	<p>Through AG-IAMF#1, the contractor would prepare a restoration plan addressing restoration of temporary construction staging areas located in Important Farmland. All construction access, mobilization, material laydown, and staging areas on Important Farmlands would be returned to a condition equal to the pre-construction staging condition.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		remnant property that otherwise may be uneconomical to farm.	
<p>Policy AG-2.8: Support the efforts of public, private, and non-profit organizations to preserve agricultural areas in the County through dedicated conservation easements, and range land held as environmental mitigation.</p>	<p>Inconsistent. Consistent with incorporation of AG-IAMF#3.</p>	<p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
<p>Policy AG-2.9: Oppose the extension of urban services, such as sewer lines, water lines, or other urban infrastructure, into areas designated for agricultural use, unless necessary to protect public health, safety, and welfare.</p>	<p>Inconsistent. The Central Valley Wye alternatives could locate urban infrastructure (transportation facilities) into areas designated for agricultural use.</p>	<p>The Central Valley Wye alternatives indirectly encourage concentrated development patterns near stations and limit sprawl by encouraging infill development in cities with stations. This could minimize the amount of land converted to urban uses to accommodate future growth in the region.</p> <p>Design Standards: The HSR incorporates design standards to minimize the extension of utilities and urban services into undisturbed areas, unless necessary.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
<p>Policy AG-2.16: Coordinate with the California High Speed Rail Authority to locate the high speed rail lines along existing major transportation corridors, such as State Routes 99 or 152, to minimize the conversion of productive agricultural land to non-agricultural uses.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
<p>Policy CIR-5.5: Work with other agencies to plan railroad corridors that facilitate the preservation of important rail line right-of-way for further rail expansion or other appropriate transportation facilities.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Merced County Municipal Code			
<p>Chapter 18.02 A-1, A-1-40, and A-2 designate agricultural zones to preserve, develop, and grow agriculture in the county.</p>	<p>Inconsistent.</p> <p>Consistent with incorporation of AG-IAMF#1, and AG-IAMF#3, into Central Valley Wye design.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agricultural land from land zoned A-1, A-1-40, and A-2.</p>	<p>Through AG-IAMF#1, the contractor would prepare a restoration plan addressing restoration of temporary construction staging areas located in Important Farmland. All construction access, mobilization, material laydown, and staging areas on Important Farmlands would be returned to a condition equal to the pre-construction staging condition.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
Regional Transportation Plan for Merced County (2014)			
<p>Preserve and enhance agricultural resources by implementing transportation improvements that avoid, minimize, or mitigate negative impacts on productive agricultural land</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
<p>Provide a variety of transportation choices that strengthen and direct development towards existing communities, thus preserving open space, farmland, natural beauty, and critical environmental areas.</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Coordinate future land-use patterns and transportation systems (aviation, rail, light rail, high-speed rail, transit, bike and pedestrian paths, and roads) to foster economic prosperity, environmental protection and mitigation, trip reduction, and the creation of efficient, integrated mixed-use communities.	Consistent	N/A	N/A
Encourage land use and growth patterns that enhance the livability of our communities and maximize the productivity of transportation investments.	Consistent	N/A	N/A
Support orderly and planned growth that enhances the integration and connectivity of various modes of transportation.	Consistent	N/A	N/A
Merced Vision 2030 General Plan (2012)			
Land Use Element, Goal Area L-1: Residential and Neighborhood Development	Consistent	N/A	N/A
Policy L-1.5 Protect existing neighborhoods from incompatible developments	Consistent	N/A	N/A
Madera County General Plan (1995)			
Agriculture, Policy 5.A.1: Maintain agriculturally designated areas for agricultural uses.	<p>Inconsistent.</p> <p>Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3 into Central Valley Wye design.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>The Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		<p>owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	
<p>Agriculture, Policy 5.A.3: Ensure new development and public works projects do not encourage further expansion of urban uses into designated agricultural areas.</p>	<p>Consistent.</p>	<p>N/A</p>	<p>N/A</p>
<p>Agriculture, Policy 5.A.5: Allow conversion of existing agricultural lands to urban uses within designated urban and rural residential areas, new growth areas, and city spheres of influence.</p>	<p>Consistent.</p>	<p>N/A</p>	<p>N/A</p>
<p>Agriculture, Policy 5.A.6: Encourage continued and, where possible, increased agricultural activity on lands designated for agricultural use.</p>	<p>Inconsistent.</p> <p>Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3 into Central Valley Wye design.</p> <p>The Central Valley Wye alternatives would temporarily remove agricultural land during the construction period.</p> <p>The Central Valley Wye alternatives would permanently remove agricultural land from production compared to the No Project Alternative.</p>	<p>The Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Agriculture, Policy 5.A.13: Require development within or adjacent to designated agricultural areas to incorporate design, construction, and maintenance techniques to protect agriculture and minimize conflicts with adjacent agricultural uses.</p>	<p>Consistent.</p>	<p>N/A</p>	<p>N/A</p>
<p>Madera County Code, Title 18</p>			
<p>Designates agricultural zones to preserve, develop, and grow agriculture in the county. It also includes dairy operations' standards and regulatory standards that identify procedures and management practices for implementation that provide pollution protection for surface and groundwater resources.</p>	<p>Inconsistent. Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3 into Central Valley Wye design. The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>The Authority has committed to incorporating AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p> <p>Design Standards: The HSR incorporates design standards to minimize run off from and contain storm drainage within the right-of-way during operations and to meet all standards for retention of stormwater on site during construction.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Madera County 2014 Regional Transportation Plan (Merced County Association of Governments 2014)			
Goal 1: To promote intermodal transportation systems that are fully accessible; encourage quality growth and development; support the region's environmental resource management strategies; and are responsive to the needs of current and future travelers.	Consistent.	N/A	N/A
Goal 2: To promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to foster economic competitiveness of the Madera Region.	Consistent.	N/A	N/A
Goal 3: To enhance transportation system coordination, efficiency, and intermodal connectivity to keep people and goods moving and meet regional transportation goals.	Consistent.	N/A	N/A
Goal 4: To maintain the efficiency, safety, and security of the region's transportation system.	Consistent.	N/A	N/A
Goal 5: To improve the quality of the natural and human-built environment through regional cooperation of transportation systems planning activities.	Consistent.	N/A	N/A
Goal 6: To maximize funding to maintain and improve the transportation network.	Consistent.	N/A	N/A
Goal 7: To identify reliable transportation choices that support a diverse population.	Consistent.	N/A	N/A
Goal 8: To protect the environment and health of residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking).	Consistent.	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Goal 9: Establishes minimum standards of LOS D for analysis of the county's transportation system (local streets and roads) and LOS C for state routes	Consistent.	N/A	N/A
Madera County Airport Land Use Compatibility Plan (1993)			
Promote and establish compatibility between each airport in the county and surrounding land uses. The plan sets forth criteria by which the surrounding land-use actions, master plans of existing airports, and plans for new airports or heliports are compatible with the land-use zones. It includes discussions of the Chowchilla Municipal Airport and its surrounding land-use compatibility zones.	Consistent.	N/A	N/A
City of Chowchilla 2040 General Plan (2011)			
Objective LU 7: Minimize conflicts between residential uses and other incompatible land uses.	Consistent.	N/A	N/A
Policy LU 7.3: New development on the fringes of the City shall recognize the right of agriculture to exist and continue to operate in proximity to the development.	Consistent.	N/A	N/A
Policy OS 1.3: Coordinate with Madera County to maintain viable agricultural land on the periphery of the City of Chowchilla Sphere of Influence boundary for purpose of resource and view protection and establish standards that protect views of these lands.	Inconsistent. Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3 into Central Valley Wye design.	Through AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of keeping these parcels available for long-term agricultural use. The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		<p>owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	
<p>Policy OS 1.4: Support preservation of existing agricultural lands at the periphery of the City of Chowchilla Sphere of Influence.</p>	<p>Inconsistent.</p> <p>Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3 into Central Valley Wye design.</p> <p>The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>Through AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners.</p> <p>The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>
<p>Policy OS 2.2: The City shall work with the County to preserve lands dedicated as "Agriculture" within and adjacent to the City Sphere of Influence boundaries.</p>	<p>Inconsistent.</p> <p>Consistent with incorporation of AG-IAMF#1 and AG-IAMF#3 into Central Valley Wye design.</p> <p>The Central Valley Wye alternatives would permanently remove agriculturally designated lands from agricultural use.</p>	<p>Through AG-IAMF#1, which would require all construction access, mobilization, material laydown, and staging areas on Important Farmlands to be returned to as close to their pre-construction staging condition as possible with the goal of ensuring these parcels remain available for long-term agricultural use.</p> <p>The Authority has committed to implementing AG-IAMF#3, under which the Authority would establish and administer a farmland consolidation program to sell remnant parcels to neighboring landowners for consolidation with adjacent farmland properties. In</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize conversion of agricultural lands.</p>

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		addition, on request, the program would assist the owners of remnant parcels in selling those remnants to adjacent landowners. The goal of the program is to provide for continued agricultural use on the maximum feasible amount of remnant property that otherwise may be uneconomical to farm.	
City of Chowchilla Municipal Code, Title 18			
The City of Chowchilla Municipal Code, Title 18, pertains to the zoning ordinance of the City of Chowchilla and designates all relevant zoning districts.	Consistent	N/A	N/A

Sources: City of Chowchilla, 2011; City of Merced, 2015; City of Waterford, 2006; Madera County, 1993; Madera County, 1995; City of Madera, 2009; MCTC, 2014; Merced County, 2013; Merced County, 2014; Stanislaus County, 2016

HSR = high-speed rail
 IAMF = impact avoidance and minimization feature
 Authority = California High-Speed Rail Authority
 U.S. DOA = U.S. Department of Agriculture
 DOC = California Department of Conservation

LESA = Land Evaluation and Site Assessment
 N/A = not applicable. Reconciliation nor the rationale behind it are provided as it has been determined that the Central Valley Wye alternatives are consistent with requirements and reconciliation will therefore not be required.

References

MCAG	Merced County Association of Governments
MCTC	Madera County Transportation Commission

- City of Chowchilla. 2011. *2040 General Plan, Open Space and Conservation Element*. www.ci.chowchilla.ca.us/dept.%20forms/Com%20Dev/General%20Plan/Open%20Space%20and%20Conservation%20Element.pdf (accessed: December 31, 2014).
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- Stanislaus County. 2016. *Stanislaus County General Plan*. Adopted August 23, 2016. <http://www.stancounty.com/planning/pl/general-plan.shtm> (accessed August 2016/March 2018).