

4.10 LAND USE AND PLANNING

4.10.1 Regulatory Setting

This section presents a description of the laws, policies, and plans relevant to land use.

National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) is a federal law under the jurisdiction of the Environmental Protection Agency (USEPA) that requires federal agencies to consider environmental values in the decision-making process. The federal agencies must consider environmental impacts and consequences of proposed actions and reasonable alternatives that could potentially reduce impacts (USEPA 2014a).

California Environmental Quality Act

CEQA is a State document that is part of the California Code of Regulations. CEQA requires projects to undergo environmental review; depending on the potential effects, a more substantial review may need to be conducted in the form of an Environmental Impact Report (EIR). In an EIR, mitigation measures are proposed for any potentially significant impacts in order to reduce the level of impact, and feasible alternatives are considered (CNRA 2014). This EIR has been prepared as a Programmatic EIR pursuant to CEQA Guidelines, Section 15168. Completion of the Programmatic EIR would allow future individual renewable energy projects to “tier” off this environmental document. The proposed Project would be implemented on a “project-by-project” basis based on County approval of individual renewable energy projects. Future renewable energy projects developed per the proposed Project would need to be reviewed in the context of this Programmatic EIR to determine if additional environmental documentation would be required.

Farmland Mapping and Monitoring Program

The Farmland Mapping and Monitoring Program (FMMP) provides decision makers with data regarding important farmland, including maps that identify important farmland. These *Important Farmland Maps* identify land based on the quality of soils and land use information. The FMMP website provides the most up-to-date information on farmland in California. The FMMP was established in 1982 and established categories of important farmland including Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban and Built-up Land, and Other Land (FMMP 2004).

Surface Mining and Reclamation Act of 1975

The Surface Mining and Reclamation Act (SMARA) of 1975 provides policies and regulations regarding surface mining operations, as well as encouraging the preservation of the State’s mineral resources. The SMARA general provisions are set forth in Public Resources Code, Division 2, Chapter 9, Section 2710 *et seq.* The regulations include providing a reclamation plan for surface mining operations as well as outlining practices to comply with during surface mining operations (SMARA 2012).

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a joint powers authority that was established in 1965. Federally, SCAG is a Metropolitan Planning Organization; under State law, it is a Regional Transportation Planning Agency and a Council of Governments. SCAG includes Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG's responsibilities include developing long-range regional transportation plans, including the consideration of sustainable growth, growth forecasting, housing needs, and transportation improvement (SCAG 2014).

Imperial County Local Agency Formation Commission

The Imperial County Local Agency Formation Commission (LAFCO) is an independent organization that is responsible for reviewing and either approving or denying any plans regarding boundary changes, city annexations, consolidations, special district formations, incorporation for cities and special districts, and sphere of influence boundaries. The Imperial County LAFCO is responsible for the implementation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (ICLAFCO 2014).

Imperial County General Plan

The purpose of the County of Imperial General Plan is to guide growth throughout the County. Under the General Plan, urban development is directed to areas where infrastructure exists or can be provided and where public health and safety hazards are limited. Development should avoid natural, cultural, and economic resources.

The County of Imperial General Plan includes 10 elements: *Land Use; Housing; Circulation and Scenic Highways; Noise; Seismic and Public Safety; Conservation and Open Space; Agricultural; Geothermal/Alternative Energy and Transmission; Water; and Parks and Recreation*. Together, these elements satisfy the California Government Code requirements for general plan elements. Each element includes goals, objectives, and implementing policies and action programs.

The revised *Land Use Element* was approved by the County Board of Supervisors on January 29, 2008. The revised *Land Use Element* provides information on the existing land uses in the County as well as goals and objectives for future growth within the County. Specific goals in the *Land Use Element* include the following:

Goal 1: Preserve commercial agriculture as a prime economic force.

Goal 2: Diversify employment and economic opportunities in the County while preserving agricultural activity.

Goal 3: Achieve balanced economic and residential growth while preserving the unique, natural, scenic, and agricultural resources of Imperial County.

Goal 4: Preserve and enhance distinctive historic desert towns and newer communities.

Goal 5: Encourage the compatible development of a variety of housing types and densities to accommodate regional population projections and special housing needs.

Goal 6: Promote orderly industrial development with suitable and adequately distributed industrial land.

Goal 7: Identify and protect areas of regionally-significant mineral resources which are in locations suitable for extractive uses.

Goal 8: Coordinate local land use planning activities among all local jurisdictions and State and federal agencies.

Goal 9: Identify and preserve significant natural, cultural, and community character resources and the County's air and water quality (ICPDS 2008b).

Bureau of Land Management

The Bureau of Land Management (BLM) operates under the Department of the Interior to manage 15.2 million acres of public land in California. BLM's Strategic Framework is centered on sustainability, heritage, and community, which guide BLM in its long-term management of public lands. Under its commitment to sustainability, BLM is working to facilitate the development of solar, wind, and geothermal energy projects on BLM land, including the implementation of the Desert Renewable Energy Conservation Plan (DRECP). Imperial County is located within the BLM California Desert District with a field office in El Centro (BLM 2014).

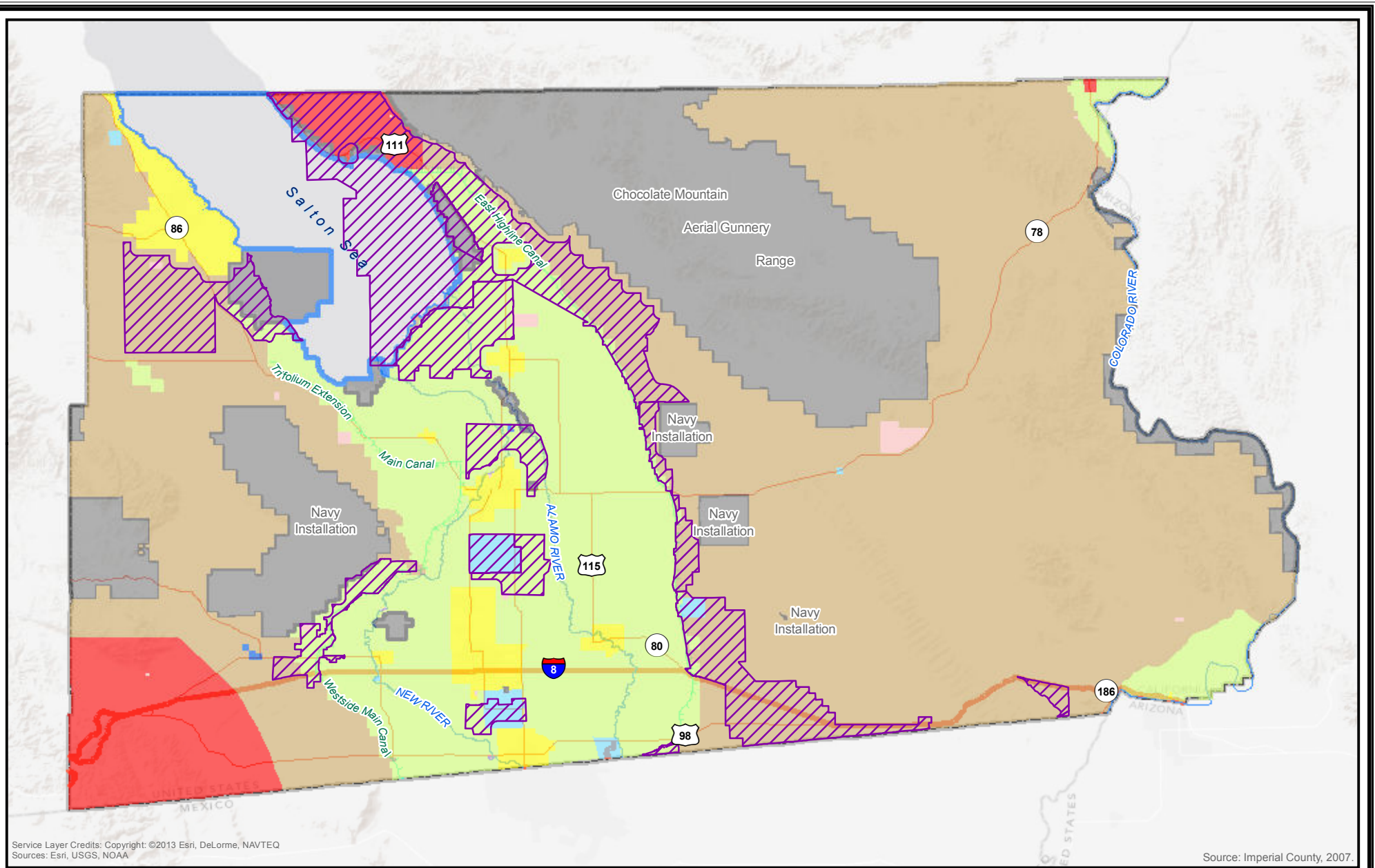
Naval Air Facility El Centro Joint Land Use Study

The Naval Air Facility El Centro (NAFEC) Joint Land Use Study was developed by the NAFEC in coordination with the City of El Centro, the City of Imperial, and Imperial County. The Joint Land Use Study identifies noise contours where military training operations could affect noise levels in the surrounding vicinity. In addition, NAFEC range compatibility zones (RCZs) are identified to define areas that could be impacted by NAFEC operations and may have restricted uses in order to protect public safety and welfare. Military Training Routes (MTRs) are identified to outline areas where low-level and high-speed flight operations may occur. The Air Installations Compatible Land Use Zones Program is identified in the Joint Land Use Study as a federal program that involves the coordination efforts between base commanders, local community leaders, and local government agencies to determine compatible land use developments that protect public safety (NAFEC 2014).

4.10.2 Existing Environmental Setting

Imperial County is located within the southeastern corner of California. The County is surrounded by Riverside County to the north, the Colorado River and the State of Arizona to the east, the International Boundary with the Republic of Mexico to the south, and San Diego County to the west. The County covers an area of approximately 2,942,080 acres (ICPDS 2009).

Eight land use designations within the County are currently discussed in the General Plan *Land Use Element* (Figure 4.10-1). Table 4.10-1 provides a list of the land uses and their associated acreage and percentages in relation to the total acreage of the County.



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Sources: Esri, USGS, NOAA

Source: Imperial County, 2007.

Legend

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|---------------------------|-----------------------|---------------------------------|
| Agriculture | Recreation/Open Space | Overlay Zones Subject to Update |
| Community Area | Salton Sea | Special Purpose Facility |
| Government/Special Public | Specific Plan Area | Urban Area |
| Industry | | |

Figure 4.10-1
Imperial County Renewable Energy and
Transmission Element Update PEIR
Existing General Plan/Land Use

Table 4.10-1: Imperial County Land Use Distribution (Acres*)

Land Use	Area (acres)	Percentage
Agricultural	551,280.30	19.23%
Community Areas	138,594.44	4.84%
Government/Special Public	554,026.44	19.33%
Industry	686.40	0.02%
Recreation/Open Space/Preservation	1,343,931.03	46.89%
Salton Sea*	171,682.08	5.99%
Special Purpose Facility	7,620.75	0.27%
Specific Plan Area	17,696.85	0.62%
Urban Area	80,899.36	2.82%
Imperial County Total	2,866,418.00	100.00%
*All acreages have been rounded to the nearest hundredth. Source: Imperial County, 2007		

Agricultural

Agricultural production has been a major economic industry in Imperial County over the years. Agricultural land use designation is reserved for areas where the County would like to preserve lands for agricultural production and related industries. This designation includes most of the central irrigated area of the County known as the Imperial Valley, the Bard/Winterhaven Valley, and the southern end of the Palo Verde Valley.

No land shall be removed from the Agricultural designation except for annexation to a city, where needed for use by a public agency, for geothermal purposes, where a mapping error may have occurred, or where a clear long-term economic benefit to the County can be demonstrated through the planning and environmental review process (ICPDS 2008b).

Community Area

Land use within the Community Area designation is associated with the unincorporated communities of Bombay Beach/Hot Mineral Spa, Ocotillo/Nomirage, and Palo Verde. Land uses in this designation consist of low density, second home and retirement dwellings, and recreational services. These areas tend to have a rural orientation and include small local- and tourist-serving central business districts.

Bombay Beach/Hot Mineral Spa

Bombay Beach has two distinct areas known as Bombay Beach “South” and Bombay Beach “North.” Bombay Beach “South” consists of all of the lots south of First Street to Fifth Street. The land uses of Bombay Beach “South” consist primarily of single-family homes, including a significant number of mobile homes, and commercial uses. Bombay Beach “North” consists of approximately 99.1 developable acres north of First Street and south of SR-111. The land within Bombay Beach “North” was approved for 280 residential units and commercial and recreational uses under the Bombay Beach Specific Plan. Land uses in Hot Mineral Spa consist of mobile home and recreational vehicle parks, aquaculture businesses, and sand and gravel operations (ICPDS 1999). The Bombay Beach/Hot Mineral Spa Community Area Plan defines eight land use designations including: Low Density Residential - Bombay Beach, Medium Density

Residential - Bombay Beach, Low Density Residential - Hot Mineral Spa, Neighborhood Commercial, General Commercial, Heavy Industry, Government/Special Public, and Recreation/Open Space.

Ocotillo/Nomirage

The Ocotillo/Nomirage Community Area Plan comprises approximately 108,000 acres of land under the jurisdiction of BLM, State land, and private land. Approximately 15,000 acres are privately owned. The townsite of Ocotillo contains approximately 575 acres; Nomirage contains approximately 225 acres. Eleven land use designations are defined in the Ocotillo/Nomirage Community Area Plan including: Desert Residential, Low Density Residential, Residential, Commercial, Recreation, Light Industry, Special Purpose Facility, Government/Special Public, Open Space, Floodway, and Earthquake Fault (ICPDS 1994a).

Palo Verde

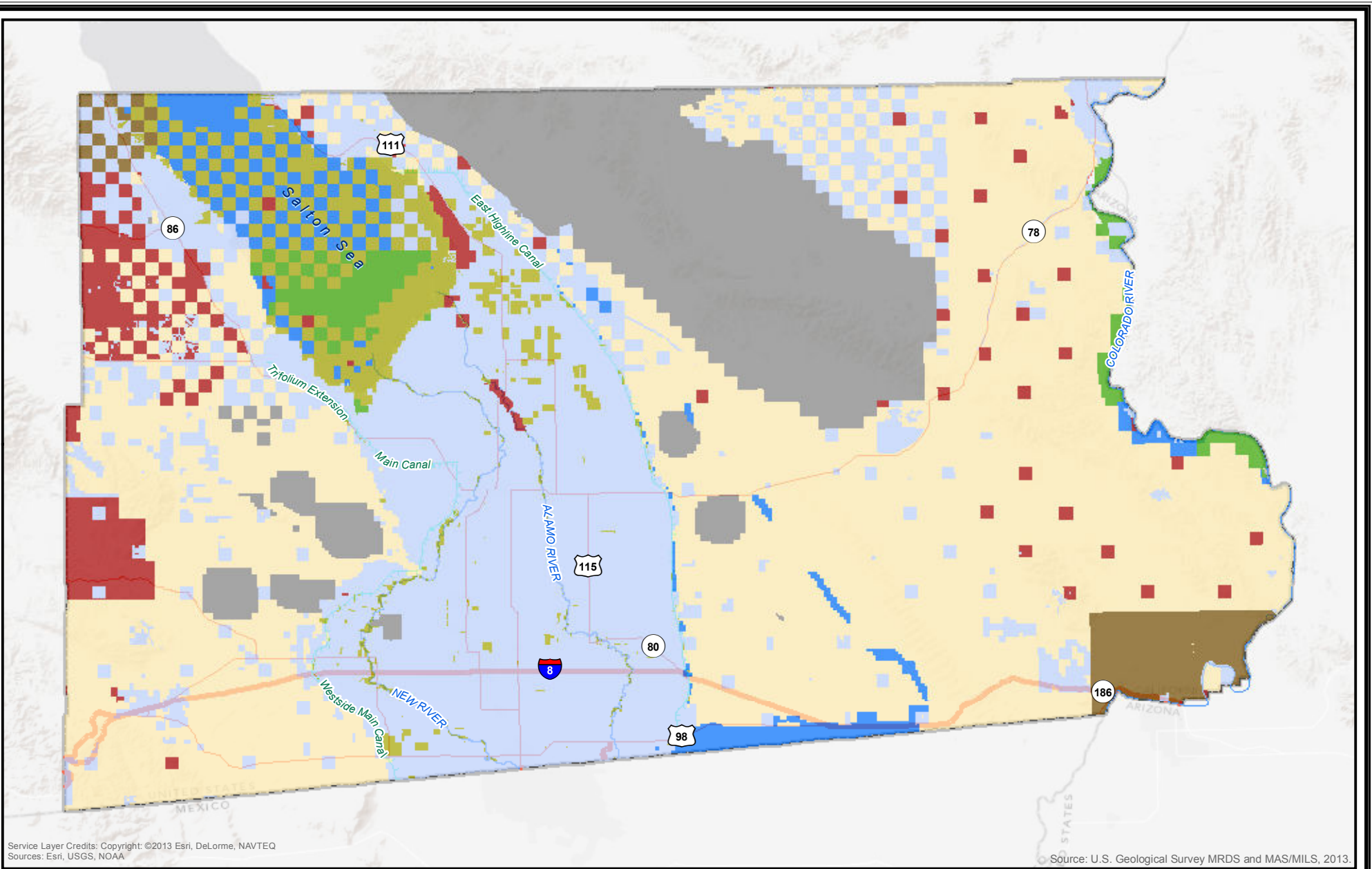
The largest use of land within the Palo Verde Community Area is agricultural. Most of the residential development in the planning area is concentrated in the Palo Verde townsite. The Palo Verde Community Area Plan defines eight land use designations including: Low Density Residential, Medium Density, High-Density Residential, Neighborhood Commercial, General Commercial, Recreation, Medium Agriculture, and Government/Special Public. Outside the Palo Verde Community Area Plan, the County General Plan designation is Agriculture, generally following the Palo Verde Irrigation District service area. According to the Palo Verde Community Area Plan, this area should also remain in agricultural uses, with a 40-acre minimum lot size (ICPDS 1998).

Government/Special Public

Lands with the Government/Special Public designation are generally owned by public agencies and used for a specific governmental purpose. Included in this designation are military bases, schools or school-related facilities, and public parkland. The designation may also be applied to airports, sewers and water facilities, cemeteries, and other public utilities and facilities. The County has no jurisdiction over federally owned lands except for permitting SMARA projects and groundwater wells (exploration and production/extraction). The use and intensity on such lands will be determined in conjunction with the appropriate federal agency. Table 4.10-2 and Figure 4.10-2 provide a depiction of land ownership in the County.

Table 4.10-2: Land Ownership in Imperial County

Agency	Area (acres)	Percentage of Imperial County
Bureau of Indian Affairs	59,977.59	2.09%
Local Government	89,932.29	3.14%
State	108,681.64	3.79%
U.S. Bureau of Land Management	1,244,544.67	43.40%
U.S. Bureau of Reclamation	97,030.64	3.38%
U.S. Department of Defense	349,443.74	12.19%
U.S. Fish and Wildlife Service	45,761.24	1.60%
U.S. Navy	58,317.40	2.03%
Private Lands	813,695.30	28.38%
Source: U.S. Geological Survey MRDS and MAS/MILS, 2013		



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Sources: Esri, USGS, NOAA

Source: U.S. Geological Survey MRDS and MAS/MILS, 2013.

Legend

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|--------------------------------|-----------------------|
| Bureau of Indian Affairs | Department of Defense |
| U.S. Bureau of Land Management | U.S. Navy |
| U.S. Bureau of Reclamation | State |
| U.S. Fish & Wildlife Service | Private Lands |
| Local Government | |

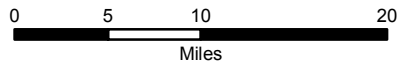


Figure 4.10-2
Imperial County Renewable Energy and
Transmission Element Update PEIR
Land Surface Management/Ownership

Four California State parks are partially located within Imperial County: Anza-Borrego Desert State Park, Ocotillo Wells State Vehicle Recreation Area, Salton Sea State Recreation Area, and Picacho State Recreation Area. Uses of these lands, which are designated Government/Special Public, are under the jurisdiction of the State Department of Parks and Recreation.

Industry

Lands within the Industry designation are not suitable for agricultural use and consist of heavy manufacturing land uses located in areas with supporting infrastructure, including major transportation systems. This designation is intended to identify areas outside existing cities where heavy industrial uses exist or can be accommodated without impacting residential or agricultural land uses.

Recreation/Open Space/Preservation

Areas designated Open Space/Recreation/Preservation are primarily characterized by a low intensity of human utilization and include mountain areas, sand dunes, desert lands, and other open lands that are essentially unimproved and not predominantly used for agriculture. This designation recognizes the unique recreational character of Imperial County and includes desert, mountain, and waterfront areas with the potential for development as public or private parks and recreation facilities in appropriate areas. The majority of the land under this designation is public land administered by BLM and owned by either BLM or the U.S. Bureau of Reclamation.

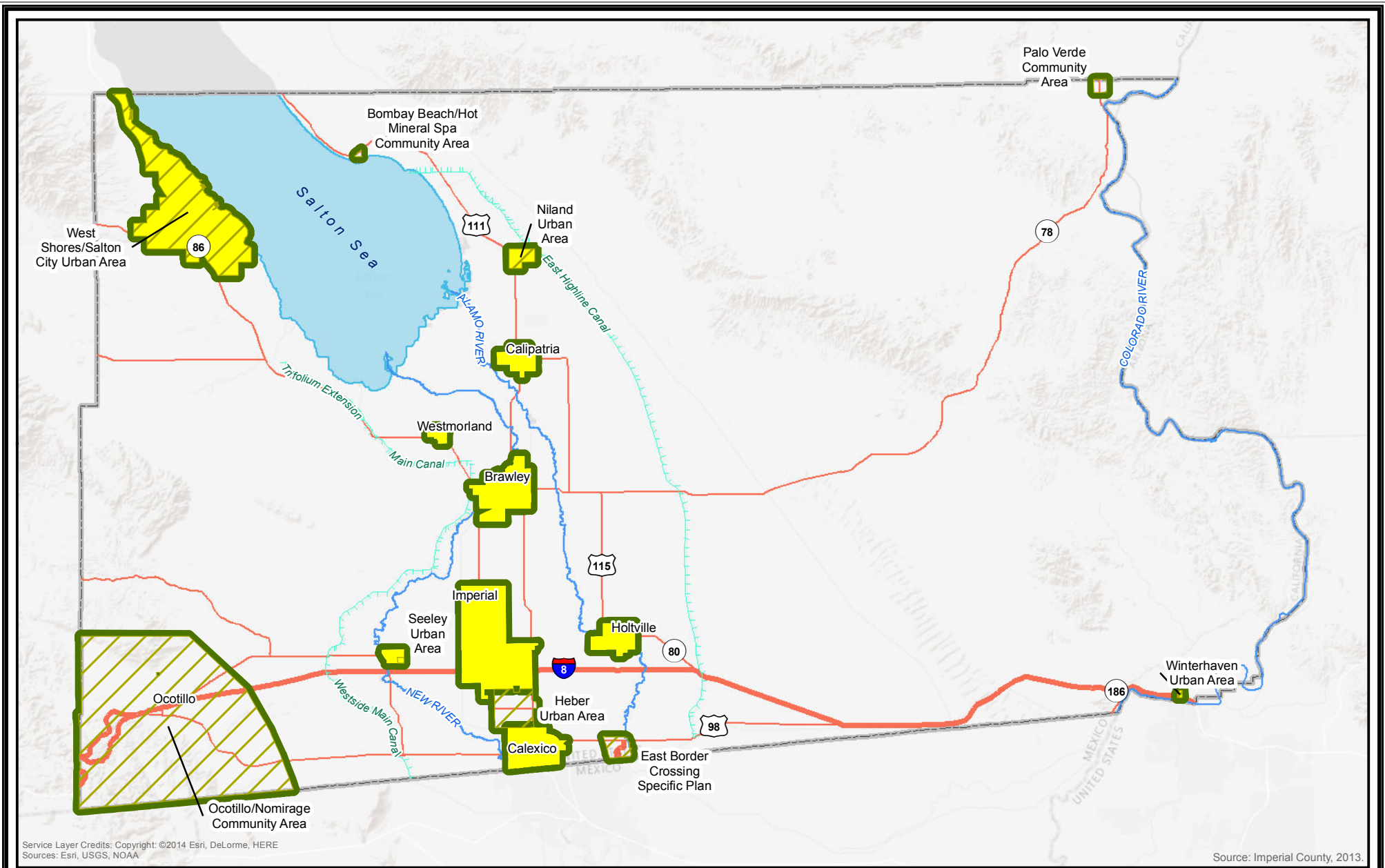
The Open Space/Recreation/Preservation designation reserves lands for the preservation of natural resources; areas for the recharge of groundwater basins; rivers and lakes which are important as wildlife habitat and for the enjoyment of recreational sport fishing; areas for the conservation and managed production of mineral resources; and areas for the preservation of outstanding scenic, historic, and cultural value. It is intended that this category also be used to protect public health and safety, including areas that require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soils, flood plains, watersheds, and other areas required for the protection of water quality.

Special Purpose Facility

The Special Purpose Facility designation is applied to lands that are necessary for basic governmental services which have physical or operational characteristics that are incompatible with the majority of other land use designations, such as aesthetics, noise, odors, air and water quality impacts, and traffic which may create dangerous or objectionable conditions.

Specific Plan Area

The Specific Plan Area land use designation may be used where a Specific Plan has been approved or must be approved prior to development. Land within this designation usually has environmental constraints or unique land use concerns or opportunities which require special land use and/or design control. Imperial County currently has seven Specific Plan Areas, including Gateway of the Americas Specific Plan, Imperial Lake Specific Plan, McCabe Ranch Specific Plan, Mesquite Lake Specific Plan, Rio Bend Specific Plan, Riverfront Specific Plan, and Travertine Point Specific Plan.



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 Sources: Esri, USGS, NOAA

Source: Imperial County, 2013.

- Legend**
- Specific Development Community Areas
 - Imperial County Urban Area Land Use
 - 1/2-mile Buffer of Urban and Specific Development Areas

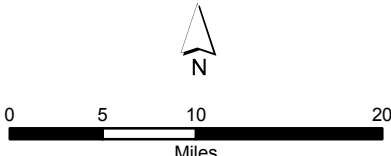


Figure 4.10-3
 Imperial County Renewable Energy and
 Transmission Element Update PEIR
 Urban and Community Areas

Urban Areas

The Urban Area land use designation includes areas adjacent to the seven incorporated cities within Imperial County and the unincorporated communities of Heber, Niland, Seeley, West Shores/Salton City, and Winterhaven. The seven incorporated cities include Brawley, Calexico, Calipatria, El Centro, Holtville, Imperial, and Westmorland. These areas include a full level of urban services, including public water and sewer systems. Additionally, these areas also contain or propose a broad range of residential, commercial, and industrial uses.

Heber

The Heber Urban Area Plan comprises approximately 960 acres, of which the majority is under private ownership. The planning area includes the townsite of Heber and the surrounding rural agricultural area. Seven land use designations are defined in Heber Urban Plan including: Low Density Residential, Medium Density Residential, High Density Residential, General Commercial, Light Industrial, Government/Special Public, and Medium Industrial (ICPDS 2003).

Niland

Niland is located in the northern half of the Imperial Valley east of the Salton Sea on SR-111 at approximately 146 feet below sea level. The area is surrounded by land zoned/used for agriculture with a Geothermal Overlay Zone on lands 0.5 mile to the southwest and north of the townsite. The Niland Urban Area Plan defines 10 land use designations within the plan area including: Low Density Residential, Medium Density Residential, High Density Residential, General Commercial, Neighborhood Commercial, Government/Special Public, Light/Medium Industrial, Recreational, Light Agricultural, and Medium Agricultural (ICPDS 1996b).

Seeley

The Seeley Urban Area is an unincorporated area encompassing approximately 1,520 acres and located within Imperial County approximately 6 miles west of El Centro. Nine land use designations are defined in the Seeley Urban Area Plan including: Low Density Residential, Medium Density Residential, High Density Residential, General Commercial, Neighborhood Commercial, Government/Special Public, Light/Medium Industrial, Recreational/Open Space, and Light Agricultural (ICPDS 1994b).

West Shores/Salton Sea

West Shores/Salton City Urban Area encompasses approximately 31,840 acres and includes the developing community of Salton City; the beach resorts of Vista Del Mar, Salton Sea Beach, and Desert Shores; and the proposed Habitat 2000 Specific Plan Area. Portions of the Torres-Martinez Indian Reservation are located in the northern portion of the Urban Area. The West Shores Urban Area Plan defines nine land use designations including: Low Density Residential, Medium Density Residential, High Density Residential, General Commercial, Neighborhood Commercial, Government/Special Public, Light/Medium Industrial, Recreational/Open Space, and Specific Plan Area (ICPDS 2000).

Winterhaven

The Winterhaven Urban Area consists of the townsite of Winterhaven and surrounding areas and is situated in the most southeastern section of Imperial County. The Winterhaven Urban Area Plan

identifies nine land use designations including: Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, General Commercial, Government/Special Public, Light Industry, Medium Agricultural, and Floodway (ICPDS 1996c).

4.10.3 Significance Criteria

The thresholds for significance of impacts for the analysis are based on the environmental checklist in Appendix G of the State California Environmental Quality Act (CEQA) Guidelines. Consistent with the CEQA Guidelines and the professional judgment of the County's staff and environmental consultants, the proposed Project would result in a significant impact on the environment if it would:

- 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

4.10.4 Impacts and Mitigation

LU-1: Physically divide an established community

Construction and Operation

Construction and operation of renewable energy projects associated with the proposed Project would not result in the division of an established community. The proposed Project has established overlay zones based on a review of the existing County of Imperial Land Use Policy Map to identify areas suitable for development of future renewable energy facilities. Development of these overlay zones included defining a 0.5-mile buffer around all urban areas to avoid land use conflicts with existing development. Therefore, future renewable energy projects would not physically divide a community because new corridors or roadways would not be needed to implement the proposed Project; and the overlay zones will be located in areas that will avoid physical impacts to established communities. Therefore, impacts would be less than significant, and no mitigation is required.

LU-2: Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project

Construction and Operation

The *Renewable Energy and Transmission Element* update has been developed with the intent of maintaining consistency with the other elements of the Imperial County General Plan and includes goals and policies to ensure this consistency. The goals designed to ensure consistency with the other elements of the Imperial County General Plan include the following:

Goal 1: Support the safe and orderly development of renewable energy while providing for the protection of environmental resources.

Goal 2: Encourage development of electrical transmission lines along routes which minimize potential environmental effects.

Goal 3: Support development of renewable energy resources that will contribute to and enhance the economic vitality of Imperial County.

Goal 4: Support development of renewable energy resources that will contribute to the restoration efforts of the Salton Sea.

Goal 5: Encourage development of innovative renewable energy technologies that will diversify Imperial County's energy portfolio.

Goal 6: Support development of renewable energy while providing for the protection of military aviation and operations.

Goal 7: The County will actively minimize the potential for land subsidence to occur as a result of renewable energy operations.

Goal 8: The County will develop overlay zones that would facilitate the development of renewable energy resources while preserving and protecting agricultural, natural, and cultural resources. Development of overlay zones shall include coordination with federal, State, County, Tribal governments, educational entities, the public and local industries.

Although the *Renewable Energy and Transmission Element* is not mandatory, it must comply with requirements that are requisite to all parts within a general plan. Legislative intent must be fulfilled as set forth in Government Code, Section 65300.5: "...the General Plan and the parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency..."

Furthermore, conformance with the standards presented in the Implementation Ordinance of the *Renewable Energy and Transmission Element* update would ensure that future renewable energy facilities would be consistent with all applicable County land use policies. Therefore, impacts would be less than significant, and no mitigation is required.

LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan

Construction and Operation

As described in Section 4.4 Biological Resources, development of future renewable energy facilities under the proposed Project would not conflict with the provisions of a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. All or portions of three HCP and/or NCCPs are present in the County: Imperial Irrigation District HCP and NCCP, Lower Colorado River Multi-Species Conservation Program (LCRMSCP) HCP, and Desert Renewable Energy Conservation Plan. While some energy projects such as solar and geothermal may be located within the planning areas of the IID HCP/NCCP and LCRMSCP HCP, activities consistent with renewable energy development would not be covered under either of these plans. Only activities related to IID Water Department operations including water delivery, drainage, and operations and maintenance will be covered by the IID HCP/NCCP. Similarly, only activities related to U.S. Bureau of Reclamation operations including water delivery, operations and maintenance, and power produced by six dams located on the lower Colorado River will be covered by the LCRMSCP HCP.

In direct contrast, the DRECP plan area covers most of the County of Imperial and is focused on a specific range of Covered Activities related to renewable energy projects and environmental compliance. These Covered Activities include the construction, operation, maintenance, and decommissioning of renewable energy facilities within the overall plan area, as well as DRECP Conservation Actions. Accordingly, solar, wind, geothermal, and other sources of renewable energy development would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plan, and impacts would be less than significant. Implementation of mitigation measures BIO-1a through BIO-4 would provide further consistency with the applicable plans described above.

4.10.5 Cumulative Impacts

Implementation of the proposed Renewable Energy Overlay Zones and adherence to the 0.5-mile buffer around all urban areas would minimize land use conflicts with other proposed and reasonably foreseeable projects in Imperial County. Similarly, other proposed and reasonably foreseeable projects would be required to demonstrate consistency with the Imperial County General Plan and Land Use Ordinance, which would minimize potential land use impacts. Therefore, implementation of the proposed Project would not result in cumulatively considerable land use impacts, and cumulative impacts would be less than significant.

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