

SECTION 4.2

LAND USE

This section describes the land use plans, policies, regulations and federal special designations that apply to the proposed Project. The Seville 4 Solar Project is located in Imperial County on privately held lands. Applicable local land use regulations include the County's General Plan and Land Use Ordinance, and the Airport Land Use Compatibility Plan (ALUCP) (Imperial County 1996).

This section focuses on the proposed Project's consistency with existing land use plans, ordinances, regulations, policies, and the Project's compatibility with existing or reasonably foreseeable land uses. The Project's impacts with respect to aesthetics, air quality, biological resources, cultural resources, noise, hazards and hazardous materials and transportation and traffic are discussed in detail in separate sections of this EIR.

4.2.1 REGULATORY FRAMEWORK

A. FEDERAL

Federal Aviation Regulations Part 77

The FAA regulates aviation at regional, public, private, and military airports. The FAA requires notification of structures to be constructed in excess of 200 feet in all areas (and, potentially, of structures less than 200 feet, depending on proximity of the proposed structure to public use airports). The U.S. Department of Transportation and California Department of Transportation (Caltrans) also require the applicant to submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Notification allows the FAA to identify potential aeronautical hazards in advance, thus preventing or minimizing any adverse impacts on the safe and efficient use of navigable airspace (49 CFR Part 77.17). Any structure that would constitute a hazard to air navigation, as defined in FAA Part 77, requires issuance of a permit from the Caltrans' Aeronautics Program. If the FAA aeronautical study determines that the structure has no impact on air navigation, a permit is not required.

Part 77, Subpart C, of the Federal Aviation Regulations limits the heights of structures, trees, and other objects in the vicinity of an airport within Compatibility Zones C and D to less than 35 feet above the level of the ground. Proponents of a project which may exceed a Part 77 limit must notify the FAA as required. Currently, there are no such locations near the existing airports in Imperial County. The Salton Sea Airport is approximately 10 miles northeast of the Project site. The Ocotillo Airport is approximately 9 miles to the northwest of the Project site. According to Figure 3F, "Compatibility Map-Salton Sea Airport," the Project is not located within any of the compatibility zones as identified in the ALUCP (Imperial County 1996). No component of the project would exceed 35 feet above the ground. Therefore, Part 77 would not apply to the proposed Project.

B. STATE

Ocotillo Wells State Vehicular Recreation Area (OWSVRA) General Plan

The Project site is surrounded by private properties and land administered by the BLM. The OWSVRA is located immediately north of SR 78, approximately 1.5 miles north of the northern boundary of the Project site (**Figure 4.2-1**). The public land in western Imperial County are managed according to the Bureau of Land Management's (BLMs) California Desert Conservation Area Plan of 1980 and its amendments. In 2003, one of the amendments designated legal routes of travel for motorized vehicles in the western Colorado Desert (referred to as WECO). A primary emphasis on the WECO plan is the designation of routes that protect the cultural, wildlife, and other sensitive resources throughout the area while still providing visitors access to historic sites, wilderness, recreational activities, and wildlife viewing (BLM n.d.). **Figure 4.2-1** shows the WECO routes in proximity to the Project site.

4.2 LAND USE

The OWSVRA provides 85,000 acres of mud hills, washes and sand dunes ranging from sea level to around 400 feet in elevation. The majority of the OWSVRA is open to visitors, however, there are certain areas where travel is restricted to designated routes. The OWSVRA can be accessed from SR 78 approximately 20 miles west of SR 86 (BLM n.d.).

The OWSVRA General Plan provides broad policy and program guidance to direct the long-range management, development, and operation of the OWSVRA. The original General Plan was developed by California State Parks, Off-Highway Motor Vehicle Recreation (OHMVR) Division, Ocotillo Wells District in 1982 following the designation of Ocotillo Wells as an SVRA in 1976. The General Plan is currently undergoing a comprehensive update to the original General Plan that will incorporate management strategies that were added to OWSVRA after 1982 (OWSVRA Working Paper #2 2013, p. 8).

The OWSVRA General Plan, required by state law, establishes a framework for OWSVRA that managers, staff, and the public use as a benchmark for making decisions. The General Plan guides future and day-to-day decision-making, and serves as the basis for developing focused feasibility and management plans, planning and implementing specific projects, and performing other management actions. The General Plan update will provide a long-term, forward-looking vision for the OWSVRA through goals and guidelines that will support decision-makers well into the future (OWSVRA Working Paper #2 2013, pp. 8-9).

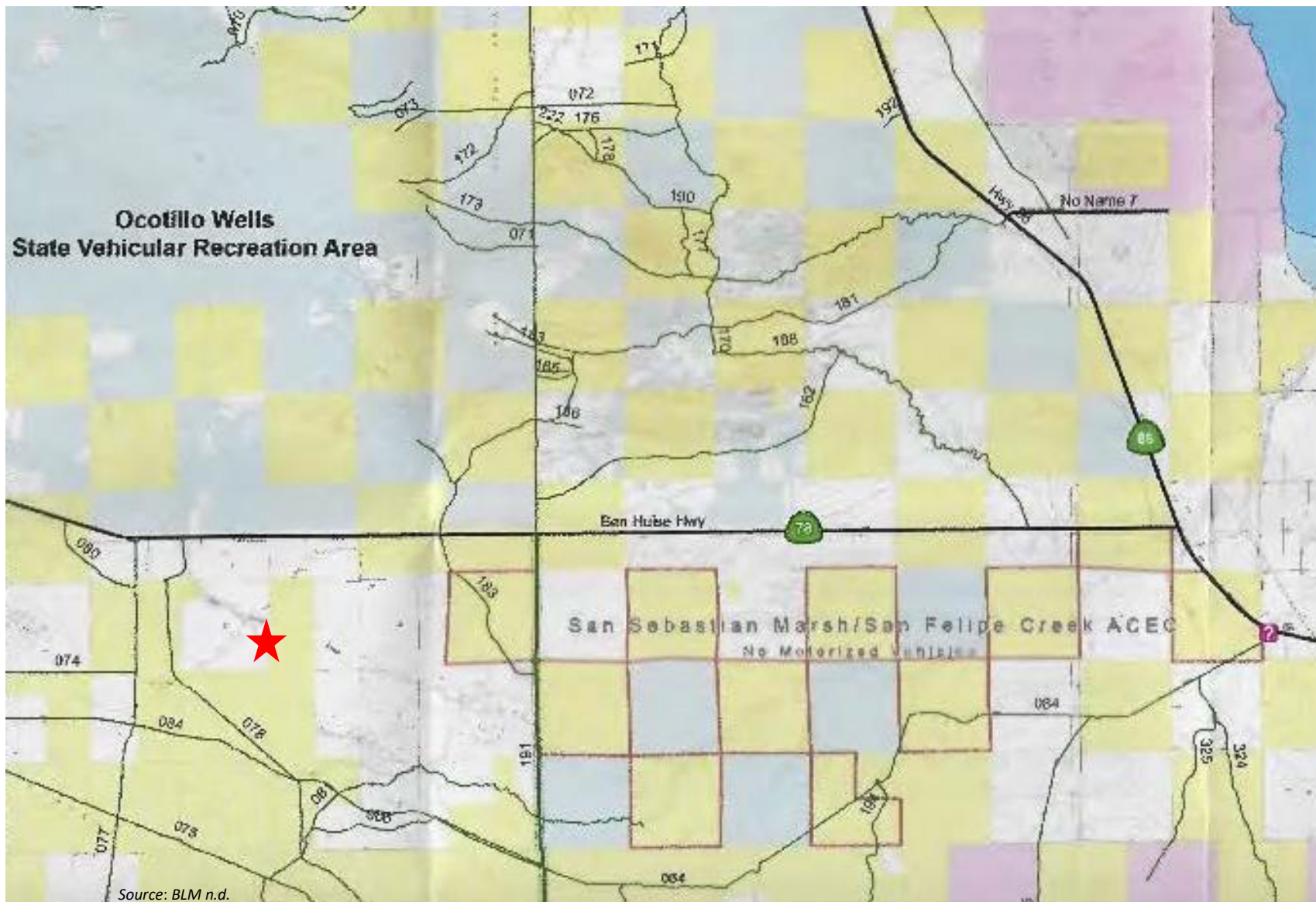
C. LOCAL

Imperial County General Plan

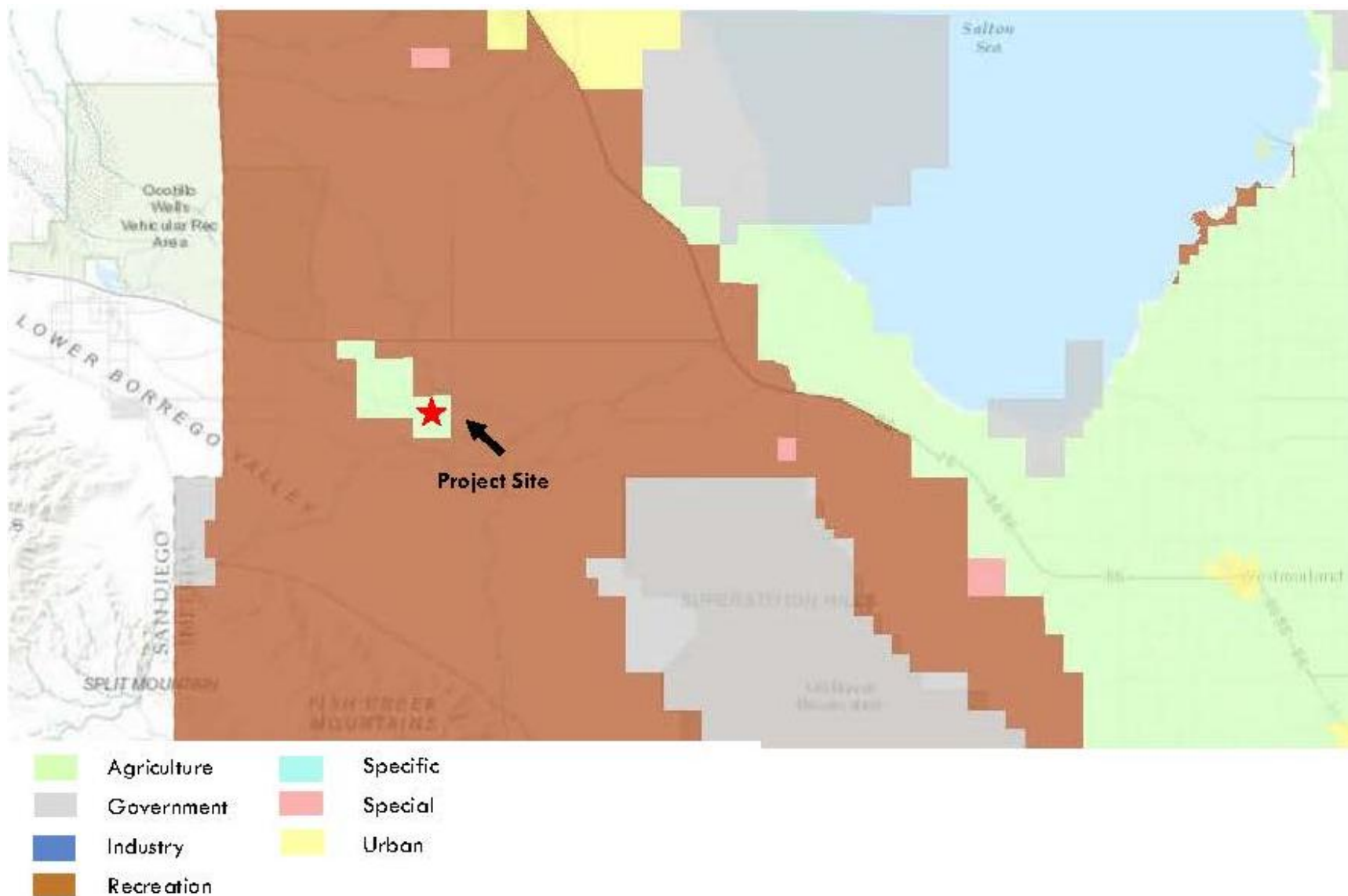
The purpose of the Imperial County General Plan is to guide growth throughout the County. Urban development is directed to areas where public infrastructure can be readily extended and areas with limited health and safety hazards. Likewise, development should avoid natural, cultural, and economic resources. The General Plan includes eleven elements: Land Use (Imperial County 2008b); Housing (Imperial County 2013); Circulation and Scenic Highways (Imperial County 2008c); Noise (Imperial County); Seismic and Public Safety ; Conservation and Open Space; Agricultural; Geothermal/Alternative Energy and Transmission; Water; Parks and Recreation, and the Renewable Energy and Transmission Element. These elements satisfy the California Government Code requirements for general plan elements. Each element includes goals, objectives, and implementing policies and action programs.

As shown on **Figure 4.2-2**, the proposed Project site is currently designated as Agriculture on the General Plan Land Use Map and is surrounded by lands designated as Recreation/Open Space. The General Plan land use designation Agriculture applies to the Property and includes the Seville Solar Farm Complex and the Project site. The Land Use Element of the Imperial County General Plan defines the "Agriculture" designation as follows:

This category is intended to preserve lands for agricultural production and related industries including aquaculture (fish farms), ranging from light to heavy agriculture. Packing and processing of agricultural products may also be allowed in certain areas, and other uses necessary or supportive of agriculture. The Agriculture category includes most of the central irrigated area known as the Imperial Valley, the Bard/Winterhaven Valley and the south end of the Palo Verde Valley.



**FIGURE 4.2-1
OWSVRA AND WECO ROUTES**



Source: Imperial County 2017a.

FIGURE 4.2-2
IMPERIAL COUNTY LAND USE PLAN MAP WITH PROJECT SITE

Where this designation is applied, agriculture shall be promoted as the principal and dominant use to which all other uses shall be subordinate. Where questions of land use compatibility arise, the burden of proof shall be on the non-agricultural use to clearly demonstrate that an existing or proposed use does not conflict with agricultural operations and will not result in the premature elimination of such agricultural operations. No use should be permitted that would have a significant adverse effect on agricultural production, including food and fiber production, horticulture, floriculture, or animal husbandry. All non-agricultural uses in any land use category shall be analyzed during the subdivision, zoning, and environmental impact review process for their potential impact on the movement of agricultural equipment and products on roads located in the Agriculture category.

No land shall be removed from the Agriculture category 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 (Imperial County 2008b, p. 48).

The Recreation/Open Space 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. Primarily, however, areas designated Open Space/Recreation/Preservation are 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. The majority of the land in this category is public land administered by the U.S. Bureau of Land Management (BLM) and owned by either BLM or the U.S. Bureau of Reclamation.

Table 4.2-1 analyzes the consistency of the proposed Project with the applicable goals and objectives relating to land use from the Imperial County General Plan Conservation and Open Space Element (Imperial County 2008a), Land Use Element (Imperial County 2015d), and Geothermal/Alternative Energy and Transmission Element (Imperial County 2006). While this EIR analyzes the Project’s consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d), the Imperial County Board of Supervisors ultimately determines whether the Project is overall consistent with the County’s General Plan.

**TABLE 4.2-1
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals and Objectives	Consistent with General Plan?	Analysis
CONSERVATION AND OPEN SPACE ELEMENT		
Conservation of Environmental Resources for Future Generations		
<p>Goal 1: Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions.</p>	<p>Yes</p>	<p>Approximately 60 acres of the Project site is located on land previously used for agricultural activities and has been idled for several years. The proposed Gen-Tie Line and Seville 4 Substation would be located within areas approved for development as part of the Seville Solar Farm Complex. Placing the proposed Project within the boundaries of the Property would preserve other areas that</p>

4.2 LAND USE

**TABLE 4.2-1
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals and Objectives	Consistent with General Plan?	Analysis
		could be used for solar development. Therefore, the proposed Project is consistent with this goal.
<p>Objective 1.2 Encourage only those uses and activities that are compatible with the fragile desert, aquatic, and marshland environment.</p>	Yes	<p>The proposed Project includes a solar farm complex on 60 acres of lands formerly used for agricultural activities surrounded by open desert; A Gen-Tie Line extending through the Seville 3 Solar Farm; and the Seville 4 Substation proposed on Lot D. The proposed Project is an allowed use with a CUP and would incorporate design features and measures to reduce impacts to surrounding areas. In addition, mitigation measures are identified as necessary to minimize impacts to cultural and biological resources (refer to Sections 4.7, Cultural Resources and 4.12, Biological Resources). Therefore, the proposed Project is consistent with this objective.</p>
<p>Objective 1.5 Provide for the most beneficial use of land based upon recognition of natural constraints.</p>	Yes	<p>The proposed Project represents a beneficial use that recognizes the Project site's potential for renewable energy in the form of electricity generated from solar power. The proposed Project would also significantly reduce the water demand that was historically used for approximately 60 acres of agriculture on the Project site. Other benefits of the Project include creating local jobs during construction and generating more renewable energy to assist with stabilizing energy costs and assist the State with meeting its RPS goals. Therefore, the proposed Project is consistent with this objective.</p>
<p>Objective 1.6 Ensure the conservation, development and utilization of the County's natural resources.</p>	Yes	<p>The proposed Project would result in a temporary conversion of approximately 60 acres of idle farmland and desert within the 146-acre Fixed Frame Configuration or the 174-acre HSAT Configuration. The proposed Project would forfeit one resource (Farmland of Local Importance) for another (use of the County's solar resource for generation of</p>

**TABLE 4.2-1
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals and Objectives	Consistent with General Plan?	Analysis
		electricity energy). However, the conversion would be temporary as the Applicant will submit a Reclamation Plan to the ICPDSD detailing procedures for returning the Project site to idle farmland and desert, consistent with existing conditions, at the end of the Project’s useful life. Therefore, the proposed Project is consistent with this objective.
LAND USE ELEMENT		
Regional Vision		
Goal 3: Achieve balanced economic and residential growth while preserving the unique natural, scenic, and agricultural resources of Imperial County.	Yes	The proposed Project is located on a site with 60 acres of land previously used for agricultural activities that has been idled for several years as well as low gradient desert land. Open desert lands surrounding the Project site would be preserved as would agricultural lands in active production in other portions of the County. Therefore, the proposed Project is consistent with this goal.
Public Facilities		
Goal 8: Coordinate local land use planning activities among all local jurisdictions and state and federal agencies.	Yes	The proposed Project includes development of a 20-MW solar generation facility on privately held land on 146 or 174 acres; construction of the Gen-Tie Line and the Seville 4 Substation would ultimately connect to the Anza substation. The Project is being coordinated with the ICPDSD and IID. No component of the Project is located on land under the jurisdiction of the Bureau of Land Management. Therefore, the proposed Project is consistent with this goal.
Objective 8.8 Ensure that the siting of future facilities for the transmission of electricity, gas, and telecommunications is compatible with the environment and County regulation.	Yes	The siting of the proposed Project is compatible with the environment and County regulation. The proposed Project site is proximate to the Anza Substation and an existing utility corridor through BLM land. The proposed Project would be consistent with the County’s Land Use Ordinance which allows “major facilities relating to the generation and transmission of electrical energy” with a CUP in areas with an A-2 General Agriculture

4.2 LAND USE

**TABLE 4.2-1
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals and Objectives	Consistent with General Plan?	Analysis
		zoning designation (Imperial County 2017b). The Applicant has requested one General Plan Amendment (GPA 17-0002), one Zone Change (ZC 17-001) and one Conditional Use Permit (CUP 17-0006) from Imperial County to allow construction and operation of the proposed Project. Therefore, the proposed Project is consistent with this objective.
Protection of Environmental Resources		
Goal 9: Identify and preserve significant natural, cultural, and community character resources and the County's air and water quality.	Yes	The Property is in a remote portion of the County and is not identified as an area with significant natural, cultural or community character in the General Plan. The proposed Project would result in improved greenhouse emissions through the development of a solar generation facility and would reduce historic water usage while still allowing recharge. Therefore, the proposed Project is consistent with this Goal.
Objective 9.6 Incorporate the strategies of the Imperial County Air Quality Attainment Plan (AQAP) in land use planning.	Yes	The Applicant would control fugitive dust during construction and operations as required by ICAPCD Regulation VIII. A Dust Control Plan would be prepared in conformance with ICAPCD requirements to address construction and earthmoving activities, track-out, open areas and unpaved roads. Therefore, the proposed Project is consistent with this objective.
GEOTHERMAL/ALTERNATIVE ENERGY AND TRANSMISSION ELEMENT		
Locating Transmission Line Corridors		
Goal 5: When planning and designing transmission lines, the County will consider impacts to agricultural lands, wildlife, and the natural desert landscape.	Yes	The Project includes the construction of a 34.5-kV Gen-Tie Line that extends approximately 2.4 miles within the Project site, neighboring Seville 3 Solar project and terminates at Lot D. The Project proposes to use an existing BLM transmission corridor (ROW CACA 044554) to transmit electricity to the Anza Substation. Therefore, the proposed Project is consistent with this goal.
Objective 5.1 Require all major transmission lines to be located in	Yes	No new off-site major transmission line would be constructed in association with the

**TABLE 4.2-1
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals and Objectives	Consistent with General Plan?	Analysis
designated federal and IID corridors or other energy facility corridors such as those owned by investor owned utilities and merchant power companies.		proposed Project. This substation would take delivery of the 34.5-kV power from the Project collection station Gen-Tie Line and increase the voltage of the electricity to 92-kV for metering and delivery to the IID electric grid via the existing 92-kV transmission line. The BLM granted the IID ROW CACA 044554 to construct the overbuilt 92-kV transmission line as part of a larger IID project at the time the first phase of the Seville Solar Farm Complex was constructed. Therefore, the proposed Project is consistent with this objective.
Objective 5.3 Construct transmission lines in accordance with this Element.	Yes	The proposed 34.5-kV Gen-Tie Line is located within the boundaries the Seville Solar Farm Complex consistent with the Geothermal/Alternative Energy and Transmission Element’s goals and objectives related to transmission line construction. Refer to analysis under Goal 5 and Objective 5.1
Objective 5.4 Design transmission lines to be joint use with transportation and other infrastructure corridors within or external to the County.	Yes	As described in the analysis for Objective 2.6 and Objective 5.1, the proposed Project does not include construction of a new major transmission line. The Project would tie into the existing 92-kV IID transmission line within existing ROW CACA 044554. Therefore, the proposed Project would be consistent with this objective.

County of Imperial Land Use Ordinance, Title (9)

The County of Imperial Land Use Ordinance (Title 9) provides the physical land use planning criteria, development standards, and zoning regulations for development in the unincorporated areas of the County.

The purpose of the Land Use Ordinance is to protect the public health, safety and welfare, to provide for orderly development, classify, regulate and where applicable segregate land uses and building uses; to regulate the height and size of buildings; to regulate the area of yards and other open spaces and buildings; to regulate the density of population; and, to provide the economic and social advantages resulting from orderly planned land uses and resources.

4.2 LAND USE

As depicted in **Figure 4.2-2**, the Project area is zoned A-2, General Agriculture. **Table 4.2-2** summarizes the zones within the Project area. Uses in the A-2 zoning designations are limited primarily to agricultural related uses and agricultural activities that are compatible with agricultural uses. Sections 90508.02 and 90509.02 of the Land Use Ordinance lists many uses that are permitted in the A-2 zone, but that require a CUP. **Table 4.2-2** identifies the uses that are allowed with a CUP that are relevant to the proposed Project.

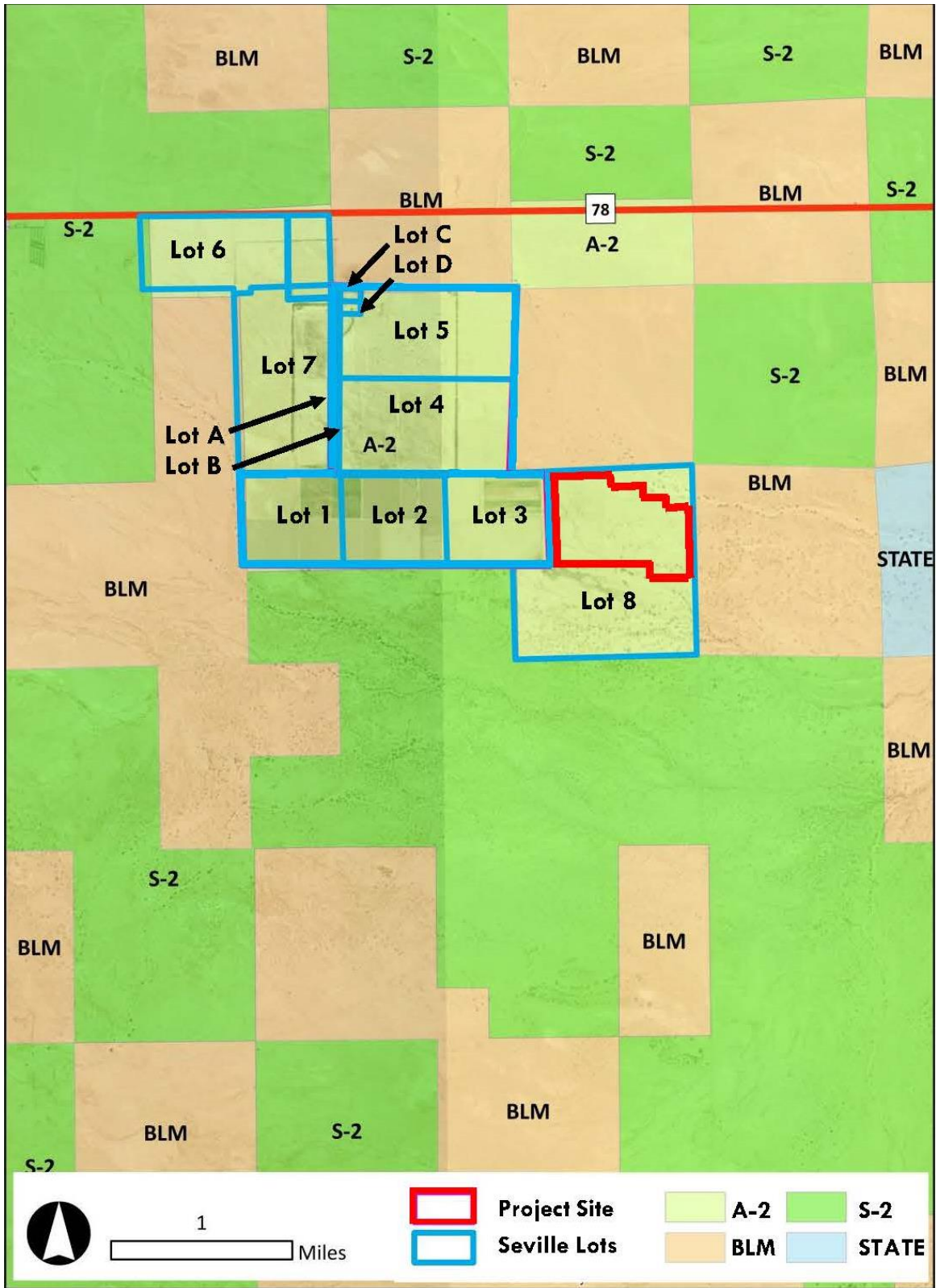
**TABLE 4.2-2
SUMMARY OF PROJECT SITE ZONING**

Zoning	Purpose	Uses Allowed with a CUP
<p style="text-align: center;">General Agriculture (A-2) [40 Acre minimum]</p>	<p>To designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses.</p>	<ul style="list-style-type: none"> •Electrical generation plants (less than 50-MW) • Electrical Power Generating Plant excluding nuclear or coal fired, •Electrical substations in an electrical transmission system (500-kV/230-kV/161-kV). • Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. •Solar Energy Electrical Generator

Source: Imperial County 1998.

Section 90508.07 and 90509.07 of the Land Use Ordinance limit non-residential structure height to 120-feet within the A-2 zone. Specifically, Sections 90508.07(C) and 90509.07(C) state, “Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and shall meet ALUC Plan requirements.” None of the components proposed as part of the project would exceed this height limit (refer to Chapter 2.0, Project Description).

Other zoning designations adjacent to the north east and south of the Project site include BLM and S-2 (Open Space/Preservation). The BLM designation is used to identify public land administered by the BLM and owned by either the BLM or the U.S. Bureau of Reclamation. The S-2 Zone is considered to be the Open Space Preservation Zone. The primary intent of the S-2 zone is to preserve the cultural, biological, and open space areas that are rich and natural as well as cultural resources.



Source: ESRI, ICPDSD n.d.

FIGURE 4.2-3
IMPERIAL COUNTY ZONING MAP WITH PROJECT SITE

4.2 LAND USE

Adjacent Areas Land Use Designations

Lands surrounding the Project area are limited to open desert within the Recreation Open/Space land use designation (refer to **Figure 4.2-1**). The Gen-Tie Line and Seville 4 Substation are proposed within the existing lots within the Property.

Adjacent Areas Land Use Designations

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Regional Comprehensive Plan and Regional Transportation Plan

The Southern California Association of Governments' (SCAG) reviews projects in the Southern California region of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. CEQA requires that regional agencies like SCAG review projects and plans throughout its jurisdiction in order to monitor development. Projects and plans that are of sufficient size or magnitude as defined in CEQA Guidelines Section 15206 are considered "regionally significant" and must demonstrate to SCAG their consistency with a range of adopted regional plans and policies such as the Regional Comprehensive Plan and Guide, the Regional Transportation Plan, and the 2004 Compass Blueprint Growth Vision Report.

SCAG has identified 22 Minimum Criteria for Classification of projects as Regionally Significant. Criteria 1 thru 12 are recommended for use by CEQA Guidelines, Section 15206. Criteria 1 thru 22 reflect SCAG's mandates and regionally significant projects that directly relate to policies and strategies contained in the Regional Comprehensive Plan and Guide. Criterion 14 identifies "New or expanded electrical generating facilities and transmission lines" as regionally significant projects. **Table 4.2-3** provides a summary of the proposed Project's consistency with the SCAG intergovernmental review policies.

**TABLE 4.2-3
PROJECT CONSISTENCY WITH SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS INTERGOVERNMENTAL REVIEW POLICIES**

SCAG IGR Policies	Consistent with IGR Polices?	Analysis
Regional Transportation Plan Policies		
RTP G5 Protect the environment, improve air quality and promote energy efficiency.	Yes	The proposed Project would improve air quality by providing approximately 20-MW of renewable energy through solar power rather than fossil-fuel. The Project would also contribute to greater energy efficiency by helping meet the State's RPS goals. Therefore, the proposed Project is consistent with RTP Goal 5.
RTP G6 Encourage land use and growth patterns that complement our transportation investments and improves the cost-effectiveness of expenditures.	Yes	The proposed Project is a 20-MW solar generation facility that would create renewable energy. The Project is in a rural area of Imperial County not proposed for urban growth. Sufficient public roadway infrastructure is

**TABLE 4.2-3
PROJECT CONSISTENCY WITH SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS INTERGOVERNMENTAL REVIEW POLICIES**

SCAG IGR Policies	Consistent with IGR Polices?	Analysis
		available to accommodate construction and operation, and additional transportation investments off-site would not be required. Therefore, the proposed Project is consistent with RTP Goal 6.
Principle 4: Promote Sustainability For Future Generations		
<p>GV P4.1 Preserve rural, agricultural, recreational and environmentally sensitive areas.</p>	Yes	<p>The proposed Project would be located on private lands, 60 acres of which were formerly in agricultural production and the remainder is low gradient desert. The Project includes design features and Best Management Practices to avoid and preserve sensitive areas whenever possible (refer to Table 2.0-6 in Chapter 2.0) including a setback from the existing floodplain. A Reclamation Plan will be prepared demonstrating how the Project site will be reclaimed to approximate the existing idle farmland and open desert at the end of the Project’s operational life. In addition, the Applicant would be required to comply with standards enforced other state (such as CDFW) and federal agencies (such as USFWS). The proposed Project would be consistent with this principle.</p>
<p>GV P4.3: Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.</p>	Yes	<p>The proposed Project would involve production of renewable energy using solar PV technology, harnessing the sun’s power to create carbon-free renewable energy. The Project would eliminate fossil fuel emissions associated with production of 20 MW of electricity. Therefore, the proposed Project would be consistent with this principle.</p>

4.2 LAND USE

**TABLE 4.2-3
PROJECT CONSISTENCY WITH SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS INTERGOVERNMENTAL REVIEW POLICIES**

SCAG IGR Policies	Consistent with IGR Policies?	Analysis
GV P4.4: Utilize “green” development techniques.	Yes	The proposed Project is an example of clean development as it involves solar PV technology to generate electricity rather than fossil-fuel. Therefore, the proposed Project is consistent with this principle.

Source: SCAG 2008.

Imperial County Airport Land Use Compatibility Plan (ALUCP)

The Imperial County Airport Land Use Compatibility Plan (ALUCP) (Imperial County 1996) provides the criteria and policies used by the Imperial County Airport Land Use Commission (Commission or ALUC) to assess compatibility between the principal airports in Imperial County and proposed land use development in the areas surrounding the airports. The ALUCP emphasizes review of local general and specific plans, zoning ordinances, and other land use documents covering broad geographic areas.

The California Public Utilities Code (Section 21676.5) empowers the Commission to review additional types of land use “actions, regulations, and permits” involving a question of airport/land use compatibility if either: (1) the Commission and the local agency agree that these types of individual projects shall be reviewed by the Commission (Section 21676.5 (b)); or, (2) the Commission finds that a local agency has not revised its general plan or specific plan or overruled the Commission and the Commission requires that the individual projects be submitted for review (Section 21676.5 (a)). The Commission is also required to review “any request for variance from a local agency’s height limitation ordinance” (Imperial County 1996, p. 2-3).

The Ocotillo Airport (Federal Aviation Administration ID: L90) is a local landmark managed by the County of San Diego Department of Public Works, Airport Administration. The airport is located on Benson Dry Lake, on the north side of SR 78 (approximately 7 miles northeast of the Project), and abuts the OWSVRA on three sides. SR 78 borders Ocotillo Airport on the south side. The airstrip is used for U.S. military training, and by small planes, sailplanes, and motorized hang gliders on two dirt runways. Runway extents are marked by white paving blocks. Aircraft tie-downs are in the airstrip’s transient area. The airport is also used for emergency medical helicopter flights (OWSRVA Working Paper #2, pp. 12-13). The ALUCP (Imperial County 1996) does not contain a compatibility map for this airport.

The Salton Sea Airport is approximately 10 miles northwest of the Project site. According to Figure 3F (Compatibility Map-Salton Sea Airport) of the ALUCP (Imperial County 1996), the Project site is not located within any of the compatibility zones as identified in the ALUCP.

The proposed Project was presented as information item at the County’s ALUC Meeting held on October 18, 2017. The Seville 4 Solar Project was found consistent with 1996 ALUC (Valenzuela, pers. comm., 2017).

4.2.2 ENVIRONMENTAL SETTING

As discussed in subsection 2.1.2 of Chapter 2.0, the Project site is comprised of flat-lying, very low gradient desert lands and approximately 60 acres of idle agricultural fields. San Felipe Creek, in its natural state, previously flowed through Lot 8 in a southeasterly direction. In the 1970's the Creek was diverted around the southwestern corner of Lot 1 by an earthen berm constructed along the western boundary of Lots 1 and 7 (refer to Figure 2.0-5A and Figure 2.0-5B in Chapter 2.0, Project Description).

As measured from Google Earth, Lot 8 has an overall slope to the southeast at an estimated average low gradient of 0.45 percent. Elevations across the Project site range from a high of approximately 44 feet below mean sea level (msl) at the northwest corner to a low of approximately 59 feet below msl at the southeast corner.

All agricultural activities have been idled in the last few years and are reverting to open desert. In addition, Seville 1 Solar and Seville 2 Solar projects have been developed north and northwest of the Project site. The Seville 3 Solar project is proposed immediately to the west of the Project site.

A. PROJECT SITE

On-Site Land Uses

The private lands on which the Project is proposed are under the jurisdiction of Imperial County. The 572.10-acre Lot 8 slopes slightly to the south east and is designated as Agriculture on the Imperial County Land Use Map (**Figure 4.2-1**) (Imperial County 1993). The acreage of lands cultivated steadily declined from the 1970's. No crops have been grown on the Project site in recent years and the 60 acres previously cultivated are slowly reverting to open desert.

The Seville 4 Substation and IID Switching Station are proposed to be located on Lot D. This area has been graded as part of the Seville Solar Farm Complex. The gen-tie would align through Lots 1, 2 and 3 to the east of the Project site then align north to the substation. This alignment is within areas previously disturbed as part of the Seville Solar Farm Complex.

The proposed Project would convert approximately 60 acres of idle farmland to a solar generation facility. This is discussed further in Section 4.9, Agricultural Resources.

Surrounding Land Uses

The Project site is located within Lot 8 of Tract Map 0988 in a largely undeveloped and unincorporated portion of northwest Imperial County. Land surrounding Lot 8 consists of former agricultural fields and undeveloped open desert with a checkerboard of federal, state and private land. Areas surrounding Lot 8 are designated Recreation/Open Space on the Imperial County Land Use Map (Imperial County 1993). SR 78 and the existing IID distribution line right-of-way (ROW) are approximately 0.40 mile north of Lot D where the Seville 4 Substation is proposed.

Earthen berms have been constructed along the western boundary of Lot 1 site to divert San Felipe Creek to the south, but its flood plain is still present through Lot 8. San Felipe Creek intersects Fish Creek Wash southeast of Lot 8. The Tarantula Wash drainage is located north and east of Lot 8 (refer to Figure 2.0-5A and Figure 2.0-5B in Chapter 2.0, Project Description).

The Anza Substation is approximately 1.7 miles east of the Project area on the south side of SR 78. Other uses in the vicinity include the OWSRVA located north of SR 78 and the Blu-In Café approximately 1.5 miles west of the Project area on the south side of SR 78. Federal (government lands) lands managed by the

4.2 LAND USE

BLM are located further to the west of the Project site and adjacent to a portion of the eastern boundary (Figure 4.2-3).

The Gen-Tie Line is surrounded by existing and proposed solar development to the west (Seville 3 Solar) and northwest (Seville 1 Solar and Seville 2 Solar) of the Project site. The Seville 4 Substation is proposed to be located on Lot D which is a common interest lot within the Seville Solar Farm Complex. The Seville 3 Solar Substation is also proposed to be located on Lot D.

4.2.3 IMPACTS AND MITIGATION MEASURES

A. STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines, as listed in Appendix G. The project would result in a significant impact to land use if it would result in any of the following:

- a. Physically divide an established community.
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (include, 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.
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan.

B. ISSUES SCOPED OUT AS PART OF THE INITIAL STUDY

Two checklist criteria were eliminated from further evaluation as part of the Initial Study. Criterion “a” was eliminated from further evaluation as part of the Initial Study because the proposed Project is located in a rural portion of Imperial County and would not physically divide any established community. Thus, no impact is identified for this issue area and it is not discussed further in the analysis.

Criterion “c” was eliminated because Imperial County is not within the jurisdiction of any adopted habitat conservation plan (HCP) or natural community conservation plan (NCCP), or other approved local, regional or state habitat conservation plan. Therefore, no impact to an HCP or NCCP would occur and this issue will not be discussed further.

C. METHODOLOGY

Potential land use impacts of the proposed Project were evaluated based on review of relevant planning documents including the Imperial County General Plan and the Imperial County Land Use Ordinance. The focus of the land use analysis is on land use impacts that would result from implementation of the solar field component of the Project site (whether developed as the Fixed-Frame Configuration or the HSAT Configuration) would convert the land from open desert and 60 acres of idle farmland. The Gen-Tie Line, Seville 4 Substation, IID Switching Station and extension of the access road reflect expansions of existing uses that are currently present within the existing and proposed solar fields and common interest lots.

Land use conflicts are identified and evaluated based on existing land uses; land use designations; uses proposed as part of the Project; and standards and policies related to land use. Land use compatibility is based on the intensity and patterns of land use to determine whether the Project would result in incompatible uses or nuisance impacts. Potential land use conflicts or incompatibility (specifically during construction activities) are usually the result of other environmental effects, such as generation of noise or air quality issues resulting from grading activities. Operational land use impacts of the Project are evaluated in this section. The reader is referred to Sections 4.1 and 4.3 thru 4.13 for detailed analysis of

other environmental impacts (e.g. traffic, air quality, noise, biological resources, etc.), that would result from the Project's construction, operation and reclamation.

D. PROJECT IMPACTS AND MITIGATION MEASURES

Conflict With Any Applicable Land Use Plan, Policy, or Regulation

Impact 4.2.1 The proposed Project is consistent with the existing General Plan land use designation of Agriculture with a CUP and would not conflict with any County policies or regulations or the OWSRVA north of the Project area. Therefore, conflicts with applicable land use plans, policies and regulations are considered a **less than significant** impact.

Construction and Operation

The Project area is currently designated as "Agriculture" on the Imperial County Land Use Plan Map. Per Section 90508.1 of the Imperial County Land Use Code, an electrical power generating plant (excluding nuclear or coal fired) and electrical substations in an electrical transmission system (500-kV/230-kV/161-kV) are allowed uses within the existing zones agricultural zones (A-2) with a CUP (refer to **Table 4.2-2**). No land use amendment would be required for the Project because a solar generation facility is an allowed use subject to a CUP. Therefore, the proposed Project is consistent with the existing land use and zoning designations.

The Project is also not anticipated to conflict with the OWSVRA to the north. Short-term construction impacts associated with traffic, noise and dust are addressed in the appropriate sections of this EIR. On an operational basis, the Project would not interfere with existing uses occurring at the OWSRVA nor would it result in substantial changes to views when looking south from the OWSVRA. Thus, potential for conflicts with an applicable land use plan, policy, or regulation is considered **less than significant**.

With regard to physical land use conflicts, construction-related nuisances such as dust and heavy equipment exhaust plumes would not be considered a land use conflict or incompatibility based on the remote location of the Project away from populated areas and the short-term duration of these activities. During operation, issues such as dust could affect how often the PV or CPV panels need to be washed, but would not result in a land use conflict or incompatibility. Likewise, the construction and operation of the Project, including the Seville 4 Substation, IID Switching Station and Gen-Tie Line, would not adversely impact adjacent lands formerly used for agriculture on the Allegretti Property as they are not being farmed. A Weed and Pest Management Plan must be prepared by the Applicant to address control of invasive weeds and manage pests from proliferating within the Project area or spreading off site. Thus, land use conflicts and incompatibilities with surrounding lands are considered **less than significant**.

Reclamation

Reclamation would involve decommissioning Seville 4 Solar at the end of the Project's useful life. Activities would include dismantling and removal of all structures and infrastructure on the Project site. These activities would occur for a limited duration. Upon completion, the Project site would be reclaimed to approximate the existing idle farmland and desert land. **No impact** with regard to an applicable land use plan, policy or regulation would occur in association with reclamation of the Project site.

Mitigation Measures

None required.

Significance After Mitigation

Not applicable.

4.2 LAND USE

4.2.4 CUMULATIVE SETTING, IMPACTS AND MITIGATION MEASURES

A. CUMULATIVE SETTING

The geographic scope for the analysis of cumulative impacts related to land use localized to the Project area. This distance was determined based on the remote nature of the Project area away from urban development. The cumulative setting for land use includes buildout of the large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, Introduction to the Environmental Analysis and Assumptions Used. The cumulative projects are described in Table 3.0-1 and depicted geographically in Figures 3.0-1A, 3.0-1B and 3.0-1C.

B. CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Conflicts with Applicable Land Use Plans, Policies, or Regulations

Impact 4.2.2 Development of the proposed Project in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects in the region would not incrementally add to conflicts with applicable land use plans, policies and regulations. Each project would be required to be consistent with the applicable plans that apply to the area in which it is located. Thus, this impact is considered **less than cumulatively considerable**.

Construction

Imperial County General Plan

The proposed Project, as well as all other large-scale proposed, approved and reasonably foreseeable renewable energy projects within Imperial County, would be subject to the goals and policies of the Imperial County General Plan. Conflicts with the General Plan are not anticipated during construction of the proposed Project, nor any other large-scale proposed, approved and reasonably foreseeable renewable energy projects within the County as each one is required to comply with applicable construction regulations. Moreover, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to conflicts with the Imperial County Land Use Plan or the Imperial County General Plan Policies during construction. Likewise, conflicts with the Imperial County General Plan are considered **less than cumulatively considerable** during Project construction.

County of Imperial Land Use Ordinance, Title 9

The proposed Project, as well as all other large-scale proposed, approved and reasonably foreseeable renewable energy projects within Imperial County, would be consistent with the land use ordinance and the underlying zoning of the parcels proposed for solar development. These determinations would be made prior to project approval. Therefore, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to conflicts with the County of Imperial Land Use Ordinance during construction. Likewise, conflicts with the County of Imperial Land Use Ordinance are considered **less than cumulatively considerable** during Project construction.

Airport Land Use Compatibility Plan (ALUCP)

The Project area is not within any Airport Land Use Compatibility Zones and was reviewed by the ALUC on October 18, 2017. The Project was found consistent with 1996 ALUC (Valenzuela, pers. comm., 2017). Likewise, each large-scale proposed, approved and reasonably foreseeable renewable energy project

identified in Table 3.0-1 in Chapter 3.0, would also undergo ALUC review, if appropriate, to determine land use compatibility prior to project approval. Thus, cumulative projects would result in a **less than cumulatively considerable contribution** to conflicts with the ALUCP during construction. Therefore, conflicts with the ALUCP are considered **less than cumulatively considerable** during Project construction.

Operation

Imperial County General Plan

The proposed Project is in Imperial County and is subject to the goals and policies of the Imperial County General Plan. The proposed Project is a conditionally permitted use under the A-2 zone. Because development of solar facility is allowed by the Zoning Ordinance with a CUP, it is considered consistent with the "Agriculture" land use designation of the General Plan. Therefore, no conflict with the Imperial County General Plan would occur. Moreover, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to conflicts with the Imperial County Land Use Plan or the Imperial County General Plan Policies during operation. Therefore, conflicts with the Imperial County General Plan are considered **less than cumulatively considerable** during Project operation.

County of Imperial Land Use Ordinance, Title 9

As part of the proposed Project, the Applicant has submitted one CUP (17-0006) application package for the proposed Seville 4 Solar Project to be located on a portion of the 572.10 acres comprising Lot 8 of Tract Map 00988, Section 25, T12S, R9E; one General Plan Amendment (GPA) (17-0002) to add the Renewable Energy "RE" Overlay Zone designation to the existing Agriculture land use designation; and one Zone Change (ZC 17-0001) to add the "RE" Renewable Energy Overlay Zone to the existing "A-2" General Agriculture zone. Thus, the proposed Project would be consistent with the land use ordinance and the underlying zoning of the proposed Project site. Therefore, no conflict with the County of Imperial Land Use Ordinance would occur. Moreover, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to cumulative impacts with the County of Imperial Land Use Ordinance because such projects would be permitted either as of right or with conditional use authorization. Conflicts with the County of Imperial Land Use Ordinance are considered **less than cumulatively considerable** during Project operation.

Airport Land Use Compatibility Plan (ALUCP)

No portion of the Project area (solar facility site, gen-tie or substation) is within any Airport Land Use Compatibility Zones. The ALUC determined that the proposed Project would be consistent with ALUCP. Therefore, the land use for the proposed Project is compatible with the ALUCP. Moreover, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to cumulative impacts regarding the ALUCP as each individual project must undergo review for compatibility with the appropriate land use compatibility map. Therefore, conflicts with the ALUCP are considered **less than cumulatively considerable** during Project operation.

Reclamation

Imperial County General Plan

The solar farm complex, as well as all other large-scale proposed, approved and reasonably foreseeable renewable energy projects within Imperial County, would be subject to the goals and policies of the

4.2 LAND USE

Imperial County General Plan. Conflicts with the General Plan are not anticipated during reclamation of the proposed Project, nor any other large-scale proposed, approved and reasonably foreseeable renewable energy projects within the County as each one is required to comply with applicable regulations that govern reclamation activities. Therefore, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to conflicts with the Imperial County Land Use Plan or the Imperial County General Plan Policies during reclamation. Likewise, conflicts with the Imperial County General Plan are considered **less than cumulatively considerable** during Project reclamation.

County of Imperial Land Use Ordinance, Title 9

The proposed Project, as well as all other large-scale proposed, approved and reasonably foreseeable renewable energy projects within Imperial County, would be consistent with the land use ordinance and the underlying zoning of the parcels proposed for solar development. All lands that are designated as Agriculture and zoned for agriculture (A-2, A-3, etc.) must be reclaimed to agricultural lands. The proposed Project site would be reclaimed to approximate the existing desert and idle farmland condition. Therefore, the proposed Project, in combination with large-scale proposed, approved and reasonably foreseeable renewable energy projects as identified in Table 3.0-1 in Chapter 3.0, would result in a **less than cumulatively considerable contribution** to conflicts with the County of Imperial Land Use Ordinance during reclamation. Likewise, conflicts with the County of Imperial Land Use Ordinance are considered **less than cumulatively considerable** during Project reclamation.

Airport Land Use Compatibility Plan (ALUCP)

The Project site is not within any Airport Land Use Compatibility Zones and was reviewed by the ALUC. Moreover, each large-scale proposed, approved and reasonably foreseeable renewable energy project identified in Table 3.0-1 in Chapter 3.0, would also undergo ALUC review, if appropriate, to determine land use compatibility prior to project approval. Therefore, no conflicts with the ALUCP would occur during Project reclamation and this impact is considered **less than cumulatively considerable**.

Mitigation Measures

None required.

Significance After Mitigation

Not applicable.

Cumulative Land Use Compatibility/Conflict Impacts

Impact 4.2.3 Development of the proposed Project in combination with large-scale proposed, approved and reasonably foreseeable renewable projects in the region would change the land use patterns, present potential land use conflicts, and result in conversion of agricultural. This impact is considered **less than cumulatively considerable**.

Construction, Operation and Reclamation

The proposed Project, in combination with other proposed, approved and reasonably foreseeable renewable projects, would be one of multiple solar facilities developed in Imperial County (refer to Figures 3.0-1a and 3.0-1b in Chapter 3.0). All of the projects would occur primarily in undeveloped desert lands or rural agricultural areas (refer to Section 4.9, Agricultural Resources) regarding cumulative impacts associated with agricultural resources). The temporary conversion of rural agricultural and desert lands

to solar facilities would preclude the continuation of existing land uses, including agriculture and open space, these sites during project construction, operation and reclamation.

Development of the large-scale proposed, approved and reasonably foreseeable renewable energy projects identified in Table 3.0-1 have the potential to create direct but temporary land use conflicts with existing uses such as airports and natural areas. Generally, indirect land use conflicts would be related to noise, traffic, air quality, and hazards/human health and safety issues, which are discussed in the relevant sections of this Draft EIR. Land use compatibility/conflict impacts are site specific and localized and would result in a **less than cumulatively considerable contribution** to conflicts throughout the geographic scope of the cumulative setting. Therefore, this impact would be **less than cumulatively considerable** during Project construction, operation and reclamation.

Development of the proposed Project would result in the temporary conversion of approximately 60 acres of idle farmland and open desert to a solar facility during construction, operation and reclamation. The Project would change the character and land use patterns currently on the Project site to rows of PV and/or CPV solar panels and associated equipment. However, lands surrounding the Project area are no longer in agricultural use and areas to the northwest are currently developed with Seville 1 Solar and Seville 2 Solar. The Seville 3 Solar project is proposed to the west and open desert land surround the remainder of Lot 8. Solar projects developed adjacent to open desert areas are subject to dust carried by the wind depositing on PV or CPV panels. This represents a nuisance issue rather than insurmountable cumulative land use incompatibility or conflict.

The proposed Project is consistent with the Imperial County General Plan with a CUP. While the implementation of the Project would temporarily convert approximately 60 acres of idle farmland and desert to a solar farm complex, the Project would be developed consistent with the land uses allowed and there would be no conflicts with the Imperial County General Plan or zoning. The proposed Project, in combination with other cumulative projects, would result in a **less than cumulatively considerable contribution** to land use compatibility. Therefore, impacts associated with land use compatibility and conflict are considered **less than cumulatively considerable** during Project construction, operation and reclamation.

Mitigation Measures

None required.

Significance After Mitigation

Not applicable.

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