

## 3.9 Land Use Planning

This section provides information regarding current land use, land use designations, and land use policies within, and in the vicinity of, the project site. Section 15125(d) of the CEQA Guidelines states that “[t]he EIR shall discuss any inconsistencies between the project and applicable general plans and regional plans.” This section fulfills this requirement for the project. In this context, this section reviews the land use assumptions, designations, and policies of the County General Plan and other applicable federal, state, and local requirements, which governs land use within the project area and evaluates the project’s potential to conflict and/or adherence with policies adopted for the purpose of avoiding or mitigating significant environmental effects. Where appropriate, mitigation is applied and the resulting level of impact identified.

### 3.9.1 Existing Conditions

#### Solar Energy Facility Site and Gen-Tie Line

The project site is located approximately three miles north of Niland, a census-designated place, in the unincorporated area of Imperial County. The project site is located on one parcel of land identified as APN 003-240-001. The proposed project would be located on approximately 100 acres within the northwest portion of this 640-acre parcel. The project site is located east of the intersection of Wilkins Road and an unnamed County road. The project footprint (physical area where proposed solar energy facility project components are to be located) is generally located east of Wilkins Road, north of the East Highline Canal, and west of Gas Line Road.

As shown on Figure 3.9-1, the 640-acre parcel is designated as Recreation under the County’s General Plan. As depicted on Figure 3.9-2, the project site is currently zoned Open Space/Preservation with a Geothermal Overlay (S-2-G).

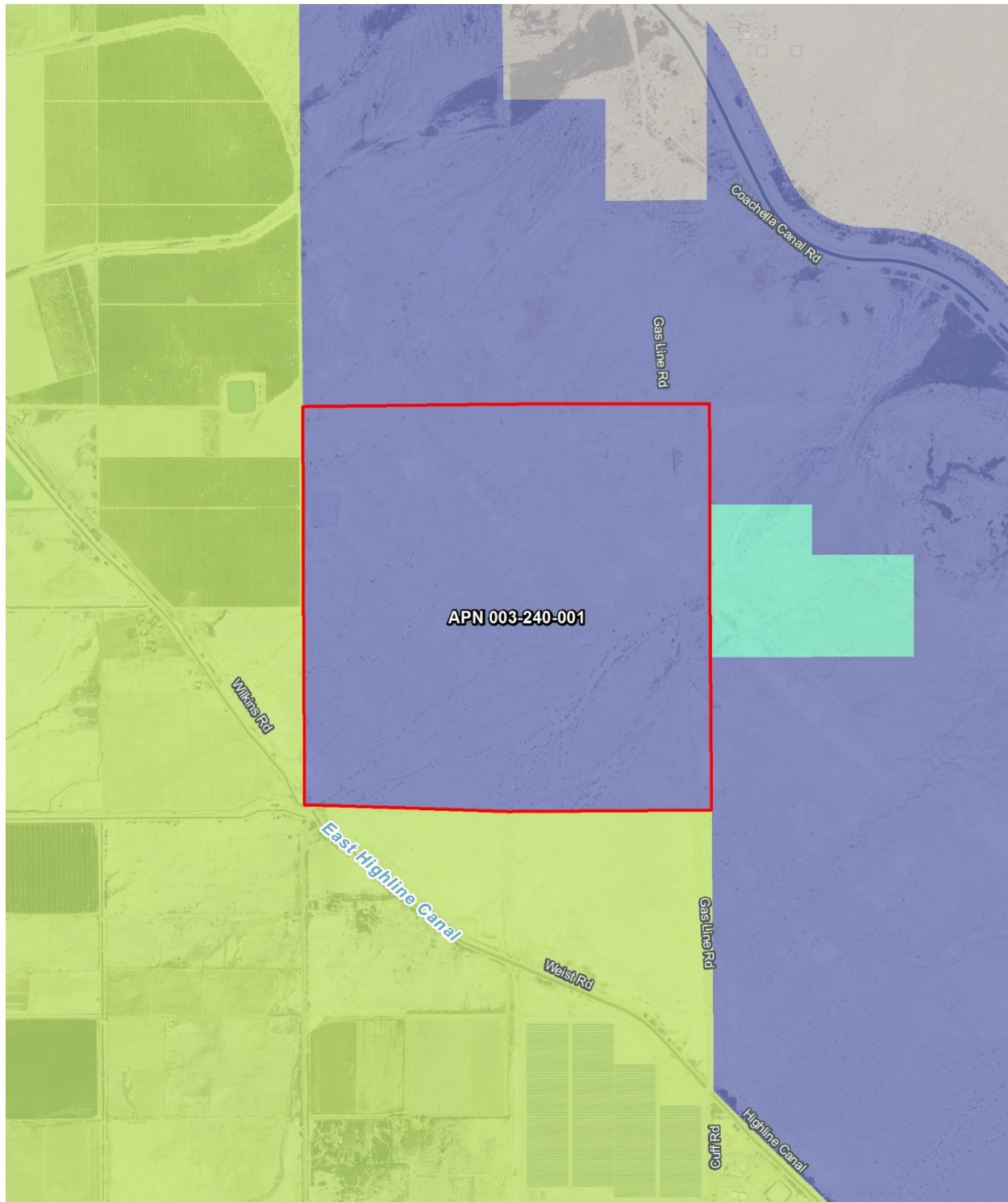
The County adopted the RE and Transmission Element, which includes a RE Zone (RE Overlay Map). The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of RE facilities while minimizing the impact to other established uses. As shown on Figure 3.9-2, the project site is located outside of the RE Energy Zone, but immediately adjacent to it.

Land uses surrounding the project site are designated by the General Plan as Recreation and Government to the north, Recreation and Special Purpose Facility to the east, and Agriculture to the south and west. The project site is generally surrounded to the north, east, and south by vacant land. A private road and the East Highline Canal border the project site to the south. Existing transmission lines border the project site to the east. An agricultural field lies to the northwest of the project site. The project site is located on the eastern edge of active agricultural lands with desert lands located immediately to the east and beyond.

The project site is located in a sparsely populated portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. The nearest established residential community is in Niland, located approximately 2 miles south of the project site.

The nearest airport to the project site is the Cliff Hatfield Memorial Airport, located approximately 10 miles south of the project site.





Figure 3.9-1. General Plan Land Use Designations



**LEGEND**

 Project Site (Assessor Parcel No. 003-240-001)

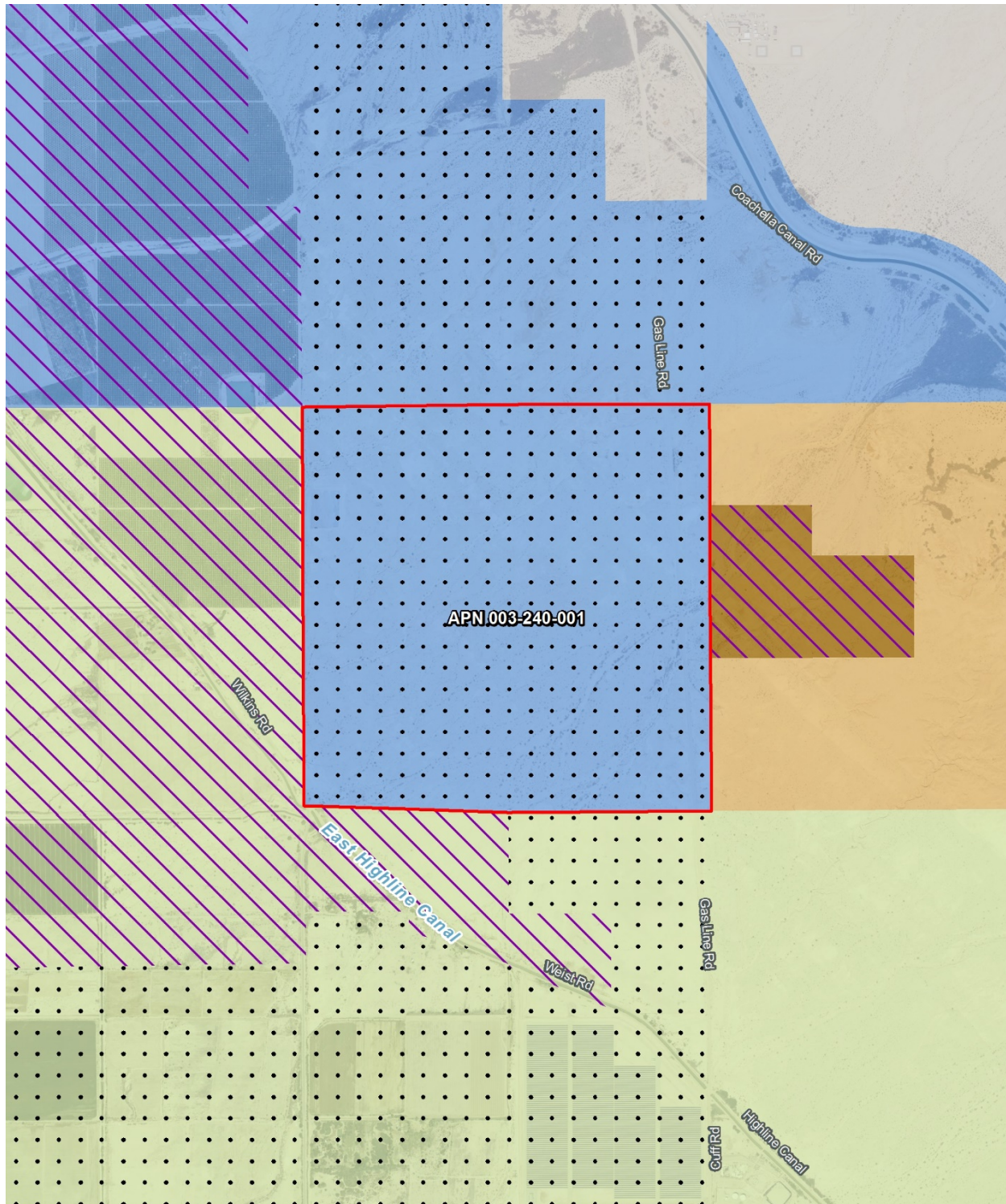
**General Plan Land Use**

-  Agriculture
-  Government
-  Recreation
-  Special



0 Feet 2,000

Figure 3.9-2. Zoning Designations



**LEGEND**

Project Site (Assessor Parcel No. 003-240-001)

**Zoning Overlay**

Geothermal Overlay

Renewable Energy Overlay

**Zoning**

A-2 - General Agricultural Zone

BLM

GS - Government/Special  
Military

S-2 - Open Space/Preservation



0 Feet 2,000

## Fiberoptic Cable

The proposed fiberoptic cable originates at the project's substation on the solar energy facility site and terminates at the existing Niland Substation. The majority of the fiberoptic cable alignment traverses multiple parcels designated by the General Plan as Agriculture. The existing Niland Substation is located on APN 021-160-014 and is designated by the General Plan as Urban and zoned General Agriculture Zone with an urban area overlay (A-2-U).

### 3.9.2 Regulatory Setting

This section identifies and summarizes laws, policies, and regulations that are applicable to the project.

#### State

##### *State Planning and Zoning Laws*

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a city or county and of any land outside its boundaries that, in the city's or county's judgment, bears relation to its planning.

The general plan addresses a broad range of topics, including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area. The general plan is a long-range document that typically addresses the physical character of an area over a 20-year period or more.

The State Zoning Law (California Government Code Section 65800 et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific zone district, are required to be consistent with the general plan and any applicable specific plans.

#### Regional

##### *Southern California Association of Governments - 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy*

SCAG is the designated metropolitan planning organization for Los Angeles, Ventura, Orange, San Bernardino, Riverside, and Imperial Counties. CEQA requires that regional agencies like SCAG review projects and plans throughout its jurisdiction. SCAG, as the region's "Clearinghouse," collects information on projects of varying size and scope to provide a central point to monitor regional activity. SCAG has the responsibility of reviewing dozens of projects, plans, and programs every month. Projects and plans that are regionally significant must demonstrate to SCAG their consistency with a range of adopted regional plans and policies.

On April 7, 2016, SCAG adopted the 2016-2040 RTP/SCS. The RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the NAAQS as set forth by the federal CAA.

Local

*County of Imperial General Plan*

The purpose of the County’s General Plan (as amended through 2008) is to direct growth, particularly urban development, to areas where public infrastructure exists or can be provided, where public health and safety hazards are limited, and where impacts to the County’s abundant natural, cultural, and economic resources can be avoided. The following 10 elements comprise the County’s General Plan: Land Use; Housing; Circulation and Scenic Highways; Noise; Seismic and Public Safety; Conservation and Open Space; Agricultural; RE and Transmission Element; Water; and Parks and Recreation. Together, these elements satisfy the seven mandatory general plan elements as established in the California Government Code. Goals, objectives, and implementing policies and actions programs have been established for each of the elements. Table 3.9-1 provides an analysis of the project’s consistency with applicable goals and policies contained in the County of Imperial General Plan.

Imperial County received funding from the California Energy Commission RE and Conservation Planning Grant to amend and update the County’s General Plan in order to facilitate future development of RE projects. The Geothermal/Alternative Energy and Transmission Element was last updated in 2006. Since then there have been numerous renewable projects proposed, approved, and constructed within Imperial County as a result of California’s move to reduce GHG emissions, develop alternative fuel sources and implement its Renewable Portfolio Standard. The County prepared an update to the Geothermal/Alternative Energy and Transmission Element of its General Plan, called the RE and Transmission Element. This Element is designed to provide guidance and approaches with respect to the future siting of RE projects and electrical transmission lines in the County. The County adopted this element in 2016, which has been amended several times to incorporate additional overlay zones.

**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<b><i>Imperial County General Plan, Land Use Element</i></b>		
Public Facilities, Objective 8.7. Ensure the development, improvement, timing, and location of community sewer, water, and drainage facilities will meet the needs of existing communities and new developing areas.	Consistent	The project includes the necessary supporting infrastructure and would not require new community-based infrastructure. The project would be required to construct supporting drainage infrastructure on-site consistent with County requirements and mitigation measures prescribed in Section 3.8 Hydrology/Water Quality of the EIR. Once the project is operational, a limited amount of water would be required for solar panel washing and fire protection. The proposed project would not require an operations and maintenance building. Therefore, no septic system would be required for the project.

**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<p>Public Facilities, 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.</p>	<p>Consistent</p>	<p>The County Land Use Ordinance, Division 17, includes the RE Overlay Zone, which authorizes the development and operation of RE projects with an approved CUP. The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of RE facilities while minimizing the impact to other established uses. CUP applications proposed for specific RE projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone.</p> <p>The County's General Plan and Land Use Ordinance allows that for RE projects proposed on land classified in a non-RE Overlay zone, that the land on which the project is located may be included/classified in the RE Overlay Zone if the RE project: 1) would be located adjacent to an existing RE Overlay Zone; 2) is not located in a sensitive area; and, 3) and would not result in any significant environmental impacts.</p> <p>As shown on Figure 3.9-2, the project site is located outside, but immediately adjacent to the RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment and Zone Change to include/classify the project site into the RE Overlay Zone. With the approval of the General Plan Amendment, Zone Change, and the CUP for operation of the solar facility, the proposed project can be implemented.</p>
<p>Public Facilities, Objective 8.9. Require necessary public utility rights-of-way when appropriate.</p>	<p>Consistent</p>	<p>The project would include the dedication of ROW, if necessary, to facilitate the placement of electrical distribution and transmission infrastructure.</p>
<p>Protection of Environmental Resources, Objective 9.6. Incorporate the strategies of the Imperial County AQAP in land use planning decisions and as amended.</p>	<p>Consistent</p>	<p>Dust suppression will be implemented in accordance with a dust control plan approved by the ICAPCD. Section 3.3, Air Quality, discusses the project's consistency with the AQAP in more detail.</p>



**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<b>Imperial County General Plan, Circulation and Scenic Highways Element</b>		
<p>Safe, Convenient, and Efficient Transportation System, Objective 1.1. Maintain and improve the existing road and highway network, while providing for future expansion and improvement based on travel demand and the development of alternative travel modes.</p>	<p>Consistent</p>	<p>The project would include limited operational vehicle trips and would not be expected to reduce the current LOS at affected intersections, roadway segments, and highways. The project does not propose residential or commercial development and therefore would not require new forms of alternative transportation to minimize impacts to existing roadways. A total of three access roads will service the proposed project. Access to the project site from the east would be located off Gas Line Road. Access to the solar energy facility portion of the project site from the west would include two routes: one route north from the southwest corner of the parcel off Wilkins Road (main access road), and another route off Wilkins Road just south of the existing orchard to the west of the project. All access roads will be constructed with an all-weather surface.</p>
<p>Safe, Convenient, and Efficient Transportation System, Objective 1.2. Require a traffic analysis for any new development which may have a significant impact on County roads.</p>	<p>Consistent</p>	<p>The Imperial County Department of Public Works has reviewed the trip generation associated with project construction and proposed construction traffic routes and has determined that a formal traffic study is not warranted for the project.</p> <p>Once construction is completed, the project would be remotely operated, controlled and monitored and with no requirement for daily on-site employees. The project would include limited operational vehicle trips and would not be expected to reduce the current LOS at affected intersections, roadway segments, and highways.</p>
<b>Imperial County General Plan, Noise Element</b>		
<p>Noise Environment. Objective 1.3. Control noise levels at the source where feasible.</p>	<p>Consistent</p>	<p>Where construction-related and operational noise would occur in close proximity to noise sensitive land uses (e.g. less than 500 feet), the County would condition the projects to maintain conformance with County noise standards. There are currently no sensitive noise receptors that could be affected by the proposed project either during construction or operation.</p>
<p>Project/Land Use Planning. Goal 2: Review Proposed Actions for noise impacts and require design which will provide acceptable indoor and outdoor noise environments.</p>	<p>Consistent</p>	<p>As discussed in Section 6.0, Effects Found Not Significant, the project would be required to comply with the County's noise standards during both construction and operation. Further, there are no sensitive receptors that could be affected by the proposed project either during construction or operation.</p>

**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<b><i>Imperial County General Plan, Conservation and Open Space Element</i></b>		
<p>Conservation of Environmental Resources for Future Generations Goal 1: Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions and educating the public on their value.</p>	<p>Consistent</p>	<p>The project site would be converted from undeveloped land to a solar energy facility. The proposed project is a response to the state's need for RE to meet its Renewable Portfolio Standard, and while it would increase the availability of RE, it would also replace existing sources of non-RE. The power generated by the project would be added to the state's electricity grid with the intent that it would displace fossil fueled power plants and their associated environmental impacts (i.e., air quality and GHG emissions). The proposed project would ensure future generations have access to a broad array of RE sources, providing the public with alternative choices to fossil fuels.</p>
<p>Conservation of Biological Resources. Goal 2: The County will integrate programmatic strategies for the conservation of critical habitats to manage their integrity, function, productivity, and long-term viability.</p>	<p>Consistent</p>	<p>A biological resources survey was conducted for the project site. As discussed in Section 3.4, Biological Resources, there are potentially significant biological resources located within the project site. However, with the implementation of mitigation identified in Section 3.4, Biological Resources, these impacts would be reduced to a level less than significant. The site is not designated or otherwise identified as critical habitat for any species.</p>
<p>Preservation of Cultural Resources. Objective 3.1 Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.</p>	<p>Consistent</p>	<p>A cultural resources report was prepared for the project site. As discussed in Section 3.5, Cultural Resources, the proposed project has the potential to encounter undocumented archaeological resources and human remains. Mitigation Measures CR-1 through CR-3 have been identified to reduce potential impacts to a level less than significant.</p>



**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<p>Protection of Open Space and Recreational Opportunities. Objective 8.2 Focus all new renewable energy development within adopted Renewable Energy Overlay Zones.</p>	<p>Consistent</p>	<p>The County's General Plan and Land Use Ordinance allows that for RE projects proposed on land classified in a non-RE Overlay zone, that the land on which the project is located may be included/classified in the RE Overlay Zone if the RE project: 1) would be located adjacent to an existing RE Overlay Zone; 2) is not located in a sensitive area; and, 3) and would not result in any significant environmental impacts.</p> <p>As shown on Figure 3.9-2, the project site is located outside of the RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment and Zone Change to include/classify the project site into the RE Overlay Zone. With the approval of the General Plan Amendment, Zone Change, and CUP for operation of the solar facility, the proposed project can be implemented.</p> <p>As detailed in Sections 3.1 through 3.11 of this EIR, no unavoidable or unmitigable significant impacts were identified. Where significant impacts have been identified, mitigation measures are proposed, that when implemented, would reduce the impact level to less than significant.</p>
<p>Protection of Air Quality and Addressing Climate Change Goal 7: The County shall actively seek to improve the quality of air in the region.</p>	<p>Consistent</p>	<p>The proposed project would be required to comply with all applicable ICAPCD rules and requirements during construction and operation to reduce air emissions. Overall, the proposed project would improve air quality and reduce GHG emissions by reducing the amount of emissions that would be generated in association with electricity production from a fossil fuel burning facility. Therefore, the proposed Project is consistent with this goal.</p>
<p>Objective 7.1: Ensure that all project and facilities comply with current Federal, State and local requirements for attainment of air quality objectives.</p>	<p>Consistent</p>	<p>The proposed project would comply with current federal and State requirements for attainment for air quality objectives through conformance with all applicable ICAPCD rules and requirements to reduce fugitive dust and emissions. Further, the project would comply with the ICAPCD Air Quality CEQA Handbook's Mandatory Standard, Discretionary and Enhanced Air Quality Measures (Mitigation Measure AQ-2). Therefore, the proposed project is consistent with this objective.</p>

**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
Objective 7.2: Develop management strategies to mitigate fugitive dust. Cooperate with all federal and state agencies in the effort to attain air quality objectives.	Consistent	The Applicant would cooperate with all federal and State agencies in the effort to attain air quality objectives through compliance with the ICAPCD Air Quality CEQA Handbook’s Mandatory Standard, Discretionary and Enhanced Air Quality Measures (Mitigation Measure AQ-2). Therefore, the proposed project is consistent with this objective.
Program: Structural development normally shall be prohibited in the designated floodways. Only structures which comply with specific development standards should be permitted in the floodplain.	Consistent	The project does not contain a residential component nor would it place housing or other structures within a 100-year flood hazard area.
<b><i>Imperial County General Plan, RE and Transmission Element</i></b>		
Objective 1.5: Require appropriate mitigation and monitoring for environmental issues associated with developing RE facilities.	Consistent	A biological resources report has been prepared for the project, which is summarized in Section 3.4, Biological Resources, along with potential impacts attributable to the project. With incorporation of mitigation identified in Section 3.4, Biological Resources, less than significant impacts would result.
Objective 1.7: Assure that development of RE facilities and transmission lines comply with ICAPCD’s regulations and mitigation measures.	Consistent	Dust suppression will be implemented including the use of water and soil binders during construction. Section 3.3, Air Quality, discusses the project’s consistency with ICAPCD’s regulations in more detail.
Objective 2.1: To the extent practicable, maximize utilization of IID’s transmission capacity in existing easements or rights-of-way. Encourage the location of all major transmission lines within designated corridors easements, and rights-of-way.	Consistent	The project involves the construction and operation of new RE infrastructure that would interconnect with existing IID transmission infrastructure thereby maximizing the use of existing facilities located within existing easements and/or ROWy. As discussed in Chapter 2, Project Description, the power produced by the proposed project would be conveyed to the local power grid via an on-site 92 kV substation, which will be tied directly to IID’s 92 kV transmission line.
<b><i>Imperial County General Plan, Seismic and Public Safety Element</i></b>		
Goal 1. Include public health and safety considerations in land use planning.	Consistent	Division 5 of the County Land Use Ordinance has established procedures and standards for development within earthquake fault zones. Per County regulations, construction of buildings intended for human occupancy which are located across the trace of an active fault are prohibited. An exception exists when such buildings located near the fault or within a designated Special Studies Zone are demonstrated through a geotechnical analysis and report not to expose a
Objective 1.1. Ensure that data on geological hazards is incorporated into the land use review process, and future development process.		
Objective 1.3. Regulate development adjacent to or near all mineral deposits and geothermal operations.		



**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
Objective 1.4. Require, where possessing the authority, that avoidable seismic risks be avoided; and that measures, commensurate with risks, be taken to reduce injury, loss of life, destruction of property, and disruption of service.		<p>person to undue hazard created by the construction.</p> <p>Since the project site is located in a seismically active area, the project is required to be designed in accordance with the CBC for near source factors derived from a design basis earthquake based on a peak ground acceleration of 0.50 gravity. It should be noted that, the project would be remotely operated and would not require any habitable structures on site. In considering these factors in conjunction with mitigation requirements outlined in the impact analysis, the risks associated with seismic hazards would be minimized.</p> <p>A preliminary geotechnical report has been prepared for the proposed project. The preliminary geotechnical report has been referenced in this environmental document. Additionally, a design-level geotechnical investigation would be conducted to evaluate the potential for site specific hazards associated with seismic activity.</p>
Objective 1.7. Require developers to provide information related to geologic and seismic hazards when siting a proposed project.		
Goal 2: Minimize potential hazards to public health, safety, and welfare and prevent the loss of life and damage to health and property resulting from both natural and human-related phenomena.		
Objective 2.2. Reduce risk and damage due to seismic hazards by appropriate regulation.		
Objective 2.5 Minimize injury, loss of life, and damage to property by implementing all state codes where applicable.		
Objective 2.8 Prevent and reduce death, injuries, property damage, and economic and social dislocation resulting from natural hazards including flooding, land subsidence, earthquakes, other geologic phenomena, levee or dam failure, urban and wildland fires and building collapse by appropriate planning and emergency measures.		
<b>Imperial County General Plan, Water Element</b>		
Program: The County of Imperial shall make every reasonable effort to limit or preclude the contamination or degradation of all groundwater and surface water resources in the County.	Consistent	Mitigation measures will require that the applicant of the project prepare a site-specific drainage plan and water quality management plan to minimize adverse effects to local water resources.
Program: All development proposals brought before the County of Imperial shall be reviewed for potential adverse effects on water quality and quantity and shall be required to implement appropriate mitigation measures for any significant impacts.	Consistent	See response for Water Element Policy 1 above.
<b>Imperial County General Plan, Housing Element</b>		
<b>Not Applicable.</b> The proposed project is a solar energy project and does not include the development of housing.		

**Table 3.9-1. Project Consistency with Applicable Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<b>Imperial County ALUCP</b>		
Safety Objective 2.1: The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport accident or emergency landing.	Consistent	The project site is not located within a designated ALUCP area. The proposed project would use non- or anti-reflective material to reduce potential glare impacts to aircraft.

Source: Imperial County General Plan, as amended

*Notes:*

ALUCP=Airport Land Use Compatibility Plan; AQAP=air quality attainment plan; CBC=California Building Code; CUP=conditional use permit; EIR=environmental impact report; ICAPCD=Imperial County Air Pollution Control District; IID=Imperial Control District; LOS=level of service; MW=megawatt; RE=renewable energy; ROW=right-of-way

The RE and Transmission Element includes a RE Zone (RE Overlay Map). The County Land Use Ordinance, Division 17, includes the RE Overlay Zone, which authorizes the development and operation of RE projects, with an approved CUP. The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of RE facilities while minimizing the impact to other established uses. As shown on Figure 3.9-2, the project site is located outside of, but immediately adjacent to the RE Overlay Zone.

An analysis of the project’s consistency with the General Plan goals and objectives relevant to the project is provided in Table 3.9-1. While this EIR analyzes the project’s consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d), the Imperial County Planning Commission and Board of Supervisors retain final authority for the determination of the project’s consistency with the General Plan.

*County of Imperial Land Use Ordinance*

**Permitted and Conditional Uses.** The County’s Land Use Ordinance provides the physical land use planning criteria for development within the jurisdiction of the County. As depicted on Figure 3.9-2, the project site is zoned Open Space/Preservation with a geothermal overlay (S-2-G). The purpose of the S-2 zoning designation is to “preserve the cultural, biological, and open space areas that are rich and natural as well as cultural resources” (County of Imperial 2017). While certain uses are allowed within the S-2 zone, such uses must be compatible with the intent of the Conservation and Open Space Element of the General Plan.

Sections 90519.01 and 90519.02 of the Land Use Ordinance identifies the permitted and conditional uses within the S-2 zoning designation. Uses identified as conditionally permitted require a CUP, which is subject to the discretionary approval of the County Board of Supervisors per a recommendation by the County Planning Commission. Pursuant to Title 9, Division 5, Chapter 19, the following uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: Major facilities relating to the generation and transmission of electrical energy provide[d] such facilities are not under State or Federal law, to [be] approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the IID for electrical matters. Such uses shall include but be limited to the following:

- Electrical generation plants
- Facilities for the transmission of electrical energy (100-200 kV)

- Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)

**Height Limit.** Pursuant to Section 90519.07 of the Land Use Ordinance, the maximum height limit in the S-2 zone is 40 feet, except for communication towers, which have a maximum height limit of 100 feet.

#### *Imperial County Airport Land Use Compatibility Plan*

The Imperial County Airport Land Use Compatibility Plan (ALUCP) provides the criteria and policies used by the Imperial County Airport Land Use Commission 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 nearest airport to the project site is the Cliff Hatfield Memorial Airport, located approximately 10 miles south of the project site. According to Figure 3C of the ALUCP, no portion of the project site is located within the Cliff Hatfield Municipal Memorial Airport's land use compatibility zones (County of Imperial 1996).

### 3.9.3 Impacts and Mitigation Measures

#### Thresholds of Significance

Based on CEQA Guidelines Appendix G, project impacts related to land use/planning are considered significant if any of the following occur:

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

#### Methodology

#### Impact Analysis – Solar Energy Facility and Gen-Tie Line

##### ***Impact 3.9-1 Would the project physically divide an established community?***

The project site is located in a sparsely populated portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. Therefore, implementation of the proposed project would not divide an established community and no impact would occur.

#### *Mitigation Measure(s)*

No mitigation measures are required.

**Impact 3.9-2 Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

The project's consistency with applicable land use plans, policies, and regulations is evaluated below.

*County of Imperial General Plan*

The County's General Plan applies to the solar energy facility and supporting infrastructure portions associated with the project. An analysis of the project's consistency with the General Plan goals and objectives relevant to the project is provided in Table 3.9-1. As shown in Table 3.9-1, the proposed project would be generally consistent with the goals and objectives of the General Plan.

**General Plan Amendment.** The County adopted the RE and Transmission Element, which includes a RE Energy Overlay Zone. The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of RE facilities while minimizing the impact to other established uses. As stated in the RE and Transmission Element, "CUP applications proposed for specific renewable projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone (County of Imperial 2016)." As shown on Figure 3.9-2, the project site is located outside of the RE Energy Zone. Therefore, the proposed project would conflict with the RE Overlay Zone because the project is located outside of areas designated for RE projects. Without an amendment to the RE Overlay Zone, the proposed project would not be allowed and would conflict with the RE and Transmission Element of the General Plan. This is considered a potentially significant impact. However, the project applicant is requesting a General Plan amendment to the RE and Transmission Element of the General Plan to include/classify the project site into the RE Overlay Zone.

As stated in the RE and Transmission Element:

An amendment to the overlay zone would only be approved by the County Board of Supervisors if a future RE project met one of the following two conditions:

- **Adjacent to the Existing RE Overlay Zone:** An amendment may be made to allow for development of a future RE project located adjacent to the existing RE Overlay Zone if the project:
  - Is not located in a sensitive area
  - Would not result in any significant impacts
- **"Island Overlay":** An amendment may be made to allow for development of a future RE project that is not located adjacent to the existing RE Overlay Zone if the project:
  - Is located adjacent (sharing a common boundary) to an existing transmission source
  - Consists of the expansion of an existing RE operation
  - Would not result in any significant environmental impacts (County of Imperial 2016).

Because the project site is located adjacent to an existing RE Overlay Zone; the project will need to meet the criteria identified for the "Adjacent to the Existing RE Overlay Zone" to obtain approval of an amendment to the RE Overlay Zone. Table 3.9-2 provides an analysis of the project's consistency with the "Adjacent to the Existing RE Overlay Zone" criteria. As shown in Table 3.9-2, the proposed

project would be consistent with the “Adjacent to the Existing RE Overlay Zone” criteria because it is not located in a sensitive area and would not result in any significant environmental impacts.

The General Plan Amendment and Zone Change requests submitted by the project applicant are subject to approval by the County Board of Supervisors. If approved, the project applicant will be able to request for approval of a CUP to allow the construction and operation of the proposed solar facility and the proposed project would be consistent with the RE and Transmission Element of the General Plan.

**Table 3.9-2. Project Consistency with “Adjacent to the Existing Renewable Energy Overlay Zone” Criteria**

Criteria	Criteria Met?
Is not located in a sensitive area?	Consistent. The project site is not located in an area recognized as sensitive for any resource categories.
Would not result in any significant environmental impacts?	Consistent. As detailed in Sections 3.1 through 3.11 of this EIR, no unavoidable or unmitigable significant impacts were identified. Where significant impacts have been identified, mitigation measures are proposed, that when implemented, would reduce the impact level to less than significant. Therefore, the proposed project would not result in a residual significant impact.

Notes:  
 EIR=environmental impact report

*County of Imperial Land Use Ordinance*

**CUP.** Development of the solar energy facility and supporting infrastructure is subject to the County’s zoning ordinance. Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility project.

The project site is located on one privately-owned legal parcel zoned Open Space/Preservation with a geothermal overlay (S-2-G). Pursuant to Title 9, Division 5, Chapter 19, the following uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: 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 or Federal government, and provided such facilities shall be approved subsequent to coordination review of the IID for electrical matters. Such uses shall include but be limited to the following:

- Electrical generation plants
- Facilities for the transmission of electrical energy (100-200 kV)
- Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)

The CUP request submitted by the project applicant is subject to approval by the County Board of Supervisors. If the CUP is approved, the proposed project would not conflict with the County’s zoning ordinance.

**Variance.** The proposed project would require the use of transmission towers of up to 70 feet in height, which would exceed the height limit within the S-2 zone. The existing S-2 zone allows a maximum height limit of 40 feet. As part of the project, a Variance application would be required which, if

approved by the County, would allow the new towers to be built at 70 feet in height. If the Variance is approved, the proposed project would not conflict with the County's zoning ordinance.

#### *Imperial County Airport Land Use Compatibility Plan*

According to Figure 3C of the ALUCP, no portion of the project site is located within the Cliff Hatfield Municipal Memorial Airport's land use compatibility zones (County of Imperial 1996). Furthermore, on June 17, 2020, the Airport Land Use Commission determined that the proposed project is consistent with the ALUCP. Therefore, the proposed project would not conflict with the Imperial County ALUCP, and no significant impact would occur.

#### *Mitigation Measure(s)*

No mitigation measures are required.

#### Impact Analysis – Fiberoptic Cable

The proposed project includes the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles within existing easements and/or ROW intended for utility uses. No new transmission structures would be required to install the fiberoptic cable. Further, the fiberoptic cable would not present a barrier between communities. Based on these considerations, the fiberoptic cable would not physically divide an established community or conflict with a land use plan, policy or regulation. No land use impacts would occur.

### 3.9.4 Decommissioning/Restoration and Residual Impacts

#### Decommissioning/Restoration

Decommissioning and restoration would not physically divide an established community or conflict with any applicable land use plans, policies, or regulations. Decommissioning would be conducted in compliance with a required Reclamation Plan that would be implemented at the end of the project's life and would adhere to Imperial County's decommissioning requirements. Further, decommissioning activities would be subject to mandatory compliance with applicable local, State, and federal regulations designed to avoid adverse impacts to the project area and surrounding environment. Therefore, environmental impacts due to a conflict with an applicable land use plan, policy or regulation would be less than significant.

#### Residual

With the approval of a CUP and reclamation plan to address post-project decommissioning, the project would generally be consistent with applicable state, regional, and local plans and policies. Based on these circumstances, the project would not result in any residual significant and unmitigable land use impacts.