

## **SECTION 4.2**

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### **LAND USE**

This section describes the land use plans, policies, regulations and federal special designations that apply to the proposed project. The solar generation facility site 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). Approximately 0.09 miles of the gen-tie cross through lands managed by the BLM encroaching within an Area of Critical Environmental Concern and a designated utility corridor. Applicable federal land use plans include *Title V of the Federal Land Policy and Management Act*, *California Desert Conservation Area Plan* (BLM, 1980), the *Yuha Desert Management Plan* (BLM, 1985), and *Flat-tailed Horned Lizard Rangeland Management Strategy* (ICC, 2003).

This section focuses on the proposed project consistency with existing land use plans, ordinances, regulations, policies, and the project's compatibility with existing or reasonably foreseeable land uses. The project's compatibility with existing land use resources is also evaluated. The Project's impacts with respect to air quality, biological resources, cultural resources, noise, dust, public health, traffic and transportation, and visual resources are discussed in detail in separate sections of this EIR. Note: The segment of the gen-tie located on BLM land is undergoing separate environmental analysis under NEPA by the BLM. However, regulations applicable to the gen-tie segment on BLM land are acknowledged in this section.

### 4.2.1 REGULATORY FRAMEWORK

#### A. FEDERAL

##### **Bureau of Land Management (BLM)**

The following discussion describes the plans applicable to the gen-tie portion of the proposed project which crosses public lands managed by the BLM. However, this portion of the project would be subject to separate analysis under NEPA. An Environmental Assessment is being prepared by the BLM for this portion of the proposed project.

##### **Federal Land Policy and Management Act, 1976 as Amended**

The United States Congress passed the Federal Land Policy and Management Act (FLPMA) in 1976. Title V, "Rights-of-Way" of the FLPMA establishes public land policy, guidelines for administration, provides for management, protection, development, and enhancement of public lands, and provides the BLM authorization to grant right-of-way. Authorization of systems for generation, transmission, and distribution of electric energy is addressed in Section 501(4) of Title V. In addition, Section 503 specifically addresses "Right of Way Corridors" and requires common right-of-ways "to the extent practical". FLPMA, Title V, Section 501(a)(6) states, "The Secretary, with respect to the public lands (including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 U.S.C. 818)) [P.L. 102-486, 1992] and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System;" (BLM, 2001, p. 35).

The Applicant is requesting a grant of right-of-way approval from the BLM for the portion of the gen-tie on land under the jurisdiction of the BLM.

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### **California Desert Conservation Area (CDCA) Plan, 1980 as Amended**

Section 601 of the FLMPA required preparation of a long-range plan for the California Desert Conservation Area. The California Desert Conservation Area (CDCA) Plan was adopted in 1980 to provide for the use of public lands and resources of the California Desert Conservation Area in a manner which enhances wherever possible and, which does not diminish, on balance, the environmental, cultural, and aesthetic values of the Desert and its productivity. The CDCA Plan is a comprehensive, long-range plan covering 25 million-acres. Approximately 12 million acres of this total are public lands administered by the BLM on behalf of the CDCA. These public lands are dispersed throughout the California Desert which includes the Mojave Desert, the Sonoran Desert and a small portion of the Great Basin Desert. The 12 million acres of public lands administered by the BLM make-up approximately half of the CDCA.

The CDCA Plan includes 12 elements: Cultural Resources; Native American; Wildlife; Vegetation; Wilderness; Wild Horse and Burro; Livestock Grazing; Recreation; Motorized Vehicle Access; Geology, Energy and Mineral Resources; Energy Production and Utility Corridors; and Land-Tenure Adjustment. Each of the elements contains goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA, and is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. In addition, each element provides both a desert-wide perspective of the planning decisions for one major resource or issue of public concern as well as more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.

Chapter 2 of the CDCA Plan identifies four multiple-use classes which are used to describe a different type and level or degree of use which is permitted within that particular geographic area. The four multiple-use classes are defined below (BLM, 1980, p. 13):

#### **Multiple-Use Class C**

Multiple-Use Class C has two purposes. First, it shows those areas which are being “preliminarily recommended” as suitable for wilderness designation by Congress. This process is fully explained in the Wilderness Element in this Plan. Second, it will be used in the future to show those areas formally designated as wilderness by Congress. The Class C guidelines (Table 1) are different from the guidelines for other classes. They summarize the kinds of management likely to be used in these areas in the CDCA when and if they are formally designated wilderness by Congress.

#### **Multiple-Use Class L**

Multiple-Use Class L (Limited Use) protects sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

#### **Multiple-Use Class M**

Multiple-Use Class M (Moderate Use) is based upon a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause.

### Multiple-Use Class I

Multiple-Use Class I is an “intensive use” class. Its purpose is to provide for concentrated use of lands and resources to meet human needs. Reasonable protection will be provided for sensitive natural and cultural values. Mitigation of impacts on resources and rehabilitation of impacted areas will occur insofar as possible.

The proposed project is included in the “Land Use Activities” category of Transmission Lines as identified in Table 1, Multiple-Use Class Guidelines, of the CDCA Plan. As noted in Table 1, under Multiple-Use Class L, M and I, “New...electric transmission facilities...may be allowed only within designated corridors (BLM, 1980, p. 15).

The proposed project is also located in the Yuha Basin Area of Critical Environmental Concern (ACEC) as mapped in the CDCA Plan (BLM, 1980). ACECs are defined in the CDCA Plan as follows:

*“An area within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.” (BLM, 1980, p. 101)*

The CDCA Plan provides the following management goals for ACECs:

- (1) Identify and protect the significant natural and cultural resources requiring special management attention found on the BLM-administered lands in the CDCA.
- (2) Provide for other uses in the designated areas, compatible with the protection and enhancement of the significant natural and cultural resources.
- (3) Systematically monitor the preservation of the significant natural and cultural resources on BLM administered lands, and the compatibility of other allowed uses with these resources.

### Utility Corridor N

Planning corridors are identified in the Energy Production and Utilities Corridor Element. Sixteen planning corridors are identified on Map 16 of the CDCA Plan. Planning corridors are a tool for guiding planning and environmental assessment work required when a right-of-way grant is requested. Utilities that do not conform to the adopted corridor system require a Plan Amendment. The following types of utilities are allowed in planning corridors: new electrical transmission towers and cables of 161-kV (kilovolt) or above; all pipelines with diameters greater than twelve inches; coaxial cables for interstate communications; and major aqueducts or canals for interbasin transfer of water.

Joint use planning corridors vary in width from two to five miles. The five-mile standard is used in cases where there are no existing facilities and no engineering or environmental data to define a narrower corridor. Likewise, a five-mile width is used where many facilities merge to ensure adequate space for system integrity and flexibility. The corridors are primarily oriented east-west, with a number of entry points to the Desert along the Nevada-Arizona border and a number of exit points into the Los Angeles basin or the San Joaquin Valley (BLM, 1980, p. 116).

The Southwest Powerlink 500-kV transmission line, an Imperial Irrigation District 230-kV line and the La Rosita 230-kV transmission line all align through Corridor N (BLM, 1985, p. 20). The proposed gen-tie

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would extend through Corridor N. A Plan Amendment is not needed but the Applicant has submitted an application for a grant of right-of-way from the BLM.

### **Yuha Desert Management Plan**

The Yuha Desert Management Plan (YDMP) reexamined previous management efforts occurring in the Yuha Desert (BLM, 1985). The Yuha Desert Study Area includes the Yuha Basin ACEC. The YDMP identifies goals, planned action as and implementation methods to address resources in the area including wildlife and vegetation, cultural resources, geology, lands and recreation taking into consideration previous planning efforts and outcomes. The primary goal of the YDMP is to protect sensitive resource values while permitting compatible mineral, energy and recreation related activities. The proposed gen-tie would extend into the YDMP.

### **Flat-tailed Horned Lizard Rangewide Management Strategy**

The Flat-tailed Horned Lizard Rangewide Management Strategy (ICC, 2003) (hereafter referred to as the Strategy) was originally developed in 1997 and revised in 2003 by the Interagency Coordinating Committee (ICC). The ICC signatory members who participated in the writing and discussion of the 2003 revision included various state and federal agencies (Anza-Borrego State Park, Arizona Game and Fish [Yuma], Ocotillo Wells State Vehicular Recreation Area, U.S. Bureau of Land Management [El Centro, Palm Springs, and Yuma], U.S. Bureau of Reclamation [Yuma], U.S. Fish and Wildlife Service [City of Carlsbad and Phoenix], U.S. Marine Corps Air Station [Yuma], U.S. Naval Air Facility (El Centro), and U.S. Navy SW Division [San Diego]).

The purpose of the Strategy is to provide guidance for the conservation and management of sufficient habitat to maintain extant populations of flat-tailed horned lizards (FTHLs) in each of the five Management Areas (MAs) within the CDCA Plan in perpetuity. The FTHL is a BLM sensitive species and is found only in southwestern Arizona, southeastern California, and adjacent portions of Sonora and Baja California Norte, Mexico.

The United States Fish and Wildlife Service (USFWS) proposed the species for listing as threatened by the U.S. Fish and Wildlife Service (USFWS) on November 29, 1993. The proposed listing was based on initial evidence suggesting that habitat loss within the perimeter of the range of the species was causing a decline in specific FTHL habitat. Subsequently, the USFWS withdrew its proposed listing on January 23, 2003, based in part on protections identified in the Strategy. The proposed listing has been reinstated and withdrawn several times since January 23, 2003. On March 14, 2011, after completing an analysis of the conservation status of FTHL, the USFWS announced that the species does not need protection under the Endangered Species Act (ESA). This determination was made because threats to the species as identified in the 1993 proposed rule are not as significant as earlier believed and available data do not indicate the species is likely to become endangered in the foreseeable future throughout all or a significant portion of its range (USFWS, 2011).

The Strategy encourages surface-disturbing projects to be located outside of FTHL MAs whenever possible. However, it does not disallow surface-disturbing projects from occurring in a MA. If no alternative to location for a project exists outside an MA, the project should attempt to locate in a previously disturbed area or in an area with poor habitat quality inside the MA. In addition, construction should be timed to minimize mortality.

New right-of-ways may be permitted only along the boundaries of an MA, and then, only if impacts can be mitigated to avoid long-term effects on FTHLs. Rights-of-way may be permitted within the

boundaries of an MA with mitigation incorporated. The cumulative disturbance per MA may not exceed 1%. Mitigation ratios can be as high as 6:1.

Based on review of “Figure 7 – Yuha Desert Management Area” of this Strategy, the portion of the gte extending into lands managed by the BLM is located within the Yuha Desert Management Area for the FTHL. Several planning actions have been developed as recommendations so that signatory agencies can ensure they achieve the goal of maintaining a “long-term stable” population within each MA is achieved. Projects that impact FTHL or their habitat are required to implement mitigation measures or pay compensation to minimize impacts. The BLM will obtain a conference opinion from the USFWS for FTHL. The Applicant has also proposed mitigation measures to address FTHL (refer to Table 2.0-4 in Chapter 2.0).

### **Federal Aviation Regulations Part 77**

The FAA regulates aviation at regional, public, private, and military airports. The Federal Aviation Administration (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 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 California Department of Transportation’s 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 Federal Aviation Administration as required. Currently, there are no such locations near the existing airports in Imperial County. As discussed below, the project site is located approximately nine miles south of the Naval Air Facility (NAF), El Centro. According to Figure 3G (Compatibility Map-Naval Air Facility, El Centro) of the Airport Land Use Compatibility Plan (ALUCP), the project site is not located within any of the compatibility zones as identified in the ALUCP. Therefore, Part 77 would not apply to the proposed project.

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

## 4.2 LAND USE

The General Plan land use designation Agriculture applies to the solar generation facility and approximately 0.1 mile of the gen-tie on the solar generation facility 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.*

*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, 2008, p. 48).*

**Table 4.2-1** analyzes the consistency of the proposed project with the applicable policies relating to land use from the Imperial County General Plan. While this EIR analyzes the project’s consistency with the General Plan pursuant to CEQA Guidelines Section 151250, the Imperial County Board of Supervisors ultimately determines on balance whether the project is overall consistent with the County’s General Plan.

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

General Plan Policies	Consistent with General Plan?	Analysis
<b>Conservation and Open Space Element</b>		
<b>Conservation of Environmental Resources for Future Generations</b>		
<b>Objective 1.2</b> Encourage only those uses and activities that are compatible with the fragile desert, aquatic, and marshland environment.	Yes	The proposed Gen-tie is compatible with the desert environment. The Applicant has submitted a right-of-way application to the BLM for the approximately 0.9 mile gen-tie segment located on BLM land. The gen-tie

**TABLE 4.2-1  
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General Plan Policies	Consistent with General Plan?	Analysis
		alignment for the proposed project would be located in Utility Corridor N. This designated corridor allows development of utilities within a defined area and confines utilities to a specific area in order to protect the overall desert environment. Therefore, the proposed project is consistent with this objective.
<b>Objective 1.5</b> Provide for the most beneficial use of land based upon recognition of natural constraints.	Yes	The Campo Verde Solar Project is a beneficial use of the project site. The proposed project would provide a beneficial use of land by creating local jobs during construction and assisting with more stable energy costs consistent with this objective.
<b>Objective 1.6</b> Ensure the conservation, development and utilization of the County's natural resources.	Yes	The proposed project would result in conversion of agricultural lands in order to construct a solar facility. The proposed project would forfeit one resource (Prime Farmland, Farmland of Statewide Importance and Unique Farmland) for another (use of the County's solar resource for generation of electricity energy). However, the conversion would be temporary as the Applicant intends to submit an Agricultural Reclamation Plan to the Imperial County Department of Planning and Development Services detailing procedures for returning the solar generation facility site to a condition to support agricultural production at the end of the useful life of the project or the expiration of the Conditional Use Permit. Therefore, the proposed project is consistent with this objective.
<b>Conservation of Energy Sources</b>		
<b>Goal 6:</b> The County shall seek to achieve maximum conservation practices and maximum development of renewable alternative sources of energy.	Yes	The proposed project would include a solar generation facility on private lands that are currently highly disturbed by human activity (agriculture) and would support the county's goal of developing alternative energy resources, as well as the State's Renewable Portfolio Standard (RPS) goals. Therefore, the



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**TABLE 4.2-1  
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General Plan Policies	Consistent with General Plan?	Analysis
		proposed project would be consistent with this goal.
<b>Objective 6.6</b> Encourage compatibility with national and State energy goals and city and community general plans.	Yes	As a large-scale solar generation facility, the proposed project would coincide with the county’s goal of developing alternative energy and would comply with federal and state mandates for renewable energy development. Therefore, the proposed project would be consistent with this objective.
<b>Land Use Element</b>		
<b>Regional Vision</b>		
<b>Objective 3.6</b> Recognize and coordinate planning activities as applicable with the Bureau of Land Management (BLM), and the California Desert Conservation Plan.	Yes	The gen-tie portion of the proposed project is consistent with the California Desert Conservation Plan because the proposed gen-tie corridor is located entirely within the designated Utility Corridor N. The proposed gen-tie is considered an allowed use as it is located within a designated utility corridor, thereby minimizing to the extent possible any additional disturbance to desert lands. The gen-tie would require approval by the BLM of a grant of right-of-way in order to allow the construction and operation of the proposed gen-tie on BLM land. The proposed project is consistent with this objective as the Applicant is coordinating with the BLM.
<b>Public Facilities</b>		
<b>Objective 8.8</b> 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 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 Conditional Use Permit (Imperial County, 2009). The Applicant has requested a Conditional Use Permit from the County (CUP11-0007). Therefore, the proposed project is consistent with this objective. The Applicant is also required to obtain a grant of right-of-way from the BLM to construct and operate transmission lines

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

General Plan Policies	Consistent with General Plan?	Analysis
		on BLM land.
<b>Objective 8.9</b> Require necessary public utility rights-of-way when appropriate.	Yes	The proposed project is consistent with this objective, as the project has requested a grant of right-of-way from the BLM (Serial No. CACA 053151) for the gen-tie segment extending from the solar generation facility through BLM land.
<b>Protection of Environmental Resources</b>		
<b>Objective 9.6</b> Incorporate the strategies of the Imperial County Air Quality Attainment Plan (AQAP) in land use planning.	Yes	The Applicant will minimize dust emissions during construction by implementing all measures necessary for compliance with the applicable provisions of Imperial County Air Pollution Control District (ICAPCD) Rules 800, 801, 802, 803, 804, and 805. The Applicant will also prepare a dust control plan and obtain permit from the Imperial County Air Pollution Control District prior to start of construction plan. During operations and maintenance, dust would be controlled by limiting vehicle speeds on unpaved roads. Therefore, the proposed project would be consistent with this objective.
<b>Circulation and Scenic Highways Element</b>		
<b>Safe, Convenient, and Efficient Transportation System</b>		
<b>Objective 1.2</b> Require a traffic analysis for any new development which may have a significant impact on County roads.	Yes	A traffic analysis has been prepared for the proposed project. As discussed in Section 4.3 Transportation and Circulation, cumulative impacts would occur at one intersection with implementation of the proposed project but such impacts would be mitigated to less than significant levels through payment of the project's fair share proportion of any improvements (refer to MM 4.3.3). The proposed project is consistent with this objective.
<b>Noise Element</b>		
<b>Noise Environment</b>		
<b>Objective 1.3</b> Control noise levels at the source where feasible.	Yes	A noise assessment was prepared for the proposed project that examined construction and operational noise. As discussed in Section

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

General Plan Policies	Consistent with General Plan?	Analysis
		4.8, Noise, the proposed project will meet the County's noise standards. Therefore, the proposed project would have no impact on noise levels.
<b>Project/Land Use Planning</b>		
<b>Goal 2:</b> Review Proposed projects for noise impacts and require design which will provide acceptable indoor and outdoor noise environments.	Yes	As discussed in Section 4.8, Noise, the proposed project will meet the County's noise standard. Therefore, the proposed project is consistent with this goal.
<b>Long Range Planning</b>		
<b>Goal 3:</b> Provide for environmental noise analysis inclusion in long range planning activities which affect the County.	Yes	A noise assessment has been prepared for the Proposed project which considered the operational, or long-range, noise generated by the project. As discussed in Section 4.8, noise from the proposed project would meet the County's noise standard. Therefore, the proposed project is consistent with this goal.
<b>Seismic and Public Safety Element</b>		
<b>Land Use Planning and Public Safety</b>		
<b>Objective 1.1</b> Ensure that data on geological hazards is incorporated into the land use review process, and future development process.	Yes	A preliminary geotechnical investigation was prepared for the proposed project. Geotechnical issues are identified and discussed in Section 4.6, Geology and Soils. Recommendations provided in the geotechnical report are incorporated into this EIR as mitigation measures. Therefore, the proposed project is consistent with this objective.
<b>Objective 1.7</b> Require developers to provide information related to geologic and seismic hazards when siting a Proposed project.	Yes	The preliminary geotechnical report prepared for the proposed project identifies potential geologic and seismic hazards. The proposed project would be required to comply with applicable state building codes as well as mitigation measures incorporated into Section 4.6 of this EIR. Therefore the proposed project is consistent with this objective.

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

General Plan Policies	Consistent with General Plan?	Analysis
<b>Conservation and Open Space Element</b>		
<b>Preservation of Biological Resources</b>		
<p><b>Goal 2:</b> The County will preserve the integrity, function productivity, and long-term viability of environmentally sensitive habitats, and plant and animal species.</p>	<p>Yes</p>	<p>The site of the proposed project would be located on previously disturbed agricultural land located in Imperial County. As discussed in Section 4.12, Biological Resources, habitats, and plant and animal species on the project site could be impacted by the project. However, mitigation measures 4.12.1 through 4.12.12 are identified to address these impacts. Therefore, the proposed project is consistent with this objective.</p>
<b>Conservation of Environmental Resources for Future Generations</b>		
<p><b>Objective 1.5</b> Provide for the most beneficial use of land based upon recognition of natural constraints.</p>	<p>Yes</p>	<p>The proposed project represents a beneficial use that recognizes the 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 would otherwise be used for irrigation of the project site. Therefore, the proposed project is consistent with this objective.</p>
<p><b>Objective 1.6</b> Ensure the conservation, development and utilization of the County’s natural resources.</p>	<p>Yes</p>	<p>The proposed project would result in conversion of agricultural lands in order to construct a solar facility. While the project would forfeit one resource (Prime Farmland, Farmland of Statewide Importance and Unique Farmland) for another (generation of solar energy), the conversion would be temporary. The Applicant intends to submit an Agricultural Reclamation Plan to the Imperial County Department of Planning and Development Services detailing procedures for returning the solar generation facility site to a condition to support agricultural production at the end of the useful life of the project or the expiration of the Conditional Use Permit. The Applicant will pay fees to the County to offset the impacts from the temporary loss of agricultural land. An</p>

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

General Plan Policies	Consistent with General Plan?	Analysis
		Agricultural Reclamation Plan will also be required demonstrating how the project site will be returned to agricultural productivity at the end of the project's useful life. Therefore, the proposed project is consistent with this objective.
<b>Preservation of Cultural Resources</b>		
<b>Objective 3.1</b> Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.	Yes	A cultural resources survey was conducted for the proposed project. As discussed in EIR Section 4.7, Cultural Resources unrecorded and unevaluated resources may exist in the project area. Mitigation Measures 4.7.2 through 4.7.5 would reduce potential impacts to these resources, if present, to less than significant.
<b>Preservation of Agricultural Lands</b>		
<b>Goal 4:</b> The County will actively conserve and maintain contiguous farmlands and prime soil areas to maintain economic vitality and the unique lifestyle of the Imperial Valley.	Yes	The proposed project would result in temporary conversion of contiguous parcels of farmland. Please refer to Section 4.9, Agricultural Resources, which provides a detailed analysis of the project's consistency with applicable agricultural goals and objectives. A Reclamation Plan will also be required demonstrating how the project site will be returned to agricultural productivity at the end of the project's useful life.
<b>Conservation of Energy Sources</b>		
<b>Goal 6:</b> The County shall seek to achieve maximum conservation practices and maximum development of renewable alternative sources of energy.	Yes	As a solar facility, the proposed project is consistent with this goal.
<b>Objective 6.2</b> Encourage the utilization of alternative passive and renewable energy resources.	Yes	As a solar facility, the proposed project is consistent with this goal. Once implemented, the proposed project would create solar energy that would be conveyed to the Imperial Valley Substation.
<b>Objective 6.6</b> Encourage compatibility with National and State energy goals and city and community general plans.	Yes	The proposed project is consistent with California Public Utilities Code § 399.11 et seq., "Increasing the Diversity, Reliability,

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

General Plan Policies	Consistent with General Plan?	Analysis
		Public Health and Environmental Benefits of the Energy Mix” by generating 140+ MW of power for SDG&E. This would help fulfill in part California’s electric utility companies’ requirement to use renewable energy to produce 20 percent of their power by 2010 and 33 percent by 2020. Therefore, the proposed project would be consistent with this objective.
<b>Geothermal/Alternative Energy and Transmission Element</b>		
<b>Agricultural Lands and Biological Resources</b>		
<b>Objective 2.3</b> Utilize existing easements or right-of-way and follow field boundaries for electric and liquid transmission lines.	Yes	The gen-tie of the proposed project would extend approximately 0.9 miles south from the solar generation facility site through BLM land to connect with the Imperial Valley Substation. The portion of the gen-tie for the proposed project is on BLM land within Utility Corridor N. Therefore, the majority of the proposed gen-tie would use an existing utility right-of-way and the proposed project would be consistent with this objective.
<b>Objective 2.4</b> Carefully analyze the potential impacts on agricultural and biological resources from each project.	Yes	The proposed project has been analyzed for impacts to agricultural and biological resources as evidenced through the preparation of a LESA Model and biological studies. Please refer to Section 4.9, Agricultural Resources, which discusses the potential impacts to agricultural lands and Section 4.12, Biological Resources, which discusses the potential impacts to sensitive species. Therefore, the proposed project would be consistent with this objective.
<b>Objective 2.6</b> Encourage/require alternative resource production to be in energy zoned areas to minimize off-site impacts and lessen need for more transmission corridors.	Yes	The proposed project includes an easement through private lands that aligns with Utility Corridor N on BLM land. The majority of the length of the gen-tie would be located within this existing right-of-way. Therefore, the proposed project is consistent with this objective.

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

General Plan Policies	Consistent with General Plan?	Analysis
<b>Locating Transmission Line Corridors</b>		
<p><b>Goal 5:</b> When planning and designing transmission lines, the County will consider impacts to agricultural lands, wildlife, and the natural desert landscape.</p>	Yes	<p>The portion of the gen-tie on private lands within Imperial County would be located within an easement through agricultural lands. A very minor amount of permanent disturbance would be required to locate the gen-tie in this area. Please refer to Section 4.9, Agricultural Resources and 4.12, Biological Resources, which discuss the potential impacts.</p>
<p><b>Objective 5.1</b> Require all major transmission lines to be located in designated federal and IID corridors or other energy facility corridors such as those owned by investor owned utilities and merchant power companies.</p>	Yes	<p>For most of its length, the gen-tie is proposed as a right-of-way adjacent to existing 230-kV electric lines within Utility Corridor N. The Applicant has applied for a grant of right-of-way (Serial No. CACA 52092) approval from the BLM. Therefore, the proposed project is consistent with this objective.</p>
<p><b>Objective 5.3</b> Construct transmission lines in accordance with this Element.</p>	Yes	<p>The proposed gen-tie is consistent with the Geothermal/Alternative Energy and Transmission Element's goals and objectives related to transmission line construction.</p>
<p><b>Objective 5.4</b> Design transmission lines to be joint use with transportation and other infrastructure corridors within or external to the County</p>	Yes	<p>As described in the analysis for Objective 2.6 and Objective 5.1, above, the majority of the length of the gen-tie would occur within Utility Corridor N. Therefore, the proposed project would be consistent with this objective.</p>

### **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.*

As depicted in **Figure 4.2-1**, the solar generation facility site is zoned General Agriculture (A-2), General Agriculture Rural (A-2-R) and Heavy Agriculture (A-3). The permanent easement on private lands is zoned A-2-R. The portion of the gen-tie on BLM land is identified as Government/Special (G-S). **Table 4.2-2** summarizes the zones on the project site.

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

Zoning	Purpose	Uses Allowed with a CUP
General Agriculture (A-2) [40 Acre minimum]	To designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses.	<ul style="list-style-type: none"> <li>• Electrical generation plants (less than 50-MW)</li> <li>• Electrical Power Generating Plant excluding nuclear or coal fired,</li> <li>• Electrical substations in an electrical transmission system (500-kV/230-kV/161-kV).</li> <li>• 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.</li> </ul>
General Agriculture Rural (A-2-R)	To designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses.	Same as identified for A-2
Heavy Agriculture (A-3)	To designate areas that are suitable for agricultural land uses; to prevent the encroachment of incompatible uses onto and within agricultural lands; and to prohibit the premature conversion of such lands to non-agricultural uses	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.



## 4.2 LAND USE

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

Zoning	Purpose	Uses Allowed with a CUP
Government/Special  (G-S)	To designate areas that allow for the construction, development and operation of governmental facilities and special public facilities, primarily this zone allows for all types of government owned and/or government operated facilities, be they office or other uses. It also allows for special public uses such as security facilities, jails, solid and/or hazardous wastes facilities and other similar special public benefit uses.	Not Applicable

*Source: County of Imperial, 1998.*

Uses in the A-2, A-2-R and A-3 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, A-2-R and A-3 zones, but that require a conditional use permit (CUP) which are identified in **Table 4.2-2**. Section 90508.07 and 90509.07 of the Land Use Ordinance limit non-residential structure height to 120-feet within the A-2, A-2-R and A-3 zones. 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.” The exact height of each gen-tie structure would be governed by topography and safety requirements for conductor clearances. Structure heights would vary from approximately 100 to 130 feet depending on terrain and would not exceed 145 feet. A variance is required in order to exceed the 120-foot height limit for electric line towers on private lands zoned A-2 and A-3 subject to Imperial County zoning regulation (Land Use Ordinance, Title 9).

### **Adjacent Areas Land Use Designations**

Lands surrounding the solar generation facility site are predominantly used for agricultural production and are zoned A-2, A-2-R, and A-3. The Gen-Tie would cross both privately owned agricultural property and desert scrub habitat on BLM-managed lands that generally comprise the eastern boundary of the Yuha Basin. The Yuha Basin is a BLM Area of Critical Environmental Concern (ACEC) that is managed to protect sensitive cultural and wildlife resources and to allow for certain compatible public uses such as camping in designated areas. The Gen-Tie alignment is proposed entirely within Utility Corridor N as identified on Map 16 of the CDCA Plan. Significant electrical infrastructure is located on the BLM land within Corridor N, including the Imperial Valley Substation, six 230-kV electric lines and two 500-kV electric lines.

### **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 1-12 are recommended for use by CEQA Guidelines, Section 15206. Criteria 13-22 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.

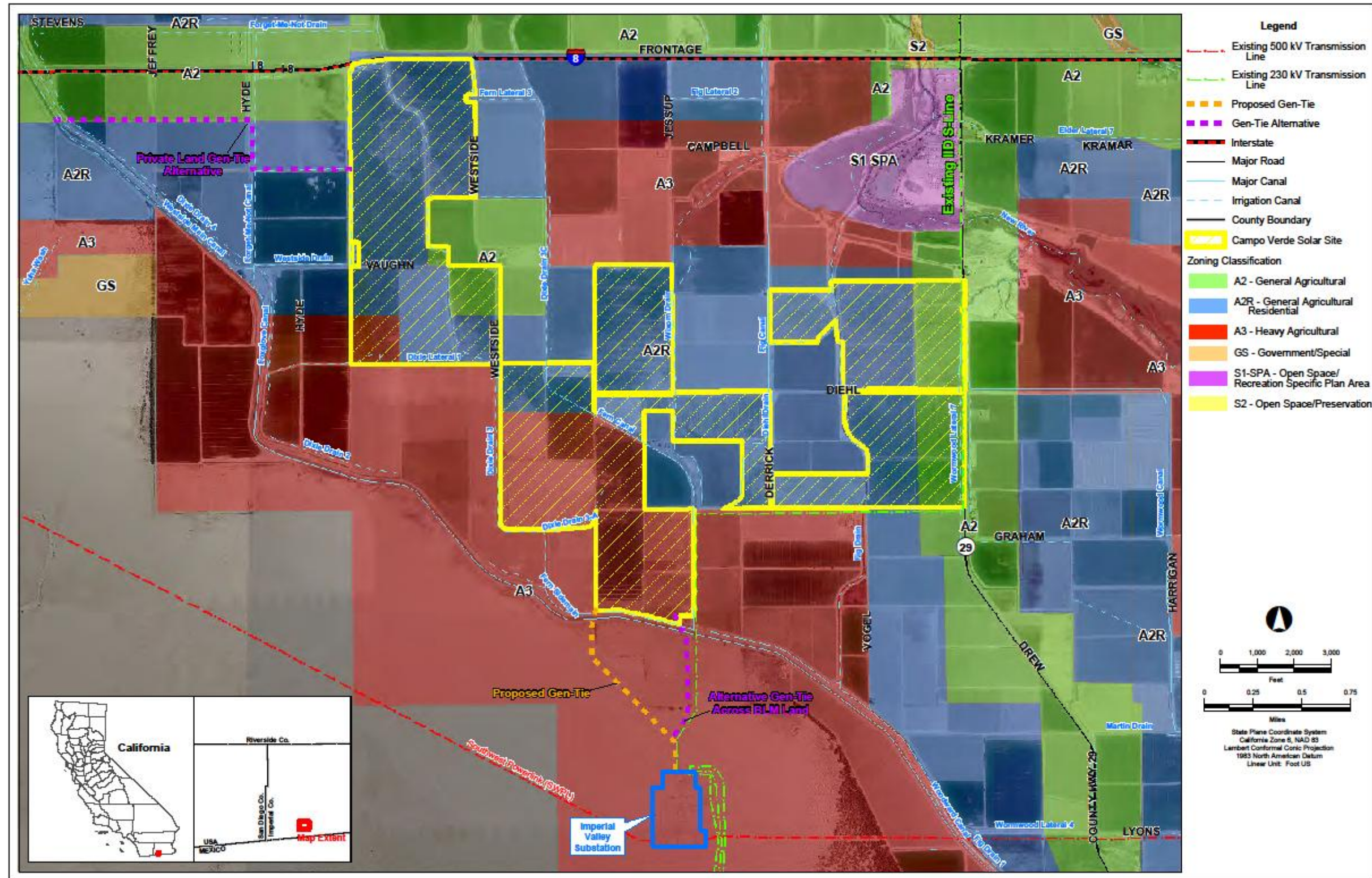
**TABLE 4.2-3  
PROJECT CONSISTENCY WITH SOUTHERN CALIFORNIA ASSOCIATION OF  
GOVERNMENTS INTERGOVERNMENTAL REVIEW POLICIES**

SCAG IGR Policies	Consistent with IGR Policies?	Analysis
<b>Regional Transportation Plan Policies</b>		
<b>RTP G5</b> Protect the environment, improve air quality and promote energy efficiency.	Yes	The proposed project would improve air quality by providing 140+ 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.
<b>RTP G6</b> Encourage land use and growth patterns that complement our transportation investments and improves the cost-effectiveness of expenditures.	Yes	The proposed project proposes solar facilities that would create renewable energy. The location of the proposed project is in a rural area of Imperial County not proposed for urban growth. Sufficient roadway infrastructure is available to accommodate construction and operation, and additional transportation investments would not be required to serve the proposed project. Therefore, the proposed project is consistent with RTP Goal 6.

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Source: kp environmental, 2011.

FIGURE 4.2-1  
ZONING MAP

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

SCAG IGR Policies	Consistent with IGR Policies?	Analysis
<b>2004 Compass Blueprint Growth Vision Report Principals</b>		
<b>Principle 4: Promote Sustainability For Future Generations</b>		
<p><b>GV P4.1</b> Preserve rural, agricultural, recreational and environmentally sensitive areas.</p>	Yes	<p>The proposed project would be located on private lands currently in agricultural production and lands managed by the BLM in the Yuha Basin ACEC. The project includes design features and Best Management Practices to avoid and preserve sensitive areas whenever possible (refer to Table 2.0-4 and Table 2.0-5 in Chapter 2.0). A Reclamation Plan will also be required demonstrating how the project site will be returned to agricultural productivity at the end of the project’s useful life. In addition, the Applicant would be required to comply with standards enforced by the BLM and other state (such as CDFG) and federal agencies (such as USFWS). The proposed project would be consistent with this principle.</p>
<p><b>GV P4.3:</b> 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, thereby eliminating fossil fuel emissions associated with production of 140+ MW of electricity demonstrate the consistency with this principal. Therefore, the proposed project would be consistent with this principle.</p>
<p><b>GV P4.4:</b> Utilize “green” development techniques.</p>	Yes	<p>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.</p>

Source: SCAG, 2008.

**Imperial County Airport Land Use Compatibility Plan (ALUCP)**

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 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 solar generation facility of the project site is located south of the Naval Air Facility (NAF), El Centro. According to Figure 3G (Compatibility Map-Naval Air Facility, El Centro) of the ALUCP (Imperial County, 1996), the solar generation facility site is not located within any of the compatibility zones as identified in the ALUCP. The ALUCP does not apply to BLM lands. Thus, the gen-tie Line portion of the project is not subject to the requirements of the ALUCP.

On February 7, 2012, the Applicant submitted a Variance Application to the ICPDS. The Variance Application was submitted to address gen-tie structures that may exceed the A-2 and A-3 zoning height limitation of 120 feet. The maximum height of the gen-tie Line structures could be up to 145 feet.

The proposed project was presented and discussed at the County’s Airport Land Use Commission (ALUC) Meeting held on February 15, 2012. The ALUC reviewed the proposed application, including the variance for transmission tower height described in subsection 1.2, above. The Commission found the proposed project consistent with the 1996 Airport Land Use Compatibility Plan (ALUCP) with no conditions.

## 4.2 ENVIRONMENTAL SETTING

As discussed in subsection 2.1.2 of Chapter 2.0, the proposed solar generation facility includes approximately 1,990 acres of privately held agricultural land located 7 miles southwest of the community of El Centro. The project site and surrounding areas to the north, south, east and west are primarily in agricultural production. A number of Imperial Irrigation District canals and drains align through, and surround, the project site. One of the southern boundaries of the project site (i.e. the easement through private lands) abuts BLM land. This area west of the project site is in the Yuha Basin, an area characterized as native desert scrub habitat. Regional access to the site is available via US Interstate 8 (I-8) and SR 98 (refer to **Figure 2.0-1** in Chapter 2.0).

### A. SOLAR GENERATION FACILITY SITE

#### **On-Site Land Uses**

The 1,990 acre solar generation facility site is generally flat and designated as Agriculture on the Imperial County Land Use Map (Imperial County, 1993). Of the 1,990 acres, approximately 1,811 acres (predominantly alfalfa hay) would be converted to accommodate the proposed project. This includes agricultural fields within the solar generation facility site minus the acreage of roads and ditches currently on the site. The proposed gen-tie is located within primarily undeveloped BLM desert lands. This 0.9 mile long segment of the gen-tie would be located adjacent to existing transmission facilities that traverse BLM lands within the Corridor N of the Yuha Basin ACEC.

## 4.2 LAND USE

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As discussed in Section 4.12, Biological Resources, the proposed gen-tie alignment through BLM land is entirely within the Yuha Basin ACEC of the CDCA, and is within Utility Corridor N. The solar generation facility site is on lands under the jurisdiction of Imperial County outside of the ACEC.

### **Surrounding Land Uses**

The solar generation facility site is located on the western and southern fringe of developed agricultural lands in Imperial County. Land uses surrounding the project site include agricultural lands, the BLM CDCA Plan Utility Corridor N within the Yuha Basin, and IID infrastructure (Westside Main Canal and concrete lined ditches).

Likewise existing uses surrounding the site are primarily agricultural fields with federal (government lands) lands managed by the BLM located further to the west of the western boundary of the project site and adjacent to a portion of the southern boundary (**Figure 4.2-2**).

### **B. GEN-TIE**

The longest portion of the gen-tie is proposed on lands under the jurisdiction of the BLM. This segment is not subject to the Imperial County General Plan and is undergoing separate environmental analysis under NEPA. The impact to recreation use caused by the transmission line on BLM lands would be assessed by BLM as part of the environmental review carried out under NEPA. The proposed project would be evaluated for its impacts on special designations as part of the NEPA review based on the Federal Land Policy and Management Act (FLPMA) and California Desert Conservation Area Plan (CDCA). The Yuha Basin Area of Critical Environmental Concern (ACEC) would be considered a special designation.

## **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?

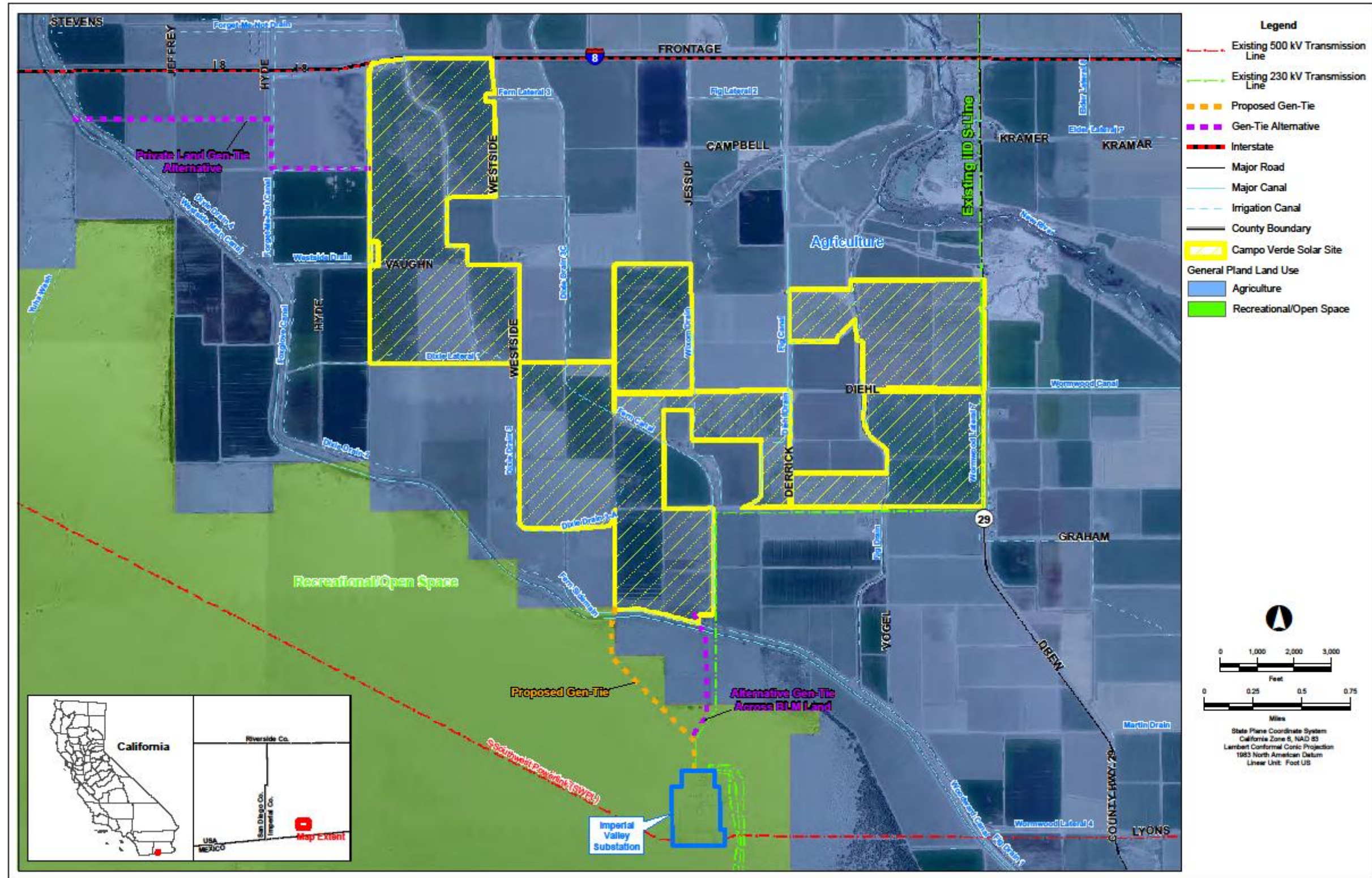
### **B. ISSUES SCOPED OUT AS PART OF THE INITIAL STUDY**

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.

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4.2 LAND USE



Source: kp environmental, 2011.

FIGURE 4.0-2  
GENERAL PLAN LAND USE

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

Evaluation of potential land use impacts of the proposed project were 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 generation facility site portion of the proposed project. Land use conflicts are identified and evaluated based on existing land uses, land uses proposed as part of the project, land use designations, 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, and the reader is referred to Sections 4.1 through 4.12 for detailed analysis of other environmental impacts, including noise, traffic, air quality, and biological resources, that would result from the project's construction and operation.

### 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 Conditional Use Permit and would not conflict with any County policies or regulations. Therefore, conflicts applicable land use plans, polices and regulations are considered a **less than significant impact**.

The project site is currently designated by the General Plan as "Agriculture." 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 Conditional Use Permit (CUP).

No land use amendment would be required for the portion of the project located within the County's jurisdiction because a solar facility is an allowed use subject to a CUP.

The project is consistent with existing land use and zoning. Thus, potential for conflicts with surrounding agricultural uses is considered less than significant. Issues such as dust and spraying of chemicals could affect how often the PV panels need to be washed, but would not result in incompatibility. Likewise, the solar generation facility would not adversely impact surrounding agricultural operations as existing access to those operations would remain unchanged. In addition, a Weed and Pest Management Plan would be prepared by the Applicant to address control of invasive weeds and manage pests from proliferating and damaging crops on neighboring lands. Thus, potential for conflicts with surrounding land uses is considered a **less than significant impact**.

#### **Mitigation Measures**

None required.

#### **Significance After Mitigation**

Not applicable.

## 4.2 LAND USE

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### 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 is the area within a 10-mile radius of the project site. This distance was determined based on capturing projects within a reasonable distance of the project site. The cumulative setting for land use includes buildout of the approved, proposed and reasonably foreseeable projects as identified in **Table 3.0-1** in Chapter 3.0, Introduction to the Environmental Analysis and Assumptions Used. Table 3.0-1 describes the approved, proposed and reasonably foreseeable projects and Figure 3.0-1 shows the locations of the cumulative projects surrounding the project site.

#### 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 approved, proposed and reasonably foreseeable 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**.

##### ***Imperial County General Plan***

The solar generation facility portion of 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, A-2-R and A-3 zones. Because it is permitted with a use permit by the Zoning Ordinance, 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 approved, proposed and reasonably foreseeable projects as identified in Table 3.0-1 in Chapter 3.0, would not cumulatively contribute to cumulative impacts with the Imperial County General Plan. Conflicts with the Imperial County General Plan are considered **less than cumulatively considerable**.

##### ***County of Imperial Land Use Ordinance, Title 9***

As part of the proposed project, a CUP application (CUP11-0007) has been filed which would allow development of a solar facility including proposed access, to occur within the A-2, A-2-R and A-3 zones. Thus, the proposed project would be consistent with the land use ordinance and the underlying zoning of the proposed solar generation facility site. Therefore, no conflict with the County of Imperial Land Use Ordinance would occur. Moreover, the proposed project, in combination with approved, proposed and reasonably foreseeable projects as identified in Table 3.0-1 in Chapter 3.0, would not cumulatively contribute 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**.

Tower structures proposed on private lands as part of the proposed project could be up to 145 feet in height. Heights for non-residential structures and commercial communication towers within zones A-2, A-2-R and A-3 are limited to 120 feet in height and must meet ALUC Plan requirements (Title 9 Division 5: Zoning Areas Established, Section 90508.07 and 90509.07). The Applicant has requested a variance (V12-0008) from the County to allow the towers on land under the jurisdiction of Imperial County to exceed the 120-foot height limit. The variance would eliminate for potential for conflicts with the height

limit in A-2, A-2-R and A-3 zoning for the proposed project. Therefore, no conflict with the County of Imperial Land Use Ordinance, Title 9 would occur. Moreover, like the proposed project, approved, proposed and reasonably foreseeable projects as identified in Table 3.0-1 in Chapter 3.0, that would exceed the Zoning Ordinance's height limits would have to obtain variances on a case by case basis. Because such height limits would not occur automatically, there would be no cumulative contribution to height limits with development of the cumulative projects 9. Conflicts with the County of Imperial Land Use Ordinance relative to height limits are thus considered **less than cumulatively considerable**.

### ***Airport Land Use Compatibility Plan (ALUCP)***

The parcels that comprise the solar generation facility site are not within any Airport Land Use Compatibility Zones. The Airport Land Use Commission determined that the proposed project would be consistent with the Airport Land Use Compatibility Plan (ALUCP). Therefore, the land use for the proposed project is compatible with the ALUCP. Moreover, the proposed project, in combination with approved, proposed and reasonably foreseeable projects as identified in Table 3.0-1 in Chapter 3.0, would not cumulatively contribute to cumulative impacts regarding the ALUCP. Conflicts with the ALUCP are 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 approved, proposed and reasonably foreseeable projects in the region would change the land use patterns, present potential land use conflicts, and result in conversion of agricultural lands to a solar facility. This impact is considered **less than cumulatively considerable**.

The project site, in combination with other projects within a 10-mile radius, would be one of multiple solar facilities developed in the southwestern portion of Imperial County. Ten solar projects are within a 10-mile radius of the project site. They include Imperial Valley Solar, Imperial Solar Energy Center West, Imperial Solar Center South, Silverleaf Solar, Centinela Solar Energy Project, Calexico I-A, I-B, II-A and II-B, and Mount Signal Solar Farm (refer to Figure 3.0-2 in Chapter 3.0. All of the projects would occur primarily in undeveloped desert lands or rural agricultural (refer to Section 4.9 regarding cumulative impacts associated with agricultural resources). The temporary conversion of rural agricultural and desert lands to solar facilities would preclude existing land uses including agriculture, rangeland, and open space from continuing on these sites.

Development of the approved, proposed and reasonably foreseeable projects identified in Table 3.0-1 have the potential to create direct but temporary land use conflicts with existing uses such as the Imperial County Airport 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 would not cumulatively contribute to compatibility or conflicts throughout the geographic scope of the cumulative setting. Therefore, this impact would be less than cumulatively considerable.

Development of the proposed project would result in the temporary conversion of agricultural land to a 1,990 acre solar generation facility. The project would change the character and land use patterns

## 4.2 LAND USE

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currently on the site to rows of PV solar panels and associated equipment. However, lands surrounding the project site are currently in agricultural use and are zoned for agriculture. Solar projects developed adjacent to agricultural areas are subject to dust and particles from periodic spraying being carried by the wind and depositing on PV panels. These represent nuisance issues rather than insurmountable cumulative land use incompatibilities or conflicts. The proposed project is consistent with the Imperial County General Plan with a CUP. While the implementation of the project would temporarily convert the site from agricultural fields to a solar facility, it would be developed consistently with the land uses allowed on the site 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, this impact is considered **less than cumulatively considerable**.

### **Mitigation Measures**

None required.

### **Significance After Mitigation**

Not applicable.