
4.9 LAND USE AND PLANNING

This section describes the affected environment and regulatory setting for land use and planning resources at the proposed Project sites and vicinity. This section also examines the proposed Projects' consistency with applicable plans and policies and describes potential land use and planning impacts that would result from construction and operation of the proposed Projects.

Scoping Issues Addressed

During the scoping period for the proposed Projects, two public scoping meetings were conducted and written comments were received from agencies and the public. No issues related to land use and planning were raised during the scoping period.

4.9.1 EXISTING SETTING

REGIONAL SETTING

The proposed Projects are located in County of Imperial, which is situated in the southeastern most portion of the State of California. The County encompasses an approximately 4,597-square-mile area and is bordered by Riverside County to the north, the State of Arizona on the east, Mexico to the south, and San Diego County to the west.

Land uses in the Imperial Valley around the Salton Sea and the Salton Sea Known Geothermal Resource Area (KGRA) reflect the development trends of the County with respect to existing agricultural uses and development of renewable energy projects. In recent years, a number of solar and geothermal energy projects have been proposed for development in the County. This is due, in part, to the 2020 requirements of California's Renewables Portfolio Standard program (California Energy Commission [CEC] 2011) as well as the County's geographic location, which provides for an abundance of solar and geothermal resources. Approximately 12% (347,941 acres) of the land area in County of Imperial has been designated by the United States Geological Survey (USGS) as a KGRA. The County of Imperial has several KGRAs. The County of Imperial Geothermal/Alternative Energy and Transmission Element estimates that approximately 1,790 megawatts (MW) of energy from the County's geothermal resources will be developed by the year 2015 (County of Imperial 2006).

Existing Land Use

The Project sites are situated in an unincorporated area of County of Imperial approximately 2.3 miles west-southwest of the Town of Niland, California and east of the Salton Sea (see Chapter 3, Project Description, Figure 3-1). The Project sites are located on a 245-acre parcel of private land at 332 West McDonald Road, Calipatria, between McDonald Road and Schrimpf Road, just west of English Road (see Chapter 3, Project Description, Figure 3-2). Primary highway access to the sites is provided from State Route 111 to McDonald Road.

According to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), the 245-acre parcel contains Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance (California Department of Conservation 2010) (see Section 4.2, Agricultural Resources, for additional details regarding agricultural designations and uses within the Project sites).

The IID "O" Lateral runs along the northern boundary of the parcel, and the "N" Drain runs along the southern boundary of the parcel. The existing IID 230-kilovolt (kV) transmission line runs east to west along McDonald Road; it then turns southward to bisect the Project sites from north to south. Farmland occupies the remainder of the parcel.

Adjacent Areas

Neighboring properties immediately north, east, and south of the Project sites are existing and proposed IID managed marshlands (IID 2011). Other land uses located within a 3-mile radius of the Project sites include farmland (alfalfa fields), the Sonny Bono Salton Sea National Wildlife Refuge (2.75 miles to the southwest), the Hudson Ranch I Geothermal Power Plant (1.1 mile to the west), the Alamo River (1.4 miles to the southwest), the Red Hill Marina and Red Hill Marina County Park (1.9 and 2.8 miles to the west), the Leathers Geothermal Power Plant (1.5 miles to the south), and the Brandt Cattle Company (2.75 miles to the southwest). In addition, a vast system of IID canals, check dams, and pipelines carrying water for agricultural irrigation are located throughout the area and near the Project sites. Some of the IID canals possess significant potential for recreational uses, including fishing, picnicking, and bicycle and/or equestrian paths in areas near or adjacent to urban areas in the Imperial Valley.

The nearest residence is approximately 0.5 miles north-northeast of the Project sites, along English Road. Energy Source LLC, (Hudson Ranch Power II LLC's parent company) owns the home and is allowing the current tenant to remain in the residence until Fall 2012. This residence would be demolished prior to the start of construction of either the HR-2 or SmCP-2 Project. The next closest residence is located 1.4 miles northwest of the Project site. In addition, at the time of the publication of the NOP, a mobile home at the commercial algae production facility served as a residence for the facility caretaker. The commercial algae facility is no longer in operation and is not part of the proposed Projects.

The closest public use airport, Cliff Hatfield Memorial Airport (also known as the Calipatria Municipal Airport), is approximately 4.8 miles southeast of the Project sites. For further discussion about airports in the vicinity of the Project sites see Section 4.7, Hazardous Materials and Public Health.

4.9.2 REGULATORY SETTING

FEDERAL AND STATE

California Division of Oil, Gas, and Geothermal Resources

The State of California Division of Oil, Gas, and Geothermal Resources (CDOGGR) oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells on private and state-owned lands in the State of California (State of California Department of Conservation 2011). The regulatory program's emphasis and objectives focus on the prudent development of oil, natural gas, and geothermal resources in the state through sound engineering practices that protect the environment, prevent pollution, and ensure public safety.

LOCAL

Imperial County Airport Land Use Compatibility Plan

The County of Imperial Airport Land Use Compatibility Plan (ALUCP) sets forth criteria and policies that the County of Imperial Airport Land Use Commission uses in assessing the compatibility of the principal airports in County of Imperial and proposed land use development in the areas surrounding them. The emphasis of the ALUCP is on review of local general and specific plans, zoning ordinances, and other land use documents covering broad geographic areas. Certain individual land use development proposals also may be reviewed by the County of Imperial Airport Land Use Commission as provided for in the policies included in the ALUCP. The ALUCP particularly pertains to the land uses surrounding the following seven airports: Brawley Municipal Airport, Calexico International Airport, Calipatria Municipal Airport (Cliff Hatfield Memorial Airport), Holtville Airport, County of Imperial Airport, Salton Sea Airport, and Naval Air Facility El Centro (Imperial County Airport Land Use Commission and Planning and Building Department 1996).

Imperial County Land Use Ordinance, Title 9, Division 5 – Zoning Areas

Title 9 of the Imperial County Land Use Ordinance specifies permitted and conditional uses for the various zoning designations within unincorporated areas of the County. Development and performance standards included in Title 9 are adopted to protect the health, safety, and general well-being of the public through the orderly regulation of land uses within the County.

The parcel on which the two Projects would be located is currently zoned "A-2-R-G" (General Agriculture/Rural/Geothermal Overlay Zone), which permits all agricultural and grazing uses. Electrical generation plants (less than 50-MW); major geothermal projects; facilities for the transmission of electrical energy (100-200 kV); electrical substations in an electrical transmission system (500-kV/230-kV/161-kV); mining and mineral extraction; and resource extraction and energy development are permitted within the A-2-R-G zone, subject to securing a Conditional Use Permit (County of Imperial, 2008a, 2008b).

Imperial County Land Use Ordinance, Title 9, Division 17 – Geothermal Projects

The purpose of regulations provided in Division 17 of Title 9 is to facilitate the beneficial use of the geothermal resource for the general welfare of the public, to protect the resource from wasteful or detrimental uses, and to protect people, property, and the environment from detriments that might result from the improper use of the resource. Title 9, Division 17, describes general standards for geothermal applicants when applying for Conditional Use Permits both inside and outside of the Geothermal Overlay Zone. The overall goal of these regulations is to integrate, to the extent feasible, County of Imperial's regulations with those of other governmental agencies that regulate geothermal resource exploration and development (County of Imperial 2008c).

In addition, the County Land Use Ordinance (Section 90508.02) permits "electrical generation plants (less than 50-MW)"; "geothermal test facilities, intermediate projects, and major exploratory wells"; "facilities for the transmission of electrical energy (100-200 kV)", "mining and mineral extraction" and "resource extraction and energy development" within the A-2-R-G Geothermal Overlay Zone subject to securing a Conditional Use Permit (County of Imperial 2008b, 2008cb).

County of Imperial General Plan

County of Imperial General Plan (Land Use Element)

The primary purpose of the General Plan's Land Use Element is to identify the goals, policies, and standards that will guide the physical growth of County of Imperial. For development of agricultural lands, goals and objectives of the Land Use Element focus on the preservation of commercial agriculture as a prime economic force and discourage the location of incompatible development adjacent to or within productive agricultural lands (County of Imperial 2008a). The Agricultural Element provides additional policies that guide development of agricultural lands in the County. Policies related to geothermal exploration and development are discussed in the Geothermal/Alternative Energy and Transmission Element.

The Imperial County General Plan designates the Project site as "Agriculture" (County of Imperial 2008a), and the site is zoned "A-2-R-G (General Agriculture/ Rural/Geothermal Overlay Zone)" which allows for power plant construction and well drilling and transmission line construction, related geothermal operations, mining and mineral extraction, and resource extraction and energy development with a conditional use permit (County of Imperial 2006, p. 44). The extraction of minerals from the geothermal fluids is included in the description of activities that may occur with the development of geothermal flash plants (County of Imperial 2006, p. 62).

County of Imperial General Plan (Geothermal/Alternative Energy and Transmission Element)

The Geothermal/Alternative Energy and Transmission Element is an optional component of the General Plan, as permitted by Section 65303 of the California Government Code. The purpose of the Geothermal/Alternative Energy and Transmission Element is to provide a comprehensive document that contains the latest knowledge about the geothermal resource, workable development technology, legal requirements, policies (County, state, and federal), and implementation measures. The Geothermal/Alternative Energy and Transmission Element provides a framework for review and approval of geothermal projects in the County (County of Imperial 2006).

The County of Imperial General Plan guides local decision-making regarding future land uses, growth, and other planning and policy decisions. Table 4.9-1 identifies applicable General Plan policies related to land use and planning and addresses the HR-2 and SmCP-2 Projects' consistency with the General Plan policies.

TABLE 4.9-1 HR-2 AND SMCP-2 PROJECTS' CONSISTENCY WITH APPLICABLE GENERAL PLAN LAND USE POLICIES

GENERAL PLAN POLICIES, GOALS AND OBJECTIVES	CONSISTENCY	ANALYSIS
GEOTHERMAL-TRANSMISSION ELEMENT		
Goal 1: The County supports and encourages the full, orderly, and efficient development of geothermal/alternative energy resources while, at the same time, preserving and enhancing, where possible, agricultural, biological, human, and recreational resources.	Yes	The proposed HR-2 geothermal flash plant and the SmCP-2 mineral extraction plant would be located on a privately owned parcel, approximately 245 acres in size. This parcel is entirely within a Geothermal Overlay Zone and the Salton Sea KGRA.
CONSERVATION AND OPEN SPACE ELEMENT		
Environmental Resources for Future Generations, Goal 1: Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions.	Yes	The proposed Projects would cover approximately 100 acres of the 245-acre parcel. The remaining 145 acres would be available for agricultural operations.
LAND USE ELEMENT		
Commercial Agriculture, Goal 1: Preserve commercial agriculture as a prime economic force.	Yes	The proposed Projects would cover approximately 100 acres of the 245-acre parcel. Therefore, agricultural operations could continue on the remaining 145 acres.
Objective 1.1: Encourage the continued agricultural use of prime/productive agricultural lands.	Yes	The proposed Projects would cover approximately 100 acres of the 245-acre parcel, including 27-acres of Prime Farmland, 68-acres of Farmland of Statewide Importance, and 5-acres of Farmland of Local Importance. However, agricultural operations could continue on the remaining 145 acres.

TABLE 4.9-1 HR-2 AND SMCP-2 PROJECTS' CONSISTENCY WITH APPLICABLE GENERAL PLAN LAND USE POLICIES

GENERAL PLAN POLICIES, GOALS AND OBJECTIVES	CONSISTENCY	ANALYSIS
Objective 1.2: Discourage the location of incompatible development adjacent to or within productive agricultural lands.	Yes	The proposed Projects would be located within the Geothermal Overlay Zone on agricultural land zoned A-2-R-G. The County of Imperial considers land zoned A-2-R-G to be compatible with geothermal development and mineral processing.
Objective 1.3: Identify compatible agriculture-related uses appropriate for location in agricultural areas.	Yes	The County of Imperial identifies land zoned A-2-R-G as compatible with geothermal development and mineral processing. In addition, the proposed Projects would be located within the Geothermal Overlay Zone.
Regional Vision, Objective 3.2: Preserve agriculture and natural resources while promoting diverse economic growth through sound land use planning.	Yes	The proposed Projects would be constructed on land zoned A-2-R-G, which is agricultural land identified by the County of Imperial as compatible with geothermal development and mineral processing. In addition, the Projects would be entirely within a Geothermal Overlay Zone and the Salton Sea KGRA. The proposed Projects would cover approximately 100 acres of the 245-acre parcel, and the remaining 145 acres would be available for agricultural operations.

Sources: County of Imperial 1993, 2006, 2008a

While this Draft EIR analyzes the Projects' consistency with the County of Imperial General Plan pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15125(d), the County of Imperial Planning Commission will determine the Projects' consistency with the General Plan.

4.9.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following CEQA Guidelines, Appendix G. An impact is considered significant if the Projects would:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental impact.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

ENVIRONMENTAL PROTECTION MEASURES

No environmental protection measures (EPMs) were identified for land use plans and policies.

METHODOLOGY

For the purpose of the land use analysis, relevant documents, including the County of Imperial General Plan, the Geothermal/Alternative Energy and Transmission Element of the General Plan, and the Imperial County Land Use Ordinance, were reviewed. In addition, a site visit was conducted to verify existing conditions in the area of the proposed Projects. An evaluation of the proposed Projects' consistency with plans and policies is provided in Table 4.9-1 and is summarized in Impact LU-2, below.

HR-2 IMPACTS AND MITIGATION MEASURES

Impact LU-1: The HR-2 Project would not physically divide an established community.

The proposed HR-2 Project would include the development of a geothermal power plant, associated wells, and aboveground pipelines on land primarily used for agricultural purposes. The structures associated with the proposed HR-2 Project would be located on the HR-2 Project site and would not result in the division of a community. Therefore, the HR-2 Project would not result in a physical division of any established communities and there would be no impact.

Mitigation Measures: None required.

Impact LU-2: The HR-2 Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the HR-2 Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental impact.

The proposed HR-2 Project is located on land that is designated for agricultural uses and is zoned "A-2-R-G" (General Agriculture/Rural/Geothermal Overlay Zone) which allows for "resource extraction and energy development", power plant construction and well drilling and transmission line construction, related geothermal operations, and resource extraction. Major and intermediate geothermal projects, geothermal test facilities, and major geothermal exploratory wells are permitted within the Geothermal Overlay Zone ("G") with a conditional use permit.

HR-2 Project implementation would result in the temporary conversion of agricultural land to non-agricultural; however, agricultural operations could continue on the remainder of the undeveloped portion of the parcel after

construction. Furthermore, at the end of the HR-2 Project's useful life (i.e., 30 years), disturbed lands on the site would be restored to allow agricultural use once the wells have been abandoned, the power plant and pipelines removed, and the plant site and well pads reclaimed. The proposed HR-2 Project would be consistent with the County of Imperial General Plan and the Land Use Ordinance with the issuance of a Conditional Use Permit.

Therefore, the HR-2 Project, with a CUP, would be consistent with the Imperial County General Plan and would not conflict with any federal, state, or local land use plans, policies, or regulations, and there would be no land use conflict impacts from the HR-2 Project.

Mitigation Measures: None required.

Impact LU-3: The HR-2 Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

There are no adopted habitat conservation plans or natural community conservation plans encompassing the HR-2 Project site. As such, there is no potential for the proposed HR-2 Project to conflict with any applicable habitat conservation plan or natural community conservation plans. Therefore, no impacts would result.

Mitigation Measures: None required.

SMCP-2 IMPACTS AND MITIGATION MEASURES

Impact LU-1: The SmCP-2 Project would not physically divide an established community.

The proposed SmCP-2 Project would include the development of a mineral extraction plant and associated structures on land primarily used for agricultural purposes. The structures associated with the proposed SmCP-2 Project would be located on the SmCP-2 Project site and would not result in the division of a community. Therefore, the SmCP-2 Project would not result in a physical division of any established communities and there would be no impact.

Mitigation Measures: None required.

Impact LU-2: The SmCP-2 Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the SmCP-2 Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental impact.

The proposed SmCP-2 Project is located on land that is designated for agricultural uses and is zoned "A-2-R-G" (General Agriculture/Rural/Geothermal Overlay Zone) which allows for "mining and mineral extraction" and "resource extraction and energy development" with a conditional use permit.

SmCP-2 Project implementation would result in the temporary conversion of agricultural land to non-agricultural uses. However, agricultural operations could continue on the undeveloped portion of the parcel after construction. Furthermore, at the end of the SmCP-2 Project's useful life (i.e., 30 years), disturbed lands on the site would be restored to allow agricultural use once the mineral extraction facilities have been abandoned and the land has been reclaimed. The proposed SmCP-2 Project would be consistent with the County of Imperial General Plan and the Land Use Ordinance with the issuance of a Conditional Use Permit.

Therefore, the SmCP-2 Project, with a CUP, would be consistent with the Imperial County General Plan and would not conflict with any federal, state, or local land use plans, policies, or regulations, and there would be no land use conflict impacts from the SmCP-2 Project.

Mitigation Measures: None required.

Impact LU-3: The SmCP-2 Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

There are no adopted habitat conservation plans or natural community conservation plans encompassing the SmCP-2 Project site. As such, there is no potential for the proposed SmCP-2 Project to conflict with any applicable habitat conservation plan or natural community conservation plans. Therefore, no impacts would occur as result of construction and operation of the proposed SmCP-2 Project.

Mitigation Measures: None required.

4.9.4 REFERENCES

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