

4.10 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 sites. Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines states that “[t]he EIR shall discuss any inconsistencies between the projects and applicable general plans and regional plans.” This section fulfills this requirement for the projects. In this context, this section reviews the land use assumptions, designations, and policies of the Imperial County (County) General Plan and other applicable federal, state, and local requirements, which governs land use within the project area and evaluates the projects’ potential to conflict 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.

4.10.1 Environmental Setting

As discussed in Chapter 2.0, Environmental Setting of this Environmental Impact Report (EIR), the project area is located on privately owned, primarily undeveloped agricultural land, approximately two miles west of Calexico, California in southern Imperial County. The project area is located in an unincorporated area of the County, and is designated as Agriculture under the County’s General Plan (as amended through 2008). The project sites and off-site transmission area is located within the General Agriculture (A-2), General Agriculture Rural (A-2-R) and Heavy Agriculture (A-3) zoning designations (see Figure 4.10-1, General Plan Land Use and Zoning Designations). The project area is generally located between State Route 98 to the south, Kubler Road and Preston Road to the north, Weed Road to the east, and Brockman Road to the west. The project area is currently under agricultural production, consisting of annual crops, with some scattered rural residential and commercial structures. The project sites, including the off-site transmission area are located adjacent to three solar farms including the previously-approved Mount Signal and Calexico Solar Farm Projects, and the proposed Wistaria Ranch Solar Farm. The project area borders the Calexico II-B and Wistaria Ranch Solar Farms on three sides. The surrounding region resembles a highly modified landscape, which up until the early 1930s, generally consisted of a desert landscape; similar to areas further west. With the completion of several water conveyance facilities, including the All American Canal which was authorized by the 1928 Boulder Canyon Project Act and completed in the mid-1930s, irrigated agriculture was made possible.

4.10.1.1 Regulatory Setting

This section identifies and summarizes federal, state, and local laws, policies, and regulations that are applicable to the projects.

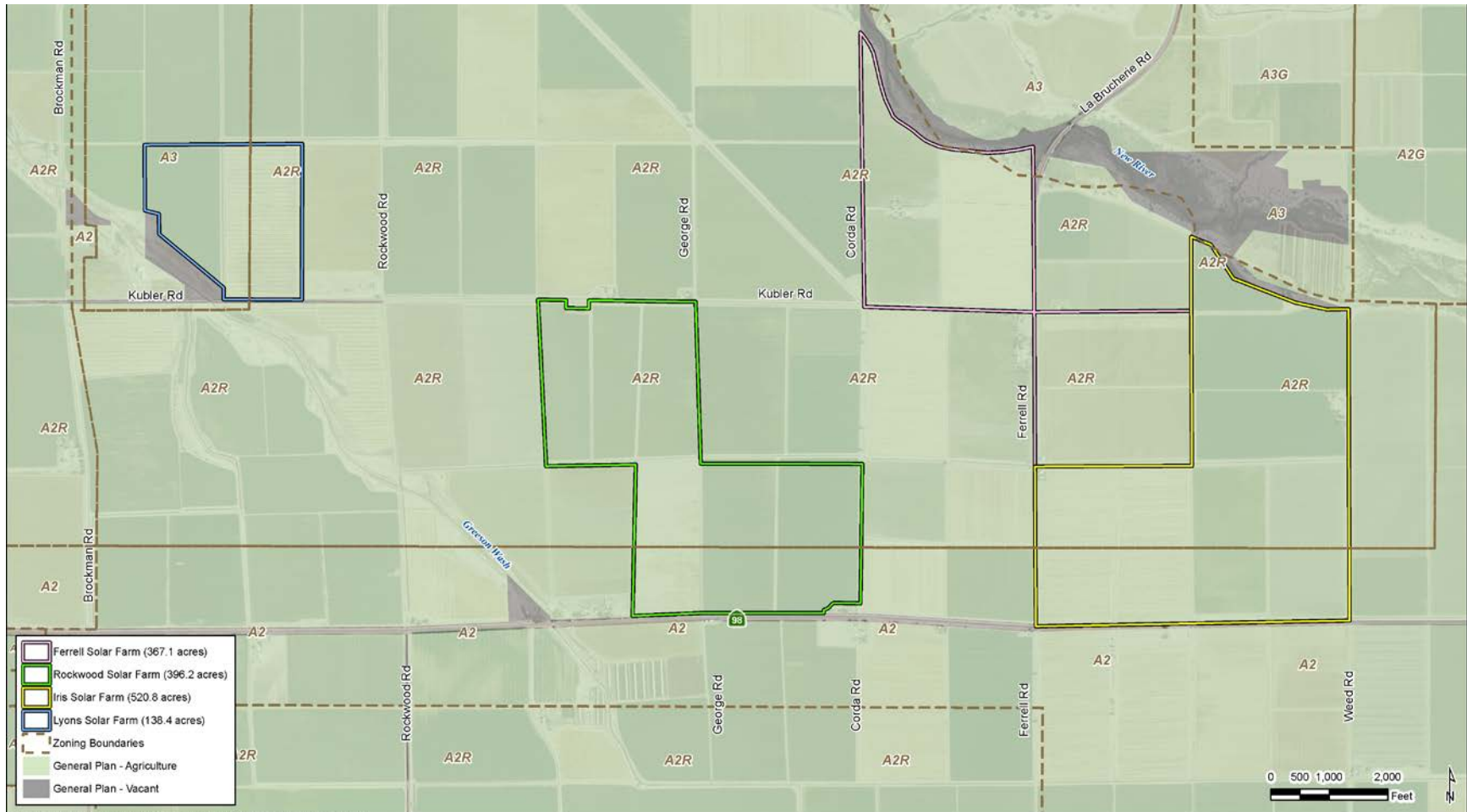
State

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. Finally, although the general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow for flexibility in the approach taken to achieve the plan’s goals.

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.

Figure 4.10-1. General Plan Land Use and Zoning Designations



GIS: Production/Projects/City/Imperial_9129/m_Cluster_EIR_231529/Map_Documents/Zoning.mxd-4burval-5/21/2014

Local

Regional Comprehensive Plan and Regional Transportation Plan

The Southern California Association of Governments' (SCAG) Intergovernmental Review (IGR) section, part of the Environmental Planning Division of Planning and Policy, is responsible for performing consistency review of regionally significant local plans, projects, and programs. Regionally significant projects are required to be consistent with SCAG's adopted regional plans and policies such as the Regional Comprehensive Plan (RCP) and the Regional Transportation Plan (RTP). The criteria for projects of regional significance are outlined in State CEQA Guidelines Sections 15125 and 15206. According to the SCAG Intergovernmental Review Procedures Handbook, "new or expanded electrical generating facilities and transmission lines" qualify as regionally significant projects. For this reason, Table 4.10-1 provides a consistency evaluation for the projects with applicable SCAG IGR policies.

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 ten elements comprise the County's General Plan: Land Use; Housing; Circulation and Scenic Highways; Noise; Seismic and Public Safety; Conservation and Open Space; Agricultural; Geothermal/Alternative Energy and Transmission; Water; and Parks and Recreation. Together, these elements satisfy the 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.

Imperial County has received funding from the California Energy Commission's (CEC) Renewable Energy and Conservation Planning Grant to amend and update the County's General Plan in order to facilitate future development of renewable energy 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 greenhouse gas emissions, develop alternative fuel resources and implement its RPS. The General Plan update of the Geothermal/Alternative Energy and Transmission Element is currently in progress. A community meeting was held on June 19, 2014 to obtain input from stakeholders who will be potentially affected by the revised Geothermal/Alternative Energy and Transmission Element. The CEC grant also includes an update to the 1993 Conservation/Open Space Element to facilitate future development of renewable energy projects. The update of the 1993 Conservation/Open Space Element will assist in identifying areas that will conserve habitat areas on federal, state, military, tribal and private lands in the County. This is in order to implement the conservation goals of the Desert Renewable Energy Conservation Plan in a manner consistent with Government Code Section 65041.1(b).

As previously indicated, the County's General Plan designates the project area as "Agriculture." The County identifies agricultural land as a form of open space. According to the Conservation and Open Space Element of the General Plan, open space is "any parcel or area of land or water, which is essentially unimproved and devoted to one of the following categories of uses: Preservation of Natural Resources; Managed Production of Resources; Outdoor Recreation; and, Protection of the Public Health and Safety." As such, outdoor recreational activities including hunting, bike riding, walking, and bird watching can take place in agricultural areas.

An analysis of the projects' consistency with the General Plan goals and objectives relevant to the projects is provided in Table 4.10-1, Project Consistency with Applicable Plan Policies. A detailed analysis of the project's consistency with the General Plan goals, objectives and policies regarding Agriculture is provided in Section 4.2 Agriculture and Forestry Resources of this EIR. While this EIR analyzes the project's consistency with the General Plan pursuant to State CEQA Guidelines Section 15125(d), the Imperial County Planning Commission and Board of Supervisors retain authority for the determination of the project's consistency with the General Plan.

TABLE 4.10-1. PROJECT CONSISTENCY WITH APPLICABLE PLAN POLICIES

Applicable Policies	Consistency Determination	Analysis
Imperial County General Plan, Land Use Element		
<i>Public Facilities, Objective 8.7.</i> 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 projects include the necessary supporting infrastructure and would not require new community-based infrastructure. The projects would be required to construct supporting drainage and wastewater treatment and disposal infrastructure on-site consistent with County requirements and mitigation measures prescribed in Sections 4.6, Geology and Soils, and 4.9, Hydrology and Water Quality, of the EIR. Potable water would be required for domestic use, solar panel washing and fire protection and would be provided by the Imperial Irrigation District (IID). Water supplies for the projects would come from existing water service contracts with IID with demand for the combined projects expected to be less than current water demands to support irrigated agriculture.
<i>Public Facilities, Objective 8.8.</i> Ensure that the siting of future facilities for the transmission of electricity, gas, and telecommunications is compatible with the environment and County regulation.	Consistent	With the approval of a CUP and associated conditions, the projects would be a permitted use within the Agricultural land use designation and associated zoning designation.
<i>Public Facilities, Objective 8.9.</i> Require necessary public utility rights-of-way when appropriate.	Consistent	The projects would include the dedication of necessary right-of-way (ROW) to facilitate the placement of electrical distribution and transmission infrastructure.
<i>Protection of Environmental Resources, Objective 9.6.</i> Incorporate the strategies of the Imperial County Air Quality Attainment Plan (AQAP) in land use planning decisions and as amended.	Consistent	Due to the minimal grading of the site during construction and limited travel over the site during operations, local vegetation is anticipated to remain largely intact which will assist in dust suppression. Furthermore, dust suppression will be implemented including the use of water and soil binders during construction. Chapter 4.3, Air Quality, discusses the projects' consistency with the AQAP in more detail.
Imperial County General Plan, Circulation and Scenic Highways Element		
<i>Safe, Convenient, and Efficient Transportation System, Objective 1.1.</i> 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.	Consistent	The projects would include limited operational vehicle trips once constructed and would not be expected to reduce the current level of service (LOS) at affected intersections, roadway segments, and highways. The projects do not propose any forms of residential or commercial development and therefore would not require new forms of alternative transportation to minimize impacts to existing roadways.
<i>Safe, Convenient, and Efficient Transportation System, Objective 1.2.</i> Require a traffic analysis for any new development which may have a significant impact on County roads.	Consistent	As discussed in Chapter 3, Project Description, the projects at build out would entail up to 24 additional two-way trips on local roadways on an average day. Further, these trips would be distributed throughout the project area. This level of trip generation is well below the threshold of requiring a formal traffic study. However, as discussed in Chapter 4.14, Transportation and Traffic, traffic studies were prepared for the projects and demonstrate that project operations would have a less than significant impact on the circulation network.

Applicable Policies	Consistency Determination	Analysis
Imperial County General Plan, Noise Element		
<i>Noise Environment.</i> Objective 1.3. Control noise levels at the source where feasible.	Consistent	The proposed location of the projects' solar facilities generally avoids the placement of new structures in proximity to noise-sensitive uses. In instances where construction-related and operational noise would occur in closer 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.
<i>Project/Land Use Planning.</i> Goal 2: Review Proposed Actions for noise impacts and require design which will provide acceptable indoor and outdoor noise environments.	Consistent	As discussed in Section 4.11, Noise and Vibration, the projects would be required to comply with the County's noise standards during both construction and operation.
<i>Long Range Planning.</i> Goal 3: Provide for environmental noise analysis inclusion in long range planning activities which affect the County.	Consistent	The EIR contains a noise analysis that considers and evaluates long-term noise impacts related to project operations. As discussed in Section 4.11, Noise and Vibration, the projects would result in less than significant noise impacts.
Imperial County General Plan, Conservation and Open Space Element		
<i>Conservation of Environmental Resources for Future Generations</i> Objective 1.5 Provide for the most beneficial use of land based upon recognition of natural constraints.	Consistent	The solar field site parcels would be converted from actively cultivated agricultural land to a solar energy facility (refer to Section 4.2, Agricultural Resources). The proposed projects would provide a beneficial use of the land by creating local jobs during construction and to a lesser degree during operation. Section I(C) of the Imperial County General Plan Geothermal/Alternative Energy and Transmission Element explains that the County adopted the element after determining that the benefits of alternative energy development in the County include: 1) Fiscal benefit of expanded property tax revenues; 2) Fiscal benefit of sales tax revenues from purchase of goods and services; 3) Royalty and lease benefits to local landowners and County; 4) Social and fiscal benefits from increased economic activity and employment opportunities; 5) Improvements in technology to reduce costs of electrical generation; 6) Potential air quality improvement by displacement of fossil-fueled generated electricity with geothermal/alternative energy power which does not add to the Greenhouse effect; 7) Contributes toward meeting the State of California's Renewables Portfolio Standard (RPS). In addition, the generation of 360 MW of renewable energy is a benefit that would otherwise be generated by non-renewable fossil fuels. Therefore, the proposed Project is consistent with this objective. See Appendix M, Economic Impact Analysis of this EIR for a further evaluation of the economic impacts of the projects.
<i>Preservation of Biological Resources.</i> Goal 2: The County will preserve the integrity, function, productivity, and long-term viability of environmentally sensitive habitats, and plant and animal species.	Consistent	A biological resources survey was conducted for the project area. As discussed in Section 4.4, Biological Resources, there are potentially significant biological resources located within the project Area. However, with the implementation of mitigation in Section 4.4, Biological Resources, these impacts are reduced to a level less than significant.
<i>Preservation of Cultural Resources.</i> Objective 3.1 Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.	Consistent	A cultural resources records search was conducted for the project area. As discussed in Section 4.5, Cultural Resources, there are previously recorded cultural resources found within the project area. However, with the implementation of mitigation in Section 4.5, Cultural Resources, these impacts are reduced to a level less than significant.

Applicable Policies	Consistency Determination	Analysis
<i>Preservation of Agricultural Lands.</i> Goal 4: 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.	Consistent	The projects are consistent with this goal, since the projects would not permanently convert existing agricultural uses to non-agricultural uses. Please refer to Section 4.2, Agricultural Resources, which provides a more detailed analysis of the projects' consistency with applicable agricultural goals and objectives.
<i>Conservation of Energy Sources.</i> Goal 6: The County shall seek to achieve maximum conservation practices and maximum development of renewable alternative sources of energy.	Consistent	The projects entail the construction and operation of a solar energy facility, which is considered an alternative source of energy.
<i>Conservation of Energy Sources.</i> Objective 6.2 Encourage the utilization of alternative passive and renewable energy resources.	Consistent	The projects consist of the construction and operation of a solar energy facility, which is considered an alternative source of energy. With implementation of the projects, a new source of solar energy would be identified.
<i>Conservation of Energy Sources.</i> Objective 6.6 Encourage compatibility with National and State energy goals and city and community general plans.	Consistent	The projects are consistent with California Public Utilities Code § 399.11 et seq., "Increasing the Diversity, Reliability, Public Health and Environmental Benefits of the Energy Mix." California's electric utility companies are required to use renewable energy to produce 20 percent of their power by 2010 and 33 percent by 2020. The projects would contribute toward this goal.
Imperial County General Plan, Geothermal/Alternative Energy and Transmission Element		
<i>Agricultural Lands and Biological Resources. Objective 2.3.</i> Utilize existing easements or right-of-way and follow field boundaries for electric and liquid transmission lines.	Consistent	The transmission facilities constructed in the conjunction with the projects would be constructed along existing field boundaries and housed within a dedicated ROW.
<i>Agricultural Lands and Biological Resources, Objective 2.4.</i> Carefully analyze the potential impacts on agricultural and biological resources from each project.	Consistent	Please refer to Section 4.2, Agricultural Resources, for a description of existing agricultural resources within the project area and a discussion of potential impacts attributable to the projects. A biological resources report has been prepared for these projects, which is summarized in Section 4.4, Biological Resources, along with potential impacts attributable to the projects. With incorporation of mitigation identified in Sections 4.2, Agricultural Resources and 4.4, Biological Resources, less than significant impacts would result.
<i>Locating Transmission Line Corridors. Goal 5.</i> When planning and designing transmission lines, the County will consider impacts to agricultural lands, wildlife, and the natural desert landscape.	Consistent	In conjunction with the CUP approval process, the County has considered impacts to agricultural and desert resources. Please refer to Section 4.2, Agricultural Resources, and 4.4 Biological Resources, for discussion and consideration of potential impacts to agricultural lands and natural areas.
<i>Locating Transmission Line Corridors. Objective 5.1.</i> 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.	Consistent	The transmission facilities constructed in the conjunction with the projects would be constructed along existing field boundaries and housed within a dedicated ROW.

Applicable Policies	Consistency Determination	Analysis
<p><i>Development of Geothermal/Alternative Energy Resources. Goal 1.</i> The County of Imperial 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.</p>	Consistent	With the approval of all CUPs, Variances and discretionary permits, the proposed projects would be an allowable use within the existing land use and zoning designations. In addition, the projects would promote Imperial County's renewable energy policies and would be consistent with the County's goal, as stated in its April 20, 2010 proclamation.
<p><i>Development of Geothermal/Alternative Energy Resources. Objective 1.1.</i> Design for the co-location of energy facilities through the designation of "energy park" zones to increase certainty and facilitate power generation development and to provide for efficient use of land resources.</p>	Consistent	See response above.
Imperial County Land Use Compatibility Plan		
<p><i>Safety Objective 2.1.</i> The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport accident or emergency landing.</p>	Consistent	The project area is not located within a designated ALUCP area and, therefore, no portion of the project (solar facility sites and off-site transmission area) is not located within a flight hazard zone. This is discussed further below.
Southern California Area of Governments Regional Comprehensive Plan and Regional Transportation Plan		
<p>3.05: Encourage patterns of urban development and land use which reduce costs on infrastructure construction and make better use of existing facilities.</p>	Consistent	The projects involve the construction and operation of new renewable energy infrastructure that would interconnect with other proposed and approved transmission infrastructure thereby maximizing the use of existing facilities. The projects would not involve new forms of urban development that could other increase demands for existing infrastructure.
<p>3.14: Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers.</p>	Consistent	The projects do not propose an increase in urban densities along regional commuter rail, transit systems, and activity centers and is not in proximity to these areas.
<p>3.16: Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.</p>	Consistent	The projects are located in an agriculturally designated portion of unincorporated Imperial County and would not discourage new development in and around existing activity centers, transportation corridors, underutilized infrastructure systems, or areas in need of recycling and redevelopment.
<p>3.17: Support and encourage settlement patterns which contain a range of urban densities.</p>	Consistent	The projects would not increase urban densities because the projects consist of new renewable energy infrastructure and not residential or commercial development.
<p>3.18: Encourage planned development in locations least likely to cause adverse environmental impact.</p>	Consistent	The projects are not characterized as "Planned Development" and are appropriately located to minimize adverse impacts to sensitive lands uses and take advantage of anticipated utility infrastructure needs.
<p>RTP G6: Encourage land use and growth patterns that complement our transportation investments and improve the cost-effectiveness of expenditures.</p>	Consistent	See discussion under Policy 3.16 above.

Applicable Policies	Consistency Determination	Analysis
GV P1.1: Encourage transportation investments and land use decisions that are mutually supportive.	Consistent	See discussion under Policy 3.16 above.
GV P4.2: Focus development in urban centers and existing cities.	Consistent	The projects consist of new renewable energy infrastructure and do not include residential or commercial forms of development that should otherwise be directed toward urban centers or existing cities.
GV P4.3: Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.	Yes	See discussion under Policy 3.16 above.

Source: Imperial County General Plan 2008, as amended, SCAG Regional Comprehensive Plan and Regional Transportation Plan 2008.

County of Imperial Land Use Ordinance

The County’s Land Use Ordinance provides the physical land use planning criteria for development within the jurisdiction of the County. As depicted in Figure 4.10-1, the project area is zoned as follows: General Agriculture (A-2), General Agriculture Rural (A-2-R) and Heavy Agriculture (A-3). The purpose of the A-2 and A-2-R zoning designations is to “designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses” (County of Imperial 1998). The purpose of the A-3 zoning designation is 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” (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 identify the permitted and conditional uses within the A-2, A-2-R and A-3 zoning designations. Uses identified as conditionally permitted require a Conditional Use Permit (CUP), which is subject to the discretionary approval of the County Board of Supervisors (Board) per a recommendation by the County Planning Commission. The projects include several uses identified as conditionally permitted within the A-2, A-2-R, and A-3 zones. These uses include electrical substations in an electrical transmission system (500 kilovolt (kV)/230 kV/161 kV); facilities for the transmission of electrical energy (100-200 kV); solar energy plants; and solar energy electrical generators. Sections 90508.07 and 90509.07 of the Land Use Ordinance limit the height of all non-residential structures within the A-2, A-2-R and A-3 zones to 120 feet. 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.”

County of Imperial Right to Farm Ordinance No. 1031

The County of Imperial Right to Farm Ordinance (No. 1031) was approved by the County Board of Supervisors on August 7, 1990. The purpose and intent of the Ordinance is to reduce the loss to the County of its agricultural resources by clarifying the circumstances under which agricultural operations may be considered a nuisance. The Ordinance permits operation of properly conducted agricultural operations within the County. The Ordinance promotes a good neighbor policy by disclosing to purchasers and users of adjacent properties the potential problems and inconveniences associated with agricultural operations.

Imperial County Airport Land Use Compatibility Plan

The eastern border of the project area is located approximately 2.5 miles west of the Calexico International Airport. According to the Imperial County Airport Land Use Compatibility Plan (ALUCP) for

Calexico International Airport, no portion of the project area is located within the Calexico Airport land use capability zones (County of Imperial, ALUCP 1996). No individual airport policies specific to the Calexico International Airport have been adopted in conjunction with the ALUCP.

4.10.1.2 Existing Conditions

FSF consists of two parcels totaling 367.1 acres within the central and northern portions of the project area. The FSF project site includes the following APNs: 052-180-042 and 059-150-001. The FSF is generally level and currently used for agricultural production (see Section 4.2, Agricultural Resources, for further discussion). As shown in Figure 4.10-1, on-site zoning designations include A-2-R (see Table 3-1 for parcel specific zoning). Agricultural fields are located to the north, south, and east of the FSF project site. The Calexico Solar Farm 2 Phase B Project is being constructed immediately west and south of the FSF project site.

RSF consists of three parcels totaling 396.2 acres within the central portions of the project area. The RSF project site includes the following APNs: 052-180-040; 052-180-048; and 052-180-064. As shown in Figure 4.10-1, on-site zoning designations include A-2 and A-2-R (see Table 3-1 for parcel specific zoning). Agricultural fields are located to the north, west and east of the RSF project site. The Calexico Solar Farm 2 Phase B Project and Mount Signal Solar Farm 1 Project are being constructed immediately east and south of the RSF project site, respectively.

ISF consists of three parcels totaling 520.8 acres within the eastern portion of the project area. The ISF project site includes the following APNs: 059-050-002; 059-050-003; and 059-120-001. As shown in Figure 4.10-1, on-site zoning designations include A-2 and A-2-R (see Table 3-1 for parcel specific zoning). Agricultural fields are located to the north, south, and east of the ISF project site. The Calexico Solar Farm 2 Phase B Project is being constructed immediately adjacent to the west of the ISF project site.

LSF consists of two parcels totaling 138.4 acres within the western portion of the project area. The LSF project site includes the following APNs: 052-180-053 and 052-180-058. As shown in Figure 4.10-1, on-site zoning designations include A-2-R and A-3 (see Table 3-1 for parcel specific zoning). Agricultural fields are located to the north, east, south, and west of the LSF project site.

The interconnection for the proposed projects will occur at the 230 kV side of the SDG&E IV Substation, located approximately 5 miles northwest of the project sites, via the existing Mount Signal Solar Farm substation and it's shared 230 kV electrical transmission line. Power from the proposed projects may first be collected at one or more shared on-site substations via overhead and/or underground collector line(s).

4.10.2 Impacts and Mitigation Measures

This section presents the significance criteria used for considering project impacts related to land use and planning, the methodology employed for the evaluation, an impact evaluation, and mitigation requirements, if necessary.

4.10.2.1 Thresholds of Significance

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

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

4.10.2.2 Methodology

This analysis evaluates the projects' consistency with applicable federal, state, and local land uses plans and policies. In order to analyze land-use consistency and land-use impacts, the following approach was employed:

- The projects were reviewed relative to the land-use assumptions, policies, and designations of the Imperial County General Plan and applicable land-use plans, policies, and regulations; and
- The projects were reviewed to identify any potential conflicts between the proposed land uses and existing or proposed land uses in the vicinity.

In some instances, the land use for the project poses potential physical environmental consequences, such as traffic. In these cases, the consequences are discussed in the specific section of this EIR that focuses on that issue. Conceptual site plans for the projects were also used to evaluate potential impacts. These conceptual exhibits are provided in Figures 3.0-6 through 3.0-9.

Given that the projects involve the potential construction and operation of solar energy facilities and supporting infrastructure that would be able to take advantage of regional transmission infrastructure and favorable market demands, the projects would not include a residential or commercial component that could be subject to future blight conditions. For this reason, this analysis would not provide further consideration of issues relating to future urban decay or urban blight.

4.10.2.3 Impact Analysis

IMPACT *Physically Divide an Established Community.*
4.10-1 *The projects would not physically divide an established community.*

Iris Cluster (FSF, RSF, ISF, and LSF) and Transmission Line

The projects are located in a sparsely populated, agriculturally zoned portion of southern Imperial County. On and off-site uses are comprised of irrigated agriculture with isolated residential structures scattered sparsely throughout the project area. The proposed projects would include solar facilities adjacent to productive agricultural lands; however, a majority of the currently vacant agricultural lands surrounding the project sites have been approved for the development of utility-scale solar energy projects, and are anticipated to transition into solar energy use over time. The project area is located adjacent to three solar farms including the previously-approved Mount Signal and Calexico Solar Farm Projects, and the proposed Wistaria Ranch Solar Farm. The project area borders the Calexico II-B and Wistaria Ranch Solar Farms on three sides. As a result, the implementation of the projects would not divide an established community. The nearest residentially designated land uses are located over a mile east in the City of Calexico. For these reasons, **no significant impact** would result.

Mitigation Measure(s)

No mitigation measures are required.

IMPACT *Conflict with Applicable Land Use Plan, Policies, or Regulations.*
4.10-2 *The projects could conflict with an applicable land-use plan, policy, or regulation of an agency with jurisdiction over the projects (including, but not limited to the general plan, airport land use plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.*

Iris Cluster (FSF, RSF, ISF, and LSF) and Transmission Line

The County's General Plan applies to the solar energy facility and supporting infrastructure portions associated with the projects. These components are located within the jurisdiction of the County of

Imperial. Solar energy facilities are not specifically referenced in the Land Use Element of the General Plan, other than a statement in the Imperial County Land Use Element that “Electrical and other energy generating facilities are heavy industrial uses, except geothermal, hydroelectric, wind, solar facilities may be regulated differently than other types of power plants by implementing zoning.” However, the Land Use Element recognizes that geothermal plants, a similar use to the extent that it represents a renewable energy resource, are permitted uses within the “Agriculture” land use category, so long as a CUP is approved and environmental review is completed. In this context, with the approval of a CUP and completion of a supporting environmental analysis, as provided in this EIR, the projects’ solar facilities would be considered a permitted use.

As discussed previously in this section, Imperial County has received funding from the CEC Renewable Energy and Conservation Planning Grant to amend and update the County’s General Plan in order to facilitate future development of renewable energy projects. As part of the CEC grant, the 2006 Geothermal/Alternative Energy and Transmission Element and 1993 Conservation/Open Space Element will be updated.

Development of the solar facility is subject to the County’s zoning ordinance. Pursuant to Title 9, Division 5, Chapter 9, “Solar Energy Plants” is a use that is permitted in the A-2, A-2-R, and A-3 zones, subject to approval of a CUP. “Transmission lines, including supporting towers, poles, microwave towers, utility substations” are permitted uses within the A-3 Zone. Pursuant to Title 9, Division 5, Chapter 8, “Solar energy electrical generator,” “Electrical power generating plant,” “Major facilities relating to the generation and transmission of electrical energy,” and “Resource extraction and energy development,” are uses that are permitted in the A-2, A-3, and A-2-R zone subject to approval of a CUP from the County.

The projects would require the use of transmission towers up to 140 feet in height, which would exceed the height limit in the A-2, A-2-R, and A-3 zones. Title 9 Division 5, Imperial County has established a maximum height of 120 feet for structures: “Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and shall meet the Airport Land Use Compatibility Plan requirements.” As part of the projects, approval of a Variance for each project will be required to allow the new towers to be built at 140 feet in height. As part of the approval of the Variance, findings pursuant to Title 9 Division 2, §90202.08 of the Imperial County Land Use Ordinance would be required. Without the obtainment of the Variance, the transmission tower component of the projects would be inconsistent with the County’s zoning code. With approval of the Variance for each project, a **less than significant** impact is identified.

The Land Use Compatibility Matrix (see Table 4 of the Land Use Element) identifies land designated as “Agriculture” as compatible with lands zoned A-2, A-2-R, and A-3. As described above, the project facilities are a conditionally permitted use under the A-2, A-2-R, and A-3 zones and, therefore, are considered consistent with the Agriculture General Plan land use designation. As a result, no General Plan land use amendment would be required for construction and operation of solar facility. Further, post-project restoration of the project sites would ensure future agricultural production and substantial conformance with the goals and objectives of the County’s General Plan. In this context and based on the findings in Table 4.10-1, which presents a summary determination of the consistency of the projects with the relevant plans and polices, the projects are generally consistent with the County’s General Plan, Land Use Element, and **no significant impact** would occur.

However, as provided in Section 4.2, Agricultural Resources, the projects could be inconsistent with specific goals, policies and objectives associated with agriculture. The County identifies agricultural land as a form of open space. According to the Land Use Element of the General Plan, the permitted uses and standards on agricultural lands include open space/recreation. “Open space and recreation land uses within this category consist of environmentally sensitive areas, parks, fault zones, floodways and floodplains, agricultural lands, and areas designated for the managed production of mineral resources.” The projects would convert the sites from agricultural land to a solar energy facility. As such, although no formerly-designated recreational uses would be removed, there may be some limited recreational utility lost associated with the agriculture fields as a result of the projects because such activity would be restricted to those with legal access. With implementation of Mitigation Measure 4.2-1, which requires a

restoration plan that would prescribe site-specific requirements for farmland quality and a supporting bond to offset loss of agriculture land pursuant to the County's approval of the applicable CUPs, the projects would not conflict with the County's General Plan, Agricultural Element. Therefore, this significant impact to agricultural resources would be reduced to a **less than significant** level with implementation of the prescribed mitigation.

Compatibility with Adjacent Uses

The solar energy facility portions of the projects are not in proximity to urban areas and are generally surrounded by agricultural uses and other approved and/or proposed solar facilities including the previously-approved Mount Signal and Calexico Solar Farm Projects, and the proposed Wistaria Ranch Solar Farm. The project area borders the Calexico II-B and Wistaria Ranch Solar Farms on three sides. However, as provided in Section 4.3, Air Quality, there are several residential structures located within and in the vicinity of the project sites. These locations are illustrated in Figure 4.3-1, Residence Locations. As shown, these sensitive uses are generally located at distances of greater than 1,000 feet from proposed O&M and sub-station facilities and, therefore, unlikely to result in nuisance-related impacts, such as noise, glare, or access disruptions that could otherwise conflict with adjacent uses (see Sections 4.1, Aesthetics, 4.3, Air Quality, 4.8, Hazards and Hazardous Materials, and 4.11, Noise and Vibration). Noise associated with solar panel operation (e.g., tracking) would also meet the County's noise ordinance requirements at the projects' property lines. Based on these considerations and the fact that the projects are an allowable use within the applicable agricultural zoning designation, the projects would result in **less than significant** land use conflicts with adjacent uses.

Mitigation Measure(s)

No mitigation measures are required.

IMPACT 4.10-3 Conflict with an Adopted Habitat Conservation Plan or Natural Communities Conservation Plan.
The projects would not conflict with any applicable habitat conservation plan or natural community conservation plan.

Iris Cluster (FSF, RSF, ISF, and LSF) and Transmission Line

The project sites are not within the boundaries of any adopted habitat conservation plan (HCP) (16 USC §1539) or natural community conservation plan (NCCP) (Cal. Fish & Game Code § 2800 et seq.). The County is not within the boundary of any adopted HCP or NCCP. Based on these considerations, the project solar energy facilities and supporting infrastructure would not conflict with any HCP or NCCP and would result in **no significant impact**.

Mitigation Measure

No mitigation measures are required.

4.10.3 Decommissioning/ Restoration and Residual Impacts

Decommissioning/Restoration

No impacts to land use and planning are anticipated to occur during decommissioning and restoration of the project sites after their 40 year life. Decommissioning and restoration would not physically divide an established community or conflict with any applicable land use or habitat conservation plan. Through each projects decommissioning and subsequent restoration to agricultural uses, the uses of the project sites (agricultural) would remain consistent with the General Plan and zoning designations of the sites, which allow agricultural uses. Therefore, **no impact** is identified and no mitigation is required.

Residual

With mitigation as prescribed in other sections of this EIR, issues related to the conversion of Important Farmland to non-agricultural use would be mitigated and reduced to a less than significant level. Similarly, with the approval of a CUP and restoration plan to address post-project decommissioning, and coordination with the ALUC, the projects would generally be consistent with applicable federal, state, regional, and local plans and policies. Likewise, the projects would not conflict with the provisions of an adopted HCP or NCCP. Based on these circumstances, the projects would not result in any residual significant and unmitigable land use impacts.

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