

## **SECTION 4.9**

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# **AGRICULTURAL RESOURCES**

## 4.9 AGRICULTURAL RESOURCES

This section provides a background discussion of the regulatory framework and the affected environment. The regulatory framework discusses the federal, state, and local regulations. The affected environment discussion focuses on the existing activities, important farmlands categories, zoning, agricultural soil classifications, Imperial County agricultural conversion, on-site soils, and Williamson Act lands.

This section also discloses the potential impacts on agricultural resources associated with the implementation of the proposed Project. Existing environmental conditions in the affected areas are addressed, environmental impacts are analyzed, and mitigation measures are identified to reduce or avoid adverse impacts to agricultural resources.

This section is based on the following resources: the Imperial County General Plan Agricultural Element; soil classifications designated by the United States Department of Agriculture's (USDA) Natural Resources Conservation Service's (NRCS) Web Soil Survey (WSS); California Department of Conservation (DOC) Farmland Monitoring and Mapping Program (FMMP) data; Imperial County's on-line GIS mapping; the *Land Evaluation and Site Assessment Models for the Wistaria Ranch Solar Energy Center Project, Imperial County, California* (AECOM 2013a); the supplemental "Responses to Imperial County Planning & Development Services Department Comments on the Wistaria Ranch Solar Energy Center Project Land Assessment Memorandum," dated January 13, 2014 (AECOM 2014a); correspondence from the DOC (Otis 2010; Penberth 2013); the September 2, 2011 Staff Memorandum regarding Solar Energy Generation & Transmission Facilities on Ag Land as directed by the March 1, 2011 Board Action (Villa 2011); "Staff Memo;" Resolution No. 2102-005, A Resolution of the Board of Supervisors of Imperial County Establishing Guidelines for a Public Benefit Program for Use with Solar Power Plants in Imperial County (January 24, 2012); the Imperial County Agricultural Benefit Advisory Committee Bylaws Established by the Imperial County Board of Supervisors and Agricultural Benefit Committee Recommended Funding Allocation (February 11, 2014); and the *Wistaria Ranch Solar Economic Impact Analysis (EIA)*, *Employment (Jobs) Impact Analysis (JIA)*, *Fiscal Impact Analysis (FIA)* (EIA/FIA/JIA) (DMG 2014).

The worst-case scenario consists of the Near-Term (Year 2016) Full Build-out Scenario as it would result in the temporary conversion of the greatest amount of land in the shortest amount of time.

### 4.9.1 REGULATORY FRAMEWORK

#### A. FEDERAL

##### **Farmland Protection Policy Act (FPPA)**

The Farmland Protection Policy Act is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that—to the extent possible—federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. The FPPA is overseen by the U.S. Department of Agriculture's Natural Resources Conservation Service.

#### B. STATE

##### **California Land Conservation Act**

The Williamson Act (California Land Conservation Act, California Government Code, Section 51200 et. seq.) is a statewide mechanism for the preservation of agricultural land and open space land. The Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property

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tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.

In February 2010, the County decided to not accept any new Williamson Act contracts and not to renew existing contracts. Notices of nonrenewal were sent to all landowners with Williamson Act contracts in the County with the expectation of removing the County from the Williamson Act Program by 2018 (Penberth 2013).

### **Department of Conservation**

The Department of Conservation (DOC) Division of Land Resource Protection (Division) prepared a letter providing guidance regarding the potential impacts of solar projects on agricultural land and resources. The DOC “considers the construction of a solar facility that removes and replaces agriculture on agricultural lands to have a significant impact on those agricultural lands...While solar panels may be an allowed use under the county zoning and General Plan, they can and should be considered an impact under CEQA to the project site’s agricultural resources” (Otis 2010).

The letter goes on to state that “Although direct conversion of agricultural land is often an unavoidable impact under the California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered...However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project’s impacts. Pursuant to CEQA Guideline Section 15370, mitigation includes measures that “avoid, minimize, rectify, reduce or eliminate, or compensate” for the impact. All measures allegedly feasible should be included in the DEIR. Each measure should be discussed, as well as the reasoning for selection or rejection. A measure brought to that attention of the Lead Agency should not be left out unless it is infeasible based on its elements. Finally, when presenting mitigation measures in the DEIR, it is important to note that mitigation should be specific, measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.”

The DOC letter also identified project impacts on agricultural land as follows:

*When determining the agricultural value of the land, the value of a property may have been reduced over the years due to inactivity, but it does not mean that there is no longer any agricultural value. The inability to farm the land, rather than the choice not to do so, is what could constitute a reduced agricultural value. The Division recommends the following discussion under the Agricultural Resources section of the Draft EIR:*

- *Type, amount, and location of farmland (Prime, Unique, and Farmland of Statewide Importance) conversion that may result directly and indirectly from project implementation and growth inducement, respectively.*
- *Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, etc.*
- *Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from uses allowed with the proposed solar facility, as well as impacts from past, current and likely projects in the future.*

*Under California Code of Regulations Section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-*

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*specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites.*

The DOC letter also identified solar facility mitigations and Reclamation Plan to address temporary displacement of agricultural resources. Specific to these issues, the DOC letter states:

*If the solar facility is considered a temporary displacement of agricultural resources, then there should be some assurances that it will be temporary and will be removed in the future. Hence the need for a reclamation plan. The loss of agricultural land (even temporary) represents a reduction in the State's agricultural land resources. The Division has witnessed the negative impacts of non-operational wind power generation facilities and related equipment that have been left to deteriorate on agricultural land. For that reason, the Division offers a variety of permitting conditions the County might use for energy projects on agricultural land:*

- Require a reclamation plan suited for solar facilities, based on the principles of the Surface Mining and Reclamation Act (SMARA). As part of this plan, a performance bond or other similar measures may be used.*
- A typical requirement would be for the soil to be restored to the same condition it was in prior to the solar facility's construction (i.e. pre-Project soil conditions). Whatever project-related material have been brought in, or changes made to the land (i.e. graveling, roads, compaction, equipment), would be removed once the solar facility (or portions of) is no longer active.*
- Solar projects are generally considered to be "temporary." The County could require that a new permit must be applied for after a certain period of time. Because this is a new and unprecedented use of agricultural land, this would allow the county more flexibility in determining what conditional uses or conditions may be most appropriate in the longer term.*
- Require permanent agricultural conservation easements of land of at least equal quality and size as partial compensation for the direct loss of agricultural land.*
- Conservation easements will protect a portion of those remaining agricultural land resources and lessen project impacts in accordance with California Environmental Quality Act (CEA Guidelines Section 15370). The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.*

*Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The proposed conversion of agricultural land should be deemed an impact of at least regional significance. Hence the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surround area. Mitigation for the loss of Prime Farmland is suggested at a 2:1 ratio due to its importance in the State of California. The use of conservation easements is only one form of mitigation and any other feasible mitigation measures should also be considered. Mitigations for temporary solar projects can also be flexible, especially in cases where there is a reclamation plan in place that requires the land to be returned to an agricultural state.*

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### C. LOCAL

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

Agriculture has been the single most important economic activity throughout the history of Imperial County. The County of Imperial General Plan Agricultural Element demonstrates the long-term commitment by the County to the full promotion, management, use, and development and protection of agricultural production, while allowing logical, organized growth of urban areas (Imperial County 1996a). The Imperial County Land Use Plan designates all of the solar field site parcels as “Agriculture” (refer to Figure 4.2-1 in Section 4.2 Land Use).

The Imperial County General Plan Agricultural Element provides goals, objectives, policies and/or programs for conserving agricultural lands while minimizing or avoiding conflicts with urban and other land uses. The Agricultural Element’s Preface to the Goals and Objectives states that “[These] goals and objectives, therefore are important guidelines for agricultural land use decision making. It is recognized, however, that other social, economic, environmental, and legal considerations are involved in land use decisions and that these goals and objectives, and those of other General Plan Elements, should be used as guidelines but not doctrines.” (emphasis added.)

The Imperial County General Plan allows the use of agricultural lands for non-agricultural uses in a number of ways. Objective 1.8 of the Agricultural Element allows conversion of agricultural land to non-agricultural uses only where a clear and immediate need can be demonstrated, based on population projections and lack of other available land (including land within incorporated cities) for such non-agricultural uses (County of Imperial 1996b, p. 30).

The Agricultural Element’s Policy with regard to Preservation of Important Farmland states: “All existing agricultural land will be protected for irrigation agriculture, livestock production, aquaculture, and other non-agricultural uses identified in this General Plan...” (County of Imperial 1996b, p. 39). The Program associated with this Policy provides for certain findings when land is removed from the Agricultural designation<sup>1</sup>.

In 2006, the County adopted the General Plan’s Geothermal/Alternative Energy and Transmission Element (“CIGP Energy Element”). The CIGP Energy Element serves as the primary policy statement by the Board of Supervisors for implementing development policies for alternative energy land uses in Imperial County: Section I(C) explains that the County adopted the CIGP Energy 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)."

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<sup>1</sup> No agricultural land designated except as provided in Exhibit C shall be removed from the Agriculture category except 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. The Board of Supervisors (or Planning Commission) shall be required to prepare and make specific findings and circulate same for 60 days (30 days for parcels considered under Exhibit C of this element) before granting final approval of any proposal which removes land from the Agriculture category (County of Imperial 1996b, p. 39).

The proposed Project will not remove agricultural land from the Agriculture designation. Instead, the proposed will temporarily convert agricultural land to a non-agricultural use for a fixed period of time as allowed with approval of a CUP.

### ***Board of Supervisors' Implementing Policies***

Since adoption of the CIPG Energy Element, and consistent with it and the Agricultural Element, the County Board of Supervisors has taken a number of actions to carry out general plan policies for use of farmland for non-agricultural uses; the Board continues to develop targeted implementing policies. Based upon direction given by the Board of Supervisors on March 1, 2011, a Staff Memorandum (dated September 2, 2011) was prepared by Planning and Development Services staff in response to concerns related to the temporary loss of agricultural land in association with development of solar facilities (Villa 2011). . Thereafter, on January 24, 2015, the Board of Supervisors adopted Resolution No. 2015-005. The "Guidelines for the Public Benefit Program for Use with Solar Power Plants in Imperial County" (Guidelines) attached to the Resolution set forth the Agricultural, Community and Sales Tax Benefits which should accrue to the County from the use of farmland for non-agricultural purposes. In addition, Resolution No. 2015-005 established restricted accounts for the fees collected thereunder and set out an advisory committee to determine uses of the benefit fees collected for mitigation of solar plant impacts. In a February 11, 2014 Memorandum submitted by the Agricultural Commissioner to (and accepted and approved by) the Board of Supervisors, the Agricultural Benefit Advisory Committee reported its progress and requested that the Board take specific actions including approval of the Recommended Funding Allocation Guidelines and Proposed General Procedures/Guidelines for Allocation of Ag Benefit Funds (Valenzuela 2014).

In response to Objective 1.8, the 2011 Staff Memorandum, and Resolution 2012-005, the County hired Development Management Group (DMG) to prepare the *Wistaria Ranch Solar Economic Impact Analysis (EIA)*, *Employment (Jobs) Impact Analysis (JIA)*, *Fiscal Impact Analysis (FIA)*. DMG's Analysis addresses the clear and immediate need for the Project as well as the various types of benefits resulting from the Project. These include: based on the following:

1. A net increase of 17 jobs compared to the jobs for the existing agricultural use;
2. A net increase of \$243 million in new wages compared to the wages for the existing agricultural use; solar job wages are estimated to be \$293 million compared to estimated \$50 million from continuing existing agricultural jobs (Exhibit A; DMG 2014);
3. Approximately 573 construction jobs (DMG 2014, p. 24);
4. Approximately \$451.41 million in overall economic impact to the Imperial Valley Region over the possible 30+ year term from the construction and operation of the Project(Exhibit A; DMG 2014); and
5. Approximately \$24.28 million in gross revenues (sales and property taxes) during the same period (DMG 2014, p. 19).

**Table 4.9-1** provides a consistency analysis of Imperial County General Plan policies relating to agricultural resources applicable to the proposed Full Build-out Scenario and all CUPs (13-0036 thru 13-0052). While this EIR analyzes the Project's consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d) and can be used as substantial evidence to support a finding of consistency required under laws other than CEQA, the Imperial County Board of Supervisors ultimately determines on balance whether the Project is consistent overall with the County's General Plan.

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**TABLE 4.9-1  
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
<b>AGRICULTURAL RESOURCES ELEMENT</b>		
<b>Preservation of Important Farmland</b>		
<p><b>Goal 1:</b> All Important Farmland, including the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, as defined by Federal and State agencies, should be reserved for agricultural uses.</p>	Yes	<p>Based on the LESA model for the overall Project site, the Project is considered to have a potentially significant impact on agricultural resources due to the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The proposed Project would convert 2,188.7 acres of Farmland of Statewide Importance, 394.8 acres of Prime Farmland and 5.5 acres of Unique Farmland (<b>Table 4.9-3</b>). However, mitigation measures MM 4.9.1a and MM 4.9.1b would reduce the impact to farmlands by preserving comparable Prime Farmland and non-Prime Farmlands while MM 4.9.1b directs the Applicant to prepare a Reclamation/Decommissioning Plan: In addition, the Project's ground lease requires the Applicant to restore the affected parcels back to pre-Project soil conditions. Likewise, the Project Description includes restoration of the Project site. Therefore, the proposed Project is consistent with this goal.</p>
<p><b>Objective 1.1</b> Maintain existing agricultural land uses outside of urbanizing areas and allow only those land uses in agricultural areas that are compatible with agricultural activities.</p>	Yes	<p>The private lands on which the proposed Project is planned are designated Agriculture under the General Plan and have corresponding zoning of A-2 - General Agriculture; A-2-R - General Agriculture, Rural Zone; and A-3 - Heavy Agriculture. Solar energy electrical generators, electrical power generating plants, substations, and facilities for the transmission of electrical energy are allowed as conditional uses in Agricultural zones. In complying with the zoning designations, the Applicant is seeking 17 Conditional Use Permits (CUPs) for the Project. The proposed Project would not remove land from the Agricultural designation of the General Plan or seek a zoning change under the Zoning Ordinance. Such projects may be allowed pursuant to the General Plan and Board of</p>

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		Supervisors' Implementing Policies discussed above under item "C. Local."). The objectives, purpose and need for the proposed Project are identified in Chapter 1.0 Introduction under subsection 1.5). The March 17, 2014 Economic Impact Analysis (EIA)/Employment (Jobs) Impact Analysis/Fiscal Impact Analysis (FIA) addresses such need. The impact analysis in this Section addresses the environmental effects of temporarily converting the solar field site parcels from agricultural production to a solar energy generation facility. The impact analysis in Section 4.2, Land Use, also discusses the Project's consistency with land use regulations. In addition, in its December 11, 2013 letter to the ICPDSD, the DOC states, "[b]ecause the County has concentrated solar facility development in the area, the proposed project is almost entirely surrounded by solar facilities in various states of completion. The Department believes that based on the County's decision to focus solar development in the area, which the Department recognizes as an industrial use of the land, the proposed project will not result in discontinuous patterns of urban development" (Penberth 2013). Therefore, the proposed Project is consistent with this objective.
<b>Objective 1.3</b> Conserve Important Farmland for continued farm related (non-urban) use and development while ensuring its proper management and use.	Yes	The proposed Project conserves Important Farmland in that it does not change the existing Agricultural land use designation from Agriculture. In addition, MM 4.9.1b requires that the Applicant shall submit to Imperial County a Reclamation Plan to return the site to its current agricultural condition. In this way, the proposed Project ensures the long-term proper management and agricultural use of the affected parcels. Therefore, the proposed Project is consistent with this objective.
<b>Objective 1.4</b> Discourage the location	Yes	The proposed Project would place a solar



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General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
of development adjacent to productive agricultural lands.		energy generation facility in a rural industrial area of the County characterized by agricultural land and solar development. As noted under the analysis of Objective 1.1, “the County has concentrated solar facility development in the area” (Penberth 2013). As such, the proposed Project is almost entirely surrounded by solar facilities in various states of completion. Given that the County has directed solar development to this area of the County; that solar energy generation facilities are conditionally allowed on lands zoned for Agriculture; and the presence of solar development would not interfere with or preclude production on adjacent agricultural lands because it is subject to the County’s Right to Farm Ordinance and required to prepare and comply with site-specific pest, weed and dust control plans. Therefore, the proposed Project is considered consistent with this objective.
<b>Objective 1.5</b> Direct development to less valuable farmland (i.e., Unique Farmland and Farmland of Local Importance rather than Prime Farmland or Farmland of Statewide Importance) when conversion of agricultural land is justified.	Yes	As noted under the analysis of Goal 1, the proposed Project would convert 2,188.7 acres of Farmland of Statewide Importance, 394.8 acres of Prime Farmland and 5.5 acres of Unique Farmland ( <b>Table 4.9-3</b> ). The conversion would be temporary in nature and each CUP would be in operation for 30 years. Solar development is being concentrated in this portion of the County and the Applicant will be required to mitigate temporary loss of agricultural land by entering into a Development Agreement with the County which addresses the requirements of the Guidelines and the County’s use of funds provided under those Guidelines. In addition, the Applicant must prepare, and have approved by the County, a Reclamation Plan prior to the issuance of a grading permit for the Project. The Reclamation Plan must address restoration of the soil to pre-construction conditions as

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General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		determined in part by the LESA score and provide financial security for that plan. (See Section 2.1.6). Refer to the discussion under Goal 1 and Objective 1.1. Therefore, the proposed Project is consistent with this objective on an overall, long-term basis.
<b>Objective 1.6</b> Recognize and preserve unincorporated areas of the County, outside of city sphere of influence areas, for irrigation agriculture, livestock production, aquaculture, and other special uses.	Yes	The proposed Project is located in an unincorporated portion of the County characterized by rural industrial development and specifically within an area already used for solar development (Penberth 2013). The proposed Project is a special use in that it is a solar energy generation facility that requires a CUP. Its placement in an area devoted to agricultural and solar generation facilities outside sphere of influence of any city makes the proposed Project consistent with this objective.
<b>Objective 1.8</b> Allow conversion of agricultural land to non-agricultural uses only where a clear and immediate need can be demonstrated, based on population projections and lack of other available land (including land within incorporated cities) for such non-agricultural uses. Such conversion shall also be allowed only where such uses have been identified for non-agricultural use in a city general plan or the County General Plan, and are supported by a study to show a lack of alternative sites.	Yes	The proposed Project involves the temporary conversion of agricultural land to a solar energy generation facility which is an allowed use on land designated as Agriculture with approval of a CUP. The clear and immediate need for the proposed Project is set forth in the March 17, 2014 Economic Impact Analysis (EIA); Employment (Jobs) Impact Analysis; Fiscal Impact Analysis (FIA); and Statement of Potential for Urban Decay (DMG 2013): the proposed Project would provide a new source of renewable energy to assist the State of California in achieving and exceeding the RPS while also expanding the renewable energy sector in the County's economy. The need for renewable energy would assist with meeting existing demand as well as future electricity demand associated with planned population growth in the County and State. The Project covers approximately 2,793 acres that are not otherwise available in close proximity to existing transmission infrastructure without encroaching into sensitive desert areas. By locating on previously disturbed land, the

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General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		Project avoids and preserves disturbing sensitive desert habitat. Alternatively, a Project of this size and industrial nature would not be appropriate within any of the County's incorporated cities or sphere of influences due, in part, to impacts on circulation near incorporated cities and impacts on the ability of incorporated cities to make use of sphere of influence lands for a variety of land use options. The Project is proposed on previously disturbed land in an area where the County has chosen to focus solar development (Penberth 2013). Based on the existing conditions in the area, the proposed Project serves as infill. Therefore, the proposed Project is consistent with this objective.
<b>Objective 1.9</b> Preserve major areas of Class II and III soils which are currently nonirrigated but which offer significant potential when water is made available.	Yes	The proposed solar field site parcels are served by IID infrastructure and in line with the coordinated land use/water supply strategy. In 2012, the IID Board of Directors adopted the Temporary Land Conversion Following Policy (TLCFP). The TLCFP developed a framework for a temporary, long-term following program to work in concert with the Interim Water Supply Policy for Non-Agricultural Projects (IWSP). (Note: Water associated with following is discussed in the cumulative impact analysis included in Section 4.11, Hydrology and Water Quality). The Project will not take water which otherwise might be available for presently non-irrigated Class II and Class III soils. Therefore, the proposed Project would preserve Class II and III soils located elsewhere in the County and is considered consistent with this objective.
<b>Objective 1.10</b> Hazard-prone areas such as earthquake faults and aircraft impact zones should remain designated for agricultural uses.	Yes	The proposed Project site does not have any known earthquake faults nor is it located within an aircraft impact zone. Therefore, the proposed Project is consistent with this objective. Refer also to Section 4.10, Hazards and Hazardous Materials.

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General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
<b>Objective 1.11</b> Control and prevent soil erosion when possible.	Yes	Potential for erosion is typically greatest during construction when soils are disturbed and exposed. The Applicant will implement mitigation measures MM 4.4.1a (Section 4.4, Air Quality), MM 4.11.1a, MM 4.11.1b, MM 4.11.1c and 4.11.1d (Section 4.11, Hydrology and Water Quality), and County site design and retention requirements to control and prevent erosion. Therefore, the proposed Project is consistent with this objective.
<b>Goal 2:</b> Adopt policies that prohibit "leapfrogging" or "checkerboard" patterns of non-agricultural development in agricultural areas and confine future urbanization to adopted Sphere of Influence areas.	Yes	The proposed Project support's the County's position regarding "leapfrogging" and "checkerboard" development patterns. The Project is proposed in an area of the County that currently contains solar development that is outside the Sphere of Influence of County cities. The proposed Project is located away from other non-solar uses and provides for on-site water and sewer infrastructure to serve only that facility; therefore, there will be no new infrastructure which would encourage development of non-solar urban uses. Therefore, the proposed Project is consistent with this Goal. Refer the analysis under Objective 2.1, below.
<b>Objective 2.1</b> Do not allow the placement of new non-agricultural land uses such that agricultural fields or parcels become isolated or more difficult to economically and conveniently farm.	Yes	The proposed Project would not isolate or restrict access to surrounding agricultural lands because it is part of a pattern of industrial development in this focused area of the County. The DOC has stated, "[b]ecause the County has concentrated solar facility development in the area, the proposed project is almost entirely surrounded by solar facilities in various states of completion. The Department believes that based on the County's decision to focus solar development in the area, which the Department recognizes as an industrial use of the land, the proposed project will not result in discontinuous patterns of urban development." Furthermore, the Project is subject to the County's Right to Farm Ordinance to insure that it does not have

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General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		impacts on any neighboring farm operations. (Refer also to analysis under Goal 6, below) Finally, the Project features include allowing farming to continue in the CUP areas until there is a need for that particular CUP area to be developed for solar energy generation.
<b>Objective 2.3</b> Maintain agricultural lands in parcel size configurations that help assure that viable farming units are retained.	Yes	The proposed Project would not change the size of any of the solar field site parcels proposed for development. The parcel sizes and configuration would remain unchanged thereby facilitating reclamation to pre-Project conditions to support farming. Therefore, the proposed Project is consistent with this objective.
<b>Objective 2.4</b> Discourage the parcelization of large holdings.	Yes	The proposed Project involves approximately 2,793 acres of land (inclusive of roadways and canals). However the Project does not involve any change in the size of the existing parcels on which the CUPs are proposed. Therefore, the proposed Project is consistent with this objective.
<b>Objective 2.6</b> Discourage the development of new residential or other non-agricultural areas outside of city "spheres of influence" unless designated for non-agricultural use on the County General Plan, or for necessary public facilities.	Yes	As explained under the consistency discussion of Goal 1, the proposed Project would not require a change in land use designation from Agriculture to a non-agricultural designation. The proposed Solar Energy Center is considered an allowable use with a CUP. Moreover, as demonstrated by the December 2013 letter from the Department of Conservation, the County has chosen to focus solar development in this area of the County. (Refer also to analysis for Goal 2, above). Therefore, the proposed Project is consistent with this objective.
<b>Preservation of Important Farmland Policy</b>		
<b>Policy</b> The overall economy of Imperial County is expected to be dependent upon the agricultural industry for the foreseeable future. As such, all agricultural land in Imperial County is considered as Important Farmland, as defined by Federal and State agencies, and	Yes	See analysis under Goal 1 and its objectives: Preservation of Important Farmland. This policy does not preclude all non-agricultural uses from important farmland. Rather, the policy indicates that that "all existing agricultural land be protected for irrigation agriculture, livestock production, aquaculture, and other non-agricultural uses

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<p>should be reserved for agricultural uses. Agricultural land may be converted to non- agricultural uses only where a clear and immediate need can be demonstrated, such as requirements for urban housing, commercial facilities, or employment opportunities. All existing agricultural land will be preserved for irrigation agriculture, livestock production, aquaculture, and other agriculture-related uses except for non-agricultural uses identified in this General Plan or in previously adopted City General Plans.</p>		<p>identified in this General Plan..." Alternative energy is among the non-agricultural uses for agricultural land identified in the General Plan. Accordingly, this policy acknowledges that the County General Plan balances agriculture and alternative energy uses. In 2006, the County adopted the General Plan's Geothermal/Alternative Energy and Transmission Element which serves as the primary policy statement by the Board of Supervisors for implementing development policies for alternative energy land uses in Imperial County. Section I(C) explains that the County adopted the Geothermal/Alternative Energy and Transmission 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)". The County has implemented these policies, Resolution 2012-005 and the Guidelines adopted by that Resolution which set forth the benefits to be received from solar projects on farmland. Therefore, the proposed Project is consistent with this Policy.</p>

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General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
<b>Development Patterns and Locations on Agricultural Land</b>		
<p><b>Policy</b> "Leapfrogging" or "checkerboard" patterns of development have intensified recently and result in significant impacts to the efficient and economic production of adjacent agricultural land. It is a policy of the County that leapfrogging will not be allowed in the future. All new non-agricultural development will be confined to areas identified in this plan for such purposes or in Cities' adopted Spheres of Influence, where new development must adjoin existing urban uses. Non-agricultural residential, commercial, or industrial uses will only be permitted if they adjoin at least one side of an existing urban use, and only if they do not significantly impact the ability to economically and conveniently farm adjacent agricultural land.</p>	Yes	<p>The proposed Project is not checkerboard development because it is part of a pattern of urban development that is focused in a specific area of the County. The DOC states, "[b]ecause the County has concentrated solar facility development in the area, the proposed project is almost entirely surrounded by solar facilities in various states of completion. The Department believes that based on the County's decision to focus solar development in the area, which the Department recognizes as an industrial use of the land, the proposed project will not result in discontinuous patterns of urban development" (Penberth 2013). Furthermore, the Project is subject to the County's Right to Farm Ordinance to insure that it does not have impacts on the efficient and economic production of adjacent agricultural land. (Refer to analysis under Goal 6, below). Moreover, the Project features include allowing farming to continue in the CUP areas until there is a need for that particular CUP area to be developed for solar energy generation thus ensuring the efficient and economic production of adjacent agricultural land. While the proposed Project is part of an existing pattern of special solar generation urban uses, it does not require the extension of water and sewer pipelines and roads that are generally the concern with a checkerboard development of non-agricultural uses (e.g. commercial and residential developments) outside a city's sphere of influence. If this policy were interpreted literally to require an urban use such as a large solar farm to be located within a city's sphere of influence, its size would present compatibility problems with the urban character of that city. Instead, the proposed Project is located away from other non-solar urban uses, provides on-site water</p>

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-1**  
**IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		and wastewater infrastructure, and does not require construction of new transportation infrastructure. By not constructing new infrastructure, the proposed Project would discourage development of the types of non-solar urban uses that this policy was designed to discourage. Therefore, for all these reasons, the proposed Project is consistent with this policy.
<b>Agricultural and Non-Agricultural Land Use Relations</b>		
<b>Goal 3:</b> Limit the introduction of conflicting uses into farming areas, including residential development of existing parcels which may create the potential for conflict with continued agricultural use of adjacent property.	Yes	The proposed Project, as a solar generation facility, is not considered a conflicting use with farming. Rather, it is an allowed use with a CUP. Furthermore, no conflict with surrounding lands in agricultural production would occur because the proposed Project is subject to the County's Right to Farm Ordinance and is a solar in-fill project (Penberth 2013). The Project is also required to comply with site-specific weed, pest and dust control plans. Therefore, the proposed Project is consistent with this goal.
<b>Objective 3.5</b> As a general rule, utilize transitional land uses around urban areas as buffers from agricultural uses. Such buffers may include rural residential uses, industrial uses, recreation areas, roads, canals, and open space areas.	Yes	The proposed Project, as a solar generation facility, is considered an industrial use. While the Project is located approximately six miles southwest of the City of El Centro, California, and five-and-a-half miles directly west of the City of Calexico, California, it would be considered a transitional use. As an industrial use, the proposed Project would serve as a buffer between developed urban areas (i.e. cities) and rural and agricultural uses. Therefore, the proposed Project is consistent with this objective.
<b>Objective 3.6</b> Where a development permit is sought adjacent to agricultural land use, protect agricultural operations by requiring appropriate buffer zones between agricultural land and new developments, and then keep these zones aesthetically pleasing and free	Yes	The proposed Project would have an industrial appearance that would be visible from a few surrounding rural residences and roadways. However, the proposed Project would not significantly alter the overall character of the Project area, which already consists of a pattern of agricultural fields and solar generation fields. The Project is



## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-1  
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
<p>of pests by cleaning them of all garbage and noxious vegetation. Vegetation for the purpose of dust control shall be planted and maintained in an attractive manner. The buffer shall occur on the parcel for which the development permit is sought and shall favor protection of the maximum amount of farmland.</p>		<p>required to comply with zone A-2 and A-2-R regulations specifying a 30-foot front yard setback, 5- to 30-foot side yard setback, and 10-foot rear yard setback identified in County Land Use Ordinance 90508.06. Invasive weeds and vegetation will be monitored and removed during operation of the facility pursuant to the Weed and Pest Control Plan included as part of the Applicant proposed Design Features (refer to Table 2.0-9 in Chapter 2.0, Project Description). Therefore, the proposed Project is consistent with this objective.</p>
<p><b>Objective 3.7</b> Land use decisions regarding property contiguous to agricultural operations shall give consideration to creation of large parcel sizes to minimize conflicts with such operations.</p>	<p align="center">Yes</p>	<p>The proposed Project would not change the size of any of the solar field site parcels. In some cases, multiple parcels would be combined for development of CUPs. The CUPs would range in size from approximately 76.64 acres to 241.98 acres (refer to Table 2.0-1 in Chapter 2.0). As previously noted, no conflict with surrounding lands in agricultural production would occur because the proposed Project is subject to the County's Right to Farm Ordinance. (Refer to analysis under Goal 6, below) Therefore, the proposed Project is consistent with this objective.</p>
<b>Agricultural Regulations</b>		
<p><b>Goal 6:</b> Strive to prevent the adoption of inappropriate, unnecessary, and restricting Federal, State, and local regulations that threaten the ability of farmers and livestock producers to profitably produce food and fiber for the nation.</p>	<p align="center">Yes</p>	<p>The proposed Project, as a "solar energy electrical generator" is an allowed use within zones A-2, A-2-R and A-3 with approval of a Conditional Use Permit. In addition, Division 2, Title 6 of the Codified Ordinances of the County of Imperial, contains the Right to Farm Ordinance. The Ordinance states that "It is the declared policy of this County to enhance and encourage agricultural operations within the County." It further outlines and clarifies "circumstances under which agricultural operations may be considered a nuisance" in order to promote a good neighbor policy and protect existing agricultural operations functioning in</p>

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-1  
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		accordance “with proper and accepted customs and standards as established and followed by similar agricultural operations in Imperial County.” The proposed Project would be subject to the Right to Farm Ordinance relative to nuisance issues. Likewise, the proposed Project would allow existing agricultural operations to continue until such time as the CUP is developed thereby avoiding the premature elimination of agricultural activities. For these reasons, the proposed Project is consistent with this Goal
<b>CONSERVATION AND OPEN SPACE</b>		
<b>Preservation of Agricultural Land</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	Refer to the consistency analysis under Goal 1 and its policies (Preservation of Important Farmland) and Goal 2 and its policies (checkerboard development).
<b>Conservation of Energy Resources</b>		
<b>Goal 6</b> The County shall seek to achieve the maximum conservation practices and maximum development of renewable alternative sources of energy.	Yes	The proposed Project is consistent with this goal for the reasons stated under the consistency analysis for the “Preservation of Important Farmland Policy,” above. In addition, in 2006, the County adopted the General Plan’s Geothermal/Alternative Energy and Transmission Element. This Element serves as the primary policy statement by the Board of Supervisors for implementing development policies for alternative energy land uses in Imperial County and provides guidance regarding “maximum development of renewable energy”. The benefits of developing alternative energy are identified under the “Preservation of Important Farmland Policy,” above. Consistent with these benefits, the proposed Project will require substantial purchase of goods and services to manufacture the facility with the purchase

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-1  
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		points to be in Imperial County in order to provide sales tax revenues for the County. In addition, the proposed Project's ground lease/purchases provides funds to the local landowners and farmers to support agricultural programs and businesses. The proposed Project will also provide a significant number of construction jobs. The proposed Project's indirect effects include the displacement <sup>2</sup> of carbon-fuel based generation facilities to meet demand for electricity, thus reducing greenhouse gas emissions. The proposed Project's electricity generation qualifies for the RPS thus assisting the state with meeting and exceeding its RPS. Therefore, 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 generation facility, the proposed Project is an alternative, renewable energy source. Therefore, the proposed Project is consistent with this objective.
<b>Objective 6.4</b> Minimize environmental impact of energy sources.		The proposed Project is located in an area of previously disturbed agricultural land used for solar facilities and avoids sensitive undisturbed areas and desert habitat. No significant biological impacts were identified that could not be mitigated (refer to Section 4.12, Biological Resources). In addition, the Project would reduce GHG emissions that would otherwise be produced by electricity generated from fossil fuels. Temporary conversion of agricultural land would be addressed through mitigation measures MM 4.9.1a and MM 4.9.1b. Therefore, the proposed Project is consistent with this objective.
<b>Objective 6.5</b> Minimize possibility of energy shortages and resulting hardships.	Yes	The proposed Project would add up to 250 MW of renewable energy that would be available to the electrical grid. The addition

<sup>2</sup> Solar plants displace the need to develop as many future carbon-based peaker power plants compared to the number needed without development of solar plants in order to meet existing and planned future electricity demands. Solar plants do not cause existing carbon-based plants to shut down. Such existing plants close upon termination of their own permits or in some cases due to violations of their permits.

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-1  
IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		of this power would help to ensure a reliable supply of power to meet demands as well as the assist the State with reaching its RPS goal. Therefore, the proposed Project is consistent with this objective.
<b>Objective 6.6</b> Encourage compatibility with National and State energy goals and city and community general plans.	Yes	The electricity generated by the proposed Project will be eligible for use by California electric utilities to satisfy procurement obligations under the State's RPS program. The Project is also consistent with the County's Geothermal/Alternative Energy and Transmission Element. Therefore, the proposed Project is consistent with this objective.
<b>GEOTHERMAL/ALTERNATIVE ENERGY AND TRANSMISSION ELEMENT</b>		
<b>Agricultural Lands and Biological Resources</b>		
<b>Goal 2</b> The County will minimize all impacts to agricultural lands and biological resources that could potentially result from the development of geothermal/alternative resources.	Yes	The proposed Project has been analyzed for impacts to agricultural and biological resources as evidenced through the preparation of a LESA Model (AECOM 2014a) and Biological Technical Report (AECOM 2014e). The findings of the LESA Model and impacts to agricultural land are discussed in Section 4.9, Agricultural Resources. The findings of the BTR and Section 4.12, Biological Resources, which discusses the potential impacts to sensitive species. The potential impacts of the Project on agricultural and biological resources will be mitigated to less than significant levels through Applicant-proposed BMPs and Design Features (refer to Table 2.0-9 in Chapter 2.0, Project Description) as well as Project-specific mitigation measures (refer to Section 4.9, Agricultural Resources and Section 4.12, Biological Resources). The County, through adoption of the Geothermal/Alternative Energy and Transmission Element in 2006, recognizes the benefits of alternative energy development (refer also to consistency analysis for the Policy under Development Patterns and

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-1**  
**IMPERIAL COUNTY GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		Locations on Agricultural Land of the Agricultural Resources Element, above). Therefore, the proposed Project is consistent with this objective.
<b>Objective 2.4</b> Carefully analyze the potential impacts on agricultural and biological resources from each project.		The proposed Project has been analyzed for impacts to agricultural and biological resources as evidenced through the preparation of a LESA Model (AECOM 2014a) and Biological Technical Report (AECOM 2014e). Refer to the consistency analysis under Goad 2, above.

### **Imperial County Zoning Ordinance**

Imperial County's Zoning Ordinance establishes land use zones and regulations for the use of land and buildings in the unincorporated areas of the County. The Zoning Ordinance is an implementation of the County's General Plan and provides more specific requirements than are provided in the General Plan. All of the solar field site parcels are zoned for Agriculture (A-2, A-2-R and A-3).

### **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. The solar field site parcels and surrounding properties are currently used for agricultural operations and similar solar energy generating facilities.

### **County of Imperial Williamson Act Rules and Procedures**

In 2000, the Imperial County Board of Supervisors adopted the Williamson Act and the provisions established by California Revenue and Taxation Code Section 423.3. The Board of Supervisors also adopted Resolution 200-084, which established the County of Imperial Rules of Procedure to Implement the California Land Conservation Act of 1965 (Rules). The Rules set forth eligibility criteria and standards for the establishment of an agricultural preserve, expansion of an agricultural preserve, and removal of land from an agricultural preserve. The Rules also establish requirements for Land Conservation Contracts and local monitoring requirements.

On February 23, 2010, the Imperial County Board of Supervisors voted to not accept any new Williamson Act contracts and not to renew existing contracts, due to the elimination of the subvention funding from the state budget. The County reaffirmed this decision in a vote on October 12, 2010, and notices of nonrenewal were sent to landowners with Williamson Act contracts following that vote. The applicable deadlines for challenging the County's actions have expired, and therefore all Williamson Act contracts in Imperial County will terminate on or before December 31, 2018.

### 4.9.2 ENVIRONMENTAL SETTING

#### A. REGIONAL SETTING

Imperial County covers an area of 4,597 square miles or 2,942,080 acres. Agricultural production has been the major economic industry in Imperial County since the 1900s. Several factors including climate, fertile soils, and the irrigation water have led to Imperial County's agricultural productivity. Imperial County also has come to be recognized as a significant area for development of alternative energy facilities, including solar, wind and geothermal energy. For the same reasons that support agriculture (sun almost 365 days/year) solar energy development has increased at the same time as there have been economic challenges to agricultural production and changes in water availability and cost.

Several factors have significantly altered the agricultural conditions in the County. In the past five to seven years, there has been an increase in utility scale solar development in the County driven by California's RPS requiring electric utilities in the State to increase procurement of eligible renewable energy resources to achieve a target of 20 percent of annual retail sales by year 2010. In response, the County has allowed solar development to become part of the Imperial Valley landscape. More specifically, solar development has been focused in the area south of I-8 and north of the U.S./Mexico border between the desert and east of the cities of Calexico and El Centro and the Township of Heber. Refer to **Table 4.9-25** regarding the percentage of farmland in agriculture versus that in solar production.

#### **Important Farmlands**

##### ***Farmland Mapping and Monitoring Program (FMMP)***

The DOC Farmland Mapping and Monitoring Program (FMMP) produces Important Farmland Maps which document resource quality and land use information. USDA Soil Survey information and the corresponding Important Farmland candidacy recommendations are used for assessing local land.

The FMMP is intended to assist decision-makers in assessing present status, reviewing trends, and planning for the future of California's agricultural land resources. According to the 2010 FMMP Map of Imperial County Important Farmland, both the Full Build-out Scenario and Phased CUP Scenario contain land designated as Prime Farmland, Farmland of Statewide Importance and Unique Farmland. The DOC definitions of each Important Farmland category (as noted on the 2010 FMMP Map of Imperial County Important Farmland) are provided below along with the CUPs that contain these various categories.

#### **Prime Farmland**

Prime Farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date (DOC 2010). The Full Build-out Scenario, with the exception of CUPs 13-0037 (**Table 4.9-5b**), 13-0041 (**Table 4.9-9b**), 13-0044 (**Table 4.9-12b**), 13-0051 (**Table 4.9-19b**), and 13-0052 (**Table 4.9-20b**), includes areas designated as Prime Farmland (refer to **Table 4.9-3**, below).

#### **Farmland of Local Importance**

Farmland of Local Importance is defined as unirrigated and uncultivated lands with prime and statewide soils (DOC 2010). Neither the Full Build-out Scenario (refer to **Table 4.9-3**, below) or any of the CUPs (13-0036 thru 13-0052 as identified in **Tables 4.9-4b thru 4.9-20b**) include areas designated as Farmland of Local Importance.

## 4.9 AGRICULTURAL RESOURCES

### Farmland of Statewide Importance

Farmland of Statewide Importance is similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date (DOC 2010). The Full Build-out Scenario (refer to **Table 4.9-3**, below) and all CUPs (13-0036 thru 13-0052 as identified in **Tables 4.9-4b thru 4.9-20b**) include areas designated as Farmland of Statewide Importance.

### Unique Farmland

Unique farmland consists of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date (DOC 2010). The Full Build-out Scenario (refer to **Table 4.9-3**, below) and three CUPs (13-0045, 13-0046, and 13-0047 as identified in **Tables 4.9-13b thru 4.9-15b**) include areas designated as Unique Farmland (refer to **Table 4.9-3**, below).

### Other Land

Other land is land not included in any other mapping category. Common Examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as other land (DOC 2010). Neither the Full Build-out Scenario (refer to **Table 4.9-3**, below) or any of the CUPs (13-0036 thru 13-0052 as identified in **Tables 4.9-4b thru 4.9-20b**) include areas designated as Other Land.

### Urban and Built-Up Land

Urban and built-up land is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures (DOC 2010). Neither the Full Build-out Scenario (refer to **Table 4.9-3**, below) or any of the CUPs (13-0036 thru 13-0052 as identified in **Tables 4.9-4b thru 4.9-20b**) include areas designated Urban and Built-Up Land.

### **Imperial County Important Farmlands and Conversion of Farmlands**

**Table 4.9-2** depicts the conversions of agricultural land to non-agricultural uses within Imperial County from 2008-2010. As depicted in this table, the 2010 inventory of important farmlands included 194,137 acres of Prime, 307,221 acres of Statewide Importance, 2,141 of Unique, and 35,774 acres of Farmland of Local Importance.

**TABLE 4.9-2**  
**IMPERIAL COUNTY CHANGE IN AGRICULTURAL LAND USE SUMMARY (2008 – 2010)**

Land Use Category	Total Acreage Inventoried		2008 - 2010 Acreage Conversion			
	2008	2010	Lost (-)	Gained (+)	Total Acreage Changed	Net Acreage Changed
Prime Farmland	195,588	196,137	1,865	414	2,279	-1,451
Farmland of Statewide Importance	311,047	307,221	4,579	753	5,332	-3,826
Unique Farmland	2,197	2,141	65	9	74	-56
Farmland of Local Importance	32,109	35,774	1,664	5,329	6,993	3,665

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-2**  
**IMPERIAL COUNTY CHANGE IN AGRICULTURAL LAND USE SUMMARY (2008 – 2010)**

Land Use Category	Total Acreage Inventoried		2008 - 2010 Acreage Conversion			
	2008	2010	Lost (-)	Gained (+)	Total Acreage Changed	Net Acreage Changed
<b>Important Farmland Subtotal</b>	<b>540,941</b>	<b>539,273</b>	<b>8,173</b>	<b>6,505</b>	<b>14,678</b>	<b>-1,668</b>
Grazing Land	0	0	0	0	0	0
Agricultural Land Subtotal	540,941	539,273	8,173	6,505	14,678	-1,668
Urban and Built-Up Land	27,709	28,485	83	859	942	776
Other Land	458,829	460,001	338	1,510	1,848	1,172
Water Area	1,029	749	293	13	306	-280
<b>Total Area Inventoried</b>	<b>1,028,508</b>	<b>1,028,508</b>	<b>8,887</b>	<b>8,887</b>	<b>17,774</b>	<b>0</b>

Source: DOC 2012b.

As shown in **Table 4.9-2**, there was a net loss of 1,668 acres of Important Farmlands in Imperial County from 2008-2010. Farmland conversions occurred for a variety of reasons, including fallowing of lands resulting in a conversion to a non-irrigated classification, and conversion to urban and other uses due to development of farmsteads, rural commercial facilities, low-density housing, mining facilities, and dairy expansions. The trend in the conversion of agricultural land is expected to continue due to development pressure and other factors.

### B. SOLAR ENERGY CENTER

#### Existing Uses

The solar field site parcels consist of 2,793 acres of farmland that comprise the Full Build-out Scenario and all 17 CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario. The majority of these fields are currently in production.

#### Important Farmland Categories

##### **Full Build-out Scenario**

**Figure 4.9-1a** depicts the Important Farmlands Classifications on the Full Build-out Scenario. **Table 4.9-3** summarizes the important farmland acreage within the Full Build-out Scenario. As shown, the majority of the land within the Full Build-out Scenario is designated Farmland of Statewide Importance (2,188.7 acres) and a large portion is designated as Prime Farmland (394.8 acres). The remainder of the Full Build-out Scenario is designated as either Unique Farmland (5.5 acres) or Other Land (204.0 acres).

**TABLE 4.9-3**  
**TOTAL IMPORTANT FARMLANDS – FULL BUILD-OUT SCENARIO**

Agriculture Classification	Approximate Acreage on Project Site
Prime Farmland	394.8
Farmland of Local Importance	0.0
Farmland of Statewide Importance	2,188.7
Unique Farmland	5.5
Subtotal Important Farmlands	2,589.0
Other Land	204.0
<b>Total</b>	<b>2,793.0</b>

Source: AECOM 2014a.



## 4.9 AGRICULTURAL RESOURCES

Figure 4.9-1b shows the northern cluster of CUPs (13-0038 thru 13-0049) and Figure 4.9-1c depicts the central and southern CUP clusters (13-0036, 13-0037, 13-0050, 13-0051 and 13-0052). Tables 4.9-4b thru 4.9-20b, below, provide the approximate acreages of Important Farmland Classifications on each CUP.

### CUP 13-0036

The parcels on which CUP 13-0036 is proposed have historically been cultivated with various field crops. Table 4.9-4a summarizes the agricultural crop history for CUP 13-0036 for the period from 2008 to 2014.

**TABLE 4.9-4A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0036**

2008	2009	2010	2011	2012	2013	2014
Alfalfa, Wheat	Alfalfa	Alfalfa	Alfalfa	Alfalfa seed, Alfalfa	Alfalfa, Wheat	N/A

Source: ICACO 2014.

Figure 4.9-1c depicts the Important Farmlands Classifications on CUP 13-0036. Table 4.9-4b summarizes the important farmland acreage within CUP 13-0036. As shown, the majority of the land within CUP 13-0036 is designated Farmland of Statewide Importance (188.5 acres) and the other portion is designated as Prime Farmland (2.0 acres) and Other Land (0.10 acres).

**TABLE 4.9-4B**  
**IMPORTANT FARMLANDS - CUP 13-0036**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	2.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	188.5
Unique Farmland	0.0
Subtotal Important Farmlands	190.5
Other Land	0.1
<b>Total</b>	<b>190.6</b>

Source: AECOM 2014a.

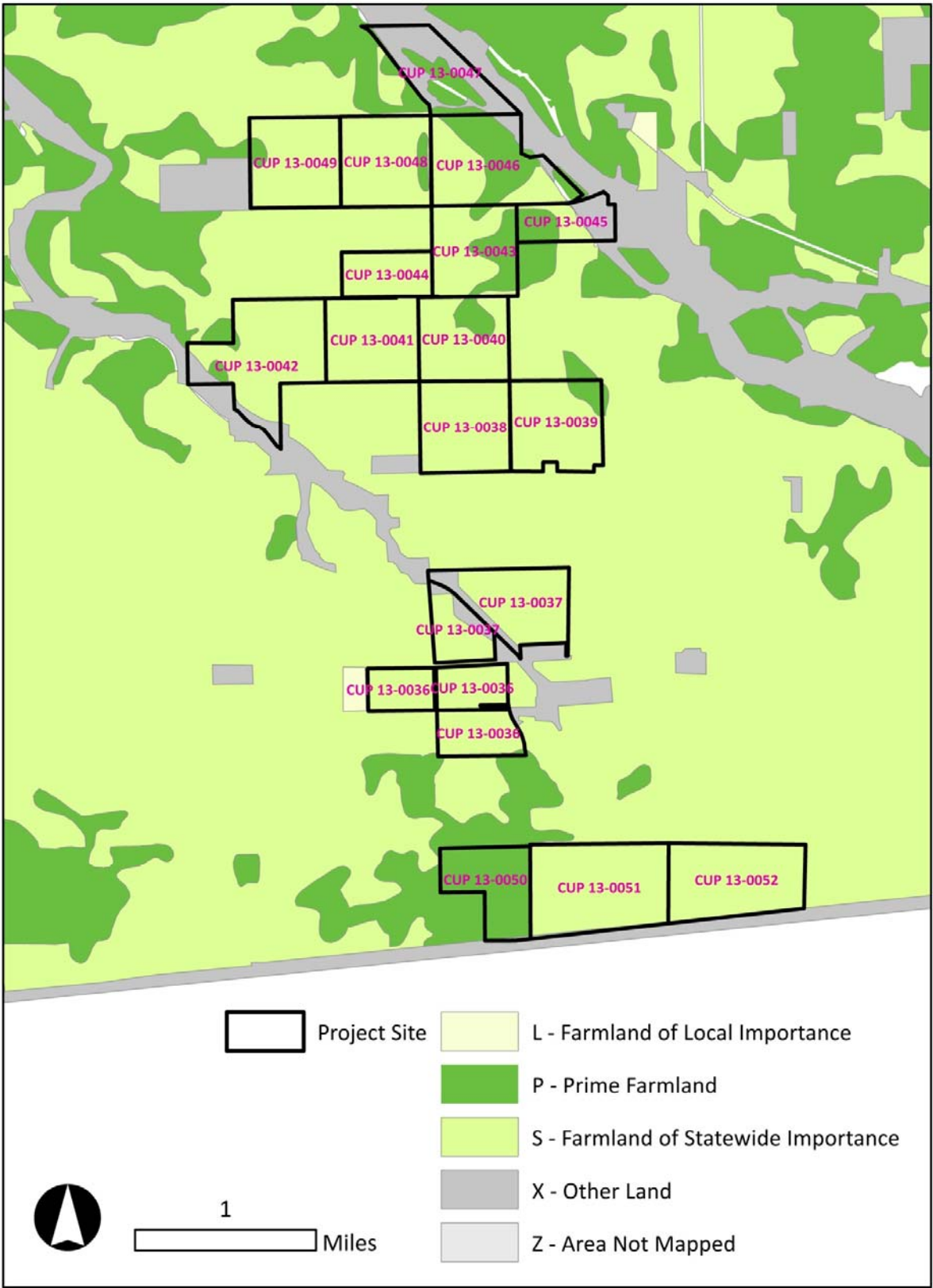
### CUP 13-0037

The parcels on which CUP 13-0037 is proposed have historically been cultivated with various field crops. Table 4.9-5a summarizes the agricultural crop history for CUP 13-0037 for the period from 2008 to 2014.

**TABLE 4.9-5A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0037**

2008	2009	2010	2011	2012	2013	2014
N/A	N/A	N/A	N/A	N/A	Sudangrass	N/A

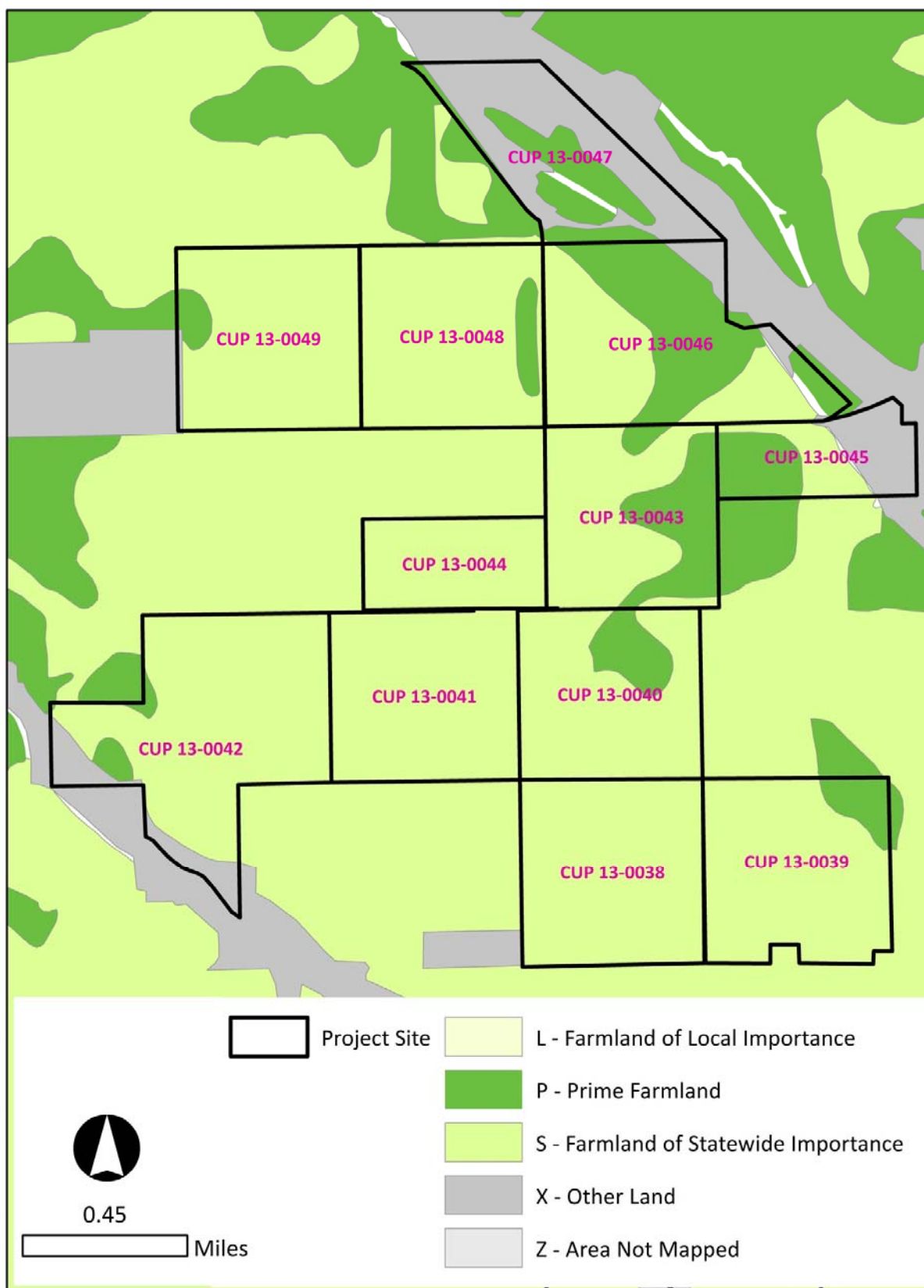
Source: ICACO 2014.



Source: DOC 2010, ESRI.

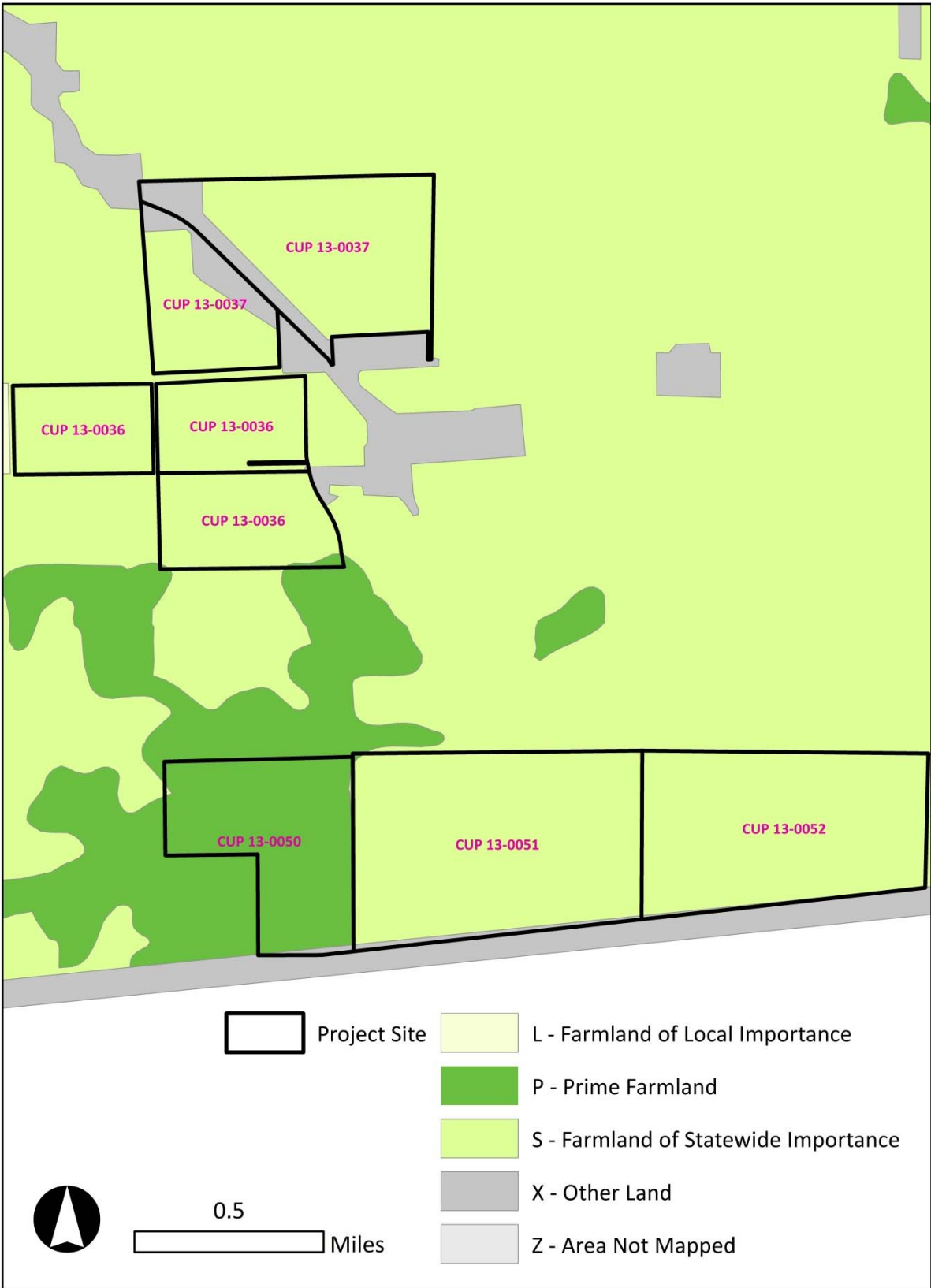
**FIGURE 4.9-1A**  
**MAP OF IMPORTANT FARMLAND – FULL BUILD-OUT SCENARIO/ALL CUPs (13-0036 THRU 13-0052)**

## 4.9 AGRICULTURAL RESOURCES



Source: DOC 2010, ESRI.

**FIGURE 4.9-1B**  
**MAP OF IMPORTANT FARMLAND – NORTHERN CUP CLUSTER (13-0038 THRU 13-0049)**



Source: DOC 2010, ESRI.

**FIGURE 4.9-1C**  
**MAP OF IMPORTANT FARMLAND**  
**CENTRAL (13-0036 & 13-0037) AND SOUTHERN CUP CLUSTERS (13-0050 THRU 13-0052)**

## 4.9 AGRICULTURAL RESOURCES

Figure 4.9-1c depicts the Important Farmlands Classifications on CUP 13-0037. Table 4.9-5b summarizes the important farmland acreage within CUP 13-0037. As shown, the majority of the land within CUP 13-0037 is designated Farmland of Statewide Importance (184.1 acres). The remainder of CUP 13-0037 is designated as Other Land (39.6 acres).

**TABLE 4.9-5b**  
**IMPORTANT FARMLANDS ON CUP 13-0037**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	0.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	184.1
Unique Farmland	0.0
Subtotal Important Farmlands	184.1
Other Land	39.6
<b>Total</b>	<b>223.7</b>

Source: AECOM 2014a.

### CUP 13-0038

The parcels on which CUP 13-0038 is proposed have historically been cultivated with various field crops. Table 4.9-9a summarizes the agricultural crop history for CUP 13-0038 for the period from 2008 to 2014.

**TABLE 4.9-6A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0038**

2008	2009	2010	2011	2012	2013	2014
Bermudagrass Seed	N/A	N/A	N/A	Bermudagrass Seed	N/A	N/A

Source: ICACO 2014.

Figure 4.9-1c depicts the Important Farmlands Classifications on CUP 13-0038. Table 4.9-6b summarizes the important farmland acreage within CUP 13-0038. As shown, the entire land within CUP 13-0038 is designated Farmland of Statewide Importance (162.9 acres).

**TABLE 4.9-6b**  
**IMPORTANT FARMLANDS ON CUP 13-0038**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	0.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	162.9
Unique Farmland	0.0
Subtotal Important Farmlands	162.9
Other Land	0.0
<b>Total</b>	<b>162.9</b>

Source: AECOM 2014a.

## 4.9 AGRICULTURAL RESOURCES

### CUP 13-0039

The parcels on which CUP 13-0039 is proposed have historically been cultivated with various field crops. **Table 4.9-7a** summarizes the agricultural crop history for CUP 13-0039 for the period from 2008 to 2014.

**TABLE 4.9-7A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0039**

2008	2009	2010	2011	2012	2013	2014
N/A	Wheat, Alfalfa	Alfalfa	Alfalfa	Alfalfa Seed	Wheat	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0039. **Table 4.9-7b** summarizes the important farmland acreage within CUP 13-0039. As shown, the majority of the land within CUP 13-0039 is designated Farmland of Statewide Importance (144.8 acres) and the remaining portion is designated as Prime Farmland (15.1 acres).

**TABLE 4.9-7B**  
**IMPORTANT FARMLANDS ON CUP 13-0039**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	15.1
Farmland of Local Importance	0.0
Farmland of Statewide Importance	144.8
Unique Farmland	0.0
Subtotal Important Farmlands	159.9
Other Land	0.0
<b>Total</b>	<b>159.9</b>

Source: AECOM 2014a.

### CUP 13-0040

The parcels on which CUP 13-0040 is proposed have historically been cultivated with various field crops. **Table 4.9-8a** summarizes the agricultural crop history for CUP 13-0040 for the period from 2008 to 2014.

**TABLE 4.9-8A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0040**

2008	2009	2010	2011	2012	2013	2014
Sudangrass, Bermudagrass Seed	N/A	Wheat	Alfalfa	Alfalfa, Sudangrass	Alfalfa, Oat, Sugarbeet	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0040. **Table 4.9-8b** summarizes the important farmland acreage within CUP 13-0040. As shown, the majority of the land within CUP 13-0040 is designated Farmland of Statewide Importance (127.0 acres) and the remaining portion is designated as Prime Farmland (21.5 acres).

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-8B**  
**IMPORTANT FARMLANDS ON CUP 13-0040**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	21.5
Farmland of Local Importance	0.0
Farmland of Statewide Importance	127.0
Unique Farmland	0.0
Subtotal Important Farmlands	148.5
Other Land	0.0
<b>Total</b>	<b>148.5</b>

Source: AECOM 2014a.

### CUP 13-0041

The parcels on which CUP 13-0041 is proposed have historically been cultivated with various field crops. **Table 4.9-9a** summarizes the agricultural crop history for CUP 13-0041 for the period from 2008 to 2014.

**TABLE 4.9-9A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0041**

2008	2009	2010	2011	2012	2013	2014
Bermudagrass Seed	N/A	N/A	N/A	N/A	N/A	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0041. **Table 4.9-9b** summarizes the important farmland acreage within CUP 13-0041. As shown, the entire land within CUP 13-0041 is designated Farmland of Statewide Importance (153.6 acres).

**TABLE 4.9-9B**  
**IMPORTANT FARMLANDS ON CUP 13-0041**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	0.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	153.6
Unique Farmland	0.0
Subtotal Important Farmlands	153.6
Other Land	0.0
<b>Total</b>	<b>153.6</b>

Source: AECOM 2014a.

### CUP 13-0042

The parcels on which CUP 13-0042 is proposed have historically been cultivated with various field crops. **Table 4.9-10a** summarizes the agricultural crop history for CUP 13-0042 for the period from 2008 to 2014.

## 4.9 AGRICULTURAL RESOURCES

**TABLE 4.9-10A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0042**

2008	2009	2010	2011	2012	2013	2014
Onion Seed	N/A	Sudangrass, Wheat	Sudangrass, Alfalfa	Bermudagrass, Sudangrass, Alfalfa	Oat, Sugarbeet, Alfalfa	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0042. **Table 4.9-10b** summarizes the important farmland acreage within CUP 13-0042. As shown, the majority of the land within CUP 13-0042 is designated Farmland of Statewide Importance (198.3 acres) and a portion is designated as Prime Farmland (8.6 acres). The remainder of CUP 13.0042 is designated as Other Land (24.4 acres).

**TABLE 4.9-10b**  
**IMPORTANT FARMLANDS ON CUP 13-0042**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	8.6
Farmland of Local Importance	0.0
Farmland of Statewide Importance	198.3
Unique Farmland	0.0
Subtotal Important Farmlands	206.9
Other Land	24.4
<b>Total</b>	<b>231.3</b>

Source: AECOM 2014a.

### CUP 13-0043

The parcels on which CUP 13-0043 is proposed have historically been cultivated with various field crops. **Table 4.9-11a** summarizes the agricultural crop history for CUP 13-0043 for the period from 2008 to 2014.

**TABLE 4.9-11A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0043**

2008	2009	2010	2011	2012	2013	2014
Wheat	Alfalfa, Wheat	Alfalfa, Alfalfa Seed	Alfalfa, Alfalfa Seed	Alfalfa, Alfalfa Seed, Arugula, Mizuna,	N/A	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0043. **Table 4.9-11b** summarizes the important farmland acreage within CUP 13-0043. As shown, the majority of the land within CUP 13-0043 is designated Farmland of Statewide Importance (101.7 acres) and the remainder is designated as Prime Farmland (50.4 acres).



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**TABLE 4.9-11B**  
**IMPORTANT FARMLANDS ON CUP 13-0043**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	50.4
Farmland of Local Importance	0.0
Farmland of Statewide Importance	101.7
Unique Farmland	0.0
Subtotal Important Farmlands	152.1
Other Land	0.0
<b>Total</b>	<b>152.1</b>

Source: AECOM 2014a.

### CUP 13-0044

The parcels on which CUP 13-0044 is proposed have historically been cultivated with various field crops. **Table 4.9-12a** summarizes the agricultural crop history for CUP 13-0044 for the period from 2008 to 2014.

**TABLE 4.9-12A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0044**

2008	2009	2010	2011	2012	2013	2014
Bermudagrass	N/A	N/A	N/A	Bermudagrass	Bermudagrass	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0044. **Table 4.9-12b** summarizes the important farmland acreage within CUP 13-0044. As shown, the entire land within CUP 13-0044 is designated Farmland of Statewide Importance (79.8 acres).

**TABLE 4.9-12B**  
**IMPORTANT FARMLANDS ON CUP 13-0044**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	0.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	79.8
Unique Farmland	0.0
Subtotal Important Farmlands	79.8
Other Land	0.0
<b>Total</b>	<b>79.8</b>

Source: AECOM 2014a.

### CUP 13-0045

The parcels on which CUP 13-0045 is proposed have historically been cultivated with various field crops. **Table 4.9-13a** summarizes the agricultural crop history for CUP 13-0045 for the period from 2008 to 2014.

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**TABLE 4.9-13A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0045**

2008	2009	2010	2011	2012	2013	2014
N/A	N/A	N/A	N/A	N/A	Forage Hay	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0045. **Table 4.9-13b** summarizes the important farmland acreage within CUP 13-0045. As shown, the majority of the land within CUP 13-0045 is designated Other Land (48.2 acres) and Prime Farmland (25.6 acres). A large portion is designated as Farmland of Statewide Importance (22.0 acres). The remainder of CUP 13-0045 is designated as Unique Farmland (0.9 acres).

**TABLE 4.9-13B**  
**IMPORTANT FARMLANDS ON CUP 13-0045**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	25.6
Farmland of Local Importance	0.0
Farmland of Statewide Importance	22.0
Unique Farmland	0.9
Subtotal Important Farmlands	28.5
Other Land	48.2
<b>Total</b>	<b>76.7</b>

Source: AECOM 2014a.

### CUP 13-0046

The parcels on which CUP 13-0046 is proposed have historically been cultivated with various field crops. **Table 4.9-14a** summarizes the agricultural crop history for CUP 13-0046 for the period from 2008 to 2014.

**TABLE 4.9-14A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0046**

2008	2009	2010	2011	2012	2013	2014
Wheat	Wheat	Wheat	Forage Hay	Forage Hay	Wheat, Forage Hay	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0046. **Table 4.9-14b** summarizes the important farmland acreage within CUP 13-0046. As shown, the majority of the land within CUP 13-0046 is designated Farmland of Statewide Importance (99.5 acres) and a large portion is designated as Prime Farmland (87.6 acres). The remainder of CUP 13-0046 is designated as either Unique Farmland (2.3 acres) or Other Land (12.6 acres).

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**TABLE 4.9-14B**  
**IMPORTANT FARMLANDS ON CUP 13-0046**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	87.6
Farmland of Local Importance	0.0
Farmland of Statewide Importance	99.5
Unique Farmland	2.3
Subtotal Important Farmlands	189.7
Other Land	12.6
<b>Total</b>	<b>202.3</b>

Source: AECOM 2014a.

### CUP 13-0047

The parcels on which CUP 13-0047 is proposed have historically been cultivated with various field crops. **Table 4.9-15a** summarizes the agricultural crop history for CUP 13-0047 for the period from 2008 to 2014.

**TABLE 4.9-15A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0047**

2008	2009	2010	2011	2012	2013	2014
Wheat	Wheat	N/A	Forage Hay, Wheat	Forage Hay	Forage Hay	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0047. **Table 4.9-15b** summarizes the important farmland acreage within CUP 13-0047. As shown, the majority of the land within CUP 13-0047 is designated Other Land (84.3 acres). The remainder of CUP 13-0047 is designated as either Farmland of Statewide Importance (0.2 acres), Unique Farmland (2.3 acres) or Prime Farmland (45.1 acres).

**TABLE 4.9-15B**  
**IMPORTANT FARMLANDS ON CUP 13-0047**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	45.1
Farmland of Local Importance	0.0
Farmland of Statewide Importance	0.2
Unique Farmland	2.3
Subtotal Important Farmlands	47.6
Other Land	84.3
<b>Total</b>	<b>131.9</b>

Source: AECOM 2014a.

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### CUP 13-0048

The parcels on which CUP 13-0048 is proposed have historically been cultivated with various field crops. **Table 4.9-16a** summarizes the agricultural crop history for CUP 13-0048 for the period from 2008 to 2014.

**TABLE 4.9-16A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0048**

2008	2009	2010	2011	2012	2013	2014
Wheat, Corn Seed	Wheat	Wheat	Alfalfa	Alfalfa	Alfalfa	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0048. **Table 4.9-16b** summarizes the important farmland acreage within CUP 13-0048. As shown, the majority of the land within CUP 13-0048 is designated Farmland of Statewide Importance (149.3 acres) and the remainder is designated as Prime Farmland (10.7 acres).

**TABLE 4.9-16B**  
**IMPORTANT FARMLANDS ON CUP 13-0048**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	10.7
Farmland of Local Importance	0.0
Farmland of Statewide Importance	149.3
Unique Farmland	0.0
Subtotal Important Farmlands	160.0
Other Land	0.0
<b>Total</b>	<b>160.0</b>

Source: AECOM 2014a.

### CUP 13-0049

The parcels on which CUP 13-0049 is proposed have historically been cultivated with various field crops. **Table 4.9-16a** summarizes the agricultural crop history for CUP 13-0049 for the period from 2008 to 2014.

**TABLE 4.9-17A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0049**

2008	2009	2010	2011	2012	2013	2014
Sugarbeet	Sugarbeet	Sugarbeet, Wheat	N/A	N/A	N/A	N/A

Source: ICACO 2014.

**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0049. **Table 4.9-17b** summarizes the important farmland acreage within CUP 13-0049. As shown, the majority of the land within CUP 13-0049 is designated Farmland of Statewide Importance (149.7 acres) and a portion is designated as Prime Farmland (7.9 acres). The remainder of CUP 13-0049 is designated as Other Land (2.3 acres).

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**TABLE 4.9-17B**  
**IMPORTANT FARMLANDS ON CUP 13-0049**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	7.9
Farmland of Local Importance	0.0
Farmland of Statewide Importance	149.7
Unique Farmland	0.0
Subtotal Important Farmlands	157.6
Other Land	2.3
<b>Total</b>	<b>159.9</b>

Source: AECOM 2014a.

### CUP 13-0050

The parcels on which CUP 13-0050 is proposed have historically been cultivated with various field crops. **Table 4.9-18a** summarizes the agricultural crop history for CUP 13-0050 for the period from 2008 to 2014.

**TABLE 4.9-18A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0050**

2008	2009	2010	2011	2012	2013	2014
Alfalfa, Alfalfa Seed	Alfalfa, Alfalfa Seed	Wheat	Wheat	Alfalfa, Wheat	Alfalfa	Alfalfa

Source: ICACO 2014.

**Figure 4.9-1c** depicts the Important Farmlands Classifications on CUP 13-0050. **Table 4.9-18b** summarizes the important farmland acreage within CUP 13-0050. As shown, the majority of the land within CUP 13-0050 is designated as Prime Farmland (120.3 acres) and the remainder of CUP 13-0050 is designated as Farmland of Statewide Importance (1.2 acres).

**TABLE 4.9-18B**  
**IMPORTANT FARMLANDS ON CUP 13-0050**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	120.3
Farmland of Local Importance	0.0
Farmland of Statewide Importance	1.2
Unique Farmland	0.0
Subtotal Important Farmlands	121.5
Other Land	2.0
<b>Total</b>	<b>123.5</b>

Source: AECOM 2014a.

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### CUP 13-0051

The parcels on which CUP 13-0051 is proposed have historically been cultivated with various field crops. **Table 4.9-19a** summarizes the agricultural crop history for CUP 13-0051 for the period from 2008 to 2014.

**TABLE 4.9-19A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0051**

2008	2009	2010	2011	2012	2013	2014
N/A	Alfalfa	Alfalfa	Alfalfa	Bermudagrass Seed	Bermudagrass Seed	Bermudagrass Seed

Source: ICACO 2014.

**Figure 4.9-1c** depicts the Important Farmlands Classifications on CUP 13-0051. **Table 4.9-19b** summarizes the important farmland acreage within CUP 13-0051. As shown, the majority of the land within CUP 13-0051 is designated Farmland of Statewide Importance (236.0 acres) and the remainder is designated as Other Land (5.9 acres).

**TABLE 4.9-19B**  
**IMPORTANT FARMLANDS ON CUP 13-0051**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	0.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	236.0
Unique Farmland	0.0
Subtotal Important Farmlands	236.0
Other Land	5.9
<b>Total</b>	<b>241.9</b>

Source: AECOM 2014a.

### CUP 13-0052

The parcels on which CUP 13-0052 is proposed have historically been cultivated with various field crops. **Table 4.9-20a** summarizes the agricultural crop history for CUP 13-0052 for the period from 2008 to 2014.

**TABLE 4.9-20A**  
**AGRICULTURAL CROP HISTORY – CUP 13-0052**

2008	2009	2010	2011	2012	2013	2014
N/A	Alfalfa	Alfalfa	Alfalfa	Bermudagrass Seed	Bermudagrass Seed	Bermudagrass Seed

Source: ICACO 2014.

**Figure 4.9-1c** depicts the Important Farmlands Classifications on CUP 13-0052. **Table 4.9-20b** summarizes the important farmland acreage within CUP 13-0052. As shown, the majority of the land within CUP 13-0052 is designated Farmland of Statewide Importance (190.1 acres) and the remainder is designated as Other Land (4.0 acres).

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**TABLE 4.9-20B**  
**IMPORTANT FARMLANDS ON CUP 13-0052**

Agriculture Classification	Approximate Acreage on Project CUP
Prime Farmland	0.0
Farmland of Local Importance	0.0
Farmland of Statewide Importance	190.1
Unique Farmland	0.0
Subtotal Important Farmlands	190.1
Other Land	4.0
<b>Total</b>	<b>194.1</b>

Source: AECOM 2014a.

### **Agricultural Soils Classifications**

#### ***United States Department of Agriculture Soil Survey***

The United States Department of Agriculture (USDA) conducted a Soil Survey for the Imperial Valley Area and published maps and guidelines to define the condition and location of various kinds of soils in the region (USDA 1981). Soils were characterized according to their appearance, depth, consistency, slope, and erosion factors. The Soil Survey grouped soil types identified in the study into eight soil Capability Classes. The classes were determined according to any limiting characteristics that would prevent the soils from being used for agricultural purposes. These classes are identified in **Table 4.9-21**. Soils are graded from I through VIII, with I denoting the most suitable class for cultivation, and VIII denoting the least suitable for cultivation.

**TABLE 4.9-21**  
**SOIL CAPABILITY CLASSES - CLASS DESCRIPTION**

Class	Description
I	Soils have few limitations that restrict their use.
II	Soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
III	Soils have severe limitations that reduce the choice of plants, require special conservation practices, or both.
IV	Soils have very severe limitations that reduce the choice of plants, require very careful management, or both.
V	Soils are not likely to erode but have other limitations, impractical to remove, that limit their use largely to pasture or range, woodland, or wildlife habitat.
VI	Soils have severe limitations that make them generally unsuited to cultivation and limit their use mainly to pasture, range, forestland, or wildlife food and cover.
VII	Soils have very severe limitations that make them unsuited to cultivation and that restrict their use mainly to grazing, forestland, or wildlife.
VIII	Soils and miscellaneous areas have limitations that preclude their use for commercial plant production and limit their use to recreation, wildlife, or water supply or for aesthetic purposes.

Source: USDA 1981; USDA 2011.

### ***Storie Index***

The Storie Index provides another mechanism for rating soils. Under the Storie Index, a numerical system is used to convey the relative degree of suitability, or value of a soil for general intensive

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agriculture use. The index considers a soil's color and texture, the depth of nutrients, presence of stones, and slope. All of these characteristics directly relate to the adequacy of a soil type for use in crop cultivation. **Table 4.9-22** identifies the Storie Index classifications.

**TABLE 4.9-22**  
**STORIE INDEX RATINGS - GRADE INDEX RATING DESCRIPTION**

Grade	Index Rating	Description
1	80 to 100	Few or no limitations that restrict use for crops. Excellent or well suited to general intensive farming.
2	60 to 80	Good or also well suited to general farming.
3	40 to 60	Fairly well suited to general farming.
4	20 to 40	Poorly suited to general farming.
5	10 to 20	Very poorly suited to general farming.
6	Less than 10	Not suitable for farming.

Source: USDA 1981.

The Storie Index does not consider other factors, such as the availability of water for irrigation, climate, and the distance from markets. Values of the index range from 1 to 100 and are divided into six grades. An index of 100 and a grade of 1 is considered the most suitable farmland. Soils that have a Storie rank of 10 or below are considered to have a very low agricultural potential. Soils are considered to be prime for high quality agricultural production if their Storie Index Rating is 80 or greater. In the Imperial Valley region, the Storie Index ratings of soils range from 5 to 97.

### **On-Site Soils**

Fifteen soil types are present within the solar field site parcels based on the USDA survey maps. **Table 4.9-23** provides details on these soils, along with their Capability Class and Storie Index rating (Refer to Figure 4.6-3 in Section 4.6, Geology and Soils for a graphical depiction of these soil types within the solar field site parcels.

**TABLE 4.9-23**  
**SOIL SUITABILITY - MAP SYMBOL MAPPING UNIT CAPABILITY**

Map Symbol - Soil	Percent of Project Area	Capability Class	Storie Index
<b>Full Build-out Scenario/All CUPs</b>			
102 – Badland	1.4%	VIIIe	N/A
104 – Fluvaquents, saline	1.6%	N/A	N/A
106 – Glenbar clay loam, wet	0.1%	IIw	72
106 – Glenbar clay loam, wet	0.1%	IIw	72
109 – Holtville silty clay	0.1%	IIs	50
110 – Holtville silty clay, wet	10.2%	IIw	45
112 – Imperial silty clay	0.1%	IIIw	27
114 – Imperial silty clay, wet	44.8%	IIIw	42
115 – Imperial-Glenbar silty clay loams, wet, 0 to 2% slopes	34.4%	IIIw	84
116 – Imperial-Genbar silty clay loams, 2-5% slopes	0.8%	IIIe	72
118 – Indio-Vint Complex	3.0%	IIw	86
119 – Indio-Vint complex	1.5%	IIs	96
122 - Meloland very fine sandy loam, wet	0%	IIIw	44



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**TABLE 4.9-23**  
**SOIL SUITABILITY - MAP SYMBOL MAPPING UNIT CAPABILITY**

Map Symbol - Soil	Percent of Project Area	Capability Class	Storie Index
123 - Meloland and Holtville loams, wet	1.4%	IIIw	75
142 - Vint loamy very fine sand, wet	0.3%	IIw	72
144 - Vint-Indio very sandy loams, wet	0.2%	IIw	50
<b>Totals</b>	<b>100%</b>	--	--

Source: EGI 2014.

### **Williamson Act Lands**

The Williamson Act (California Land Conservation Act, California Government Code, Section 51200 et. seq.) is a statewide mechanism for the preservation of agricultural and open space land. The Act provides a comprehensive method for local governments to protect farmland and open space by allowing lands in agricultural use to be placed under contract (agricultural preserve) between a local government and a landowner. Amendments to the Budget Act of 2009 reduced the Williamson Act subvention payments budget to \$1,000, essentially suspending the subvention payments to the Counties.

As previously noted, in February 2010, the Imperial County Board of Supervisors voted to not accept any new Williamson Act contracts and not to renew existing contracts, due to the elimination of the subvention funding from the State budget. Four-hundred and thirty-six acres proposed for development as CUP 13-0051 and 13-0052 of the proposed Project are currently under Williamson Act contract in nonrenewal. The notice of nonrenewal was submitted on November 17, 2006, recorded on December 4, 2006 and the contract is expected to expire in December 2016 (Penberth 2013).

### **Cancellation of APN 052-210-020**

On October 10, 2013, the owner of the property associated with CUP 12-0052 filed for a petition for cancellation the Williamson Act contract on APN 052-210-020. The petition states that the development of the contracted parcel provides a more contiguous pattern of development than that of proximate non-contracted land. The DOC commented on the public interest cancellation findings regarding the contract affirming that all properties under Williamson Act contract within the County have been served a notice of nonrenewal in expectation of removing the County from the Williamson Act Program by 2018; and the County's decision to concentrate solar development in a specific area. The proposed Project is almost entirely surrounded by existing and proposed solar facilities. The DOC believes that the proposed Project is appropriately situated and would meet the required finding that it substantially outweighs the objectives of the Williamson Act (Penberth 2013).

The DOC also commented on the consistency of the cancellation with Williamson Act findings. The DOC found that because the majority of the surrounding parcels have existing or permitted solar facilities, and all contracted land is in nonrenewal, the proposed use is not expected to result in the removal of adjacent lands from agricultural use. Likewise, DOC found the cancellation is for an alternative use which is consistent with the applicable provisions of the Imperial County General Plan (Penberth 2013).

The proposed solar field site parcels are within the Zone of Influence (ZOI) of parcels under Williamson Act Contract. Additionally, although there are several Williamson Act Contracts adjacent to the Project boundaries (Assessor's Parcel Numbers: 052-180-030, 052-180-037, 052-210-001, 052-350-005, 052-350-006, 052-350-007, 052-350-033, 052-360-015, 052-360-020, 052-360-021, 052-360-028, 052-360-029, 052-410-007, 052-410-008, 052-410-008, 052-410-010, 052-440-001 and 052-440-011), no conflicts

with these lands and the Project would occur because all Williamson Act Contracts in Imperial County will terminate on or before December 31, 2016. In the short period between project construction under the Near-term Scenario (construction starting in 2016) and the termination of the Williamson Act Contract at the end of 2016, there will be no conflicts with these lands because the Project is subject to the County's Right to Farm Ordinance. Finally, concurrent with the approval of the proposed Project, the County proposes to terminate Williamson Act Contract 2001-001. The DOC has recommended this Williamson Act Contract be termination and confirmed there was substantial evidence to support the required findings for termination in its letter to the County dated December 11, 2013. Therefore, conversion of land under Williamson Act Contract is not an issue and will not be discussed in the analysis of impacts (AECOM 2014b page 3-13).

### C. GEN-TIE

The EIR for the Mount Signal and Calexico Solar Farm Projects (SCH. No. 2011071066) examined the impacts of the Mount Signal Solar Farm gen-tie. The EIR indicated that the transmission towers for the gen-tie would be located on private lands along the fringe (or edge) of agricultural fields to minimize disruptions to important farmlands and facilitate future agricultural use following restoration of the project sites (HDR 2011, p. 4.2-16).

Table 4.2-3 in the Mount Signal and Calexico Solar Farm Projects EIR identifies the FMMP designations within Mount Signal Solar Farm (HDR 2011, p. 4.2-10). Off-site transmission facilities on private lands would overlap with the farmland areas identified for the Mount Signal Solar Farm. Likewise, no additional acreages of important farmland would be impacted beyond those acreages analyzed in association with the Mount Signal Solar Farm Project. Once in operation, limited agricultural activities would be feasible within the new transmission right-of-way to the extent practical and where solar arrays are not constructed. Based on these considerations, the Mount Signal Solar Farm gen-tie was determined to not result in the conversion of important farmland to non-agricultural use and the impact would be less than significant.

## 4.9.3 IMPACTS AND MITIGATION MEASURES

### A. STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the thresholds identified in the CEQA Guidelines, as listed in Appendix G. The Project would result in a potentially significant impact to agricultural resources if it would result in any of the following:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 511 04(g)).
- d) Result in the loss of forest land or conversion of forest land to non-forest use.
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

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### A. ISSUES SCOPED OUT AS PART OF THE INITIAL STUDY

Three CEQA significance criteria were originally scoped out as part of the Initial Study. However, Criterion “b” was subsequently determined to be relevant to the analysis based on the Project’s request for 17 CUPs, 17 Variances and the presence of Williamson Act lands. This standard of significance is analyzed as Impact 4.9.2.

Criterion “c” was scoped out because mixed chaparral, pinyon-juniper habitats, and the montane hardwood-conifer forest are located in restricted areas of the County. Mixed chaparral and pinyon-juniper habitats are located in the extreme southwestern corner of Imperial County; montane hardwood-conifer forest is in the extreme northwestern corner of Imperial County. Thus, there are no existing forest lands, timberlands, or timberlands zoned Timberland Production either on the solar field site parcels or in the immediate vicinity of the Project area that would conflict with existing zoning or cause rezoning. Therefore, no impact is identified for this issue area.

Lastly, criterion “d” was scoped out because there are no existing forest lands either on the solar field site parcels or in the immediate vicinity. The proposed Project would not result in the loss of forest land or conversion of forest land to a non-forest use. Therefore, no impact is identified for this issue area.

### B. METHODOLOGY

Baseline conditions described in subsection 4.9.2 have been evaluated with regard to their potential to be affected by Project construction, operation and maintenance, and decommissioning activities. These activities were identified based, in part, on information provided by the Applicant to Imperial County. Impacts to agricultural resources have been identified based on the predicted interactions between construction, operation and maintenance, and decommissioning activities and the affected environment.

The following subsections discuss impacts and mitigation measures for the proposed Project. Applicant Proposed Best Management Practices and Design Features that may reduce or avoid environmental impacts have been incorporated into the Project and are summarized in Chapter 2.0 (Table 2.0-9).

The California Agricultural Land Evaluation and Site Assessment (LESA) Model was used to assess impacts on agriculture and farmland. The LESA Model is an approach for rating the relative quality of land resources that assigns points to six specific, measurable factors. The two Land Evaluation factors (Land Use Capability Classification and Storie Index) are based on measures of soil resource quality. The four site assessment factors address a given Project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands.

The removal of the solar field site parcels from important farmlands classifications for the construction and operation phases has been evaluated for significance under CEQA based on the LESA Model and whether or not the conversion of use is permanent. Appendix G of the State CEQA Guidelines identifies the California Agricultural LESA Model prepared by the DOC as an optional model to use in assessing impacts on agriculture and farmland for CEQA purposes. The model does not take into account the duration of the conversion (i.e. temporary) and instead assumes permanent conversion. Therefore, the model provides a worst-case scenario for analysis. The LESA Model was prepared for the proposed Wistaria Ranch Solar Energy Center by AECOM (AECOM 2013; 2014a). (The LESA Model is included in **Appendix G** of the Technical Appendices of this EIR on the attached CD). The LESA Model score will also serve as a benchmark documenting the existing condition of solar field site parcel soils at the time of conversion to the proposed solar generation use. The land must be restored to the same benchmark LESA score as part of the Reclamation Plan (See Section 2.1.6).

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### C. PROJECT IMPACTS AND MITIGATION MEASURES

#### Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance

**Impact 4.9.1** The proposed Project, whether implemented as the Full Build-out Scenario or 17 individual CUPs proposed as part of the Phased CUP Scenario, would temporarily convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural uses. This is considered a **potentially significant impact**.

#### FULL BUILD-OUT SCENARIO<sup>3</sup>

##### Construction and Operation

Construction and operation of the proposed Full Build-out Scenario, and all 17 CUPs, would result in the temporary direct conversion of approximately 2,793 acres (394.8 acres of Prime Farmland, 2,188 acres of Farmland of Statewide Importance and 5.5 acres of Unique Farmland and 204 acres of Other land) (Table 4.9-3) of agricultural land currently in crop production to a non-agricultural use. The impacts are considered temporary because the Solar Energy Center would be removed and the solar field site parcels returned to agricultural production at the end of the 30-year life of the Project CUPs. The right to continue farming will also continue on the agricultural fields until it is necessary to commence construction of each CUP.

As discussed in Methodology, above, a LESA Model analysis was prepared for the solar field site parcels that comprise the Full Build-out Scenario (Appendix G of this EIR). Table 4.9-24 presents a summary of the LESA Model for the Full Build-out Scenario.

**TABLE 4.9-24**  
**FINAL LESA SCORE SHEET SUMMARY FOR THE FULL BUILD-OUT SCENARIO**

	Factor Rating (0 – 100 Points)	Factor Weighting (Total = 100)	Weighted Factor Rating <sup>1</sup>
<b>Land Evaluation (LE)</b>			
1. Land Capability Classification (LCC Rating)	61.74	0.25	15.44
2. Storie Index Rating	57.91	0.25	14.48
<i>Land Evaluation Subscore</i>			29.92
<b>Site Assessment (SA)</b>			
1. Project Size Rating	100	0.15	15
2. Water Resource Availability Rating	100	0.15	15
3. Surrounding Agricultural Land Rating	90	0.15	15
4. Surrounding Protected Resource Lands Rating	0	0.05	0
<i>Site Assessment Subscore</i>			43.50
<b>TOTAL</b>			<b>73.42</b>

Source: DOC 1997, p. 31; Ericsson-Grant, Inc. 2014.

Notes: <sup>1</sup>Weighted Factor Rating calculated by multiplying Factoring Rating Points X Factory Weighting.

The LESA score indicates that the Project will have a significant impact on the environment as to agricultural resources with regard to on-site soils. A final LESA score between 60 to 79 is considered potentially significant under CEQA unless either the Land Evaluation or the Site Assessment subscore is less than 20 points. As shown in Table 4.9-24, the Land Evaluation subscore is 29.92, while the Site

<sup>3</sup> This analysis is equally applicable to development of the Full Build-out Scenario in either the Near-Term (2016) Scenario or the Long-Term (2024) Scenario.

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Assessment subscore is 43.5. The final LESA score is 73.42. With both subscores (Land Evaluation and Site Assessment) above 20, implementation of the Full Build-out Scenario would result in a **potentially significant impact** for conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under CEQA. As noted, however, there is no methodology to adjust the LESA score for a temporary conversion. Therefore, the LESA score is used for the purpose of documenting the existing conditions of on-site soils for the purposes of the Reclamation Plan.

The portion of the Project on lands associated with the Gen-Tie transmission line are not expected to permanently remove adjacent agricultural land from production because these lands have been previously converted by construction of the Mount Signal and Calxico Solar Farm Projects. They are part of the existing condition and were not considered in the LESA analysis (AECOM 2014a). The land for the Gen-Tie alignment is not classified. As such, the portion of the Project on lands associated with the Gen-Tie transmission line are not expected to permanently remove adjacent agricultural land from agricultural production and were not considered in the LESA analysis (AECOM 2014a) and **no impact** is anticipated.

### ALL CUPS (13-0036 THRU 13-0052)

#### **CUP 13-0036**

CUP 13-0036 includes four parcels totaling 190.61 acres. Approximately 190.5 acres of land within CUP 13-0036 are designated as Important Farmland. Of this total, approximately 2.0 acres of land is designated as Prime Farmland and 188.5 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0036 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-4b** above for the acreage of each Important Farmland).

#### **CUP 13-0037**

CUP 13-0037 includes two parcels totaling 223.66 acres. Approximately 184.1 acres of land within CUP 13-0037 is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0037 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-5b** above for the acreage of each Important Farmland).

#### **CUP 13-0038**

CUP 13-0038 consists of one 162.93 acre parcel. All of the land within CUP 13-0038 is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0038 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-6b** above for the acreage of each Important Farmland).

#### **CUP 13-0039**

CUP 13-0039 consists of two parcels totaling 161.2 acres. All of the land within CUP 13-0039 is designated as Important Farmland. Of this total, approximately 15.1 acres of land is designated as Prime Farmland and 144.8 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0039 is also considered to have **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-7b** above for the acreage of each Important Farmland).

### **CUP 13-0040**

CUP 13-0040 consists of one 148.53 acre parcel. All of CUP 13-0040 is designated as Important Farmland. Of this total, approximately 21.5 acres of land is designated as Prime Farmland and approximately 127.0 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0040 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-8b** above for the acreage of each Important Farmland).

### **CUP 13-0041**

CUP 13-0041 consists of one 153.61 acre parcel. All of the land within CUP 13-0041 is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0041 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-9b** above for the acreage of each Important Farmland).

### **CUP 13-0042**

CUP 13-0042 consists of five parcels totaling 231.32 acres. Approximately 206.9 acres of land within CUP 13-0042 is designated as Important Farmland. Of this total, approximately 8.6 acres of land is designated as Prime Farmland and 198.3 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0042 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-10b** above for the acreage of each Important Farmland).

### **CUP 13-0043**

CUP 13-0043 consists of two parcels totaling 152.11 acres. All of the land within CUP 13-0043 is designated as Important Farmland. Of this total, approximately 50.4 acres of land is designated as Prime Farmland and 101.7 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0043 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-11b** above for the acreage of each Important Farmland).

### **CUP 13-0044**

CUP 13-0044 consists of one 79.82 acre parcel. All of the land within CUP 13-0044 is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0044 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-12b** above for the acreage of each Important Farmland).

### **CUP 13-0045**

CUP 13-0045 consists of one 76.64 acre parcel. Approximately 28.5 acres of land within CUP 13-0045 is designated as Important Farmland. Of this total, approximately 25.6 acres of land is designated as Prime Farmland, 22.0 acres of land is designated as Farmland of Statewide Importance, and 0.9 acres of land is designated as Unique Farmland. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0045 is also considered to have a **potentially significant impact** with regard to conversion of

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Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-13b** above for the acreage of each Important Farmland).

### **CUP 13-0046**

CUP 13-0046 consists of four parcels totaling 202.24 acres. Approximately 189.7 acres of land within CUP 13-0046 is designated as Important Farmland. Of this total, approximately 87.6 acres of land is designated as Prime Farmland, 99.5 acres of land is designated as Farmland of Statewide Importance, and 2.3 acres of land is designated as Unique Farmland. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0046 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-14b** above for the acreage of each Important Farmland).

### **CUP 13-0047**

CUP 13-0047 consists of three parcels totaling 131.89 acres. Approximately 47.6 acres of land within CUP 13-0045 is designated as Important Farmland. Of this total, approximately 45.1 acres of land is designated as Prime Farmland, 0.2 acres of land is designated as Farmland of Statewide Importance, and 2.3 acres of land is designated as Unique Farmland. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0047 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-15b** above for the acreage of each Important Farmland).

### **CUP 13-0048**

CUP 13-0048 consists of one 160 acre parcel. All of the land within CUP 13-0044 is designated as Important Farmland. Of this total approximately 10.7 acres of land is designated as Prime Farmland and 149.3 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0048 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-16b** above for the acreage of each Important Farmland).

### **CUP 13-0049**

CUP 13-0049 consists of two parcels totaling 159.9 acres. Approximately 157.6 acres of land within CUP 13-0049 is designated as Important Farmland. Of this total, approximately 7.9 acres of land is designated as Prime Farmland and 149.7 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0049 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-17b** above for the acreage of each Important Farmland).

### **CUP 13-0050**

CUP 13-0050 consists of one 123.54 acre parcel. Approximately 121.5 acres of land within CUP 13-0050 is designated as Important Farmland. Of this total, approximately 120.3 acres of land is designated as Prime Farmland and 1.2 acres of land is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0050 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-18b** above for the acreage of each Important Farmland).

### **CUP 13-0051**

CUP 13-0051 consists of one 241.98 acre parcel that has historically been farmed as alfalfa and bermudagrass seed. Approximately 236.0 acres of CUP 13-0051 is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0051 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-19b** above for the acreage of each Important Farmland).

### **CUP 13-0052**

CUP 13-0052 consists of one 194.05 acre parcel. Approximately 190.1 acres of CUP 13-0052 is designated as Farmland of Statewide Importance. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0052 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-20b** above for the acreage of each Important Farmland).

Based on the LESA model for the overall Project site, the Project is considered to have a potentially significant impact on agricultural resources. As such, a separate model by CUP would not change the outcome of the overall Project LESA analysis (AECOM Memo). Therefore, development of CUPs 13-0036 thru 13-0052 would result in a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under CEQA.

### **Decommissioning**

At the end of the 30-year operational life of the Project's CUPs, the facilities in each of the CUPs would be disassembled and removed; the soil would be reclaimed to agricultural land in accordance with the provisions of the Reclamation Plan (i.e. LESA score of 73.42) as required and financially assured by mitigation measure MM 4.9.1b. As a result, decommissioning impacts associated with conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be considered **less than significant** following completion of decommissioning.

The decommissioning process for the Gen-Tie line is estimated to disturb approximately 6 acres of land. The disturbance area will be the within the same area that was temporarily disturbed during the construction of the Gen-Tie line.

### **Mitigation Measures**

The following mitigation measures were formulated based on the requirements of the Imperial County General Plan, the Board of Supervisors' Implementing Policies, and the Staff Memorandum (Villa 2011), as modified by the Board of Supervisors in Resolution 2012-005

#### **MM 4.9.1a      Payment of Agricultural and Other Benefit Fees**

One of the following options included below are to be implemented prior to the issuance of a grading permit or building permit (whichever is issued first) for the proposed Project:

#### **For Non-Prime Farmland:**

- **Option 1:** The Permittee shall procure Agricultural Conservation Easements on a 1 to 1 basis on land of equal size, of equal quality of farmland, outside the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits



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- **Option 2:** The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20% of the fair market value per acre for the total acres of proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County; or
- **Option 3:** The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is (1) consistent with Board Resolution 2012-005; (2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.

### For Prime Farmland:

- **Option 1:** Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits; or
- **Option 2:** The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30% of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County.

**Option 3:** The Permittee and County enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is (1) consistent with Board Resolution 2012-005; (2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the Project and other recipients of the Project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of local economy for the purpose of off-setting jobs displaced by this Project.

- **Option 4:** The Permittee must revise their CUP Application/Site Plan to avoid Prime Farmland.

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*Timing/Implementation:* Prior to the issuance of a grading permit or building permit (whichever is issued first).

*Enforcement/Monitoring:* Imperial County Planning and Development Services Department.

Option 4 has already been implemented in part as documented in a letter to the ICPDSD dated July 18, 2013. In the letter the Applicant requests a modification to the CUP application along with a smaller Project footprint reducing impacts to agricultural lands. The Applicant removed five APNs totaling 430.48 all under Williamson Act (WRS 2013).

Even with partial implementation of Option 4, due to the fact that the remaining portions of the proposed Project will continue to impact Prime and Important Farmland, the Applicant and the County have selected Option 3, payment of the Agricultural Benefit Fee and the Community Benefit fee identified in Resolution 2012-005 through an enforceable Development Agreement that will be proposed for adoption by the Board of Supervisors concurrent with other proposed project permits and proposed certification of the EIR. A conservation easement has not been used because, as noted in the DOC's 2010 letter, the use of permanent conservation easements is an option better suited to the permanent removal of farmland from agricultural use (Otis 2010). Mitigations for temporary conversion of farmland may be more flexible than those for permanent removal of such farmland from agricultural use (Otis 2010). Accordingly Options 1 and 2 are not relied upon for mitigation of the proposed Project.

### **Fee Amounts**

The amounts of the fee are set out in the Development Agreement and are consistent with Resolution 2012-005. In 2012, the Board of Supervisors adopted Resolution 2012-005 establishing "Guidelines for the Public Benefit Program for Use with Solar Power Plants in Imperial County". The Resolution states that solar energy projects may not create the economic advantages or permanent employment opportunities that other development could offer and that in meeting the state's renewable energy goals, it did not want to accomplish the goal at the expense of its residents because solar power plants commit areas to energy production that may preclude all other potential uses, including agricultural and open spaces uses. The Resolution further states that the Board of Supervisors held public scoping meetings, public hearings and formed a committee that provided input on a Public Benefit Program that was designed to address concerns expressed by the local community and others related to negative effects of these projects, particularly the loss of agricultural jobs. Finally, it found that utility-scale solar developers who voluntarily participated in the Public Benefit Program would "properly address the concerns of the community." The Agricultural Benefit Fee, Community Benefit Fee and Sales Tax Benefits will be confirmed and made enforceable pursuant to a Development Agreement between the County and the Applicant.

Subject to the specific terms of the Development Agreement, and in accordance with Guidelines for the Public Benefit Program for Use with Solar Power Plants in Imperial County, the Applicant shall pay on a per acre basis for each acre temporarily converted: (1) an agricultural benefit fee for prime farmland and as separate fee for of farmland of statewide importance; and (2) a Project land community benefit fee. Such fees shall be no less than those set out in Resolution 2012-05, plus all applicable consumer price index and other increases. There shall be a minimum sale tax guarantee as well. Additional fees shall be provided in the Development Agreement, including but not limited to an emergency services benefit fee of: (a) a minimum of \$50 per acre per construction year and \$20 per acre per year for the 30 year operational life of the CUP; and, (b) a minimum of \$20 per acre one-time fee for emergency services' capital expenses.

The Development Agreement may provide that the Applicant may earn credits against these benefit fees for replacement benefits to the community in the form of local hiring, veteran hiring, contracts with

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local vendors, payments to scholarship programs, or crop yield enhancement projects, and similar demonstrated community benefits.

### **Use of the Mitigation Fees**

On February 11, the Board of Supervisors adopted the Agricultural Benefit Committee's Recommended Funding Allocation (Valenzuela 2014).

The funding allocation was recommended by a committee of agricultural and economic development experts that included the County Agricultural Commissioner, County Executive Officer, County Farm Bureau, Imperial Valley Vegetable Growers, Imperial County cattle industry, and two members of the general public. This allocation confirms use of these fees are to be used for the stewardship, protection and enhancement of agricultural lands within the County (Resolution 2012-005).

*The Agricultural Business Development Category, such as funding for agricultural commodity processing plants and energy plants that use agricultural products, which was identified as the greatest job creator category would receive 50 percent of the funds;*

*The Research & Development Category, such as funding for development of new high-yield or water-efficient crops, new water conservation techniques, new technology to improve yields in existing crops, and partial funding for an endowment to support an agricultural research specialist, would receive 20% of the funds. Improved water conservation and efficient crop production keeps more farmland in production during drought cycles therefore supports job creation and maintenance;*

*The Agricultural Stewardship Category, such as programs that bring fields back into production, implement soil reclamation, and improve existing fields to improve crop yields, would receive 20%. Increase production of crops again leads to more agricultural jobs to prepare and harvest the fields; and*

*The Education/Scholarship Category, such as matching funds for scholarships awarded by agricultural organizations for agricultural studies, student loans, Future Farmers of America and 4-H loans, would receive 10%. Training the next generation of farmers to continue and expand farming operations will also support agricultural job creation.*

The Project also provides other benefits as identified in Resolution 2012-05 and detailed in the EIA/FIA/JIA (DMG 2014). These benefits also addressed possible or perceived socio-economic impacts of the Project and are discussed in more detail in the Significance After Mitigation below. For example, the County's EIA/JIA/FIA for the Wistaria Ranch Solar Energy Center states that the temporary conversion of agricultural uses at the Project site will result in an estimated loss of 52.22 Full-time Equivalent (FTE) agricultural jobs (29 FTE jobs with multipliers added)...” (DMG 2014, p. 21). The Development Agreement requires the County to grant the funds only to applicants with programs that can demonstrate they are likely to generate at least 52.22 FTE jobs (multipliers included) when combined with job creation from the solar use of the site and other recipients of the Project's benefit fees.

CEQA Guidelines 15064(e) describes two types of socio-economic impacts that can be relevant in a CEQA analysis – (1) socio-economic impacts that flow from an environmental impact that contribute to the significance determination; and (2) indirect environmental impacts that flow from a project's socio-economic impacts (ie. urban decay.) The former is addressed in this section because it flows from the Project's conversion of agricultural land. The latter is addressed separately in Section 4.14, Socio-Economics.

### MM 4.9.1b Reclamation/Decommissioning Plan and Security

The DOC has clarified the goal of a reclamation and decommissioning plan: the land must be restored to land which can be farmed. In addition to MM 4.9.1a for Prime Farmland and Non-Prime Farmland, the Applicant shall submit to Imperial County a Reclamation Plan prior to issuance of a grading permit. The Reclamation Plan shall document the procedures by which each CUP will be returned to its current agricultural condition/LESA score of 73.42. Permittee also shall provide financial assurance/bonding in an amount equal to a cost estimate prepared by a California-licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.

*Timing/Implementation: Prior to the issuance of a grading permit or building permit (whichever is issued first).*

*Enforcement/Monitoring: Imperial County Planning and Development Services Department.*

### Significance After Mitigation

Implementation of the proposed Project will result in a potentially significant impact related to the temporary loss of Prime Farmland and Farmland of Statewide Importance. Implementation of mitigation measures MM 4.9.1a and MM 4.9.1b reduce the impact to important farmlands by avoiding development on some of the important farmlands, assuring it is a temporary impact, and compensating for socio-economic impacts associated with the conversion of farmland. As discussed above, the proposed Project already reflects a revised site plan that avoids solar development on several area farms.

The assurance that the impact will be temporary is accomplished through the Applicant's commitment to a reclamation plan and mitigation measure MM 4.9.1b that requires the Applicant restore the site to agricultural use with a soil value equal to the pre-Project condition and back that commitment with financial security. Indeed, the DOC July 16, 2010 correspondence states:

*If the solar facility is considered a temporary displacement of agricultural resources, then there should be some assurances that it will be temporary and will be removed in the future. Hence the need for a reclamation plan. The loss of agricultural land (even temporary) represents a reduction in the State's agricultural land resources. The Division has witnessed the negative impact of non-operational wind power generation facilities and related equipment that have been left to deteriorate on agricultural land. For that reason, the Division offers a variety of permitting conditions the County might use for energy projects on agricultural land:*

- \* Require a reclamation plan suited for solar facilities, based on the principles of the Surface Mining and Reclamation Act (SMARA). As part of this plan, a performance bond or other similar measure may be used.*
- \* A typical requirement would be for the soil to be restored to the same condition it was in prior to the solar facilities construction. Whatever project-related materials have been brought in, or changes made to the land (i.e. graveling, roads, compaction, equipment) would be removed once the solar facility (or portions of) is no longer active (Otis 2010).*

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In this case, the LESA model will be used as the performance standard for determining whether the soil has been restored to pre-Project conditions.

The assurance that the project will compensate for socio-economic impacts associated with the conversion of agricultural lands is accomplished through the commitment of the applicant to pay agricultural benefit fees and community benefit fees in the development agreement. CEQA permits socio-economic impacts associated with environmental impacts to be a factor in the significance determination, which means that compensating for socio-economic impacts can reduce the impact to below a level of significance. Here, the impact to the environment is changing the use of the environmental soils, sun, and water from the cultivation and harvesting of crops to the harvesting of solar energy. In an agricultural community such as Imperial County, the job loss associated with such a conversion can create a strain on the social safety-net (i.e. unemployment programs, job retraining, etc.). As discussed above, through fact finding hearings and consultation with agricultural experts, the Board of Supervisors determined in Resolution 2012-005 that solar farms created a socio-economic impact, but that contributing Agricultural Benefit and Community Benefit payments to certain categories of programs could reduce the socio-economic impacts. The County's EIA/JIA/FIA for the Wistaria Ranch Solar Energy Center states that the temporary conversion of agricultural uses at the Project site will result in an estimated loss of 52.22 Full-time Equivalent (FTE) agricultural jobs (29 FTE jobs with multipliers added)..." (DMG 2014, p. 21). Accordingly MM 4.9.1(a) (Option 3) mitigates the impact to below a level of significance because it requires the Applicant to pay the fees in the voluntary and enforceable Development Agreement and requires the County to grant the funds only to those with programs that can demonstrate they are likely to generate at least 52.22 FTE jobs (multipliers included) when combined with job creation from the solar use of the site and other recipients of the Project's benefit fees.

Implementation of any of the options under mitigation measure MM 4.9.1a, in combination with mitigation measure MM 4.9.1b, would reduce the impacts associated with the temporary conversion of farmland, including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to a **less than significant level**.

### **Conflict with Zoning and Existing Williamson Act Contract**

**Impact 4.9.2** The proposed Project is an allowed use within the existing A-2, A-2-R and A-3 zoning designations with approval of the 17 Conditional Use Permits (CUPs) submitted to the County. The Project also requires approval of 17 Variance applications associated with each parcel to allow Gen-Tie structures to exceed the 120-foot height limitation within these zones. In addition, one solar field site parcel is encumbered with a Williamson Act Contract. The Applicant has filed a petition for the cancellation of the Williamson Act Contract with the County. With approval of the of the 17 CUPs (13-0036 thru 13-0052), 17 Variances (V13-0002 thru V13-0018), and cancellation of Williamson Act Contract, the proposed Project would result in a **less than significant impact** with regard to conflicting with zoning and the existing Williamson Act Contract (Penberth 2013).

### **Construction and Operation**

#### Zoning/CUPs/Temporary Use

**Zoning.** The private lands on which each of the 17 CUPs (13-0036 thru 13-0052) are proposed are zoned A-2 - General Agriculture, A-2-R - General Agriculture, Rural Zone, and A-3 - Heavy Agriculture. Per Title 9, Division 5: Zoning Areas Established, Chapter 8, Sections 90508.02 and 90509.02, "solar energy electrical generators, electrical power generating plants, substations, and facilities for the transmission of electrical energy" are allowed as conditional uses in agricultural zones. In keeping with the provisions

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of the zoning designations, the Applicant is seeking 17 CUPs. By its nature, a CUP has a limited, defined timeframe.

**CUP.** According to Title 9, Division 2: General Provisions, Chapter 3 Land Use Permit (Conditional Use Permit) Section 90203.01:

*A Conditional Use Permit (CUP) is a permit issued to a landowner allowing a particular use or activity not allowed as a matter of right within a particular zone. A Conditional Use Permit requires the exercise of judgment and the review of factual issues to determine if the application and resulting limited entitlement will conform to the provisions of this Title and is consistent with the General Plan. Generally, a Conditional Use Permit consists of a limited entitlement that requires a decision making body to approve a use subject to conditions or disapprove a particular use, and is in the best interest of public convenience and necessity. A Conditional Use Permit runs with the land for the period of time specified in the permit.*

Based on Title 9, Division 2: General Provisions, Chapter 3 Land Use Permit (Conditional Use Permit) Section 90203.05, the administrative process by which a CUP may be approved by the Director requires the following:

1. Findings can be made that the proposed project is consistent with the General Plan.
2. Findings can be made that this project is consistent with this Title.
3. The Director of Public Works, the Director of APCD, Director of EHS, and the Director of Fire/OES have reviewed the proposed project and approved the project.
4. Public opposition has been considered and all impacts have been mitigated by the imposition of conditions.
5. Applicant agrees to all conditions and standards required for the project.

Per Title 9, Division 2: General Provisions, Chapter 3 Land Use Permit (Conditional Use Permit) Section 90203.09, "An application for a Conditional Use Permit shall be reviewed, and approved, conditionally approved, or denied by the decision-making authority. The authority may approve or conditionally approve an application only if it finds all of the following:

- A. The proposed use is consistent with the goals and policies of the adopted County General Plan.
- B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be located.
- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.
- D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.
- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.
- F. The proposed use does not violate any other law or ordinance.
- G. The proposed use is not granting a special privilege."

**Temporary Use.** A "temporary use" under the Imperial County Land Use Ordinance is a "use established for a fixed period of time with the intent to discontinue such use upon expiration of such time period."

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(Title 9 Division 14, Section 91401.19.) Conversely, the term “permanent” is associated with irreversible impacts.<sup>4</sup>

As analyzed in **Table 4.9-2** above, the renewable energy uses associated with the proposed Project are consistent with the goals and policies of the General Plan. The General Plan designates the Project site as “Agriculture.” The proposed solar energy generation use is consistent with this land use designation and the zoning (A-2, A-2-R and A-3). As the County has approved and is currently processing numerous applications requesting CUPs for solar energy generation facilities on land designated “Agriculture.” Projects located on A-2, A-2-R, or A-3 zoned lands are permitted subject to approval of a CUP (Sections 90508.02 and 90509.02). In fact, the Project is located in a rural portion of the County surrounded by other solar field sites and will connect the Project’s solar fields in the south to the existing Mount Signal Solar Farm Gen-Tie structures. The Project will share 230-kV structures with the Mount Signal Solar Farm Project to connect to the ISECS switchyard. Any new lines that may be required to connect the solar field site parcels to the Mount Signal Solar Farm Gen-Tie structures would occur in areas previously evaluated for other solar energy facilities. Thus, with approval of CUPs (13-0036 thru 13-0052) both the Full Build-out Scenario and the Phased CUP Scenario would result in a **less than significant impact** with regard to conflicts with existing zoning with regard to land use consistency. The approval would occur prior to construction and be implemented throughout Project operation.

### Variances

Title 9, Division 2: General Provisions, Chapter 2 Land Use Permits (Variance), Section 90202.01 defines a Variance as “approval granted upon a legal parcel of land to construct a structure not otherwise directly allowed by the exact interpretation of Title 9, Divisions 1 through 8. A variance runs with the land and allows for minimal deviation from the standards.” According to Title 9, Division 2: General Provisions, Chapter 2 Land Use Permits (Variance), Sections 90508.07 (A-2 and A-2-R zone) and 90509.07 (A-3 zone), “Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height” and shall meet ALUC Plan requirements. The proposed Project includes Gen-Tie line structures that could be as tall as 140. To address this height exceedance, the Applicant filed 17 Variance requests (V 13-0002 thru V-13-0018) to allow Gen-Tie structures to be up to 140 feet in height.

Title 9, Division 2: General Provisions, Chapter 2 Land Use Permits (Variance), Section 90202.08, Action on a Variance is as follows:

*The Planning Director, the Planning Commission and/or the Board of Supervisors, shall approve, approve subject to conditions or disapprove a variance with the following findings:*

- A. *FINDINGS: Approval or conditional approval may be granted only if the Director/Commission/Board of Supervisors first determines that the variance satisfies the criteria set forth in Government Code Section 65906, and the following findings can be made:*
- 1. That there are special circumstances applicable to the property described in the variance application that do not apply generally to the property or class of use in the same zone or vicinity.*
  - 2. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.*

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<sup>4</sup> Guidance from the National Parks Service on drafting Environmental impact Statements explains, “an effect to a resource is irreversible if it (the resource) cannot be reclaimed, or restored or otherwise returned to its condition prior to disturbance.” National Parks Service Director’s Order 12. Blacks Law Dictionary defines “temporary” to include “That which lasts for a limited time only.”

3. *That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of zoning laws is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.*
4. *That the granting of such variance will not adversely affect the comprehensive general plan.*
- B. *CONDITIONS OF APPROVAL: In approving a variance, the Director/Commission/Board of Supervisors may impose such conditions deemed necessary to enable making the findings listed under Section 90202.08(a).*
- C. *DENIAL OF VARIANCE: Where the Director/Commission/Board of Supervisors cannot make the findings under paragraph (a) above (with or without conditions) the Variance shall be denied.*

The additional 20 foot height of the Gen-Tie structures is a small, but necessary increase because the proposed solar energy facility, unlike most agricultural operations, requires tall Gen-Tie structures to accommodate the long-range power lines proposed to extend from the Project's solar fields to the ISECS switchyard. In addition, the Project site is large and generates utility-scale renewable energy. This high volume of energy requires a 230-kV electric line to transmit energy from the Project site to the Mount Signal Solar Farm's 140-foot Gen-Tie Line and ultimately the Imperial Valley (IV) Substation in accordance with applicable state safety regulations for transmission lines. These safety regulations require a certain amount of clearance over other power lines in the area. In the case of the proposed Gen-Tie structures, the extra height is need to transmit the energy over longer distances and while providing sufficient clearance over IID's existing power lines which are on shorter structures. Additionally, taller structures enable greater clearance for IID canal and drain maintenance crews. As a result, variances to the proposed 140-foot power line structures are necessary to accommodate the safe transmission of utility-scale renewable energy.

The County has approved several solar projects in the area with variances for power line structures up to approximately 140 feet (i.e. Mount Signal and Calxico Solar Farms, ISECS). Similarly, the proposed Project includes co-location consistent with County requirements to minimize impacts to sensitive desert areas surrounding the IV Substation and duplication of infrastructure. Thus, with approval of Variance requests V 13-0002 thru V-13-0018, both the Full Build-out Scenario and the Phased CUP Scenario would result in a **less than significant impact** with regard to conflicts with existing zoning relative to height limitations. The approval would occur prior to construction and be implemented throughout Project operation.

### Williamson Act Contract

The proposed solar field site parcels are within the Zone of Influence (ZOI) of parcels under Williamson Act Contract. Additionally, although there are several Williamson Act Contracts adjacent to the Project boundaries (Assessor's Parcel Numbers: 052-180-030, 052-180-037, 052-210-001, 052-350-005, 052-350-006, 052-350-007, 052-350-033, 052-360-015, 052-360-020, 052-360-021, 052-360-028, 052-360-029, 052-410-007, 052-410-008, 052-410-008, 052-410-010, 052-440-001 and 052-440-011), no conflicts with these lands and the Project would occur because all Williamson Act Contracts in Imperial County will terminate on or before December 31, 2016.

One parcel (APN 052-210-020 which comprises two CUP applications [13-0051 and 13-0052]) totaling 436.04 acres is currently under Williamson Act contract. However, the owner filed an Agricultural Preserve Program Application for Disestablishment or Diminishment of an Agricultural Preserve (dated October 10, 2013), an Agricultural Preserve Program Petition for Cancellation of Contract (dated August



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24, 2013) and an Addendum to Petition to Cancel Williamson Act Contract No. 2001-001 (the "Contract") (dated August 24, 2013) (ICPDSD 2013). All of these materials were submitted to the ICPDSD. On November 14, 2014, the ICPDSD provided Cancellation Preserve No. 022-2001-001 to the Department of Conservation (DOC) for review of the required cancellation findings and land values determinations. The DOC responded to the ICPDSD on December 11, 2013 recommending that the Williamson Act Contract be termination and confirmed there was substantial evidence to support the required findings for termination. Thus, with cancellation of the existing Williamson Act contract, both the Full Build-out Scenario and the Phased CUP Scenario would result in a **less than significant impact** with regard to conflicts with lands under Williamson Act. In the short period between Project construction and operation under the Near-term Scenario and December 31, 2016, there will be no conflicts with these lands because the Project is subject to the County's Right to Farm Ordinance.

### ***Decommissioning***

At the end of the Project's useful life, the solar energy center would be disassembled and reclaimed to its previous condition as agricultural land. The CUPs and Variances would no longer be necessary or in effect on the solar field site parcels. The Williamson Act Contract on APN 052-210-020 will have been cancelled and all Williamson Act Contracts in Imperial County will have terminated as of December 31, 2016. Therefore, upon decommissioning and implementation of the reclamation plan, both the Full Build-out Scenario and Phased CUP Scenario would result in a **less than significant impact** with regard to conflicting with zoning and Williamson Act Contract.

### **Mitigation Measures**

None required.

### **Significance After Mitigation**

Not Applicable.

### **Indirect Environmental Effects of Conversion of Farmland**

**Impact 4.9.3** The proposed Project would not involve other changes to the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. Nuisance issues such as dust, pests and weeds are already addressed through ICAPCD Rules, MM 4.4.1a, MM 4.4.1b and MM 4.4.1c as well as enforceable Applicant proposed measures and project design features. Thus, indirect effects of the temporary conversion of farmland are considered **less than significant**.

## **FULL BUILD-OUT SCENARIO/ CUPs 13-0036 THRU 13-0052**

### ***Construction and Operation***

Agricultural land and other solar generation facilities currently surround all CUPs (13-0036 thru 13-0052) (refer to **Figure 4.9-1**). The proposed Project would place a solar energy generation facility in an area currently used for agriculture as well as similar utility-scale solar developments. The DOC comments on the Williamson Act application also confirm that the project is not situated in a location that would impact surrounding agricultural uses (Penberth 2013). The Project does not include the extension of sewer and water utilities or road infrastructure that would pressure nearby lands to urbanize with residential, commercial, or other non-solar urban development. Moreover, neither the Full Build-out Scenario nor the Phased CUP Scenario is anticipated to result in a growth-inducing impact that will cause the indirect conversion of farmland on adjoining or nearby properties because the Project's power generation would be used to meet existing and future planned energy demands. Likewise, the proposed Project does not create new energy demand that would cause new development on adjacent properties.

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Project operation would result in emission of fugitive dust and DPM during maintenance activities. Implementation of mitigation measures MM 4.4.1a, MM 4.4.1b and MM 4.4.1c at the Project level at each CUP (13-0036 thru 13-0052) would reduce operational PM<sub>10</sub> and DPM emissions in accordance with ICAPCD Fugitive Dust Rules. Imperial County is in a non-attainment area for PM<sub>10</sub> and for O<sub>3</sub> (8-hour). As discussed in connection with cumulative construction impacts, other cumulative projects in the Salton Sea Air Basin (SSAB) will also be required to comply with the air quality regulations set forth in the Air Quality Management Plan (AQMP), State Implementation Plan (SIP) and ICAPCD Rules, including Regulation VIII, during operations. In addition, the Applicant proposes to develop a Weed and Pest Management Plan (refer to Table 2.0-9 in Chapter 2.0, Project Description) and the Applicant is already conditioned to implement the Weed and Pest Control Plan.

Therefore, air quality mitigation measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c and MM 4.4.1d (identified in Section 4.4) and the Applicant proposed Weed and Pest Management Plan would reduce indirect environmental effects of conversion of farmland during construction and operation to **less than significant**.

Therefore, implementation of mitigation measures MM 4.4.1a, MM 4.4.1b and MM 4.4.1 at the Project level, in combination with ICAPCD's lawful application of its regulations, AQMP, and SIP (that are designed to alleviate cumulative air quality impacts) to proposed existing and future cumulative projects, assure that the cumulative net increase of criteria pollutants during Project operation are **less than cumulatively considerable** (AECOM 2014d, p. 48).

### ***Decommissioning***

At the end of the Project's useful life, the Solar Energy Center would be disassembled and reclaimed to pre-Project soil conditions. The EIR considered whether or not reclamation activities could result in an increase in pests, weeds and dust on adjacent lands that could adversely affect agricultural operations and pressure adjacent lands to convert to non-agricultural uses. However, the Project would not adversely impact neighboring farming/agricultural activities because decommissioning activities are also subject to State nuisance law (California Civil Code Sub-Section 3482) that prohibits the Project site from being used in a manner that would allow dust, weeds, or pests to be a nuisance to its neighbors. Additionally, the Applicant Proposed Measures/Project Design Features include a Weed and Pest Management Plan and air quality mitigation measures MM 4.4.1a, MM 4.4.1b, MM 4.4.1c and MM 4.4.1d (identified in Section 4.4) already reduce NO<sub>x</sub> and PM<sub>10</sub> criteria pollutant emissions associated with decommissioning to less than significant level. Therefore, indirect environmental effects of conversion of farmland from potential decommissioning nuisances would be considered **less than significant**.

### **Mitigation Measures**

No new mitigation required.

### **Significance After Mitigation**

Not Applicable

## **4.9.4 CUMULATIVE SETTING, IMPACTS AND MITIGATION MEASURES**

### **A. CUMULATIVE SETTING**

The geographic scope for cumulative impacts to agricultural resources is the Imperial Valley located in Imperial County. The Imperial Valley consists of approximately 500,000 acres of more-or-less contiguous farm fields located in the Imperial Valley and surrounded by desert and mountain habitat. The Imperial Valley comprises approximately 17 percent of the county's 2,942,080 acres (Imperial County 1996b, p.

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5). Based on the most current available information from the Department of Conservation approximately 539,273 acres of the County are designated as farmland under the FMMP (DOC 2012b). County-wide approximately 24,244 acres of projects are currently proposed, under construction, or have been completed. **Table 4.9-25** summarizes these projects and the acreage of agricultural land that would temporarily or permanently convert agricultural land associated with each project. Many of these are solar energy generation facilities.

**TABLE 4.9-25**  
**SUMMARY OF AGRICULTURAL ACREAGE TEMPORARILY OR PERMANENTLY CONVERTED**

Project Name	Acres
Mosiac	201
Hallwood/Calexico Place 111 & Casino	61
Calexico Mega Park	146
Commons	18
County Center Expansion II	80
Rancho Los Logos	1,076
McCabe Ranch II	457
McCabe Ranch	80
Imperial Center	78
101 Ranch	1,897
Canergy	83
Chocolate Mountain	320
Imperial Valley Solar II	150
IV Solar Company	123
Energy Source Solar 1	960
Midway Solar Farm I	319
Midway Solar Farm II	803
Lindsey Solar Farm	148
Wilkinson Solar Farm	302
Calipat Solar Farm I	159
Alhambra Solar/Solar Gen 2	482
Arkansas Solar/Solar Gen 2	481
Sonora Solar/Solar Gen 2	488
Imperial Solar West (Westside Main)	1,130
Campo Verde	1,443
Imperial Solar South	947
Calexico I-A	720
Calexico I-B	610
Calexico II-A	940
Calexico II-B	732
Mount Signal Solar	1,431
Centinela Solar	2,067
Lyons Solar	138

**TABLE 4.9-25**  
**SUMMARY OF AGRICULTURAL ACREAGE TEMPORARILY OR PERMANENTLY CONVERTED**

Project Name	Acres
Rockwood Solar	396
Ferrell Solar	367
Iris Solar Farm	520
Imperial Solar 1 (Heber)	80
Seville Solar (Allegretti)	1,222
<b>Total Acres Without Proposed Project</b>	<b>21,655</b>
Wistaria Ranch Solar	2,589
<b>Total Acres* With Proposed Project</b>	<b>24,244</b>

*Source: ICPDSD 2014a. The total acres of conversion is less because not all the acres within these projects are agricultural lands.*

## B. CUMULATIVE IMPACTS AND MITIGATION MEASURES

### Cumulative Agricultural Resources Impacts

**Impact 4.9.4** Implementation of the Full Build-out Scenario as well as each individual CUP (13-0036 thru 13-0052) would incrementally add to the temporary conversion of agricultural land in Imperial County. Temporary impacts to agricultural resources are mitigated on a project-by-project basis through payment of in-lieu fees, conservation easements and/or execution of Public Benefit Agreements. Therefore, temporary impacts to agricultural resources are considered **less than cumulatively considerable**.

### FULL BUILD-OUT SCENARIO/ALL CUPs (13-0036 THRU 13-0052)

#### **Construction, Operation and Decommissioning**

Cumulative impacts on agricultural resources take into account the temporary impacts of the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) during construction, operation and decommissioning as well as those likely to occur as a result of other proposed, approved and reasonably foreseeable projects. To determine cumulative impacts on agricultural resources, the temporal nature of the impacts on individual resources is assessed. Solar developments are considered temporary rather than permanent (such as with residential or industrial development) based on a specified operational life of a solar project identified in its respective CUP and the requirement that the lands on which solar farms are located be restored to pre-Project soil conditions. The inventory of agricultural resources within the cumulative setting is also considered when assessing the impacts of each individual project. This Project serves as infill in an area which already developed with other solar generation facilities.

Of the 2,793 acres that comprise the solar field site parcels, approximately 2,589 acres of agricultural land would be temporarily converted (i.e. agricultural fields within the Solar Energy Center site minus the acreage of roads and ditches currently on each parcel). Thus, the proposed Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) would incrementally add to the temporary conversion of agricultural land in Imperial County.

As previously shown in **Table 4.9-2**, above, approximately half of the County's acreage (539,273 acres out of a total of 1,028,508 acres) is Important Farmland (DOC 2012b). **Table 4.9-26** summarizes the percentage of each type of farmland in the County that would be temporarily converted by the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052).

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**TABLE 4.9-26**  
**PERCENTAGE CONVERSION OF FARMLAND BY THE PROPOSED PROJECT**

Agriculture Classification	(A) Total Acreage in Imperial County	(B) Approximate Acreage Converted on Solar Field Site Parcels	(B÷A x 100) Project Percent of County Acreages
Prime Farmland	196,137	394.8	0.20
Farmland of Local Importance	35,774	0.0	0.00
Farmland of Statewide Importance	307,221	2,188.7	0.71
Unique Farmland	2,141	5.5	0.25
<b>Total</b>	<b>539,273</b>	<b>2,589</b>	<b>0.48</b>

Source: Source: DOC 2012b, EGI 2014.

As shown in **Table 4.9-26**, the Important Farmland (Prime Farmland, Farmland of Local Importance, Farmland of Statewide Importance and Unique Farmland) within the solar farm complex site comprises approximately 0.48 percent (2,589 acres ÷ 539,273 acres x 100) of the total Important Farmland in the County. Thus, the proposed Project would temporarily convert a very small fraction of the total Important Farmlands in the County and have a minimal effect on agricultural land on a cumulative scale. Furthermore, the conversion would be temporary and last for the duration the Project's operational life stated in the CUP (i.e., 30 years).

"Table A-9 - Imperial County 2008-2010 Land Use Conversion" prepared by the DOC, also identified a net loss of 1,668 acres of Important Farmland in Imperial County from 2008-2010 (DOC 2012b). Farmland conversions occurred for a variety of reasons including construction of homes, a school, and a water control structure; fallowing of land; farmsteads; expansion of a fish farm; agricultural equipment areas; wetland areas; confined livestock; and disturbed areas (DOC 2012c).

Table 3.0-1, proposed, approved and reasonably foreseeable projects (refer to Chapter 3.0) includes solar developments, similar to the proposed Project, for consideration in the cumulative analysis. The majority of these projects are located on private lands, which are predominately agricultural, and would have agricultural impacts similar to the proposed Project. The impacts of these individual projects include the temporary conversion of Important Farmland, and some include conflicts with Williamson Act Contracts.

As illustrated in **Table 4.9-26** and discussed in Impact 4.9.1, above, construction of the proposed Project would temporarily convert 394.8 acres of Prime Farmland, 2,188.7 acres of Farmland of Statewide Importance, and 5.5 acres of Unique Farmland to a non-agricultural use over the operational life of the Project. Mitigation measures are identified to minimize the Project's contribution to the cumulative impact to the temporary conversion of agricultural land. As discussed above, mitigation measure MM 4.9.1a provides for the Permittee and the County to enter into a binding Development Agreement which provides for certain mitigation fees and confirms the use of such fees to mitigate possible or perceived impacts. The proposed Project already reflects the Applicants changes to the initial site plan to avoid development on several parcels containing important farmland (Option 4). Mitigation measure MM 4.9.1b requires the Applicant to submit to Imperial County a Reclamation Plan with a financial security mechanism to return the solar farm complex site to its current agricultural condition/LESA Score at the end of the operational life of the Project. The implementation of the Reclamation Plan would eventually return the solar field site parcels to farmland. Therefore, the incremental impact of the temporary conversion of 2,589 acres of farmland during construction and operation of the Full Build-out Scenario

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and all CUPs (13-0036 thru 13-0052) would be mitigated to **less than cumulatively considerable** through implementation of mitigation measures MM 4.9.1a and MM 4.9.1b.

When the proposed Project is combined with the cumulative projects (identified in Table 3.0-1 and noted as part of the County-wide solar projects listed in **Table 4.9-25**), the total agricultural land conversion is estimated to be 24,244 acres (inclusive of all Important Farmland acreage) out of a total of 539,273 acres of farmland within the County (DOC 2012b, p. 79). During construction and operation, the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) would contribute approximately 10.7 percent ( $2,589 \text{ acres} \div 24,244 \text{ acres} \times 100$ ) of the total temporary agricultural land conversion associated with cumulative solar projects on a County-wide basis. The cumulative projects combined would contribute to the mostly temporary conversion of approximately 4.5 percent ( $24,244 \text{ acres} \div 539,273 \text{ acres} \times 100$ ) of the farmland in Imperial County. With the implementation of mitigation measure MM 4.9.1a Option 3 for Prime Farmland and Non-Prime Farmland and partial implementation of Option 4 for Prime Farmland, and mitigation measure MM 4.9.1b, which requires a reclamation plan, the Full Build-out Scenario and all CUP's (13-0036 thru 13-0052) contribution to temporary conversion of agricultural land impacts would be **less than cumulatively considerable**. Likewise, each individual cumulative project would be required to provide mitigation for any impacts to agricultural resources.

In order to address the increased demand for solar facilities, Imperial County requires all such project to provide a reclamation plan with financial security. IID's water program for solar project also requires a reclamation plan with financial security. Furthermore, IID analyzed the impact of following 25,000 acres of farmland and concluded there would be "no impact" to agriculture. In fact, they concluded it would have a beneficial impact on agriculture by providing a more reliable allocation of water to agricultural users in years where water demands exceed supplies.

Compliance with the requirements for each solar project to preserve comparable agricultural lands and to provide a detailed reclamation plan, including bonding or financial assurances, would reduce each project's contribution to cumulative agricultural impacts, including the temporary conversion of farmland, to **less than cumulatively considerable** by ensuring that comparable farmland is preserved and/or that the land is returned to an agricultural condition when each project ceases to operate after, 30 years of operation.

### **Mitigation Measures**

Mitigation measures will be imposed on the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) to minimize the Project's contribution to the cumulative impact on temporary conversion of farmland or voluntarily enter an enforceable Development agreement that assures payment of Agricultural Benefit Fees, as compensation for the perceived socio-economic impacts from the temporary loss of the agricultural resources.

Mitigation measure MM 4.9.1b requires preparation of a reclamation plan to be implemented at the end of the Project's useful life. The reclamation plan would identify the process by which the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) would be returned to a condition that could support agricultural production similar to pre-Project conditions. MM 4.9.1b also requires a funding mechanism for the reclamation plan. Implementation of the reclamation plan would eventually return the solar field site parcels to farmland. An Applicant-proposed Design Feature require that potential weed and pest issues are addressed through a Weed and Pest Management Plan to avoid creating a nuisance to neighboring lands. Air quality mitigation measures MM 4.4.1a, MM 4.4.1b, and MM 4.4.1d (identified in Section 4.4) already reduce NO<sub>x</sub> and PM<sub>10</sub> criteria pollutant emissions associated with construction and decommissioning. Implementation of these mitigation measures would reduce the contribution of the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) to temporary direct and indirect cumulative agricultural resources impacts to a **less than cumulatively considerable** level.

## 4.9 AGRICULTURAL RESOURCES

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### Significance After Mitigation

Implementation of mitigation measures MM 4.9.1a and MM 4.9.1b would reduce the Full Build-out Scenario and all CUP's (13-0036 thru 13-0052) contribution to cumulative temporary conversion of agricultural land to **less than cumulatively considerable**.