

5.8. Land Use and Planning

This section addresses potential land use and planning impacts that may result from construction, operation, closure and post-closure maintenance of the Desert Valley Company Monofill Expansion Project, Cell 4. The following discussion addresses the existing conditions on the Project site, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the proposed Project, as applicable. This section also examines the proposed Project's consistency with applicable plans and policies and describes potential land use and planning impacts that would result from implementation of the proposed Project.

Scoping Issues Addressed

During the scoping period for the proposed Project, a public scoping meeting was conducted, and written comments were received from public agencies. No comments related to land use and planning were received.

Issues Scoped Out

None.

5.8.1. Environmental Setting

The Desert Valley Company (DVC) Monofill Facility is located at 3301 West Highway 86, Brawley, California, 92227. The Project site is located on private lands north of Superstition Hills and south of State Route 86 (Highway 86), approximately 12 miles (19.3 km) west of the City of Westmoreland and 4 miles (6.4 km) south of the Salton Sea in the County of Imperial, California. The Project site is located in Section 33, Range 11 East, Township 12 South within USGS Kane Spring, California 7.5-minute topographic quadrangle (APN 019-100-004-001).

The area surrounding the Project site is very similar to the site on which the existing monofill is located. Man-made disturbances are evident in some sections but not to a major extent. The most prominent feature in the area is State Route 86 (Highway 86), which is located to the north and east of the existing monofill. Kane Springs Jeep Trail crosses Section 29 northeast of the Project site. An Imperial Irrigation District electrical transmission line and its maintenance road cross Sections 27, 28 and 34, running diagonally from northwest to southeast less than a mile from the Project site. Aside from the Kane Jeep Trail, no other man-made features are evident in the immediate area. The Elmore Desert Ranch Community is approximately 1.75 miles northeast of the Project site. The predominant land use surrounding the project area is limited to desert open space and vehicle-oriented recreation.

The Project is located within the unincorporated area of Imperial County and is immediately adjacent to the existing Desert Valley Company Monofill and is surrounded by open desert on the

north, south and west. Surrounding properties exhibit the same desert features as the Project site, namely sparse vegetation, seasonal washes, and with the exception of the monofill facilities, few man-made uses. The Project site is located within a Flat-tailed Horned Lizard Rangewide Management Area. The closest airport is the Salton Sea Airport, located 13 miles northwest the Project site. The Imperial County General Plan designates the Project site as "Recreation and Open Space", and the site is zoned "S-2 (Open Space/Preservation)".

5.8.2. Regulatory Setting

Federal

Flat-tailed Horned Lizard Rangewide Management Strategy

The Flat-tailed Horned Lizard Rangewide Management Strategy has been prepared to provide guidance for the conservation and management of sufficient habitat to maintain extant populations of flat-tailed horned lizards in five (5) Management Areas - four in California and one in Arizona. The Project site is located within the West Mesa Management Area. Surface disturbing activities are limited in these areas and mitigation and compensation are automatically required. The mitigation and compensation measures within the Rangewide Management Strategy are incorporated into land management plans.

Local

Imperial County General Plan

The purpose of the Imperial County General Plan is to guide growth throughout the County. Urban development is directed to areas where public infrastructure can be readily extended to areas with limited health and safety hazards. Likewise, development should avoid natural, cultural, and economic resources.

The General Plan includes ten elements: Land Use; Housing; Circulation and Scenic Highways; Noise; Seismic and Public Safety; Conservation and Open Space; Agricultural; Renewable Energy and Transmission; Water; Parks and Recreation. These elements satisfy the California Government Code requirements for general plan elements. Each element includes goals, objectives, and implementing policies and programs. Relevant County of Imperial General Plan policies related to land use are provided below. **Table 5.8-1** summarizes the project's consistency with the County's General Plan policies.

While this EIR analyzes the project's consistency with the General Plan pursuant to State CEQA Guidelines Section 15125(d), the Imperial County Board of Supervisors ultimately determines consistency with the General Plan.

Imperial County Land Use Ordinance – Title 9

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

TABLE 5.8-1: CONSISTENCY WITH GENERAL PLAN LAND USE GOALS AND OBJECTIVES

General Plan Policies	Consistency	Analysis
Land Use Element (LUE)		
<p>LUE Goal 3: Achieve balanced economic and residential growth while preserving the unique natural, scenic, and agricultural resources of Imperial County.</p>	Yes	The proposed Project includes mitigation measures that reduce impacts on natural resources to below a level of significance. No impacts to scenic or agricultural resources would occur.
<p>LUE Goal 6: Promote orderly industrial development with suitable and adequately distributed industrial land.</p>	Yes	The proposed Project promotes orderly industrial development by locating the proposed monofill expansion adjacent to the existing disposal site.
<p>LUE Goal 8: Coordinate local land use planning activities among all local jurisdictions and state and federal agencies.</p> <ul style="list-style-type: none"> • Objective 8.5 At a minimum, provide adequate sites for solid/liquid and hazardous waste facilities to meet the current and projected demands of the County population and consistent with the County Solid Waste and Hazardous Waste Management Plans. 	Yes	The proposed Project includes an expansion of the existing Desert Valley Company Monofill to meet the projected demand for the disposal of geothermal wastes produced at CalEnergy geothermal plants in Imperial County. The proposed expansion would provide additional capacity of the disposal of CalEnergy’s Geothermal plants until the year 2060.
<p>LUE Goal 9: Identify and preserve significant natural, cultural, and community character resources and the County's air and water quality.</p>	Yes	The biological, cultural resources, air quality and hydrology/water quality reports prepared for the Project include mitigation measures to reduce significant impacts to below a level of significance. No significant aesthetic/community character resources occur within the project vicinity
<ul style="list-style-type: none"> • LUE Objective 9.6: Incorporate the strategies of the Imperial County Air Quality Attainment Plan (AQAP) in land use planning decisions and as amended. • LUE Objective 9.7: Implement a review procedure for land use planning and discretionary project review which includes the Imperial County Air Pollution Control District. 	Yes	The Air Quality report for the Project includes an evaluation of the Project’s consistency with the AQAP. The AQAP includes the rules and regulations promulgated by the ICAPCD that are applicable to land use projects in Imperial County. The proposed Project must comply with applicable ICAPCD rules and regulations, either through project design or inclusion of mitigation, to qualify for the necessary permits to implement construction and operation.

TABLE 5.8-1: CONSISTENCY WITH GENERAL PLAN LAND USE GOALS AND OBJECTIVES

General Plan Policies	Consistency	Analysis
		As identified on Table 4-2 of this EIR, the Imperial County Air Pollution Control District is identified as a Responsible Agency for the proposed project and as such is included in the discretionary review of the proposed Project.

Source: County of Imperial Land Use Element, 2015.

Imperial County Airport Land Use Compatibility Plan

The public use airport nearest the Project site is the Salton Sea Airport, which is located 13 miles northwest of the Project site. The Project site is outside this airports “compatibility area, that is, it is located outside of the area that could be negatively affected by aircraft operations. It should also be noted that the Imperial County Airport Land Use Compatibility Plan has not adopted any measures (e.g., building height limitations) specifically focusing on airport/land use compatibility for the Salton Sea Airport (County of Imperial, 1996).

5.8.3. Analysis of Project Effects and Significance Determination

Guidelines for Determination of Significance

A project would be considered to have a significant impact if it would:

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

Impact Analysis

Impact 5.8-1: Physical division of an established community.

The proposed Project includes the expansion of the existing Desert Valley Company Monofill, with the addition of a new Cell 4. The expansion would occur adjacent to the existing monofill and would not result in the division of an established community. Therefore, the Project would not result in a physical division of any established communities and there would be no impact.

Impact 5.8-2: Significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Flat-tailed Horned Lizard Rangewide Management Strategy

The Project site is located within the boundaries of the West Mesa Area of the Flat-tailed Horned Lizard Rangewide Management Strategy Plan. According to the Flat-tailed Horned Lizard

Rangewide Management Strategy, Management Areas require mitigation that will minimize loss or degradation of habitat. With implementation of **MM-BIO-1a** (Mitigation of Impacts to flat-tailed horned lizards, Palm Springs pocket mouse, and their habitat) the Project would not conflict with Flat-tailed Horned Lizard Rangewide Management Strategy, and therefore no significant environmental impacts related to a conflict would occur.

Imperial County General Plan

The Project will require an amendment to Imperial County's General Plan Land Use Element to change the land use designation on the remainder of Section 33 from "Recreational/ Open Space" to "Special Purpose Facility". The "Recreational/Open Space" land use designation does not allow landfills or hazardous waste facilities within this category, with the exception of maintaining existing facilities. The Special Purpose Facility land use designation allows Class II solid waste facilities, with the approval of a Conditional Use Permit. With an amendment to Imperial County's General Plan Land Use Element to change the land use designation to "Special Purpose Facility" and approval of a Conditional Use Permit, the proposed Project would be consistent with the General Plan.

An analysis of the project's consistency with the General Plan goals and objectives relevant to the project is provided in **Table 5.8-1**, Consistency with General Plan Land Use Goals and Objectives. While **Table 5.8-1** demonstrates the project's consistency with the Land Use Element of the General Plan pursuant to CEQA Guidelines Section 15125(d), the Imperial County Planning Commission and Board of Supervisors retain ultimate authority for the determination of the project's consistency with the General Plan.

Imperial County Land Use Ordinance – Title 9

The Project will require a Zone Change to change the zoning from S-2 (Open Space/Preservation) to M-2 (Medium Industrial). The purpose of the S-2 Zone is to preserve the cultural, biological, and open space areas that are rich and natural as well as cultural resources. Solid waste facilities are a permitted use within the M-2 Zone, with the approval of a Conditional Use Permit.

With the approval of a Zone Change to M-2 and the approval of a Conditional Use Permit, the proposed Project would not conflict with the County's Land Use Ordinance.

The proposed General Plan Amendment and Zone Change would place the project in conformance with county land use policies. Processing of a CUP for the Monofill Facility and the new water well ensures that only compatible uses are allowed.

Imperial County Airport Land Use Compatibility Plan

The Project is not located within the Airport Land Use Compatibility Plan for Imperial County Airports (ALUCP) or within two miles of a public airport or public use airport (County of Imperial,

1996). The nearest public use airport, Salton Sea Airport, is located 13 miles northwest the Project site. Therefore, the proposed project would not conflict with the Imperial County ALUCP, and no significant impact would occur.

5.8.4. Mitigation Measures

No mitigation is required.