



## 3.12 Land Use Planning

This section provides information regarding current land use, land use designations, and land use policies within and in the vicinity of the project area. Section 15125(d) of the CEQA Guidelines states that “[t]he EIR shall discuss any inconsistencies between the project and applicable general plans and regional plans.” This section fulfills this requirement for the project. In this context, this section reviews the land use assumptions, designations, and policies of the applicable County General Plan and other applicable federal, state, and local requirements, which govern land use within the project area and evaluates the project’s potential to conflict with policies adopted for the purpose of avoiding or mitigating significant environmental effects. Where appropriate, mitigation is applied, and the resulting level of impact identified.

### 3.12.1 Existing Conditions

The project site is located on approximately 125 acres of privately-owned lands in southern Imperial County, California, approximately one mile south of the City of Heber jurisdictional limit and approximately 0.5 miles west from the City of Calexico jurisdictional limit.

Three separate Conditional Use Permit (CUP) applications have been filed with the County of Imperial for the construction and operation of various facilities. The three CUP applications or individual site locations consist of the following:

- CUP 23-0020: Dogwood Geothermal Energy Project
- CUP 23-0021: Heber 2 Solar Energy Project
- CUP 23-0022: Heber Field Company (HFC) Geothermal Wells and Pipeline Project

Table 3.12-1 identifies the assessor parcel numbers (APN) associated with the project site, the APN acreage, project site component approximate acreage, General Plan land use designation, and zoning. APN 054-250-31 is within the existing Heber 2 Geothermal Energy Complex (HGEC) located at 855 Dogwood Road, Heber, CA, and APN 059-020-001 and APN 054-250-017 are immediately southeast and east, respectively, of the HGEC.

**Table 3.12-1. Project Assessor Parcel Numbers, Acreages, General Plan Land Use, and Zoning**

APN	APN Acreage	Site Component Acreage	General Plan Land Use	Zoning
054-250-031	39.93	~5.68	Heber Specific Plan Area	A-2-G-SPA
059-020-001	246.61	~117.59	Urban	A-2-G-U
054-250-017	160.08	~2	Heber Specific Plan Area	A-2-G-SPA
<b>Total</b>	446.62	~125.27	--	--

*APN=assessor parcel number; A-2-G-SPA=General Agriculture with Geothermal Overlay in Special Plan Area; A-2-G-U=General Agriculture with Geothermal Overlay in Urban Area*

### Dogwood Geothermal Energy Project (CUP 23-0020)

The Dogwood Geothermal Energy Project would be located on APNs 054-250-031 and 059-020-001. The proposed geothermal power plant would be located within the existing fenceline of the HGEC, operated by the Second Imperial Geothermal Company, a subsidiary of ORMAT which includes the Heber 2, Heber South, and Goulds 2 geothermal energy facilities located at 855 Dogwood Road, Heber, CA (APN 054-250-31). The development area for the Dogwood geothermal plant is completely disturbed from existing energy generation operations and devoid of any vegetation, surface waters, or existing facilities that would require relocation or demolition.

As shown in Figure 3.12-1, the proposed Dogwood geothermal plant site would be located on APN 054-250-031, which has a designation of Heber Specific Plan Area under the County's General Plan. The proposed Dogwood solar facility site would be located on APN 059-020-001, which has a designation of Urban under the County's General Plan. As shown in Figure 3.12-2, the proposed Dogwood geothermal plant site is currently zoned General Agriculture with a Geothermal Zone Overlay in Special Plan Area (A-2-G-SPA). The proposed Dogwood solar facility site is currently zoned General Agriculture with a Geothermal Zone Overlay in an Urban Area (A-2-G-U).

### Heber 2 Solar Energy Project (CUP 23-0021)

The proposed Heber 2 solar energy facility site would be located southeast of the HGEC and in the northern portion of APN 059-020-001. As shown in Figure 3.12-1, the Heber 2 solar energy facility site would be located within the area designated as Urban under the County's General Plan. As shown in Figure 3.12-2, the proposed Heber 2 solar energy facility site is currently zoned A-2-G-U.

### HFC Geothermal Wells and Pipeline Project (CUP-23-0022)

The proposed HFC Geothermal Wells and Pipeline Project would be located on two parcels. Two wells would be located within APN 059-020-001 with a small segment of pipeline (approximately 1,000 feet) developed within APN 059-020-001 connecting to the existing pipeline network. A third well would be installed adjacent to an existing geothermal well approximately 1,500 feet due east of the HGEC (APN 054-250-017). APN 054-250-017 is currently used for the cultivation of crops, specifically alfalfa.

As shown in Figure 3.12-1, the HFC Geothermal Wells and Pipeline Project site would be located within areas of the project site designated as Heber Specific Plan Area and Urban under the County's General Plan. As shown in Figure 3.12-2, the HFC Geothermal Wells and Pipeline Project site is currently zoned A-2-G-SPA and A-2-G-U.

### Renewable Energy Overlay Zone

The County adopted the RE and Transmission Element, which includes RE and Geothermal Zones (RE Overlay Map). The RE and Geothermal Overlay Zones are designated within the RE and Transmission Element, which was adopted by the County in 2016. The Geothermal Overlay Zone is concentrated in areas determined to be the most suitable for the development of Geothermal and/or RE facilities while minimizing the impact to other established uses. As shown in Figure 3.12-2, the entire project site is located within the Geothermal Overlay Zone.

Figure 3.12-1. General Plan Land Use Designations

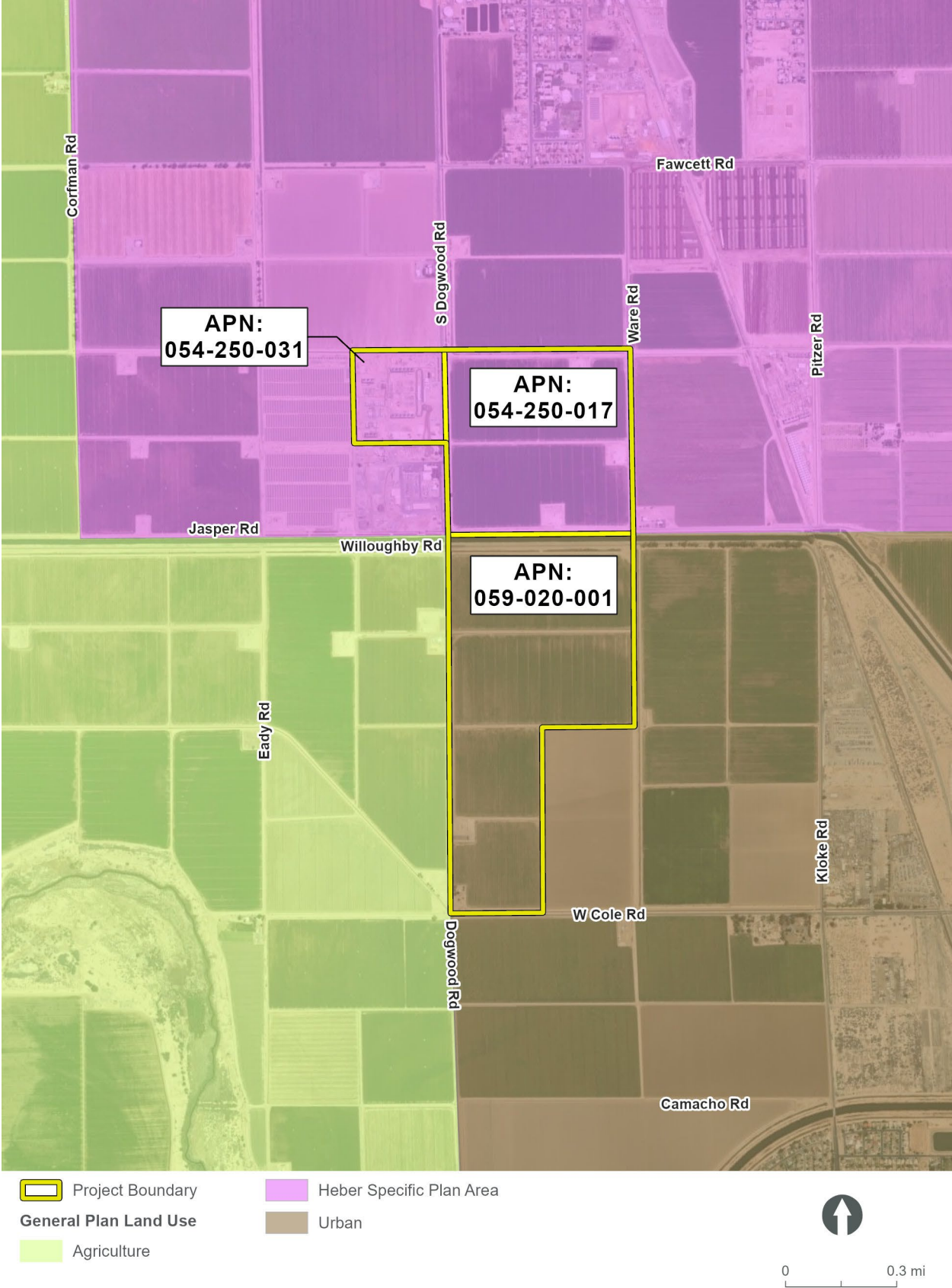
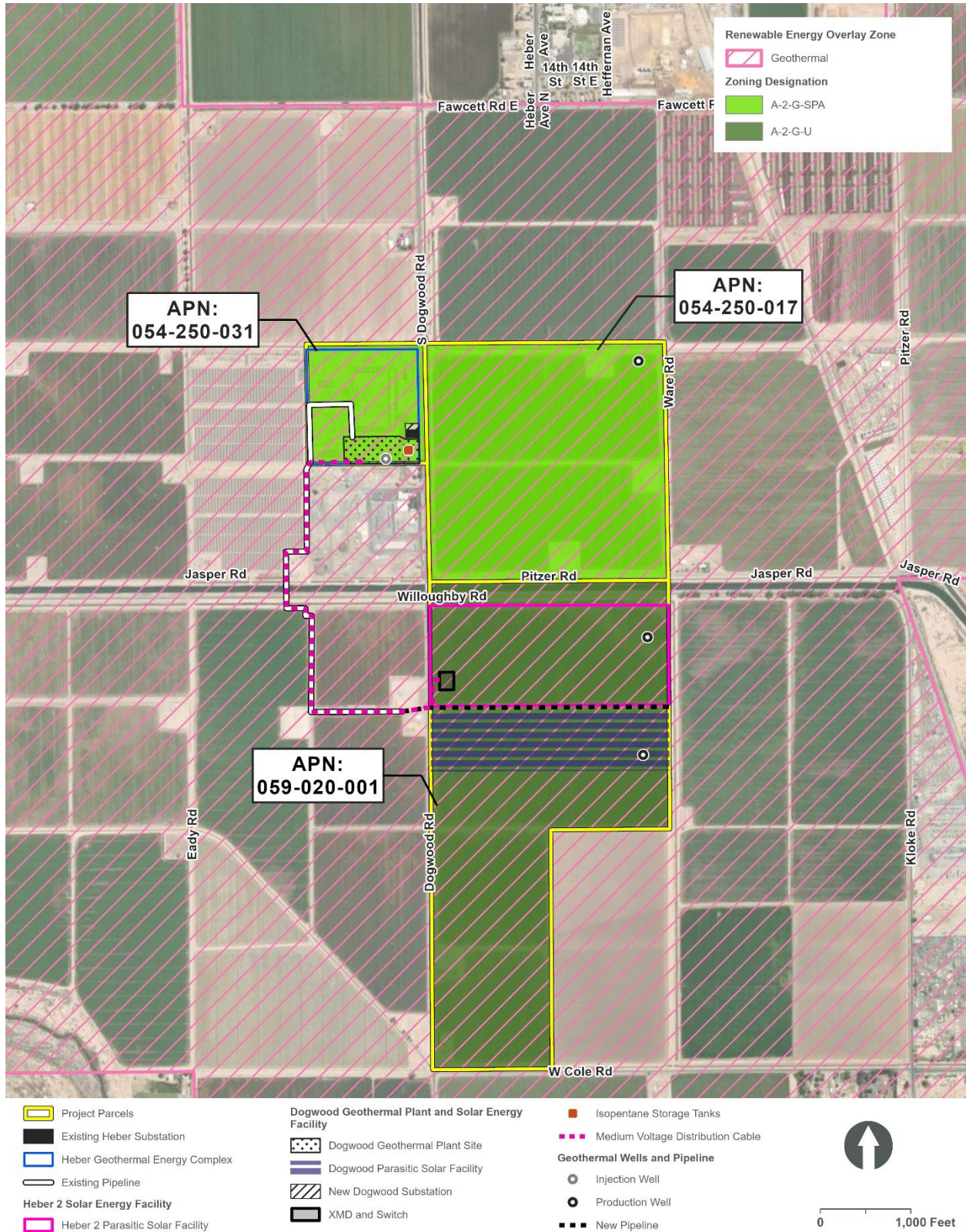




Figure 3.12-2. Zoning Designations





### Established Residential Communities

The project site is located in a sparsely populated portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. The nearest established residential community is located along E. Fawcett Road, approximately 2,985 feet north of the project site in the City of Heber. Table 3.12-2 summarizes the nearest residences in the vicinity of the project site and distance to the nearest project components.

**Table 3.12-2. Sensitive Receptors in Proximity to Project Components**

Sensitive Receptor	Nearest Project Component	Distance to Nearest Project Component (Feet)
Residence (104 Jasper Rd.)	Heber 2 Solar Facility	540
Residence (600 Dogwood Rd.)	Dogwood Solar Facility	2,900
Residential Area (E. Fawcett Rd.)	Production Well	2,985
Residences (153, 175, 195 E. Cole Blvd.)	Dogwood Solar Facility	3,825

### Nearby Airports

The nearest airport to the project site is the Calexico International Airport, located approximately two miles southeast of the project site. According to Figure 3B of the Imperial County Airport Land Use Compatibility Plan (ALUCP), no portion of the project site is located within the Calexico International Airport’s land use compatibility zones (ALUC 1996).

## 3.12.2 Regulatory Setting

This section identifies and summarizes laws, policies, and regulations that are applicable to the project.

### State

#### *State Planning and Zoning Laws*

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a city or county and of any land outside its boundaries that, in the city’s or county’s judgment, bears relation to its planning.

The general plan addresses a broad range of topics, including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city’s or county’s vision for the area. The general plan is a long-range document that typically addresses the physical character of an area over a 20-year period or more.

The State Zoning Law (California Government Code Section 65800 et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific zone district, are required to be consistent with the general plan and any applicable specific plans.



## Regional

### *Southern California Association of Governments – 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal)*

SCAG is the designated metropolitan planning organization for Los Angeles, Ventura, Orange, San Bernardino, Riverside, and Imperial Counties. CEQA requires that regional agencies like SCAG review projects and plans throughout its jurisdiction. SCAG, as the region's "Clearinghouse," collects information on projects of varying size and scope to provide a central point to monitor regional activity. SCAG has the responsibility of reviewing dozens of projects, plans, and programs every month. Projects and plans that are regionally significant must demonstrate to SCAG their consistency with a range of adopted regional plans and policies.

On September 3, 2020, SCAG adopted the 2020-2045 RTP/SCS (Connect SoCal). The 2020-2045 RTP/SCS (Connect SoCal) includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the NAAQS as set forth by the federal CAA. The following goals from the 2020-2045 RTP/SCS (Connect SoCal) are considered applicable to the proposed project:

- Goal 5: Reduce GHG emissions and improve air quality
- Goal 10: Promote conservation of natural and agricultural lands and restoration of habitats

## Local

### *Imperial County General Plan*

The purpose of the County's General Plan (as amended through 2008) is to direct growth, particularly urban development, to areas where public infrastructure exists or can be provided, where public health and safety hazards are limited, and where impacts on the County's abundant natural, cultural, and economic resources can be avoided. The following 10 elements comprise the County's General Plan: Land Use; Housing; Circulation and Scenic Highways; Noise; Seismic and Public Safety; Conservation and Open Space; Agricultural; Renewable Energy and Transmission Element; Water; and Parks and Recreation. Together, these elements satisfy the seven mandatory general plan elements as established in the California Government Code. Goals, objectives, and implementing policies and actions programs have been established for each of the elements.

Imperial County received funding from the CEC's Renewable Energy and Conservation Planning Grant to amend and update the County's General Plan in order to facilitate future development of renewable energy projects. The Geothermal/Alternative Energy and Transmission Element was last updated in 2006. Since then, there have been numerous renewable projects proposed, approved and constructed within Imperial County as a result of California's move to reduce greenhouse gas emissions, develop alternative fuel sources and implement its Renewable Portfolio Standard. The County has recently prepared an update to the Geothermal/Alternative Energy and Transmission Element of its General Plan, called the Renewable Energy and Transmission Element. This Element is designed to provide guidance and approaches with respect to the future siting of renewable energy projects and electrical transmission lines in the County. The County adopted this element in 2016.

The Renewable Energy (RE) and Transmission Element includes the RE and Geothermal Overlay Zones. The County Land Use Ordinance, Division 17, includes the RE Overlay Zone, which authorizes the development and operation of renewable energy projects with an approved CUP. The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of renewable



energy facilities while minimizing the impact on other established uses. As previously mentioned, the project site is located within the Geothermal Overlay Zone, which is considered as part of the RE Overlay Zone.

An analysis of the project’s consistency with the General Plan goals and objectives relevant to the project is provided in Table 3.12-2. While this EIR analyzes the project’s consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d), the Imperial County Planning Commission and Board of Supervisors retain final authority for the determination of the project’s consistency with the General Plan.

**Table 3.12-3. Project Consistency with Applicable General Plan Policies**

Applicable Policies	Consistency Determination	Analysis
<b>Land Use Element</b>		
Public Facilities. Objective 8.7: Ensure the development, improvement, timing, and location of community sewer, water, and drainage facilities will meet the needs of existing communities and new developing areas.	Consistent	The proposed project includes the necessary supporting infrastructure and would not require new community-based infrastructure. The proposed project would be required to construct supporting drainage infrastructure on-site consistent with County requirements and mitigation measures prescribed in Section 3.11, Hydrology/Water Quality, of the EIR. Once the proposed project is operational, a limited amount of water would be required for solar panel washing and fire protection. No septic system would be required for the proposed project.
Public Facilities. Objective 8.8: Ensure that the siting of future facilities for the transmission of electricity, gas, and telecommunications is compatible with the environment and County regulation.	Consistent	The County Land Use Ordinance, Division 17, includes the RE and Geothermal Overlay Zones, which authorizes the development and operation of RE projects with an approved CUP. The Geothermal Overlay Zone is concentrated in areas determined to be the most suitable for the development of RE and Geothermal facilities while minimizing the impact to other established uses.  The project site is located within the Geothermal Overlay Zone. Therefore, the proposed project would be sited in a suitable location for the transmission of renewable energy (geothermal and solar).
Public Facilities. Objective 8.9: Require necessary public utility rights-of-way when appropriate.	Consistent	The proposed project would not include dedication of ROW to facilitate the placement of project-related facilities.
Protection of Environmental Resources. Objective 9.6: Incorporate the strategies of the Imperial County AQAP in land use planning decisions and as amended.	Consistent	Dust suppression will be implemented in accordance with a dust control plan approved by the ICAPCD. Section 3.4, Air Quality, discusses the project’s consistency with the AQAP in more detail.

Applicable Policies	Consistency Determination	Analysis
<b><i>Circulation and Scenic Highways Element</i></b>		
Safe, Convenient, and Efficient Transportation System. Objective 1.1: Maintain and improve the existing road and highway network, while providing for future expansion and improvement based on travel demand and the development of alternative travel modes.	Consistent	The proposed project would include limited operational vehicle trips and would not be expected to reduce the current LOS at affected intersections, roadway segments, and highways. The proposed project does not propose residential or commercial development and therefore would not require new forms of alternative transportation to minimize impacts to existing roadways.
Safe, Convenient, and Efficient Transportation System. Objective 1.2: Require a traffic analysis for any new development which may have a significant impact on County roads.	Consistent	As described in Section 3.15, Transportation, a traffic study was prepared for the project and determined that proposed project would have a less than significant impact on the circulation network.  Once the proposed project is complete, the site will be staffed with 1-2 onsite employees. During operations, the proposed project would generate minimal vehicle trips (11 trips per day). The project would not reduce the current level of service at affected intersections, roadway segments, and highways.
<b><i>Noise Element</i></b>		
Noise Environment. Objective 1.3: Control noise levels at the source where feasible.	Consistent	As discussed in Section 3.13, Noise and Vibration, no individual or cumulative pieces of construction equipment would exceed the 75 dBA Imperial County construction noise standard during any phase of construction at the nearest noise-sensitive receptor. Project operational noise would not exceed County daytime or nighttime standards.
Project/Land Use Planning. Goal 2: Review Proposed Actions for noise impacts and require design which will provide acceptable indoor and outdoor noise environments.	Consistent	The project would be required to comply with the County's noise standards during both construction and operation. As discussed in Section 3.13, Noise and Vibration, no individual or cumulative pieces of construction equipment would exceed the 75 dBA Imperial County construction noise standard during any phase of construction at the nearest noise-sensitive receptor. Project operational noise would not exceed County daytime or nighttime standards.
<b><i>Conservation and Open Space Element</i></b>		
Conservation of Environmental Resources for Future Generations Goal 1: Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions and educating the public on their value.	Consistent	The power generated by the proposed project would be added to the state's electricity grid with the intent that it would displace fossil fueled power plants and their associated environmental impacts (i.e., air quality and GHG emissions). The proposed project would ensure future generations have access to a broad array of renewable energy sources, providing the public with alternative choices to fossil fuels.





Applicable Policies	Consistency Determination	Analysis
<p>Conservation of Biological Resources. Goal 2: The County will integrate programmatic strategies for the conservation of critical habitats to manage their integrity, function, productivity, and long-term viability.</p>	<p>Consistent</p>	<p>A biological resources survey was conducted for the project site. As discussed in Section 3.5, Biological Resources, the proposed project has the potential to impact burrowing owl and bird species. However, with the implementation of Mitigation Measures BIO-1 through BIO-4, these impacts would be reduced to a level less than significant. The site is not designated or otherwise identified as critical habitat for any species.</p>
<p>Preservation of Cultural Resources. Objective 3.1: Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.</p>	<p>Consistent</p>	<p>A cultural resources report was prepared for the project site. As discussed in Section 3.6, Cultural Resources, the proposed project has the potential to encounter undocumented archaeological resources and human remains. Mitigation Measures CUL-1 and CUL-2 have been identified to reduce potential impacts to a level less than significant.</p>
<p>Preservation of Agricultural Lands. Goal 4: The County will actively conserve and maintain contiguous farmlands and prime soil areas to maintain economic vitality and the unique lifestyle of the Imperial Valley.</p>	<p>Consistent</p>	<p>The project would temporarily convert land designated as Prime Farmland and Farmland of Statewide Importance to non-agricultural uses. Although the project would convert lands currently under agricultural production, the project applicant is proposing agriculture as the end use and is required to prepare a site-specific Reclamation Plan to minimize impacts related to short- and long-term conversion of farmland to non-agricultural use. The reclamation plan contents will include addressing the removal, recycling, and/or disposal of all project structures on the site, as well as restoration of the site to its pre-project condition. Therefore, the proposed project would not permanently convert Prime Farmland and Farmland of Statewide Importance to non-agricultural uses. Please refer to Section 3.3, Agricultural Resources, which provides a more detailed analysis of the project's consistency with applicable agricultural goals and objectives.</p>
<p>Conservation of Water Resources. Objective 6.1: Ensure the use and protection of all the rivers, waterways, and groundwater sources in the County for use by future generations.</p>	<p>Consistent</p>	<p>As discussed in Section 3.11, Hydrology/Water Quality, the project will prepare a site-specific drainage plan and water quality management plan to minimize adverse effects to local water resources; as well as coordinate with the IID for water consumption during construction and operation of the project.</p>
<p>Conservation of Energy Sources. Objective 6.2: Encourage the utilization of alternative passive and renewable energy resources.</p>	<p>Consistent</p>	<p>The proposed project entails the construction and operation of a geothermal plant, which is considered an alternative source of energy.</p>
<p>Protection of Air Quality and Addressing Climate Change. Goal 7: The County shall actively seek to improve the quality of air in the region.</p>	<p>Consistent</p>	<p>The proposed project would be required to comply with all applicable ICAPCD rules and requirements during construction and operation to reduce air emissions. Overall, the proposed project would improve air quality and reduce GHG emissions by reducing the amount of emissions that would be generated in association with electricity production from a fossil fuel burning facility. Therefore, the proposed project is consistent with this goal.</p>

Applicable Policies	Consistency Determination	Analysis
Protection of Air Quality and Addressing Climate Change. Objective 7.1: Ensure that all project and facilities comply with current Federal, State and local requirements for attainment of air quality objectives.	Consistent	The proposed project would comply with current federal and State requirements for attainment for air quality objectives through conformance with all applicable ICAPCD rules and requirements to reduce fugitive dust and emissions. Further, the proposed project would comply with the ICAPCD Air Quality CEQA Handbook's Mandatory Standard, Discretionary and Enhanced Air Quality Measures. Therefore, the proposed project is consistent with this objective.
Protection of Air Quality and Addressing Climate Change. Objective 7.2: Develop management strategies to mitigate fugitive dust. Cooperate with all federal and state agencies in the effort to attain air quality objectives.	Consistent	The Applicant would cooperate with all federal and State agencies in the effort to attain air quality objectives through compliance with the ICAPCD Air Quality CEQA Handbook's Mandatory Standard, Discretionary and Enhanced Air Quality Measures. Therefore, the proposed project is consistent with this objective.
Protection of Open Space and Recreational Opportunities. Objective 8.2: Focus all new renewable energy development within adopted Renewable Energy Overlay Zones.	Consistent	The project site is located entirely within the RE Overlay Zone.
<b>RE and Transmission Element</b>		
Objective 1.4: Analyze potential impacts on agricultural, natural, and cultural resources, as appropriate.	Consistent	This EIR has been prepared to meet the requirements of CEQA for purposes of evaluating the potential environmental impacts associated with the proposed project, which includes analysis on applicable environmental topics that analyze impacts on agricultural, natural, and cultural resources.
Objective 1.5: Require appropriate mitigation and monitoring for environmental issues associated with developing RE facilities.	Consistent	A biological resources report has been prepared for the project, which is summarized in Section 3.5, Biological Resources, along with potential impacts attributable to the proposed project. With incorporation of Mitigation Measures BIO-1 through BIO-4 identified in Section 3.5, Biological Resources, less than significant impacts would result.
Objective 1.6: Encourage the efficient use of water resources required in the operation of renewable energy generation facilities.	Consistent	The proposed project would obtain water for construction and decommissioning activities, including grading, and dust control from the Applicant's existing contract with IID. Water necessary for well drilling would be obtained from local irrigation canals in conformance with IID requirements.
Objective 1.7: Assure that development of RE facilities and transmission lines comply with ICAPCD's regulations and mitigation measures.	Consistent	Dust suppression will be implemented including the use of water and soil binders during construction. Section 3.4, Air Quality, discusses the proposed project's consistency with ICAPCD's regulations in more detail.



Applicable Policies	Consistency Determination	Analysis
<p>Objective 2.1: To the extent practicable, maximize utilization of IID’s transmission capacity in existing easements or rights-of-way. Encourage the location of all major transmission lines within designated corridors easements, and rights-of-way.</p>	<p>Consistent</p>	<p>Pending Imperial Irrigation District (IID) review, no upgrades to off-site transmission facilities are necessary. If upgrades to off-site facilities are later deemed necessary through an IID transmission study, recommendations could include protection upgrades and metering replacements at existing IID substations and/or upgrades to telecommunications, distribution lines, and transmission lines. Such upgrades would use existing infrastructure, easements, right-of-way, and corridors to the extent practicable.</p> <p>The new Dogwood substation will connect directly to the existing point of interconnection with the IID controlled grid.</p>
<p><b>Seismic and Public Safety Element</b></p>		
<p>Land Use Planning and Public Safety. Goal 1: Include public health and safety considerations in land use planning.</p>	<p>Consistent</p>	<p>Division 5 of the County Land Use Ordinance has established procedures and standards for development within earthquake fault zones. Per County regulations, construction of buildings intended for human occupancy which are located across the trace of an active fault are prohibited. An exception exists when such buildings located near the fault or within a designated Special Studies Zone are demonstrated through a geotechnical analysis and report not to expose a person to undue hazard created by the construction.</p> <p>Since the project site is located in a seismically active area, the project is required to be designed in accordance with the CBC. In conjunction with mitigation requirements outlined in the impact analysis, the risks associated with seismic hazards would be minimized.</p> <p>A preliminary geotechnical report has been prepared for the proposed project. The preliminary geotechnical report has been referenced in this environmental document. Additionally, a design-level geotechnical investigation would be conducted to evaluate the potential for site specific hazards associated with seismic activity.</p>
<p>Land Use Planning and Public Safety. Objective 1.1: Ensure that data on geological hazards is incorporated into the land use review process, and future development process.</p>		
<p>Land Use Planning and Public Safety. Objective 1.3: Regulate development adjacent to or near all mineral deposits and geothermal operations.</p>		
<p>Land Use Planning and Public Safety. Objective 1.4: Require, where possessing the authority, that avoidable seismic risks be avoided; and that measures, commensurate with risks, be taken to reduce injury, loss of life, destruction of property, and disruption of service.</p>		
<p>Land Use Planning and Public Safety. Objective 1.7: Require developers to provide information related to geologic and seismic hazards when siting a proposed projects.</p>		
<p>Emergency Preparedness. Goal 2: Minimize potential hazards to public health, safety, and welfare and prevent the loss of life and damage to health and property resulting from both natural and human-related phenomena.</p>		

Applicable Policies	Consistency Determination	Analysis
Emergency Preparedness. Objective 2.2: Reduce risk and damage due to seismic hazards by appropriate regulation.		
Emergency Preparedness. Objective 2.5: Minimize injury, loss of life, and damage to property by implementing all state codes where applicable.		
Emergency Preparedness. Objective 2.8: Prevent and reduce death, injuries, property damage, and economic and social dislocation resulting from natural hazards including flooding, land subsidence, earthquakes, other geologic phenomena, levee or dam failure, urban and wildland fires and building collapse by appropriate planning and emergency measures.		
<b>Water Element</b>		
Protection of Water Resources from Hazardous Materials. Program: The County of Imperial shall make every reasonable effort to limit or preclude the contamination or degradation of all groundwater and surface water resources in the County.	Consistent	Mitigation measures will require that the applicant of the proposed project prepare a site-specific drainage plan and water quality management plan to minimize adverse effects to local water resources.
Protection of Water Resources from Hazardous Materials. Program: All development proposals brought before the County of Imperial shall be reviewed for potential adverse effects on water quality and quantity, and shall be required to implement appropriate mitigation measures for any significant impacts.	Consistent	See previous response.
<b>Housing Element</b>		
Not Applicable. The proposed project is a renewable energy project and does not include the development of housing.		

Source: County of Imperial 2008

**Notes:**

AQAP=air quality attainment plan; CBC=California Building Code; CUP=conditional use permit; EIR=environmental impact report; GHG=greenhouse gas; ICAPCD=Imperial County Air Pollution Control District; IID=Imperial Control District; LOS=level of service; RE=renewable energy; ROW=right-of-way

**County of Imperial Land Use Ordinance**

The County’s Land Use Ordinance provides the physical land use planning criteria for development within the jurisdiction of the County. The Land Use Ordinance identifies the permitted and conditional uses within a zoning designation. Uses identified as conditionally permitted require a CUP, which is



subject to the discretionary approval of the County Board of Supervisors per a recommendation by the County Planning Commission.

### **Permitted and Conditional Uses**

**A-2 Zoning.** Pursuant to Title 9, Division 5, Chapter 8 of the Land Use Ordinance the purpose of the A-2 zone is to “designate areas that are suitable and intended primarily for agricultural uses (limited) and agricultural related compatible uses” (County of Imperial 2020).

Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone:

- n) Oil, gas and geothermal exploration meeting requirements specified in Division 17*
- s) Solar energy extraction generation provided that is for on-site consumption only*

Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

- y) Electrical generation plants (less than 50 MW) excluding nuclear or coal fired and meeting requirements in Division 17*
- z) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)*
- bb) Facilities for the transmission of electrical energy (100-200 kv)*
- ii) Geothermal test facilities, Intermediate projects, and major exploratory wells, meeting requirements in Division 17*
- rr) Major Geothermal projects per Division 17*
- ww) Resource extraction and energy development as per Division 17*
- aaa) Solar energy electrical generator*

**Height Limit in A-2 Zone.** Section 90508.07 of the Land Use Ordinance limits the height of all non-residential structures and specifically states in Section 90508.07(c) that, “Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and as may be required by the ALUC plan.”

**RE Resources.** According to Title 9, Division 17 of the Land use Ordinance, the purpose of the RE Resources regulations are to “facilitate the beneficial use of renewable energy resources for the general welfare of the people of Imperial County and the State of California; to protect renewable energy resources from wasteful or detrimental uses; and to protect people, property, and the environment from detriments that might result from the improper use of renewable energy resources” (ICPDS 2017).

Title 9, Division 17 of the Land Use Ordinance includes the RE Overlay Zone, which authorizes the development and operation of renewable energy projects, with an approved CUP. Chapter 3 of Title 9, Division 17 sets forth additional specific standards for geothermal projects. Uses that are conditionally permitted require and require a CUP are subject to the discretionary approval of the County Board of Supervisors (Board) per a recommendation by the County Planning Commission.

### *Imperial County Airport Land Use Compatibility Plan*

The Imperial County ALUCP provides the criteria and policies used by the Imperial County Airport Land Use Commission to assess compatibility between the principal airports in Imperial County and proposed land use development in the areas surrounding the airports. The ALUCP emphasizes review

of local general and specific plans, zoning ordinances, and other land use documents covering broad geographic areas.

The nearest airport to the project site is the Calexico International Airport, located approximately two miles southeast of the project site. According to Figure 3B of the Imperial County Airport Land Use Compatibility Plan (ALUCP), no portion of the project site is located within the Calexico International Airport's land use compatibility zones (ALUC 1996).

### 3.12.3 Impacts and Mitigation Measures

#### Thresholds of Significance

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

- Physically divide an established community
- 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 3.12-1**      ***Would the project physically divide an established community?***

The project site is located in a sparsely populated portion of Imperial County. The nearest single-family residence is located approximately 360 feet east of the eastern boundary of the project site along Jasper Road. Additional single-family residences are located approximately 0.5-mile southeast of the project site along Cole Road. However, there are no established residential communities located in the vicinity of the project site. The nearest established residential community is located approximately 0.5 mile north of the project site in the City of Heber. Therefore, implementation of the proposed project would not divide an established community and no impact would occur.

#### *Mitigation Measure(s)*

No mitigation measures are required.

**Impact 3.12-2**      ***Would the project 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?***

The project's consistency with applicable land use plans, policies, and regulations is evaluated below.

#### **SCAG 2020-2045 RTP/SCS (CONNECT SOCAL)**

As noted above, the 2020-2045 RTP/SCS (Connect SoCal) (SCAG 2020) identifies two goals which include reducing GHG emissions to improve air quality (Goal 5), and to promote conservation of natural and agricultural lands (Goal 10).

The 2020-2045 RTP/SCS (Connect SoCal), identifies strategies to support the goal of reducing regional GHG and improve air quality. Strategies include leveraging technological innovations including incorporating solar energy, hydrogen fuel cell power storage, and power generation. Once

in operation, the proposed project would contribute to SCAG's goal in reducing GHG emissions and improving air quality.

The 2020-2045 RTP/SCS (Connect SoCal) also discusses the decline of agricultural land as an issue for the economy. As discussed in Section 3.3, Agricultural Resources, the proposed project would temporarily convert Prime Farmland and Farmland of Statewide Importance to non-agricultural uses. Although the entire project falls within the RE Overlay Zone, which allows for the conversion of agricultural land for renewable energy production with an approved CUP, the loss of agricultural land classified as Prime Farmland and Farmland of Statewide Importance is considered a significant impact under CEQA. Therefore, implementation of Mitigation Measures AG-1a (Payment of Agricultural and Other Benefit Fees) and AG-1b (Site Reclamation Plan) would mitigate potential impacts to the land use conversion. Upon implementation of Mitigation Measures AG-1a and AG-1b, impacts would be reduced to a level less than significant. Therefore, no impacts due to a conflict with Connect SoCal would occur.

#### COUNTY OF IMPERIAL GENERAL PLAN

An analysis of the project's consistency with the General Plan goals and objectives relevant to the project is provided in Table 3.12-2. As shown in Table 3.12-2, the proposed project would generally be consistent with the goals and objectives of the General Plan.

#### COUNTY OF IMPERIAL LAND USE ORDINANCE

Development of the proposed project is subject to the County's zoning ordinance. The project site is located on three privately-owned legal parcels zoned A-2-G-SPA and A-2-G-U. Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone:

- n) Oil, gas and geothermal exploration meeting requirements specified in Division 17*
- s) Solar energy extraction generation provided that is for on-site consumption only*

Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

- y) Electrical generation plants (less than 50 MW) excluding nuclear or coal fired and meeting requirements in Division 17*
- z) Electrical substations in an electrical transmission system (500 kv/230 kv/161 kv)*
- bb) Facilities for the transmission of electrical energy (100-200 kv)*
- ii) Geothermal test facilities, Intermediate projects, and major exploratory wells, meeting requirements in Division 17*
- rr) Major Geothermal projects per Division 17*
- ww) Resource extraction and energy development as per Division 17*
- aaa) Solar energy electrical generator*

Further, Title 9, Division 17 of the Land Use Ordinance, includes the RE Overlay Zone, which authorizes the development and operation of renewable energy projects, with an approved CUP (ICPDS 2017). Chapter 3 of Title 9, Division 17 sets forth additional specific standards for geothermal projects. Therefore, the proposed project qualifies as permitted uses with the approval of the CUPs by the County to allow for the construction and operation of the proposed geothermal and solar energy facilities. With approval of the CUPs, the proposed project would not conflict with the County's zoning

ordinance. No impacts due to a conflict with the County of Imperial Land Use Ordinance(s) would occur.

#### IMPERIAL COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

The nearest airport to the project site is the Calexico International Airport, located approximately two miles southeast of the project site. According to Figure 3B of the Imperial County Airport Land Use Compatibility Plan (ALUCP), no portion of the project site is located within the Calexico International Airport's land use compatibility zones (ALUC 1996). Therefore, the proposed project would not conflict with the Imperial County ALUCP, and no impact would occur.

#### *Mitigation Measure(s)*

No mitigation measures are required.

### 3.12.4 Decommissioning/Restoration and Residual Impacts

#### Decommissioning/Restoration

Decommissioning and restoration would not physically divide an established community or conflict with any applicable land use plans, policies, or regulations. Decommissioning would be conducted in compliance with a required Reclamation Plan that would be implemented at the end of the proposed project's life and would adhere to Imperial County's decommissioning requirements. Further, decommissioning activities would be subject to mandatory compliance with applicable local, State, and federal regulations designed to avoid adverse impacts to the project area and surrounding environment.

#### Residual

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