

### B.3.10 Land Use and Planning

#### LAND USE PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Significance criteria established by CEQA Guidelines, Appendix G.

#### B.3.10.1 Setting

The proposed expansion of the Downs Substation and the modifications to the Inyokern-McGen-Searles No. 2 115-kV subtransmission line are located in the city of Ridgecrest in Kern County. The modifications to the Inyokern-McGen-Searles No. 1 115-kV subtransmission line includes the replacement of six subtransmission line poles near the community of Trona in the Searles Valley of San Bernardino County. The Proposed Project also includes the installation of approximately 58 miles of new fiber optic telecommunication cable, which would traverse the city of Ridgecrest and the unincorporated communities of Inyokern, China Lake Acres, Argus, and Trona in the Counties of Kern and San Bernardino. Therefore, the land use study area for the Proposed Project includes the city of Ridgecrest and the unincorporated areas of Inyokern, China Lake Acres, and the Searles Valley.

The city of Ridgecrest's General Plan land use designation for the location of the proposed Downs Substation expansion is Commercial and Office use. The surrounding land uses include Commercial and Office (C) to the north, west, and east; Parks and Schools (PS) to the south; and ~~Low-Estate Residential Density (LED)~~ to the southwest (City of Ridgecrest, 2008). The existing 115-kV subtransmission lines and the fiber optic telecommunication cable which would be added to these poles are in public rights-of-way and existing SCE rights-of-way located largely on Bureau of Land Management (BLM)-managed lands.

The location of the Proposed Downs Substation Expansion Project is designated as General Commercial (CG) in the City's zoning ordinance. The surrounding zoning includes Service Commercial (CS) to the north and east; Recreational, School, Public Use (RSP) to the south; ~~Multi-Family Residential (R-2)~~ to the southwest; and CG to the west (City of Ridgecrest, 2008).

#### **Federal Regulatory Setting**

##### **BLM West Mojave Plan**

The Proposed Project is within the boundaries of the BLM's West Mojave Plan (WEMO), which is an amendment to the BLM's California Desert Conservation Area (CDCA) Plan. The planning area covers 9.3 million acres in the western portion of the Mojave Desert in southern California covering parts of San Bernardino, Los Angeles, Kern, and Inyo Counties. This habitat conservation plan is being prepared by the BLM in collaboration with the region's cities, counties, State and federal agencies. The plan would apply to the 3.3 million acres of public lands and 3 million acres of private lands within the planning area, and would be consistent with both the resource management plans adopted by each of the region's five military bases and with the desert tortoise recovery plan. The March 2006 Record of

Decisions refers solely to BLM’s amendment of the CDCA Plan and does not include the actions being proposed by State and local governments for the non-federal lands; therefore, compliance with the WEMO Plan is applicable only to the portions of Project that are under the jurisdiction of the BLM. (BLM, 2006)

### **BLM Right-of-Way (ROW) Grants**

The existing 115-kV subtransmission lines and the proposed fiber optic telecommunication cable, which would be added to these poles, are in public rights-of-way and existing SCE rights-of-way located largely on BLM-managed lands. As such, these are existing 115-kV subtransmission line easement areas, public road ROWs (franchise areas), and BLM grant areas (collectively, “ROW”). SCE currently possesses three ROW Grants (CALA-0131328, CALA-096498, and CACA-16918).

### **Local Regulatory Setting**

The CPUC has exclusive permitting authority regarding SCE’s application to expand the Downs Substation, and no local use permit would be required. Absent CPUC involvement, the expansion of the Downs Substation would otherwise be considered a conditional use under the site’s land use designation and zoning, and would require compliance with the following land use plans and policies:

### **City of Ridgecrest General Plan Land Use Element 1991-2010 (City of Ridgecrest, 1991)**

#### Public Services and Facilities

- Goal 1.4            Provide necessary public facilities and services that are convenient, economical and reinforce city and community identity.
- Objectives:        Coordinate long-range planning for all public utilities, services and facilities in order to achieve more efficient and cost-effective service.
- Policies:            1.4.3 Coordinate with appropriate agencies the expansion of all public services and facilities (sewer, polices, fire, water, schools, solid waste) with a desired population level for the Ridgecrest area and the City’s capital improvement budgets.

### **City of Ridgecrest Zoning Ordinance (City of Ridgecrest, 2005)**

#### 20-16 CG General Commercial

20-16.1 *Purpose*. The General Commercial District is intended primarily to serve as the central trading district of the City along major arterials. This zone provides the accommodations for the sales of commodities, performance of services, repair facilities, wholesale and retail distribution of goods and services that are conducted entirely indoors.

20-16.3 *Conditional Uses*. The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this code:

- b. Electrical transmission or distribution substations, gas regulator stations, communication equipments buildings, public service pumping stations

## 20-21 Conditional Use Permits

20-21.7 *Action by the Planning Commission.* The Planning Commission may approve an application for a conditional use permit as applied for or in modified form if, on the basis of the application and the evidence submitted the Commission makes all of the following findings:

- a. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity.
- b. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- c. That the proposed location of the conditional use is in accordance with the objectives of the zoning chapter and the purposes of the district in which the site is located. (Ord. 84-08, A 21, § 2107)

### **B.3.10.2 Environmental Impacts and Mitigation Measures**

#### ***a. Would the project physically divide an established community?***

*NO IMPACT.* The proposed substation expansion and the modifications and rerouting of the 115-kV subtransmission line would be located within an existing commercial corridor in the city of Ridgecrest. A local park and low to medium density residential areas are generally located adjacent to the commercial corridor, which include single-family homes on medium-sized lots. Therefore, the proposed expansion and modifications to the subtransmission line would not physically divide any of these residential areas, and would not divide an established community.

The fiber optic telecommunication system upgrades would include the replacement of six poles and the undergrounding of cables into new underground substructures. The construction of these upgrades would occur within existing rights-of-way that currently traverse residential and commercial areas within the city of Ridgecrest, the communities of Inyokern and China Lake Acres, and large areas of open space and vacant land. Therefore, the fiber optic telecommunication system upgrades would not change the land use in these areas, and would not physically divide an established community.

#### ***b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?***

*LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.* For compliance with BLM's existing ROW grants, in June 2010, SCE filed two separate Applications for Transportation and Utility Systems and Facilities on Federal Lands (referred to as an SF-299 application) with BLM in which SCE requested authorization to consolidate the existing ROW grants into a single grant and to amend the grants to allow the addition of fiber optic telecommunication cables to the existing 115-kV subtransmission poles, and replacement of one existing wood pole (the other five poles to be replaced are located on private land) on the 115-kV subtransmission route. BLM determined the addition of the fiber optic cable does not constitute a substantial deviation because the Project would not be changing the use or location of the authorized ROW (BLM, 2011). The criteria for substantial deviation as defined by 43 CFR 2807.20(a),

states that “you must amend your application or seek amendment of your grant when there is a proposed substantial deviation in location or use.” SCE is not meeting this definition for the Proposed Project; therefore, an amendment is not required (BLM, 2011). BLM noted that SCE will need to request a Notice to Proceed and must provide the following documentation to the BLM’s Ridgecrest Field Office prior to proceeding with construction: (1) A clearance document from California Fish and Game for the Mohave Ground Squirrel, and (2) An Encroachment permit from CalTrans for the pole located on public lands (BLM, 2011). Mitigation Measure L-1 (File a Notice to Proceed) requires that the Notice to Proceed is filed at least 30 days prior to the start of construction. With implementation of this measure, the Proposed Project would not conflict with BLM regulations.

As stated above, the CPUC has exclusive permitting authority regarding SCE’s application to expand the substation, and no local use permit would be required. However, without CPUC involvement the expansion of the Downs Substation would otherwise be considered a conditional use under the site’s land use designation and zoning, and would require compliance with the land use policies identified in the city of Ridgecrest’s General Plan and Zoning Ordinance (as presented in the Local Regulatory Setting above). Table B.3.10-1 provides an analysis of potential conflicts with the city of Ridgecrest’s land use and zoning regulations. As stated in the consistency analysis within Table B.3.10-1, the Proposed Project would not conflict with the city of Ridgecrest’s applicable land use and zoning regulations, and there would be no impact.

Table B.3.10-1. City of Ridgecrest Regulations, Plans, and Standards		
Document	Regulation	Consistency Analysis
General Plan 1991-2010  Land Use Element	<p><b>Public Services and Facilities</b>  <i>Goal 1.4</i> - Provide necessary public facilities and services that are convenient, economical and reinforce city and community identity.  <i>Objectives:</i> Coordinate long-range planning for all public utilities, services and facilities in order to achieve more efficient and cost-effective service.  <i>Policy 1.4.3</i> - Coordinate with appropriate agencies the expansion of all public services and facilities (sewer, polices, fire, water, schools, solid waste) with a desired population level for the Ridgecrest area and the City’s capital improvement budgets.</p>	The Proposed Project has been stated by SCE to be necessary to serve increased electrical demand in the Electrical Needs Area (portions of the city of Ridgecrest and surrounding areas of unincorporated Kern County and San Bernardino County), as well as to improve system reliability and enhance operational flexibility. Therefore, the proposed expansion and upgrades contribute to long-range planning for future electrical needs. As such, the Proposed Project would be in compliance with the applicable objective and policy to aid in fulfilling Goal 1.4.
Zoning Ordinance	<p><b>20-16.3 Conditional Uses.</b> The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this code:                      b. Electrical transmission or distribution substations, gas regulator stations, communication equipments buildings, public service pumping stations.</p>	As stated in the consistency analysis for Section 20-21, below, the Proposed Project would comply with the necessary finding for a conditional use permit.
	<p><b>20-21 Conditional Use Permits</b>  <i>20-21.7 Action by the Planning Commission.</i> The Planning Commission may approve an application for a conditional use permit as applied for or in modified form if, on the basis of the application and the evidence submitted the Commission makes all of the following findings:                      a. That the proposed location of the use and the conditions under which it would be operated or</p>	<p>a. The Proposed Project would expand the existing land use; and the surrounding land uses are a park, commercial development, and vacant land. Therefore, the Proposed Project would not pose a public health risk or conflict with surrounding land uses.                      b. As the landowner of the proposed expansion site, approval of the project would allow SCE to expand their existing land use, and in doing so, would preserve their property right. In addition, the</p>

Table B.3.10-1. City of Ridgecrest Regulations, Plans, and Standards		
Document	Regulation	Consistency Analysis
	<p>maintained will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity.</p> <p>b. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.</p> <p>c. That the proposed location of the conditional use is in accordance with the objectives of the zoning chapter and the purposes of the district in which the site is located. (Ord. 84-08, A 21, § 2107)</p>	<p>continued use would not impact other surrounding land uses or impose on the preservation and enjoyment of their property right.</p> <p>c. The purpose of the General Commercial (CG) District is intended primarily to serve as the central trading district of the City along major arterials. This zone provides the accommodations for the sales of commodities, performance of services, repair facilities, wholesale and retail distribution of goods and services that are conducted entirely indoors. The proposed expansion and modifications would be adjacent to an existing substation in a commercial corridor, and the project would allow for greater electrical reliability for potential increases in commerce in this area. Therefore, the project would not conflict with the purposes of this district.</p>

**Mitigation Measure for Compliance with Applicable Regulations**

**L-1 File a Notice to Proceed.** SCE must file a Notice to Proceed with the BLM’s Ridgecrest office at least 30 days prior to the start of construction. The Notice to Proceed shall also include a clearance document from California Fish and Game for the Mohave Ground Squirrel and an Encroachment permit from CalTrans, as appropriate.

**c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

*LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.* The Proposed Project is within the boundaries of the BLM’s WEMO. In addition, the Proposed Project is also subject to the provisions of the Kern County General Plan and the City of Ridgecrest General Plan Conservation Element 1991-2010. As described in Biological Resources Section B.3.4(f), implementation of APMs BR-1 through BR-5 (see Table B.3.4-2) and Mitigation Measures B-1 through B-13 would prevent conflicts with the conservation strategies identified in the BLM’s WEMO, Kern County General Plan, and the City of Ridgecrest General Plan Conservation Element such that impacts would be less than significant.