

2.9 Land Use, Planning, and Policies

| <i>Issues (and Supporting Information Sources):</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| 9. LAND USE AND LAND USE PLANNING— Would the project: | | | | |
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Setting

Regional

Del Norte County is the northernmost county on the California coast. The County, which covers approximately 1,070 square miles, is bounded on the north by Curry and Josephine Counties in Oregon, on the east by Siskiyou County, on the south by Humboldt County, and the Pacific Ocean is to the west. Crescent City is the County's only incorporated city (Del Norte County, 2003).

The extent of public land is a major factor in the County's land use pattern. There are several land use/land ownerships that cover a significant amount of the County's total land area, including the Smith River National Recreational Area and Redwood National and State Parks. Resource based land uses, including agriculture and timberlands continue to be significant in terms of the extent of such uses and the continuity of their function in the County's economy (Del Norte County, 2003).

Local

The Proposed Project site is located in northwest Del Norte County approximately one-quarter mile southeast of the community of Smith River, California, and approximately five miles south of the Oregon/California border (see Figure 1-1). The Proposed Project site is south of Rowdy Creek and adjacent to the eastern side of U.S. Highway 101 (U.S. 101) and an existing 69 kV transmission line with 12.5 kV distribution underbuild.

The existing Simonson Substation site is an approximately one-quarter-acre site, while the proposed Morrison Creek Substation site, located approximately 1,000 feet southeast of the existing Simonson Substation, is an approximately 1.74-acre site. The proposed Morrison Creek Substation site is currently vacant and was previously used by a lumber mill operation with mill foundations and paved areas still present.

Land uses in the vicinity of the Proposed Project site are generally rural in nature. Large portions of agricultural land are located west and southwest of the Proposed Project site, on the west side of U.S. 101, with timber lands to the east of the site. Other land uses in the vicinity (within one-half mile of both the proposed and existing substation locations) include:

- *Residential:* Residential uses within the Proposed Project vicinity are primarily detached, single-family dwellings with a medium-density area concentrated in the community of Smith River located northwest of the study area. Other medium-density areas occur south and southwest of the proposed substation site, with low-density single-family dwellings located to the north of the study area. Two mobile home parks are also located in the study area: one located approximately one-half mile south of the proposed Morrison Creek Substation site and the other located approximately one-quarter mile west of the existing Simonson Substation.
- *Commercial:* Commercial/retail services in the vicinity are concentrated approximately one-quarter mile to the northwest of the Proposed Project site in the Community of Smith River, on the west side of U.S. 101.
- *Tribal Headquarters:* The Tolowa Tribe Smith River Rancheria Headquarters is located approximately one-third mile northwest of the proposed Morrison Creek Substation site, on the north side of Rowdy Creek.
- *Retail/Service:* Retail/service uses are located to the west of the study area, directly across U.S. 101 from the existing Simonson Substation.
- *Light Industrial:* Light industrial areas in the vicinity include the parcels on which the existing and proposed substations are located, as well as both sides of U.S. 101 on the north side of Rowdy Creek, and an area located approximately one-third mile to the west of the study area.
- *Churches:* One church is located approximately one-third mile northwest of the proposed Morrison Creek Substation site.
- *Agriculture:* Agricultural land within the vicinity of the Proposed Project is located on both sides of Rowdy Creek, as well as to the south and southwest of the proposed Morrison Creek Substation site, across U.S. 101.
- *Vacant/Undeveloped:* The majority of the land in the project vicinity is vacant/undeveloped land, including large parcels located to the southeast and southwest of the proposed Morrison Creek Substation site, with smaller areas occurring to the north and northeast of the Proposed Project area.

Regulatory Context

California Public Utilities Commission General Order No. 131-D

The California Public Utilities Commission (CPUC) has sole and exclusive jurisdiction over the siting and design of the Proposed Project because it authorizes the construction and maintenance of investor-owned public utility facilities. Although such projects are exempt from local land use and zoning regulations and permitting, General Order No. 131-D, Section III.C requires “the utility to communicate with, and obtain the input of, local authorities regarding land-use matters and obtain any non-discretionary local permits” (CPUC, 1994). Non-discretionary local permits include permits that would not require approval from a local decision-making body such as a planning commission or city council.

Del Norte County General Plan

The existing and proposed substation locations are on and adjacent to parcels designated by the General Plan for *Light Industrial* (LI), *General Industrial* (GI), and *Riparian Corridor* (RC) uses. Specifically, both the existing Simonson Substation site and proposed Morrison Creek Substation site are designated as *General Industrial* (Hooper, 2007). The *Light Industrial* designation is intended to “provide for both rural and urban areas of mixed commercial, heavy commercial and light non-nuisance industrial uses which may not require prime retail sales and industrial manufacturing locations.” The *General Industrial* designation is intended to “provide areas suitable for normal operations of heavy commercial, industrial and manufacturing industrials in both rural and urban area.” And, the *Riparian Corridor* designation is applied to “areas containing riparian vegetation immediately adjacent and contiguous to a natural water course” (Del Norte County, 2003).

Del Norte County Zoning Ordinance

The parcels on which the existing Simonson Substation and the proposed Morrison Creek Substation site are located, as well as all parcels adjacent to the substations, are currently zoned *Manufacturing and Industrial* (M) (Hooper, 2007). The *Manufacturing and Industrial* zoning district is intended to “apply to areas suited to normal operations of industries, subject only to such regulations as are needed to control congestion and protect surrounding areas” (Del Norte County, 1967).

Land Use and Planning Impacts and Mitigation Measures

a) Physical division of an established community: *No impact.*

Because the Proposed Project involves the removal of Simonson Substation and the construction of Morrison Creek Substation on vacant, private land, and because the proposed substation would not restrict access to or within the community of Smith River, the Proposed Project would not result in the physical division of an established community.

- b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect: *Less than significant.***

While local regulation of public utility facilities, including substations, is preempted under CPUC General Order 131-D, the CPUC seeks to cooperate with local government agencies. As discussed above, the proposed Morrison Creek Substation site would be located entirely on private property that is zoned as *Manufacturing and Industrial (M)*, with the County land use designation of *General Industrial (GI)*. Public utility facilities in Del Norte County are permitted within *Manufacturing and Industrial* districts and *General Industrial* land use designations with the issuance of a Conditional Use Permit (CUP). Construction of the Proposed Project would be consistent with the Del Norte County General Plan and Zoning Code. It should be noted that the CUP is a discretionary land use permit; however, PacifiCorp would not be required to obtain the CUP from Del Norte County prior to Proposed Project approval by the CPUC. Impacts related to consistency with applicable plans and policies would be less than significant.

- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan: *No impact.***

There are no adopted habitat conservation or natural community conservation plans that are applicable to the Proposed Project site. Therefore, the Proposed Project would not result in any impacts related to conflicts with habitat conservation or natural community conservation plans.

References – Land Use, Planning, and Policies

California Public Utilities Commission (CPUC), 1994. General Order 131-D: *Rules Relating to the Planning and Construction of Electric Generation, Transmission/Power/Distribution Line Facilities and Substations Located in California*. Decision 94-06-014, adopted June 8, 1994, effective July 8, 1994.

Del Norte County, 1967. *Del Norte County Code: (Ord. 67-10 § 3.1300)*, 1967.

Del Norte County, 2003. *Del Norte County General Plan*, adopted January 28, 2003.

Hooper, Randy, 2007. Email communication with Randy Hooper, Planner II, Del Norte County, October 11, 2007.