

Comment Set A0002
Imperial County Planning and Development Services ALUC
(Portions of this comment appear on DVD only)

A G E N D A

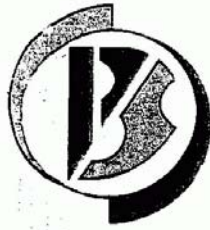
Airport Land Use Commission Meeting at 6:00 p.m., February 20, 2008, in the Board of Supervisors Chambers, 940 Main Street, El Centro, California

COMMISSIONERS: Larry Allen (Chairman), Bob Douthitt (Vice-Chairman), Jeffery Enz, Charles Baker, Lt. Matt Howard and Robert Weigele

1. 6:00 PM Roll Call.
2. Approval of the Minutes of January 16, 2008.
3. 6:15 PM Public Hearing to consider if the proposed Sunrise Power Link Transmission Line, proposed by the San Diego Gas & Electric Company as part of their proposed expansion of their existing transmission lines in Imperial County to service renewable energy resources, exceeding the existing height limits in various County zones for a 500-kV transmission line up to approximately 160-feet, is consistent with the 1996 Airport Land Use Compatibility Plan (ALUC 02-08).
4. 6:30 PM Public Hearing to consider the City of Imperial's, General Plan Amendment, Amended Tentative Tract Map, and Planned Unit Development for Units 3 and Unit 4 for the Monterrey Park Subdivision project by Westshore Development, a net increase of 187 dwelling units from the originally approved 296 single family dwellings for Unit 3 and Unit 4 combined (the Planned Unit Development would result in 141 Single Family Town Homes, 184 Alley Townhomes, and 158 Cluster Condo Homes for a total of 483 units), with a portion of the project within the "B-1 (Approach/Departure) Zone" and the southern portion of the project within the "C (Common Traffic Pattern) Zone" of the Airport Land Use Compatibility Plan, Figure 3E, for the County Airport, is consistent with the 1996 Airport Land Use Compatibility Plan (ALUC 03-08).
5. 6:45 PM Non-Action Items.
6. 7:00 PM Adjournment

JH/DG/JM/RCS: ALUC AGENDAS 2 20 08AgALUC

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IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES
PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER AICP, CEP, CBO
PLANNING & DEVELOPMENT SERVICES DIRECTOR

TO: Commissioner Larry Allen, Chairman
Commissioner Bob Douthitt, Vice-Chairman
Commissioner Jeffery Enz
Commissioner Charles Baker
Commissioner Lt. Matt Howard
Commissioner Robert Weigele

FROM: Jurg Heuberger, AICP, CEP, Secretary
Airport Land Use Commission

SUBJECT: Public Hearing to Consider the Proposed Variance for the
Sunrise Power Link (SRPL) to Determine Consistency with
the 1996 Airport Land Use Compatibility Plan (ALUC 02-08)

DATE OF REPORT: January 2008

A handwritten signature in black ink, appearing to read 'J. Heuberger', written over the printed name.

AGENDA ITEM NO: 3

HEARING DATE: February 20, 2008

HEARING TIME: 6:00 p.m.

HEARING LOCATION: County Administrative Center
Board of Supervisors Chambers
940 Main Street
El Centro, CA 92243

COMMISSION'S OPTIONS

- 1) Review the proposed Variance for the San Diego Gas & Electric Company, Sunrise Power Link, 500-kV Transmission Line project and find it consistent with the 1996 Airport Land Use Compatibility Plan; or,
- 2) Review the proposed Variance for the San Diego Gas & Electric Company, Sunrise Power Link, 500-kV Transmission Line project and find it inconsistent with the 1996 Airport Land Use Compatibility Plan.

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SECRETARY'S REPORT

Project Description:

The County Planning & Development Services Department has received on January 4, 2008, the proposed Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) from the San Diego Gas & Electric Company (SDG&E) that includes a proposed "Variance" for the construction and maintenance of a 500-kV Transmission Line, from the I.V. Substation into San Diego County for the Airport Land Use Commission's review. (See attached page A-24 of the Draft EIR/EIS for further land use "Permit or Regulatory Requirement" prior to construction of the SRPL).

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The proposed project is for a new approximately 60-mile transmission line called the "Imperial Valley Link... primarily on private (28.4 miles) and BLM land (31.4 miles). The land uses along the Imperial Valley Link includes agriculture (13.5 miles), open space and recreation (46.2 miles) and undeveloped private property..." The proposal would require the construction of a total of 205 new 500-kV towers with an average height of 160-feet. Also, a new 200-foot right-of-way would be required, the construction of 49.4 miles of new access roads, and an update to the existing Imperial Valley Substation to accommodate the termination of the new 500-kV transmission line.

The Variance would be from the County of Imperial's height limit within the "Government/Special Public Zone" height limit of 80-feet, the "A-2 (General Agriculture) Zone" and the "A-3 (Heavy Agriculture) Zone" height limits of 120-feet to approximately **160-feet** through the 60-miles of transmission lines located within the County.

The Draft EIR/EIS states, on page Ap.2-68 within Section 4.2 Airport Land Use Compatibility Plan – Imperial County Airports (Rev. June 1996), as follows:

"...The emphasis of the Plan is on review of local general plan and specific Plans, zoning ordinances, and other land use documents covering broad geographic areas. State law does not give ALUCs direct authority over land use. Implementation of an ALUCs policies is accomplished by the relevant city or county, to the extent that the local government concurs with the ALUC's policies. As the intent of the Plan is accomplished through the County General Plan, which is considered in the policy screening, the ALUCP itself is not considered further in the EIR/EIS..."

As stated above, the ALUCP reviews the potential impacts on flight safety throughout the County, e.g. the policies and scope of review on pages 2-1 and 2-2 attached hereto states under section 1, Geographic Area of Concern, subparagraph 2. Countywide Impacts on Flight Safety, "...Those lands, regardless of their location in the County, on which the uses could adversely affect the safety of flight in the County..."

The proposed 500-kV transmission line could possibly impact the military's low-level training routes in the area, the Naval Air Facility, El Centro, Desert Ranges and the agricultural aerial applicators, i.e. crop dusters, and agricultural activities. (See attached page Ap.12-65 and the various figures/photographs for further details).

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Project Location:

The proposed 500-kV transmission line siting is shown on the attached maps and figures as provided within the Draft EIR/EIS and depicts the proposed routes from the I.V. Substation into San Diego County.

General Plan/ALUCP Analysis:

The Airport Land Use Compatibility Plan, Chapter 2, "Policies", Section 1.3.3., provides that "...the specific types of "actions, regulations, and permits" which the Commission shall review include:

"...(c) Any request for variance from a local agency's height limitation ordinance..."

The SDG&E's Draft EIR, on page A-24, Table A-1 Permits or Other Actions Required Prior to Construction of the SRPL, states under "Permit or Regulatory Requirement", that a "Variance" is required from Imperial County. Due to the above discussed concerns, it is staff's position that the SDG&E' Sunrise Powerlink Project, RPL , 500-kV Transmission Line, could be found inconsistent with the ALUCP due to the potential impacts to military low-level training routes, impact the NAF/EL desert target ranges as well as adjacent agricultural crop dusting and related farming interests.

JH/DG/JM/RC/S/ ALUC/SDG&ESunrisePowerLinkTransLine

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**"GEOHERMAL/ALTERNATIVE ENERGY AND TRANSMISSION"
ELEMENT**

COUNTY OF IMPERIAL GENERAL PLAN

Prepared by:
Imperial County Planning and Development Services Department
801 Main Street
El Centro, CA 92243

JURG HEUBERGER, AICP
Planning and Development Services Director

Approved by:
Planning Commission
September 27, 2006

Approved by:
Board of Supervisors
October 17, 2006

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into account species habitat and fly paths of raptor and other avian species migration patterns. Some mitigation measures have been developed to minimize potential avian morbidity to the extent possible. Depending on the transmission corridor location, there is the potential for a significant number of bird electrocutions.

The siting of new transmission lines requires review by the Airport Land Use Commission.

The development of joint use corridors and an integrated planning process that explores the costs and benefits of transmission corridor projects, are important in reducing siting, development and operational-related impacts. Developing an approach to siting and deployment of these lines in the overall context of Imperial County's General Plan will be an important tool to help guide future development of energy facilities in the County and to provide a process to ensure that such facilities are planned and carefully integrated into the various County communities.

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Imperial County General Plan		
Applicable Policies	Consistency Determination	Consistent
GEOTHERMAL AND TRANSMISSION ELEMENT		
Goals and Objectives, Policies, Page 19		
Locating Transmission Line Corridors		
<p>Goal 5: When planning and designing transmission lines, the County will consider impacts to agricultural lands, wildlife, and the natural desert landscape.</p> <p>Objective 5.1 Require all major transmission lines to be located in designated federal and IID [Imperial Irrigation District] corridors.</p> <p>Objective 5.2 Design lines for minimum impacts on agriculture, wildlife, urban areas, and recreational activities.</p>	<p>Goal 5: As discussed in individual resource sections, impacts to agricultural lands, wildlife, and the natural desert landscape have been considered.</p> <p>The design and siting of the proposed route would be located in designated corridors wherever feasible. However, based on identified constraints in certain areas (e.g., biology, land use), the proposed route would fall outside existing corridors. Therefore, the Proposed Project and alternatives would not be consistent with Objective 5.1.</p> <p>The Proposed Project and alternatives establish APMs and design/operation measures (e.g., avoiding placement of facilities such as new access roads in active agricultural areas and locating facilities along the edge of active agricultural operations, wherever feasible) to minimize impacts to agriculture. The proposed alignment is not in an urban area, and implementation of APMs and mitigation measures would minimize impacts to recreational resources in Imperial County.</p>	NO
SEISMIC AND PUBLIC SAFETY ELEMENT		
Goals and Objectives, Implementation Programs and Policies, Pages 25-30		
<p>Goal 1: Include public health and safety considerations in land use planning.</p> <p>Objective 1.1 Ensure that data on geological hazards is incorporated into the land use review process, and future development process.</p> <p>Objective 1.2 Regulate development within flood-way areas in accordance with Federal Emergency Management Agency (FEMA).</p> <p>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>Objective 1.6 Ensure environmental hazards are considered when siting critical facilities.</p> <p>Objective 1.7 Require developers to provide information related to geologic and seismic hazards when siting a proposed project.</p>	<p>Construction of certain structures within the flood-way is allowed by FEMA provided the structure is not for human habitation and does not result in a rise in the base flood elevation. The proposed towers are not for human habitation and offer little obstruction to flow.</p> <p>Geological and seismic studies will identify risks and guide tower design and placement.</p>	YES

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Sunrise Powerlink Project
 D.16 POLICY CONSISTENCY

Imperial County General Plan		
Applicable Policies	Consistency Determination	Consistent
AGRICULTURE ELEMENT		
Goals and Objectives, Implementation Programs and Policies, Pages 30-41		
<p>Preservation of Important Farmland Goal 1: 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> <p>Objective 1.1 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> <p>Objective 1.3 Conserve Important Farmland for continued farm related (non-urban) use and development while ensuring its proper management and use.</p> <p>Objective 1.5 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.</p> <p>Objective 1.8 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.</p> <p>Objective 1.9 Preserve major areas of Class II and III soils which are currently nonirrigated but which offer significant potential when water is made available.</p>	<p>Goal 1: The Proposed Project would impact Important Farmlands and would not meet the stated goal of reserving all Important Farmland for agricultural use.</p> <p>The Applicant has established specific APMs and design/operation measures (e.g., avoiding placement of facilities such as new access roads in active agricultural areas and locating facilities along the edge of active agricultural operations, wherever feasible) that would minimize impacts to agriculture.</p>	NO
<p>Development Patterns and Locations on Agricultural Land Objective 2.1 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.</p>	<p>The Proposed Project and alternatives would avoid agricultural lands wherever feasible, and has established APMs and project design measures (e.g., avoiding placement of facilities such as new access roads in active agricultural areas and locating facilities along the edge of active agricultural operations) that would address agricultural concerns along the proposed route. However, the placement of towers and the orientation of the alignment may create conditions where parcels may become inconvenient or uneconomic to farm due to the inability to crop dust.</p>	NO
<p>Goal 3: 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.</p>	<p>The Proposed Project and alternatives include a number of APMs and design/operation measures (e.g., avoiding placement of facilities such as new access roads in active agricultural areas and locating facilities along the edge of active agricultural operations, wherever feasible) to avoid or minimize agricultural impacts where feasible. Thus, the Proposed Project and alternatives would be consistent with the intent of this goal.</p>	YES

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Policies / Chapter 2

2

Policies

A0002-2 cont.

1. SCOPE OF REVIEW

1. Geographic Area of Concern

The Imperial County Airport Land Use Commission's planning area encompasses:

1. *Airport Vicinity* - All lands on which the uses could be negatively affected by present or future aircraft operations at the following airports in the County and lands on which the uses could negatively affect said airports. The specific limits of the planning area for each airport are depicted on the respective *Compatibility Map* for that airport as presented in Chapter 3.
 - (a) Brawley Municipal Airport.
 - (b) Calexico International Airport.
 - (c) Calipatria Municipal Airport.
 - (d) Holtville Airport.
 - (e) Imperial County Airport.
 - (f) Salton Sea Airport.
 - (g) Naval Air Facility El Centro.

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Policies / Chapter 2

A0002-2 cont.

2. *Countywide Impacts on Flight Safety* - Those lands, regardless of their location in the County, on which the uses could adversely affect the safety of flight in the County. The specific uses of concern are identified in Paragraph 2.

3. *New Airports and Heliports* - The site and environs of any proposed new airport or heliport anywhere in the County. The Brawley Pioneers Memorial Hospital has a heliport area on-site.

2. **Types of Airport Impacts**

The Commission is concerned only with the potential impacts related to aircraft noise, land use safety (with respect both to people on the ground and the occupants of aircraft), airspace protection, and aircraft overflights. Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are beyond the scope of this plan. These impacts are within the authority of other local, state, and federal agencies and are addressed within the environmental review procedures for airport development.

3. **Types of Actions Reviewed**

1. *General Plan Consistency Review* - Within 180 days of adoption of the *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies. Until such time as (1) the Commission finds that the local general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the local agency has overruled the Commission's determination of inconsistency, the local jurisdiction shall refer all actions, regulations, and permits (as specified in Paragraph 3) involving the airport area of influence to the Commission for review (Section 21676.5 (a)).

2. *Statutory Requirements* -As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's plan *prior to their approval* by the local jurisdiction:

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Policies / Chapter 2

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- (a) The adoption or approval of any amendment to a general or specific plan affecting the Commission's geographic area of concern as indicated in Paragraph 1 (Section 21676 (b)).
- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern as indicated in Paragraph 1 and (2) involves the types of airport impact concerns listed in Paragraph 2 (Section 21676 (b)).
- (c) Adoption or modification of the master plan for an existing public-use airport (Section 21676 (c)).
- (d) Any proposal for a new airport or heliport whether for public use or private use (Section 21661.5).

3. *Other Project Review* - State law empowers the Commission to review additional types of land use "actions, regulations, and permits" involving a question of airport/land use compatibility if either: (1) the Commission and the local agency agree that these types of individual projects shall be reviewed by the Commission (Section 21676.5 (b)); or (2) the Commission finds that a local agency has not revised its general plan or specific plan or overruled the Commission and the Commission requires that the individual projects be submitted for review (Section 21676.5 (a)). For the purposes of this plan, the specific types of "actions, regulations, and permits" which the Commission shall review include:

- a) Any proposed expansion of a city's sphere of influence within an airport's planning area.
- b) Any proposed residential planned unit development consisting of five or more dwelling units within an airport's planning area.
- c) Any request for variance from a local agency's height limitation ordinance.
- d) Any proposal for construction or alteration of a structure (including antennas) taller than 150 feet above the ground anywhere within the County.

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Policies / Chapter 2

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e) Any major capital improvements (e.g., water, sewer, or roads) that would promote urban development.

f) Proposed land acquisition by a government entity (especially, acquisition of a school site).

g) Building permit applications for projects having a valuation greater than \$500,000.

h) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

4. Review Process

1. *Timing of Project Submittal* - Proposed actions listed in Paragraph 3.1 must be submitted to the Commission for review prior to approval by the local government entity. All projects shall be referred to the Commission at the earliest reasonable point in time so that the Commission's review can be duly considered by the local jurisdiction prior to formalizing its actions. At the local government's discretion, submittal of a project for Airport Land Use Commission review can be done before, after, or concurrently with review by the local planning commission or other local advisory bodies.

2. *Commission Action Choices* - When reviewing a land use project proposal, the Airport Land Use Commission has a choice of either of two actions: (1) find the project *consistent* with the *Airport Land Use Compatibility Plan*; or, (2) find the project *inconsistent* with the Plan. In making a finding of inconsistency, the Commission may note the conditions under which the project would be consistent with the Plan. The Commission cannot, however, find a project consistent with the Plan subject to the inclusion of certain conditions in the project.