

Chapter 13

Land Use and Planning

13.1 Overview

This chapter describes the setting and potential impacts of the Proposed Project related to land use and planning. Under California Environmental Quality Act (CEQA), land use and planning generally refers to existing land uses and land use plans, and significance criteria relate to the potential for a project to physically divide an existing community or conflict substantially with an existing land use plan. Potential conflicts with applicable Habitat Conservation Plans are also included under land use and planning in the State CEQA Guidelines Appendix G significance criteria, but these potential impacts are addressed in this draft Environmental Impact Report (DEIR) in Chapter 7, *Biological Resources*. Sources used to prepare this section include the San Diego County General Plan and Alpine Community Plan.

13.2 Regulatory Setting

13.2.1 Federal Laws, Regulations, and Policies

Cleveland National Forest Land Management Plan

The Proposed Project would be located on private property within the administrative boundary of the Cleveland National Forest (CNF). The CNF encompasses 420,877 acres within Orange, Riverside, and San Diego Counties, and is administered by the U.S. Forest Service. While the U.S. Forest Service does not have jurisdiction over private property within the CNF's administrative boundary, this analysis considers the U.S. Forest Service's (USFS's) CNF Land Management Plan due to the Proposed Project's close proximity (0.2 mile) to National Forest lands.

The Proposed Project would be located within the Sweetwater Place area of the CNF. As described in the CNF Land Management Plan, Sweetwater Place encompasses the urban fringe of San Diego, the communities of Alpine, Descanso, Pine Valley, Guatay, Japatul Valley, Carveacre, and the Viejas Indian Reservation, and is characterized by a mix of natural and rural/urban elements (USFS 2005). The desired condition of Sweetwater Place is described as follows (USFS 2005: Part 2, page 63):

Sweetwater Place is maintained as a natural appearing landscape that functions as one of the primary transition zones between the deserts of eastern San Diego County and southern California's coastal communities. The valued landscape attributes to be preserved or developed over time are the undeveloped character of Forest Service land that remain in this otherwise highly developed rural area; opportunities for unobstructed, panoramic views from the Interstate 8 corridor – especially on the eastern side; the

1 scenic integrity of important local landmarks; and built elements that are
2 unobtrusive and exhibit a consistent architectural theme.

3 Applicable goals and design criteria identified in the CNF Land Management Plan
4 include:

- 5 ▪ **Goal 7.1** – Retain natural areas as a core for a regional network while focusing the
6 built environment into the minimum land area needed to support growing public
7 needs.
- 8 ▪ **CNF S5** – Consolidate major transportation and utility corridors by co-locating
9 facilities and/or expanding existing corridors.

10 **13.2.2 State Laws, Regulations, and Policies**

11 No state laws, regulations, and policies relate to land use and planning and the Proposed
12 Project.

13 **13.2.3 Local Laws, Regulations, and Policies**

14 The California Public Utility Commission (CPUC) has exclusive jurisdiction over the siting and
15 design of electric transmission facilities. Therefore, it is exempt from local land use and
16 zoning regulations. However, CPUC General Order (G.O.) 131-D states that in locating electric
17 transmission facilities, the public utilities shall consult with the local agencies regarding land
18 use matters. CPUC and NextEra Energy Transmission West, LLC (NEET West) have been in
19 contact with applicable local agencies for the Proposed Project, and local laws and regulations
20 are presented here for consideration of potential impacts related to land use and planning.

21 **County of San Diego General Plan**

22 The Proposed Project site is located within unincorporated San Diego County and is therefore
23 included within the County of San Diego General Plan. The County's General Plan guides land
24 use and development in the County's unincorporated areas and identifies goals and policies
25 for implementation of its Community Development Model. The Community Development
26 Model uses three regional categories – Village, Semi-Rural, and Rural Lands – to broadly
27 reflect the differing character of County lands that range from communities with substantial
28 populations to predominantly undeveloped backcountry areas (County of San Diego 2011).
29 With respect to this model, the community of Alpine would be considered a Village, whereas
30 the project site would be considered Semi-Rural/Rural. The Semi-Rural/Rural categories are
31 generally intended to preserve natural features and rural character, buffer communities,
32 foster agriculture, and accommodate unique rural communities.

33 One former component of the County's General Plan was its Forest Conservation Initiative
34 (FCI) (County of San Diego 2016). The FCI was enacted in 1993 and remained in effect
35 through 2010. The FCI was designed to limit the conversion of privately owned lands within
36 the CNF to urban uses. Among other things, the FCI amended the General Plan to impose a
37 minimum parcel size of 40 acres on all privately owned lands within the boundaries of the
38 CNF (County of San Diego 2011). Upon expiration of the FCI at the end of 2010, all land use
39 designations reverted back to their designation prior to the FCI, and the FCI parcel size
40 restrictions were no longer in effect. The County is now in the process of preparing a

1 Supplemental Environmental Impact Report (EIR) (supplemental to the County's General
 2 Plan Update Program EIR, certified in 2011) for its Forest Conservation Initiative Lands
 3 General Plan Amendment. The FCI General Plan Amendment under consideration would
 4 involve redesignation of lands formerly included in or affected by the FCI, in some cases
 5 allowing greater development density.

6 The Proposed Project considered in this EIR would be located on land formerly within the
 7 FCI area. Upon expiration of the FCI, the land reverted back to the prior land use designation
 8 of Rural Lands-80 (RL-80), or rural land with a minimum parcel size of 80 acres. The FCI
 9 General Plan Amendment currently under consideration in the County's Supplemental EIR
 10 would change this current designation to Rural Lands-40 (RL-40). In this respect, the
 11 County's proposed land use designation change in the General Plan Amendment for the area
 12 of the Suncrest Project site would not differ from the FCI in terms of effect.

13 Applicable goals and policies in the County's General Plan include the following:

- 14 ▪ **Goal LU-2 - Maintenance of the County's Rural Character.** Conservation and
 15 enhancement of the unincorporated County's varied communities, rural setting, and
 16 character.
- 17 ▪ **Policy LU-4.6 - Planning for Adequate Energy Facilities.** Participate in the
 18 planning of regional energy infrastructure with applicable utility providers to ensure
 19 plans are consistent with the County's General Plan and Community Plans and
 20 minimize adverse impacts to the unincorporated area.
- 21 ▪ **Policy LU-5.3 - Rural Land Preservation.** Ensure the preservation of existing open
 22 space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and
 23 corridors, wetlands, watersheds, and groundwater recharge areas) when permitting
 24 development under the Rural and Semi-Rural Land Use Designations.
- 25 ▪ **Policy LU-12.4 - Planning for Compatibility.** Plan and site infrastructure for public
 26 utilities and public facilities in a manner compatible with community character,
 27 minimize visual and environmental impacts, and whenever feasible, locate any
 28 facilities and supporting infrastructure outside preserve areas. Require context
 29 sensitive Mobility Element road design that is compatible with community character
 30 and minimizes visual and environmental impacts; for Mobility Element roads
 31 identified in Table M-4, an LOS [level of service] D or better may not be achieved.

32 ***Alpine Community Plan***

33 The Alpine Community Plan is a subcomponent of the County General Plan. The Alpine
 34 Community Plan implements the goals and policies of the County General Plan for the Alpine
 35 area. In accordance with State law, it is internally consistent with the General Plan goals and
 36 policies and does not undermine any policies of the General Plan. Key goals and policies in
 37 the Alpine Community Plan include those related to maintaining and enhancing the rural
 38 character of the Alpine area. The Plan states as follows (County of San Diego 2011):

39 Alpine is a rural community, and the intent of the Community Plan is to
 40 maintain the rural atmosphere of the Planning Area. Land use and lot sizes
 41 have considerable influence on the rural characteristics of the community, as

1 well as the visual aspects of the community. A concern of the community is to
2 encourage private developers to choose designs which are compatible with
3 the image and scale of a rural community.

4 The Proposed Project would be located within the Alpine Community Planning Area,
5 though well outside of the community center, in the sparsely populated Japatul Valley.

6 **County of San Diego Zoning Ordinance**

7 The San Diego County Zoning Ordinance specifies allowed uses within designated zoning
8 districts, and generally prescribes land uses consistent with the General Plan. As described
9 further below, in Section 13.3, "Environmental Setting," the Proposed Project would be
10 located within the General Agricultural Use (A72) zoning district. According to the County
11 Zoning Ordinance, the A72 use regulations are intended to create and preserve areas for the
12 raising of crops and animals. Permitted uses within the A72 district include family residential,
13 essential services, and various agricultural uses (e.g., tree crops, row and field crops). The
14 Zoning Ordinance indicates that minor impact utilities are allowed by the A72 use regulations
15 with issuance of a minor use permit, while major impact utilities are allowed with issuance
16 of a major use permit.

17 **13.2.4 Other Regulatory Considerations**

18 **Existing Mitigation Obligations Related to the Sunrise Powerlink**

19 ***Wilson Construction Yard***

20 As described in Chapter 2, *Project Description*, the proposed Static VAR compensator (SVC)
21 site (also known as the Wilson Construction Yard) was recently restored as part of the
22 mitigation requirements for the Sunrise Powerlink Project. This site was used as a materials
23 staging and storage area during construction of Suncrest Substation, and subsequent
24 restoration/revegetation efforts were recently signed-off as complete by the California
25 Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS).
26 Following sign-off by the regulatory agencies, San Diego Gas and Electric Company (SDG&E)
27 will be released from its mitigation obligations and no further restrictions will remain in
28 effect with regard to potential use of the site.

29 ***Lightner Mitigation Site***

30 The land surrounding the proposed transmission line is included within the Lightner
31 Mitigation Site (shown in Figure 2-5 in Chapter 2, *Project Description*), which was established
32 to off-set permanent impacts to Waters of the U.S. and Waters of the State from SDG&E's
33 Sunrise Powerlink project. In this respect, the Lightner Mitigation Site is part of the
34 compensatory mitigation provided by SDG&E for impacts from the Sunrise Powerlink and is
35 intended to be preserved for resource conservation purposes in perpetuity. As described in
36 the Final Habitat Mitigation and Monitoring Plan for the Sunrise Powerlink (SDG&E 2011),
37 the goals of mitigation at the Lightner Mitigation Site are to:

- 38
 - 39
 - Preserve and manage aquatic resources and associated uplands in perpetuity as a
"watershed" approach to mitigation;

- 1 ▪ Restore and enhance stream and wetland functions, including buffer and wildlife
2 habitat functions;
 - 3 ▪ Compensate for Project impacts to Waters of the State beneficial uses; and
 - 4 ▪ Provide the legal structure and funding for long-term management of weeds, trash,
5 vandalism, trespassing and any other human-induced disturbances in perpetuity
6 through a non-wasting endowment.
- 7 For long-term management and protection of the site, it is anticipated that ownership of the
8 Lightner Mitigation Site will be transferred to the U.S. Forest Service (currently the site is still
9 owned by SDG&E).

10 **13.3 Environmental Setting**

11 As described above, the Proposed Project would be located in unincorporated San Diego
12 County on lands zoned for agriculture (A72). The entire SVC site and the land along and on
13 either side of the proposed transmission line would be within the A72 zoning district. These
14 lands are currently designated as RL-80 in the County’s General Plan, but a proposal is under
15 consideration to change this designation to RL-40. Figure 2-2 in Chapter 2, *Project*
16 *Description*, shows the extent of the CNF and the Proposed Project’s location within the CNF’s
17 administrative boundary. Figure 2-3 shows the assessor parcel numbers (APNs) of lands in
18 and around the Project site.

19 Existing land uses in the vicinity of the Proposed Project include undeveloped/rural,
20 utility/electric transmission infrastructure, and low-density residential. While the Project
21 area and portions of the Project site may have been used for livestock grazing in the past,
22 currently there does not appear to be any agricultural or grazing activity in the area. The
23 nearest residence to the Project site is approximately 0.6 mile to the southeast of the
24 proposed SVC site. Otherwise, the land surrounding the Proposed Project is generally
25 undeveloped, with the exception of the existing Suncrest Substation located at the western
26 terminus of the Proposed Project. The existing SDG&E Suncrest Substation represents a very
27 large utility/industrial use in the area, as it includes an approximately 40-acre concrete pad
28 with large electrical equipment and high-voltage transmission lines entering and exiting the
29 facility from the southwest and northeast.

30 **13.4 Impact Analysis**

31 **13.4.1 Methodology**

32 The analysis of land use and planning impacts was qualitative in nature and involved
33 comparing aspects of the Proposed Project to the significance criteria described below. The
34 land use plans, policies, and regulations, described in Section 13.2, “Regulatory Setting,” as
35 well as existing land uses and mitigation obligations described in Section 13.3,
36 “Environmental Setting,” were considered in the impacts analysis.

1 **13.4.2 Criteria for Determining Significance**

2 Based on Appendix G of the State CEQA Guidelines and professional expertise, the Proposed
3 Project would result in a significant impact related to land use and planning if it would:

- 4 A. Physically divide an established community; or
- 5 B. Conflict with any applicable land use plan, policy, or regulation of an agency with
6 jurisdiction over the project (including a general plan, specific plan, local coastal
7 program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an
8 environmental effect.

9 The third land use and planning significance criteria specified in Appendix G of the State CEQA
10 Guidelines (related to potential conflicts with a habitat conservation plan or natural
11 community conservation plan) is addressed in Chapter 7, *Biological Resources*, of this DEIR.

12 **13.4.3 Environmental Impacts**

13 **Impact LU-1: Potential to Physically Divide an Established Community (No** 14 **Impact)**

15 The Proposed Project would be located in a rural, primarily undeveloped area, and not within
16 or near an established community. The proposed SVC and transmission line would be
17 constructed within and/or adjacent-to a private road (i.e., Bell Bluff Truck Trail) which is not
18 publicly accessible. As such, there would no potential for the Project to physically divide an
19 established community. No impact would occur.

20 **Impact LU-2: Conflicts with Applicable Land Use Plans, Policies, or** 21 **Regulations (Less than Significant)**

22 ***Federal and State Plans, Policies, and Regulations***

23 The Proposed Project would be located on private property and therefore would not be
24 subject to U.S. Forest Service jurisdiction; however, this analysis considers the CNF Land
25 Management Plan because the Project site would be located within the administrative
26 boundary of the CNF and in relatively close proximity (0.2 mile) to CNF lands. The CNF Land
27 Management Plan characterizes the desired condition of the Sweetwater Place (i.e., the
28 general region in which the Proposed Project would be located) as a natural appearing
29 landscape, and a stated goal of the CNF Land Management Plan is to “retain natural areas as
30 a regional network while focusing the built environment into the minimum land area needed
31 to support growing public needs” (USFS 2005). The Project would seem to conflict with these
32 elements of the CNF Land Management Plan, as the Project would introduce an industrial land
33 use/structure into an otherwise natural-appearing landscape. The approximately 6-acre SVC
34 would contrast with the surrounding landscape and would likely be visible from some nearby
35 CNF lands. However, as the Proposed Project would be sited relatively close (approximately
36 1 mile) to the existing Suncrest Substation, it would seem to partially implement CNF Land
37 Management Plan Policy S5 to “consolidate major transportation and utility corridors and
38 collocating facilities and/or expanding corridors.”

1 Apart from the CNF Land Management Plans, no other federal or State land use plans, policies,
2 or regulations related to the Proposed Project were identified.

3 ***Local Plans, Policies, and Regulations***

4 Because it is a State agency, the CPUC generally is not subject to local land use plans, policies,
5 or regulations; however, local plans are considered in this Draft EIR to the extent that analysis
6 of any conflicts with local plans may inform decision-makers or allow for full disclosure of
7 potential impacts. As described in Chapter 2, *Project Description*, to construct the SVC, NEET
8 West would acquire a 6-acre portion of APN 523-040-080 in fee title. By subdividing this
9 parcel, the Proposed Project would seem to conflict with the current County of San Diego
10 General Plan land use designation of RL-80, as well as the proposed FCI General Plan
11 Amendment designation of RL-40, which stipulate minimum lot sizes of 80 acres and 40
12 acres, respectively. The proposed SVC also would seem to conflict with the intent of the Rural
13 Land designation in the General Plan, which is generally intended to preserve natural features
14 and rural character, buffer communities, foster agriculture, and accommodate rural
15 communities. The proposed SVC would be a relatively large (6-acre) industrial facility located
16 in an otherwise rural undeveloped area (with the notable exception of the 40-acre existing
17 Suncrest Substation approximately 1 mile to the west). Likewise, the Proposed Project may
18 conflict to some degree with the County of San Diego General Plan Goal LU-2 and Policy LU-
19 5.3 (described in Section 13.2, "Regulatory Setting"), and the goals and policies in the Alpine
20 Community Plan, which relate to preservation and maintenance of the County's rural
21 character and rural lands; however, the Proposed Project would be permissible under the
22 County's zoning ordinance, which is designed to implement the General Plan.

23 ***Existing Mitigation Obligations Related to the Sunrise Powerlink***

24 **Wilson Construction Yard**

25 The SVC would be located on a restoration site (Wilson Construction Yard) for the Sunrise
26 Powerlink, which has recently been signed off as complete by CDFW and USFWS. Therefore,
27 as it currently stands, siting the SVC on the Wilson Construction Yard would conflict with
28 SDG&E's mitigation obligations related to the Sunrise Powerlink. SDG&E is not yet released
29 from its obligations to restore the site, and constructing the SVC on the site would impact the
30 on-going restoration. However, because the site restoration is very near complete and will
31 likely be signed off as complete by CPUC prior to Project construction, and because the
32 restoration is considered mitigation of temporary impacts and the land would not be set aside
33 for permanent conservation as mitigation for permanent impacts, this conflict would not be
34 anticipated to be significant.

35 **Lightner Mitigation Site**

36 The proposed transmission line would be constructed primarily underground within Bell
37 Bluff Truck Trail. Surrounding Bell Bluff Truck Trail on either side would be the Lightner
38 Mitigation Site, which was established as mitigation for permanent impacts to Waters of the
39 U.S. and Waters of the State from the Sunrise Powerlink. As described in Chapter 2, *Project*
40 *Description*, while the proposed transmission line would be installed primarily within the
41 paved portion of Bell Bluff Truck Trail, temporary disturbance of adjacent land may occur
42 during installation of the splice vaults. While these impacts would not be consistent with the
43 intent and goals of the mitigation site, the conflicts from the Proposed Project would be
44 temporary and would not be anticipated to be substantial.

1 **Conclusion**

2 Overall, the Proposed Project would conflict with certain elements of the CNF Land
3 Management Plan, County of San Diego General Plan, and Alpine Community Plan related to
4 preservation of natural and rural features. The Proposed Project would seem to be an
5 allowable use under the current zoning, which functions to implement the General Plan, and
6 would not include housing or directly increase population. Construction of the SVC would not
7 reduce the amount of land permanently set aside for conservation to compensate for
8 permanent impacts caused by the Sunrise Powerlink. Therefore, this impact would be less
9 than significant.