

5.7 Land Use

This AFC section describes existing and planned land uses within the BSEP site and on surrounding properties within one mile of the plant site and within 0.25-mile on both sides of the Project's linear features (electrical transmission line and gas pipeline), referred to in the following discussion as the Project area (see Figure 5.7-1). The discussion addresses both existing zoning and applicable land use planning goals, policies, and designations.

5.7.1 LORS Compliance

This section addresses potentially applicable laws, ordinances, regulations, and standards (LORS) related to land use. Table 5.7-1 summarizes the applicable Federal, State, and local LORS and additional discussion is provided below. The Project will comply with the applicable Federal, State, and local LORS.

5.7.1.1 Federal LORS

No Federal LORS for land use are applicable to the site or the Project.

5.7.1.2 State LORS

California Public Resources Code

The California Public Resources Code (PRC) establishes the CEC, through the AFC process, as the decision-making authority over land use decisions and environmental determinations in accordance with provisions of the Warren-Alquist State Energy Resources Conservation and Development Act (Warren-Alquist Act) codified in Section 25000 *et seq.* of the PRC.

The Warren-Alquist Act further provides in PRC Section 25519(c) that "The commission shall be the lead agency as provided in Section 21165 [of the California Environmental Quality Act] for all projects that require certification pursuant to this chapter...." PRC Section 25523(a) also requires the CEC to prepare a written decision that includes measures to protect environmental quality and public health and safety. Thus, this AFC supports compliance with applicable State LORS relative to land use and environmental decisions.

California Code of Regulations Title 20

Title 20, Public Utilities and Energy provides guidance for actions to be taken by the CEC in the review of applications for facilities within the jurisdiction of the CEC. Included are the requirements for public noticing, environmental and other information required to be submitted with all applications, and the required public safety, environmental, and other findings to be made by the CEC in order to approve an application.

Table 5.7-1 LORS Applicable to Land Use

LORS	Applicability	Where Discussed in AFC
Federal:		
None Applicable	Not Applicable	Not Applicable
State:		
California Public Resources Code Section 25500 et seq.	Gives CEC the authority to certify proposed power facility sites, to supersede local land use regulations, and to be the lead agency for CEQA documents.	Section 5.7.1
California Code of Regulations, Title 20, Sections 1701 et seq., 1752, and Appendix B	Establishes CEC procedures, documentation, and required environmental and other findings for siting of electrical energy generating facilities.	Section 5.7.1
California Government Code Sections 65352, 65940, and 65944.	Requires evaluation of compatibility with military activities for any land use proposal located near a military installation or airspace.	Section 5.7.3
Local:		
Kern County General Plan	<u>Land Use, Open Space, and Conservation Element</u> . Provides land use designations, goals, and policies for the development and conservation of land within the unincorporated areas of Kern County. <u>Energy Element</u> . Provides goals, policies, and implementation measures for orderly development of local energy resources.	Section 5.7.3
Kern County Zoning Ordinance.	Promotes and protects the public health, safety, and welfare through the orderly regulation of land uses throughout the unincorporated area of the County.	Section 5.7.3
Kern County Code Title 17 Buildings and Construction.	Provides standards and procedures for building construction and grading and for floodplain management	Section 5.7.1

California Government Code

The California Government Code, referred to as the State Planning and Zoning Law, includes the provisions of Senate Bill (SB) 1462, adopted in 2005, that require the military to be notified of any land use proposal located within 1,000 feet of a military installation, within special use airspace, or beneath a low level flight path. To aid in the implementation of SB 1462, the California Office of Planning and Research has drafted the R-2508 Joint Land Use Study (JLUS) to address land use issues for the R-2508 military range complex (R-2508 Complex). This 20,000-square-mile range complex encompasses large portions of Inyo, Kern, San Bernardino, and Tulare counties and includes Edwards Air Force Base (Edwards AFB), China Lake Naval Aviation Weapons Station (China Lake NAWS), and the Army's Fort Irwin National Training Center (see Figure 5.7-2). The BSEP site is shown to be located within "special use airspace" and beneath a "low level flight path." These designations require that an evaluation of land use compatibility be conducted

pursuant to sections 65352, 65940, and 65944 of the California Government Code, which include the provision for consultation among the project applicant, public agency, and the affected military branch. The draft JLUS was targeted for completion in the fall of 2007, but as of February 2008, it had not yet been published. When the draft is completed, it will be presented to the Advisory Committee of local government representatives and other stakeholders in the R-2508 Complex.

Per a September 11, 2007, report from the County Planning Department to the Board of Supervisors (Kern County Planning Department, 2007), specific implementation measures that are expected to be included in the JLUS are maps showing areas of military review requirements for solar facilities and zoning ordinance amendments to establish dark sky requirements. County Planning staff anticipate that a Military Readiness Element will also be prepared for inclusion in the County General Plan. The Project's proposed maximum structure height of up to approximately 80 feet on the plant site and up to 110 feet (transmission structures) would not conflict with military, or civilian, aircraft operations, although Kern County Zoning Ordinance Section 19.08.160 and the figure titled "Military Review Requirements" in Section 19.08.160 (see Figure 5.7-3) require military review for structure height over 80 feet (which has occurred). In addition, the existing Airport Land Use Compatibility Plans for the nearest airports, including military airports, do not impose any limitation on structure height within the Project site, and existing towers for high-voltage electrical transmission lines located along the west side of State Route 14 (SR-14) are in excess of 80 feet in height.

5.7.1.3 Local LORS

Kern County General Plan

This section discusses applicable land use designations and policies described in the Kern County General Plan.

Land Use, Open Space, and Conservation Element. The Kern County General Plan land use designations adopted within the Project site are Intensive Agriculture (Map Code 8.1), Resource Management (Map Code 8.5), Residential (Map Code 5.6), and with Seismic Hazard (Map Code 2.1) and Flood Hazard (Map Code 2.5) overlay designations. These designations are shown on Figure 5.7-4. Permitted uses for each land use designation are listed in Table 5.7-2.

Resource Designation. Map Code 8.1 (Intensive Agriculture) and 8.5 (Resource Management) within the Resource designation of the County General Plan are for the stated purpose of ensuring continued opportunities for economic growth by maintaining land for agricultural use and for mineral and petroleum extraction and restricting urbanization in these areas. The Resource designation goals that are relevant to the Project are:

- Protect areas of important mineral, petroleum, and agricultural resource potential for future use.
- Ensure the development of resource areas minimize effects on neighboring resource lands.
- Encourage safe and orderly energy development within the County, including research and demonstration projects, and to become actively involved in the decision and actions of other agencies as they affect energy development in Kern County.
- Conserve prime agriculture lands from premature conversion.

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- Encourage alternative sources of energy, such as solar and wind energy, while protecting the environment.

Table 5.7-2 Project Area General Plan Land Use Designations

Land Use Designation	Permitted Uses/ Description	Location as shown on Figure 5.7-4
Map Code 8.1 Intensive Agriculture	Allows a variety of agricultural uses such as irrigated cropland and dry land farming, cattle feed yards and dairies, groundwater recharge areas, mineral, aggregate, and petroleum exploration and extraction, and public utility uses.	Designated in the western portion of the plant site
Map Code 8.5 Resource Management	Provides for preservation of "primarily open space lands containing important resource values such as wildlife habitat, scenic values, or watershed recharge areas." Permitted uses include recreation, livestock grazing and ranching, habitat preserves, groundwater recharge, and mineral, aggregate, and petroleum exploration and extraction.	Designated in the central and eastern portion of the plant site, also west of SR-14 in the area traversed by Project transmission line routes
Map Code 5.6 Residential	This designation requires a minimum lot size of 2.5 acres and is applied to areas "with rural service needs in the valley and desert regions."	Designated in the northern portion of the Project site
Map Code 2.1 Seismic Hazard	This overlay designation is applied within the Alquist-Priolo Special Study Zone and other recently active faults.	Designated along a southwest to northeast alignment through the central portion of the plant site
Map Code 2.5 Flood Hazard	This overlay designation is applied within Special Flood Hazard Areas (Zone A) as identified on the Flood Insurance Rate Maps of the Federal Emergency Management Agency (FEMA) and supplemented by floodplain delineation maps that have been approved by the Kern County Engineering and Survey Services Department.	Designated along a north-northeast to south-southwest alignment through the central portion of the plant site, and follows Pine Tree Creek, a dry desert wash that crosses the site.

In addition, the Resource designation contains 25 separate land use policies to provide additional guidance for various types of land use proposals. Many of these policies relate to agricultural uses and prevention of encroachment by incompatible residential and other forms of urban uses. The specific policies that may be relevant to the BSEP are:

- In areas with a resource designation on the General Plan map, only industrial activities which directly and obviously relate to the exploration, production, and transportation of the particular resource will be considered to be consistent with this General Plan.
- Areas designated for agricultural use, which include Class I and II and other enhanced agricultural soils with surface delivery water systems, should be protected from incompatible residential, commercial, and industrial subdivision and development activities.

- Minimize the alteration of natural drainage areas. Require development plans to include necessary mitigation to stabilize runoff and silt deposition through utilization of grading and flood protection ordinances.
- The County will encourage development of alternative energy sources by tailoring its Zoning and Subdivision Ordinances and building standards to reflect Alternative Energy Guidelines published by the CEC.

Residential Designation (Map Code 5.6) implements the provisions of General Plan Chapter 1.5, Special Treatment Areas and Map Code 4.2 (Rural Community) for the Cantil community area. The Rural Community designation has the land use goal “to recognize the validity of existing Specific Plan and Rural Community Plan decisions and to identify areas for which similar detailed planning efforts should be undertaken in the future so as to best meet the needs and concerns of local residents.” A specific Policy for Special Treatment Areas relevant to the rural community of Cantil states:

Rural communities are historically identifiable small-scale non-urban settlements located in outlying areas of the County which contain a mixture of residential and supportive commercial and other uses serving the community and the surrounding rural population. The County will ensure that the unique character of these communities is preserved and enhanced by recognizing the scale, density, size, and composition of development as summarized in Appendix B.

The portion of the Cantil Rural Community Plan Area that is within the BSEP plant site boundary is designated to permit land uses consistent with Map Code 5.6, which is described in Chapter 1.6 Residential as “a single-family designation with rural service needs in the valley and desert regions ...” and permits a residential density of one unit per 2.5 gross acres. Specific goals of the Chapter 1.6 Residential designation that are relevant to the Project includes minimizing land use conflicts between residential and resource, commercial, or industrial land uses. Figure 5.7-5 is a map of the Cantil Rural Community Plan Area from Appendix B of the County General Plan. The map has been labeled to show the portion of the Plant site that is within the Cantil Plan Area, which is bounded on the north by Richard Avenue, an unimproved, unmarked road shown on Figure 5.7-5.

Physical and Environmental Constraints Designation. Map Code 2.1 (Seismic Hazard) and Map Code 2.5 (Flood Hazard) designations are environmental constraints overlays within Chapter 1.3 of the County General Plan, which has the land use goal “to strive to prevent loss of life, reduce personal injuries, and property damage, minimize economic and social diseconomies resulting from natural disaster by directing development to areas which are not hazardous.” The specific policies for areas of Physical and Environmental Constraints that are relevant to the Project follow.

The County will allow lands which are within flood hazard areas, other than primary floodplains, to be developed in accordance with the General Plan and Floodplain Management Ordinance, if mitigation measures are incorporated so as to ensure that the proposed development will not be hazardous within the requirements of the Safety Element (Chapter 4) of this General Plan.

In addition, following are adopted Implementation Measures for areas of Physical and Environmental Constraints that are relevant to the Project.

- H. Development within areas subject to flooding, as defined by the appropriate agency, will require necessary flood evaluations and studies.
- I. Designated flood channels and water courses, such as creeks, gullies, and riverbeds, will be preserved as resource management areas or in the case of urban areas, as linear parks whenever practical.
- J. Compliance with the Floodplain Management Ordinance prior to grading or improvement of land for development or the construction, expansion, conversion or substantial improvements of a structure is required.

Energy Element. The County's Energy Element is not a general plan element that is required by the California Government Code, but is an optional element as permitted by the Code. The County prepared the element to recognize the importance of its energy resources and adopted it to accomplish three primary objectives:

- Resource management and protection.
- Establishing development standards to provide for the protection of the environment, public health, and safety.
- Promoting and facilitating energy development.

The Energy Element acknowledges the County's opportunities to develop new energy sources, and includes a goal in Section 5.4.5 to "Encourage safe and orderly commercial solar development." Adopted policies for this goal that are relevant to the Project are:

- The County should permit solar energy development in the desert and valley planning regions that does not pose significant environmental or public health and safety hazards.
- The County should encourage solar development in the desert and valley regions previously disturbed, and discourage development of energy projects on undisturbed land supporting State or federally protected plant and wildlife species.

Circulation Element. Policy 2 in Section 2.3.3 of the County Circulation Element requires protection of future road corridors in the County's Valley and Desert regions on all section lines and mid-section lines. The right-of-way width would be 110 feet on the section lines and 90 feet on the mid-section lines. The BSEP plant site encompasses two complete sections for the middle portion of the site and approximately one-half sections for the west and east portions of the site. Compliance with this policy would require preservation of open corridors for future east-west roads along the north and south plant site boundaries and for three other east-west roads within the plant site. In addition, five north-south open corridors would need to be preserved within the plant site. County staff have indicated that these requirements can be waived through an amendment to the Circulation Element (personal communication, Lorelei Oviatt, Kern County Planning Department, 2008b).

Kern County Zoning Ordinance

The Zoning Ordinance of Kern County (County Zoning Ordinance) is contained in Title 19 of the Kern County Code and sets forth the land uses and land development regulations applicable within the unincorporated areas of Kern County. The County Zoning Ordinance contains lists of "Permitted Uses,"

“Uses Permitted with a Conditional Use Permit,” and “Prohibited Uses” within each of 21 zoning districts (i.e., zones). In addition, the County Zoning Ordinance also contains 12 combining zoning districts (i.e., overlay zones). Table 5.7-3 describes zoning regulations applicable to each of the zones and overlay zones within the Project site and the Project area, which are shown in Figure 5.7-6.

Table 5.7-3 Zoning Designations Within and Near BSEP Plant Site

Zone District	Description of Permitted Uses and Development Regulations
Limited Agriculture (A-1)	The A-1 zone is located within the Cantil Rural Community Plan Area in the northern portion of the plant site and is primarily intended to allow growing of agricultural crops in combination with residential uses. Section 19.14.020 E also permits limited “Resource Extraction and Energy Development Uses,” such as mineral, oil, and gas exploration and including solar energy electrical generators as an accessory use to a permitted use. Section 19.14.030 G permits more intensive development of resource extraction and energy development by Conditional Use Permit (CUP), including “Solar energy electrical generators when not accessory to a permitted or conditionally permitted use.” The A-1 zone also specifies a height limit of 80 feet for radio and television antennae and other residential accessory structures and no height limit for nonresidential structures “except in areas of protected military airspace as specified in Section 19.08.160 B.” Kern County Planning Department staff have indicated that development of a commercial solar project in the A-1 Zone by CUP would be consistent with the Cantil Rural Community Plan designation of Map Code 5.6. This consistency determination would be subject to Planning Department review of the facility layout to ensure compatibility with the residential designation and goals of the Cantil Rural Community Plan (personal communication, Lorelei Oviatt, Kern County Planning Department, 2008a)
Exclusive Agriculture (A)	The A zone covers most of the BSEP plant site south of the Cantil community and permits a greater range of agricultural crops and animal raising and processing, including limited poultry farms and animal product processing from livestock raised on the premises or on nearby owned or leased land. Resource Extraction and Energy Development Uses as a permitted use are similarly restricted as in the A-1 zone. Section 19.12.030 G also permits more intensive development of resource extraction and energy development by CUP, including commercial solar energy electrical generators. The A zone specifies a height limit of 35 feet for residential buildings and no height limit for nonresidential structures “except in areas of protected military airspace as specified in Section 19.08.160 B.”
Platted Lands (PL)	The PL Zone covers a small area west of SR 14 where the proposed transmission line facilities would be located. The purpose of the PL zone is to recognize legally existing lots within recorded subdivisions that became nonconforming due to lot sizes below the minimum required lot area on the various Resource designations in Chapter 9 of the County General Plan. The PL zone allows residential uses, limited agricultural uses, and utility and communication facilities per Section 19.53.020. A utility substation is permitted by CUP per Section 19.53.030 D.
Geologic Hazard (GH) Overlay	The GH overlay zone follows the Alquist-Priolo Special Study Zone area designated by General Plan Map Code 2.1 along a southwest to northeast alignment of a portion of the Garlock Fault through the central portion of the plant site. Its intent is to protect the public health and safety and minimize property damage resulting from seismic activity. The GH overlay zone does not change the types of permitted or CUP uses of the underlying zones.

Zone District	Description of Permitted Uses and Development Regulations
Floodplain Secondary (FPS) Overlay	The FPS overlay zone follows the Special Flood Hazard Areas as identified on the FEMA floodplain maps and designated by General Plan Map Code 2.5 along the north-northeast to south-southwest alignment of the Pine Tree Creek dry desert wash. Its intent is to protect the public health and safety and minimize property damage in areas that are subject to flooding with relatively low flood velocities or depths by regulating uses that would increase the flood hazard or affect the water-carrying capacity of the floodplain. Other provisions of the FPS overlay zone regulate storage of floatable substances, oil storage tanks, and septic systems. The FPS overlay zone does not change the types of permitted or CUP uses of the underlying zones.
Estate (E) District	The E zone is applied to portions of the Cantil Rural Community Plan Area north of the BSEP site and also east of Neuralia Road and in the mountainous areas west of SR-14. The minimum permitted lot size is 2.5 acres in Cantil and 20 acres in the areas to the east and west. The E zone is primarily intended for residential use and limited agricultural use. Solar energy development uses are not among the list of uses allowed by right or by CUP in the E zone, although commercial wind-driven electrical generators are allowed by CUP.
Recreation-Forestry (RF)	The RF zone applies to an area west of SR-14 and west of the plant site. The RF zone is used to designate lands for the conservation and use of natural resources and for compatible recreational uses. In addition to residential and agricultural uses, utility transmission lines, resource extraction, and limited solar and wind energy facilities are also permitted. Commercial solar and wind energy facilities are permitted by CUP.

Kern County Buildings and Construction Code

Regulations and procedures for building, grading, and alteration of natural floodplains are contained in Title 17 of the Kern County Code. Included are provisions for issuance of building and grading permits, standards and procedures for preparation and review building and grading plans, and requirements to minimize public and private losses due to flood conditions. Title 17 also includes review of a Storm Water Pollution Prevention Plan (SWPPP) to avoid temporary construction impacts and other permanent stormwater management measures for National Pollutant Discharge Elimination System (NPDES) compliance for point source discharges into waters of the U.S.

5.7.1.4 Involved Agencies

The agencies with jurisdiction to process land use entitlements for the BSEP are listed in Table 5.7-4.

Table 5.7-4 Agency Contact List

Agency Contact	Phone/E-mail	Permit/issue
Lorelei Oviatt, Special Projects Division Chief Kern County Planning Department Public Services Building 2700 "M" Street, Suite 100 Bakersfield, CA 93301-2370	(661) 862-8600 loreleio@co.kern.ca.us	Compatibility with County land use requirements (zoning, land use plans and policies)

Agency Contact	Phone/E-mail	Permit/issue
Charles Lackey, Director Kern County Engineering & Survey Services Department Public Services Building 2700 "M" Street, Suite 570 Bakersfield, CA 93301-2370	(661) 862-5100 ess@co.kern.ca.us	Determines compliance with County grading, drainage, and building regulations

5.7.1.5 Required Permits and Permit Schedule

As shown in Table 5.7-5, Kern County land use related approvals for the Project would include processing a tentative and final Parcel Map to consolidate 30 separate parcels within the plant site into a single legal lot. This process would require a public notice and a hearing before the Planning Director. The Kern County Engineering & Survey Services Department is responsible for the review of construction plans and issuance of various construction permits (e.g., grading, drainage, and building permits).

Table 5.7-5 Land Use Related Permits Required and Schedule

Permit	Agency	Schedule
Tentative Map and Parcel Map	County of Kern Planning Department	Prior to construction
Grading Permit	County of Kern Engineering & Survey Services Department	Prior to construction
Drainage Improvement Plans		Prior to construction
NPDES Stormwater Compliance Program		Prior to construction
Building Permit		Prior to construction

5.7.2 Affected Environment

The approximately 2,012-acre BSEP plant site is almost completely vacant and significantly disturbed from past agricultural activities that occurred up to the mid-1980s. There are several abandoned structures in a small developed area just outside the plant site boundary and east of SR-14. An existing north-south Union Pacific rail line crosses the future plant access road but is west of the plant's solar facilities. A photograph of the site in its current condition is presented in the Project Description (Figure 2-3a) and an aerial view of the Project area is provided in Figure 5.7-1. The site is relatively flat, with elevations ranging from approximately 2,220 feet above mean sea level (amsl) in the southwest to 2,025 feet amsl in the northeast. Pine Tree Creek, a dry desert wash, trends north-northeast to south-southwest through the center of the site. There is also are designated earthquake fault zones on the site as described in more detail in Section 5.5, Geologic Hazards and Resources.

A land use inspection of the Cantil community conducted in November 2007 showed that almost all of the existing development is within the northern portion of Cantil on approximately 160 acres identified in Figure 5.7-5 as Rancho Seco, which is bordered by Neuralia Road on the east, Munsey Road on the north, Chollo Street on the west, and East Quartz Road on the south. Existing development can be seen on Figure 5.7-1 and consists of approximately 35 to 40 single-family residences and mobile homes on 2.5-acre to 10-acre

parcels. The nearest residence is approximately 0.3-mile from the nearest plant site boundary. Several abandoned and deteriorated residences are evident, while others are well kept. No community facilities, such as schools, stores, or recreational facilities, are present. Neuralia Road is the main paved road in the Cantil community. Munsey Road is paved east of Neuralia Road and is an oiled gravel road west of Neuralia Road. All other roads in the Cantil community are loose sand roads.

There are additional dwelling units along Neuralia, Munsey, and Norton roads to the northeast of Cantil that are beyond one mile from the BSEP plant site. There are approximately 10 single-family residences located south of Cantil and east and southeast of the plant site that take access from Neuralia Road. Other residences are located one-half to one mile from the southeast corner of the plant site. Several abandoned homes are also located in this southeast area. A few properties include horse or cattle corrals and evidence of past cattle grazing is present, although very limited in scale. There are also two homes west of SR-14 and north of the possible switchyard that is part of one of the Project's two transmission options. The nearest developed area with a full range of community services is California City, whose northern boundary is approximately four miles south of the BSEP plant site.

Other existing lands uses in the vicinity of the plant site include the Honda Proving Center, an automotive and motorcycle test track facility located across Neuralia Road to the east of the plant site; and the Jawbone Canyon Off Highway Vehicle (OHV) open use area. The Jawbone Canyon OHV area is located approximately one mile north of the BSEP plant site on the west side of SR-14 and includes a ranger station, a store with dining facilities, and an outdoor entertainment and bar area. Red Rock Canyon State Park is located approximately four miles north of the BSEP site and features scenic desert cliffs, spectacular rock formations, and a campground with 50 primitive camping sites. Licensed vehicles and street legal off-highway vehicles with green stickers may travel on the dirt roads throughout the park.

According to the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), no lands designated as containing Prime farmland or Farmland of Statewide Importance are present within the Project site. The nearest farmland of Statewide Importance is about four miles to the northeast of the plant and the nearest Prime farmland is 22 miles southwest of the plant site. FMMP designations in the Project area are "Other Lands" and "Grazing Lands." Agricultural use of the plant site was discontinued in the 1980s; no enhanced agricultural soils or surface water delivery systems exist within the Project area; therefore, the site is not considered viable from a sustained agricultural production perspective.

5.7.3 Environmental Impacts

The land use impact valuation focuses on the following issues: 1) the conformity of the Project with local land use plans, ordinances and policies; and 2) the potential for the BSEP to have direct, indirect and/or cumulative land use conflicts with existing and planned uses.

5.7.1.6 Construction Phase Impacts

The small number of residential uses in the Project area would experience some temporary impacts from construction phase dust emissions, as discussed in AFC Section 5.2, Air Quality. With planned mitigation measures, these impacts would be less than significant. The temporary nature of Project construction is

one of the reasons that other construction phase land use impacts also will be less than significant, as discussed in the respective portions of this AFC.

5.7.1.7 Operations Phase Impacts

The proposed Project would be consistent with existing County Zoning and General Plan land use designations. The majority of the Project site is designated for Resource uses under Chapter 1.9 of the County General Plan. The stated purpose of the Resource designation is to ensure continued opportunities for the County's economic growth by maintaining land for agricultural use and for mineral and petroleum extraction and to restrict urbanization in these areas.

Development of the solar energy resources inherent in the Project area would be a viable way to achieve land use consistency with the Resource designation of the County General Plan and its goal of economic growth through development of the County's natural resources, which in this case would be the Project site's suitability for a solar energy facility. In accordance with the land use goals cited in Section 5.7.1.3 for lands with the Resource designation, the BSEP would not prevent or hinder development of agricultural or other resource uses on neighboring properties; and would be consistent with the Resource designation goals to encourage development of alternative sources of energy.

Residential uses have not been shown to be suitable for expanded development in the northerly portion of the BSEP plant site that is within the Cantil Rural Community and designated for residential use. Despite parcelization into numerous potential homesites in Cantil and the surrounding areas, very little viable residential development has occurred, due apparently in part to factors such as the lack of a public water supply, occasional flooding, and the harsh climate. The County allowed development of the Honda Proving Center near the BSEP site on land partially within the Cantil Rural Community designation. Like the Honda facility, the BSEP would be a viable alternative land use of a property that is only marginally suitable for residential development. Further, the plant site's zoning is for exclusive or limited agricultural use and both of these designations explicitly allow solar energy facilities as a conditional use.

As noted earlier, the County General Plan Circulation Element requires that section lines and mid-section lines in the County's Valley and Desert Regions (which include the Project site), be reserved as future roadway corridors. BSEP implementation would mean that these future roadway corridors on the Project site would have to be eliminated, which would require an amendment to the Circulation Element.

The elimination of roadway corridors on the Project site would preclude development of north-south and east-west roadways along the section and mid-section lines during the life of the Project. However, the future absence of these roadways would have minor impacts on local land use or traffic circulation. There is little potential for foreseeable future development in the Project vicinity that would require roadway access across the area occupied by the BSEP plant site. To the southwest, south, and west of the BSEP site are lands covered by Resource Management and Intensive Agricultural land use designations with minimal potential for future traffic generation. The Honda test track facility occupies lands to the east and northeast. Land to the north of the plant site is designated for residential development, but there has been minimal development north of the site because of factors such as the absence of necessary infrastructure and there is no indication that development is likely to increase in the foreseeable future. In any case, existing roadways (Neuralia Road and SR-14, north-south roadways located to the east and west of the Project site

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respectively, and Phillips Road an east-west roadway to the south of the site), provide adequate access to surrounding areas such that land use impacts would be less than significant.

The Project would not be inconsistent with the Seismic Hazard and Flood Hazards designations that bisect the plant site. The BSEP administration building and warehouse would be located outside the area where these hazards are designated; no facilities intended for human habitation would be located in the hazard areas. Potential impacts to areas within the Flood Hazard designation would be avoided by rerouting the creek bed in compliance with the County's Floodplain Management Ordinance and would remain as a surface watercourse with continued natural resource benefits.

In concert with the requirements implicit in Section 1908.60 of the Kern County Zoning Ordinance, Beacon Solar provided a Project profile description including equipment height and layout information parameters to the designated representatives of the U.S. military branches with operations in the vicinity of the Project site for their review as required. Correspondence received in response from the R-2508 Complex Sustainability Office, representing the Edwards Air Force Base Air Flight Test Center, China Lake Naval Air Center Weapons Division, and Fort Irwin National Training Center, is provided in Appendix K of the AFC. It was concluded that the proposed Project as configured is compatible with the military branch operations subject to mitigation measures applicable to the use of military-approved Project communications equipment.

Development of the Project site's solar resources would be consistent with the County Energy Element and the Solar Energy Development goal and policies. The BSEP site has been disturbed by past agricultural use. With the implementation of planned mitigation measures identified in the various sections of the AFC and with other environmental and public safety design features of the Project, the BSEP would comply with the County Energy Element's policies to avoid significant environmental or public health and safety hazards for solar energy development.

5.7.1.8 Cumulative Impacts

No cumulative projects have been identified in the Project vicinity that would create significant land use impacts when considered together with the BSEP. The immediate area near Project site does not show indications of substantial development activity. The nearest known projects are the Pine Tree Wind Development Project, which is located approximately six miles west of the BSEP site and the LADWP Barren Ridge-Castaic Transmission Project that will begin at the Barren Ridge Switching Station about 1.5 miles south of the plant site and extend south (away from the BSEP site) to Los Angeles County. The environmental study conducted for the Pine Tree project determined that land use impacts would be less than significant. Although the environmental review process for the Barren Ridge-Castaic project is in its early stages and land use analyses are not yet available, in the Project vicinity, the new transmission facilities would be added to an area where such facilities already exist. Due to their distance from the BSEP site and the absence of significant land use impacts associated with either project, cumulative impacts to existing development and County land use plans and policies would be less than significant.

5.7.4 Mitigation Measures

No significant land use impacts have been identified and, therefore, no mitigation measures are required.

5.7.5 References

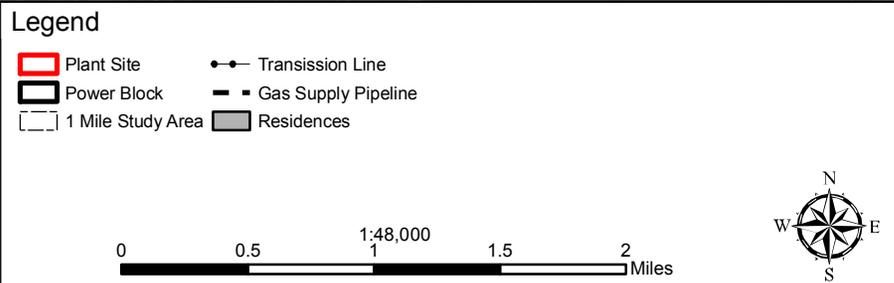
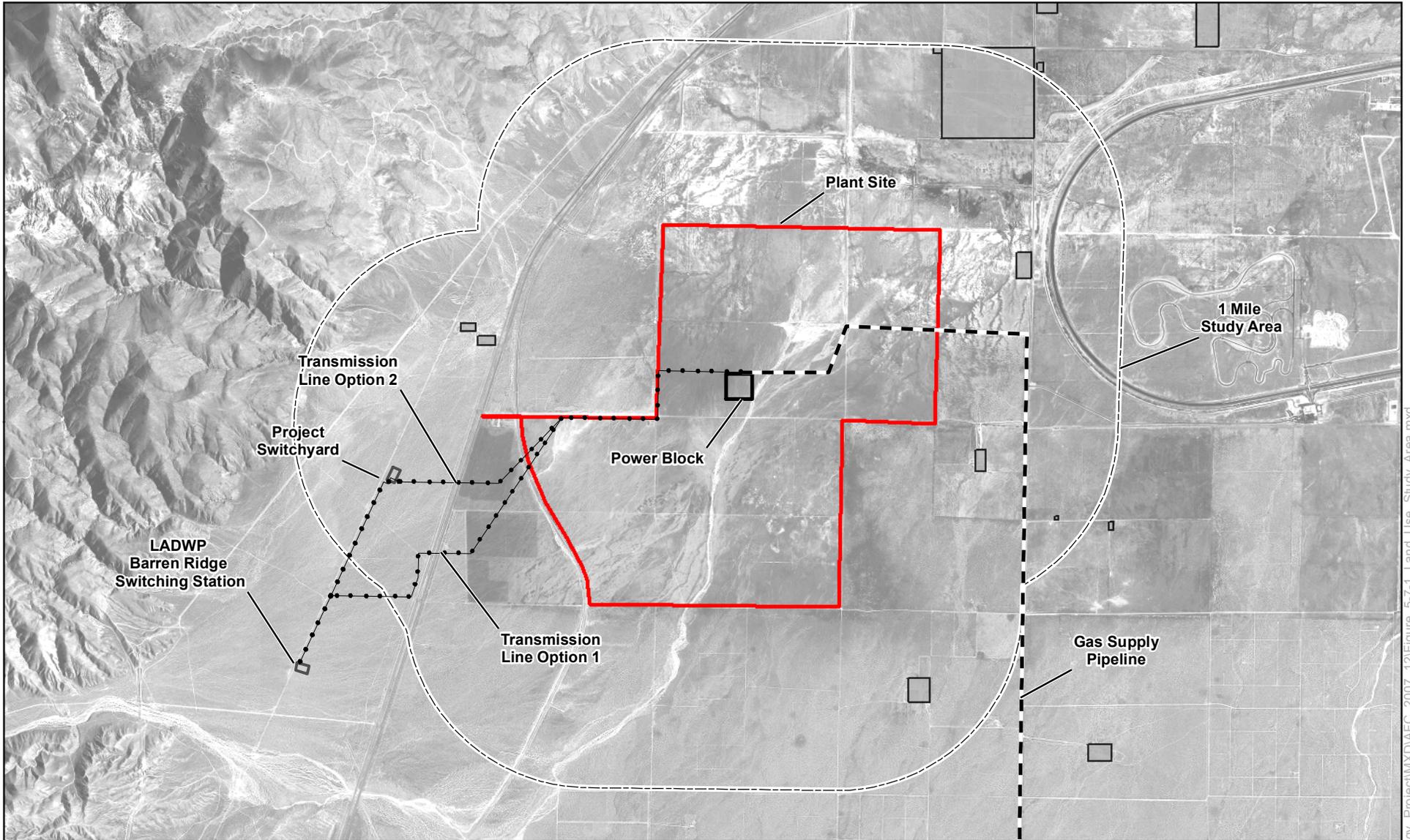
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Kern County Planning Department, 2007. Kern County General Plan. March 13.

California Department of Conservation. Farmland Mapping and Monitoring Program. Available on-line at <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/2004>.



Beacon Solar Energy Project

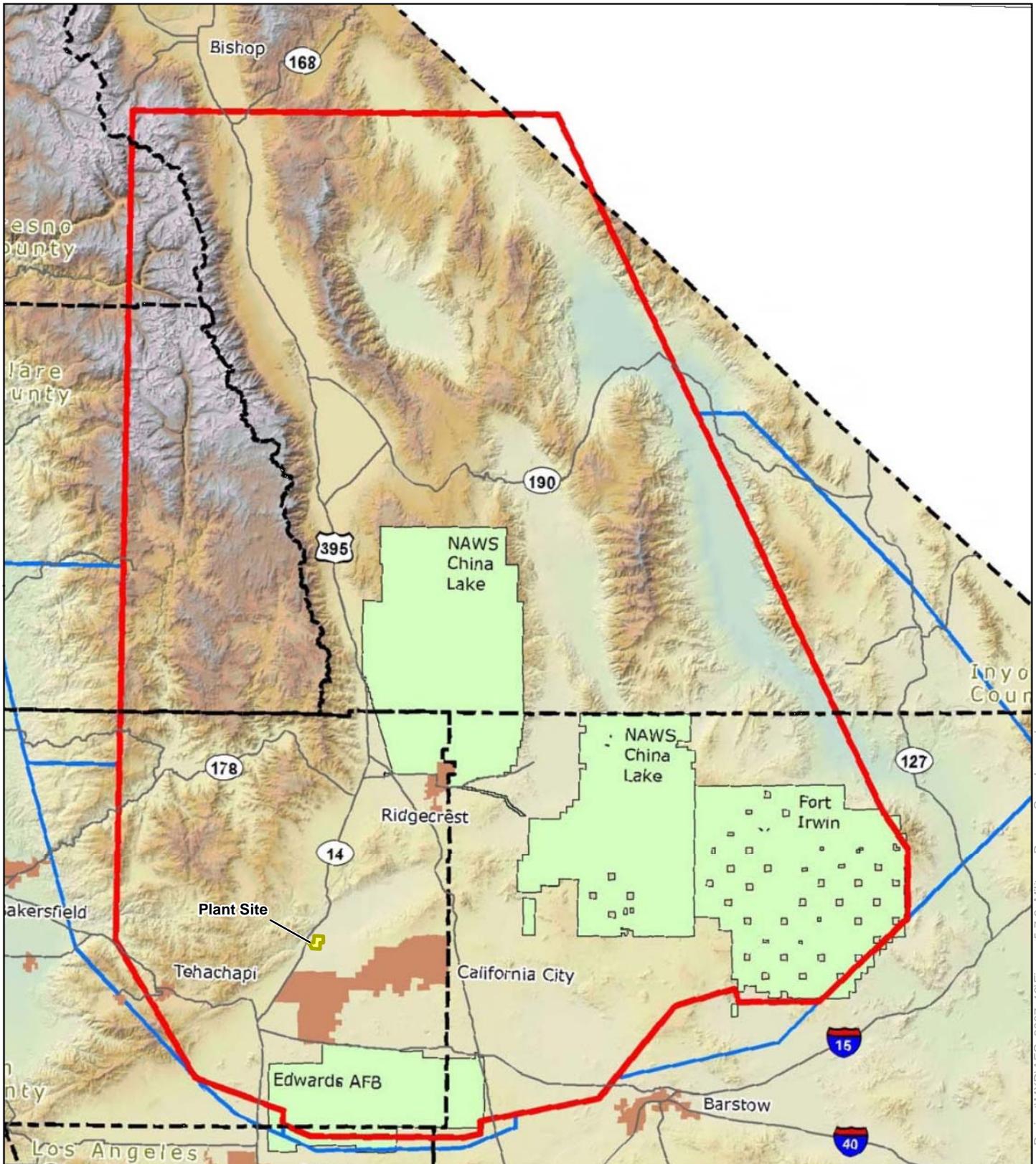
Figure 5.7-1
Land Use Study Area

Source: NAIP 2005; EDAW 2007;
WorleyParsons 2007;

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Date: March 2008



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Figure 5-7-2
Military Range Complex

R-2508 Complex

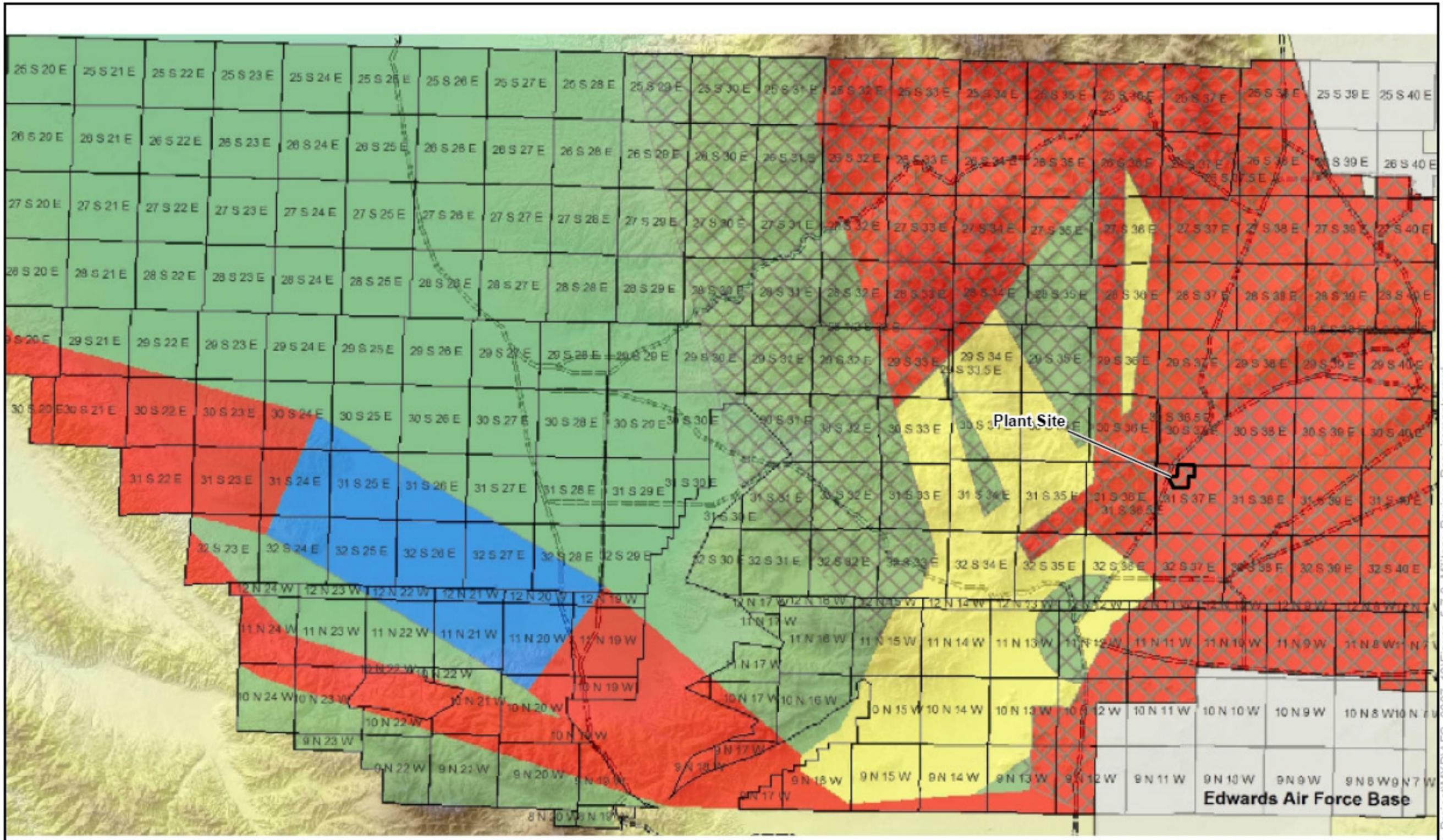
- R-2508 Special Use Airspace (SUA)
- Military Operations Areas (MOA) (Outside R-2508 SUA)



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Legend

 All wind turbines and communication towers over 80 feet All other structures over 100 feet	 All structures over 500 feet
 All structures over 200 feet	 No review requirement County to provide building permit summary
 All structures over 400 feet	 No review requirement

1:800,000

0 10 20 30 40 Miles



Beacon Solar Energy Project

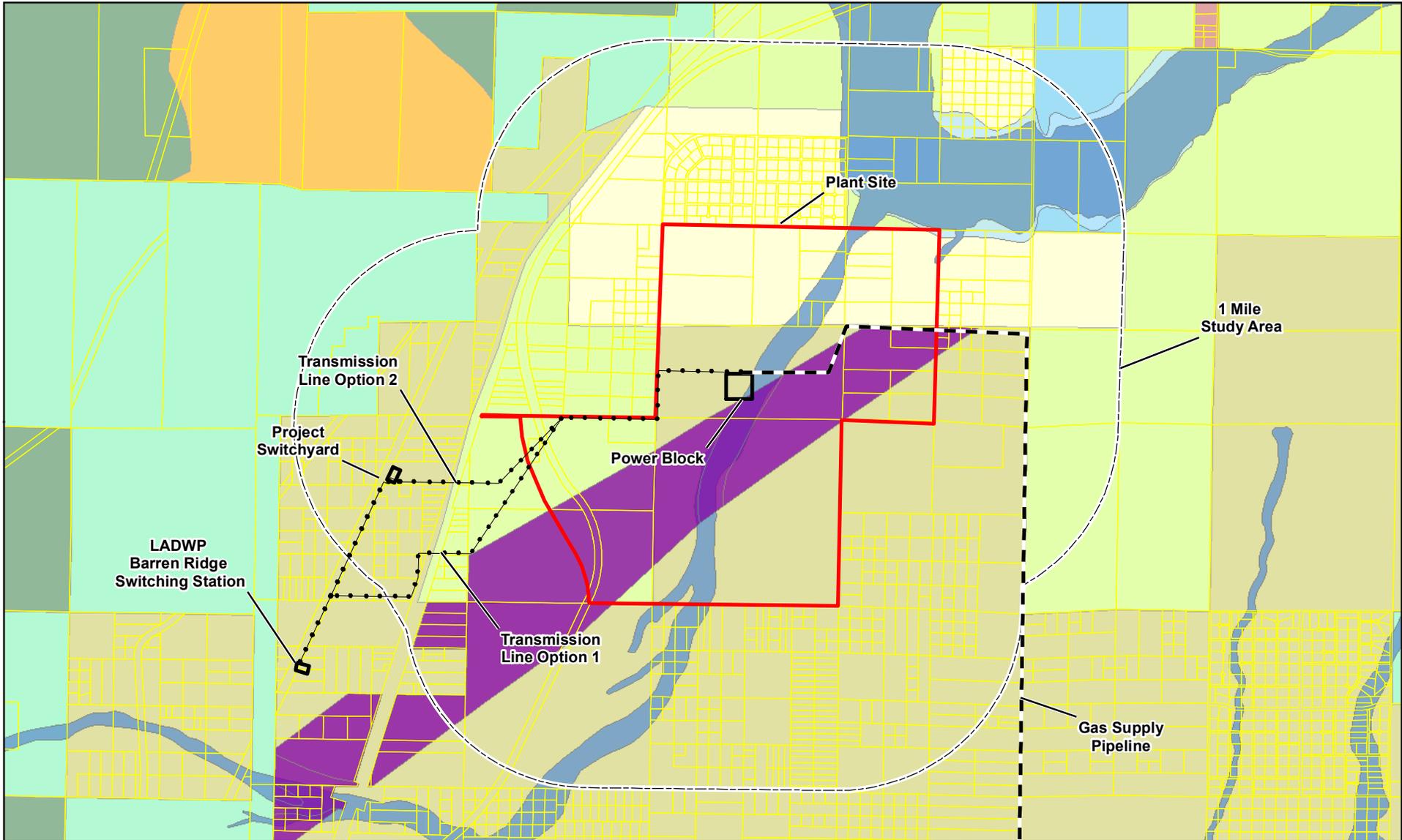
Figure 5-7-3

Military Review Requirements

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Legend

Plant Site	Seismic Hazard	Extensive Agriculture	Estate (Min 5 Acres)
Power Block	Flood Zones	Intensive Agriculture	Estate (Min 20 Acres)
1 Mile Study Area	Zone A	Mineral and Petroleum	Resource Management
Transmission Line	Zone X 500	Estate (Min 2.5 Acres)	State or Federal Land
Gas Pipeline			
Parcel Boundaries			

Scale: 0 0.5 1 1.5 2 Miles
1:48,000

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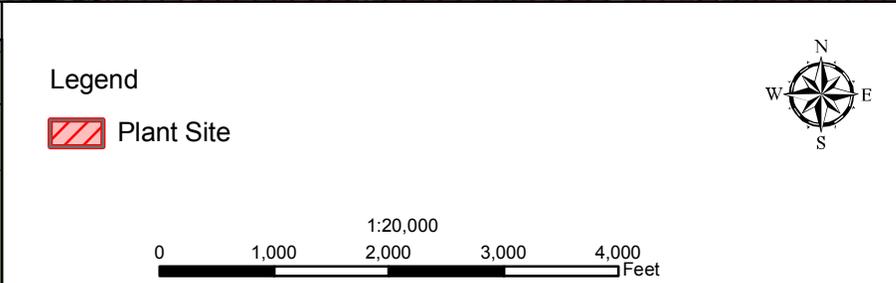
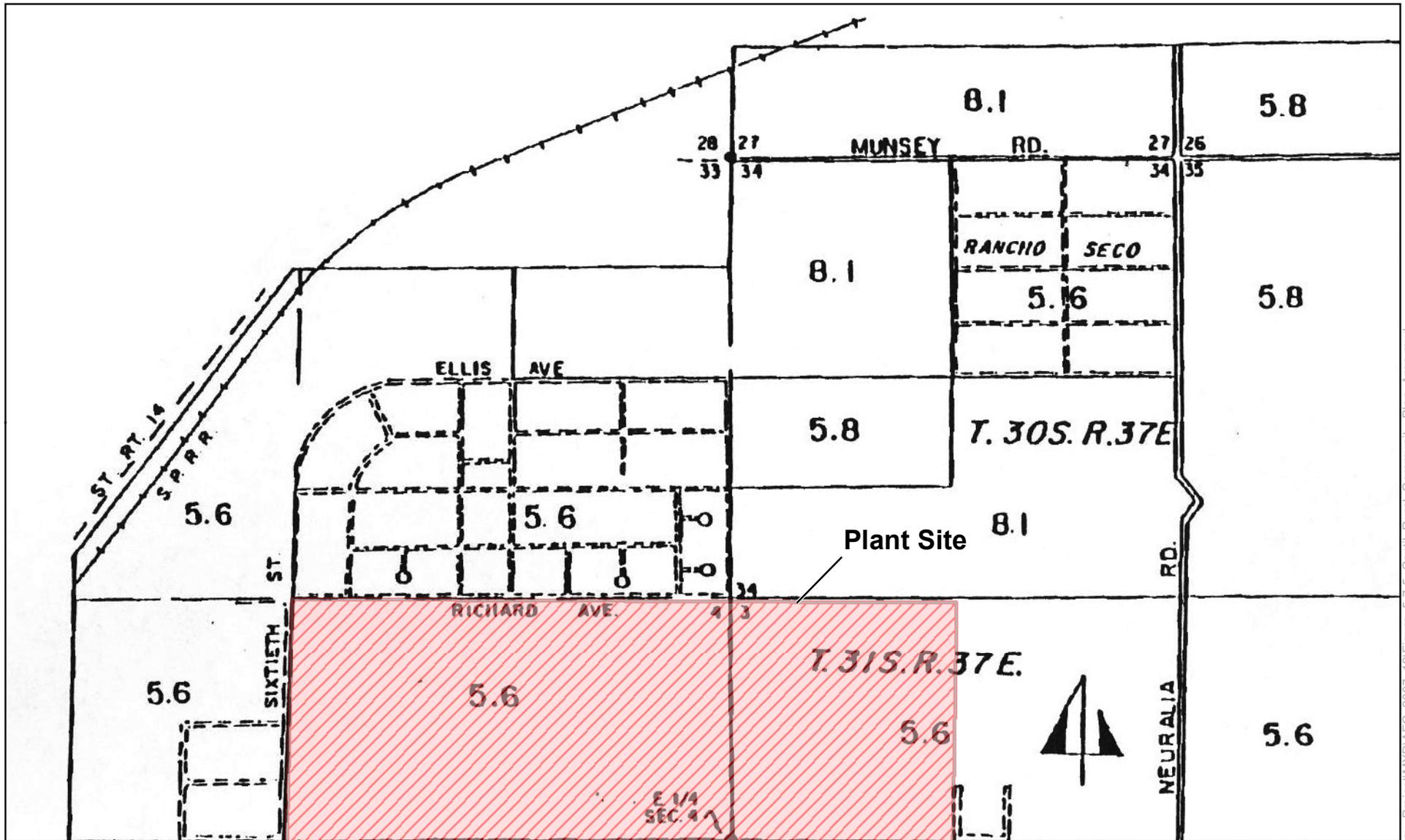
Figure 5.7-4
Kern County General Plan
Land Use Designations

Source: EDAW 2007; WorleyParsons 2007; Kern County 2007

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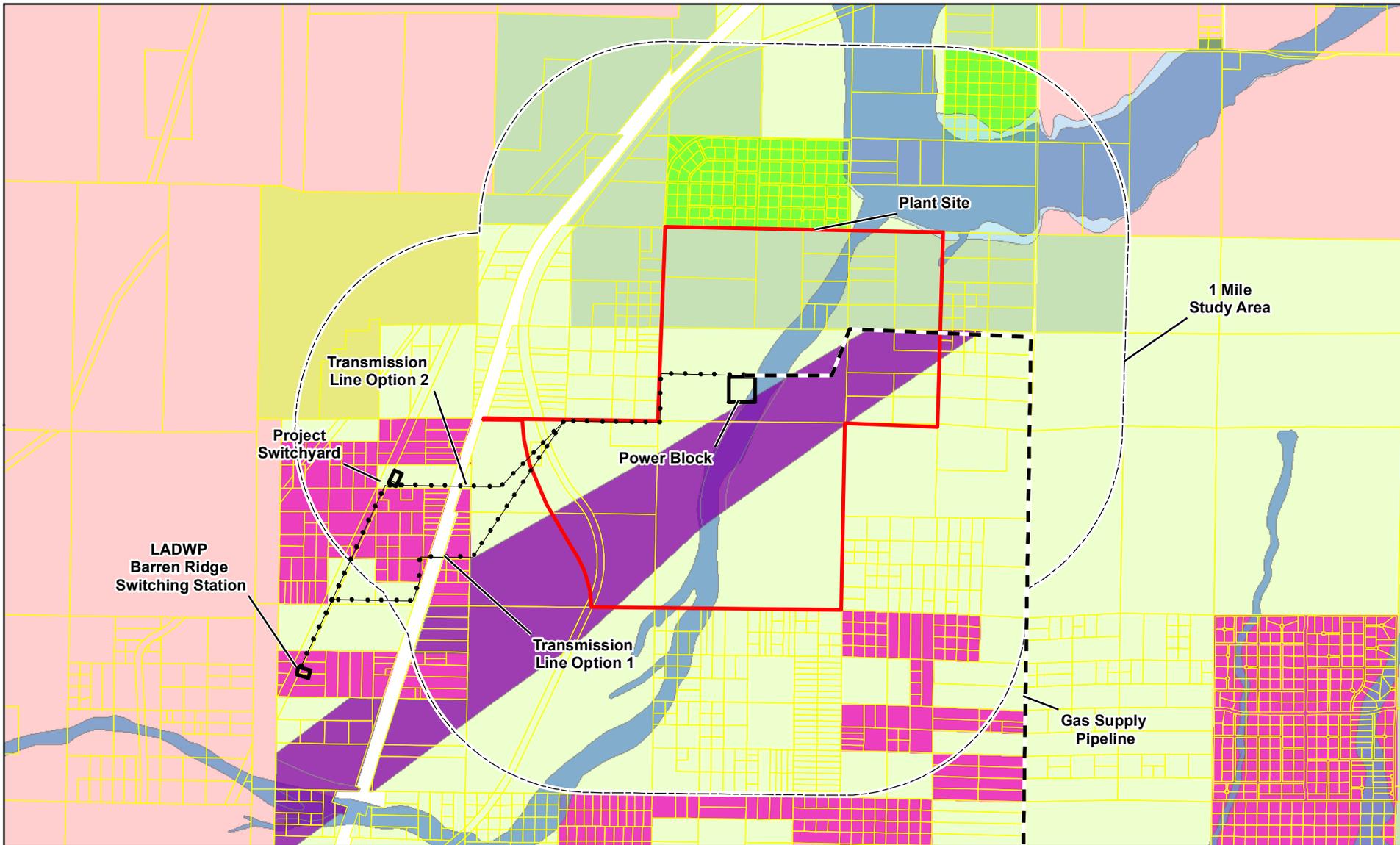
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Figure 5.7-5
Cantil Rural Community Plan Area

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Date: March 2008



Legend

Plant Site	Seismic Hazard	A Exclusive Agriculture	FPP Floodplain Primary
Power Block	Flood Zones	A-1 Limited Agriculture	PL Platted Lands
1 Mile Study Area	Zone A	E Estate (2 1/2 Acres)	RF Recreation-Forestry
Transmission Line	Zone X 500	E Estate (20 Acres)	
Gas_Pipeline	Parcel Boundaries		

Scale: 1:48,000
 0 0.5 1 1.5 2 Miles

Compass rose showing North (N), South (S), East (E), and West (W).

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Figure 5.7-6
Kern County Zoning

Source: EDAW 2007; WorleyParsons 2007; Kern County 2007

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