Section 4.10

Land Use and Planning

4.10.1 Introduction

This section of the Environmental Impact Report (EIR) addresses potential land use impacts that would result from the proposed project. The following discussion addresses existing environmental conditions in the affected environment, evaluates the proposed project’s consistency with applicable goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation.

In particular, the policy consistency analysis addresses the project proponents request for a change in zone classification to incorporate the Wind Energy (WE) Combining District to the existing A (Exclusive Agriculture) base district for a 1,292 acre-portion of the 13,535 acre project boundary. This rezoning would allow for construction of wind turbine generators (WTGs), ancillary facilities and supporting infrastructure, and would require specific development standards that apply to the associated construction and siting of wind WTGs and accessory facilities in the WE Combining District without further discretionary review. In addition, a three acre portion of the site is within the Zone A (100-year) flood hazard area as delineated on the Federal Emergency Management Agency’s (FEMA) Digital Flood Insurance Rate Maps (DFIRM). Therefore, the project proponents are also requesting incorporation of the Floodplain (FP) overlay zone district. Finally, the project will include a change in zone classification from A-1 MH (Limited Agriculture, Mobilehome Combining) to A for a 636.6-acre portion of the project site in order to bring it into consistency with the underlying General Plan designation. Construction of the proposed project would also require approval of a Conditional Use Permit (CUP) to allow the use of five temporary, mobile concrete batch plants to provide concrete and materials for WTG, substation, and operation and maintenance building foundations. The batch plants would be located onsite during construction only.

4.10.2 Environmental Setting

Project Site

The proposed project site consists of 13,535 acres, consisting of 480 privately owned parcels, located in the southeastern portion of an unincorporated area of Kern County, California. The proposed project is primarily located to the south and east of the intersection of Kelso Valley Road and Jawbone Canyon Road. Land ownership in the vicinity of the project site is comprised of interspersed parcels of private land under the jurisdiction of Kern County, federal land managed by the U.S. Bureau of Land Management (BLM), and other federal and municipal lands. Proposed project WTGs would be located entirely on private land under Kern County jurisdiction, with some access roads, underground transmission collector lines and an overhead generation-tie (gen-tie) line occurring on BLM-managed land.

The proposed project site is essentially undeveloped, but it is currently and has historically been used as grazing land for cattle. Given the historical use of the proposed project site, there is a relatively extensive system of existing unpaved roads throughout the property. The Pacific Crest National Scenic Trail (PCT) is located west of the proposed project site. The distance between the PCT and the project site boundary varies, ranging from 5.5 miles at the northwest corner of the
project to 0.8 mile at the southwest corner of the project. The distance from the PCT to the nearest proposed WTG within the project site is 1.7 miles.

Due to military air traffic restrictions, the WTGs would need to conform to the military height requirements for the proposed project area as defined by Section 19.64 and Figure 19.08.160 of the Kern County Zoning Ordinance, unless the military authority responsible for operations in that flight area first provides the planning director with written concurrence that the height of the proposed structure or building would create no significant military mission impacts. The project site is located across several of the military review zones illustrated in Figure 19.08.106, including green (no review requirement), yellow (all structures over 500 feet), and red (wind turbines and communications towers over 80 feet and all other structures over 100 feet). Without military review, those structures falling within the yellow zone would be limited to 500 feet above ground elevation; those structures falling within the red zone, which includes the eastern portion of the site (10.1 percent of the site with 1,337 acres), would be limited to 80 feet above ground elevation for wind turbines and communications towers and 100 feet for all other structures.

The acreages of existing land use designations and zone districts within the proposed project site boundary are shown below in Tables 4.10-1 and 4.10-2, respectively.

### Table 4.10-1. Kern County Land Use Designations on the Project Site*

<table>
<thead>
<tr>
<th>Project Site</th>
<th>Map Code Designations</th>
<th>Associated General Plan Goals/Policies</th>
<th>Acres</th>
<th>Percent of Total Project Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Sky River</td>
<td>8.3 Extensive Agriculture</td>
<td>1.9 Resource</td>
<td>13,064</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>2.4 Steep Slope</td>
<td>1.3 Physical and Environmental Constraints Overlay**</td>
<td>9,613</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>2.5 Flood Hazard</td>
<td></td>
<td>333</td>
<td>--</td>
</tr>
<tr>
<td>Jawbone</td>
<td>8.3 Extensive Agriculture</td>
<td>1.9 Resource</td>
<td>654</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>2.4 Steep Slope</td>
<td>1.3 Physical and Environmental Constraints Overlay*</td>
<td>629</td>
<td>--</td>
</tr>
</tbody>
</table>

* Source: Kern County General Plan, 2008

*a acreage numbers are based on data dated March 2011 and may be subject to slight adjustments based on final project layout.

**General Plan Constraint Overlays (noted in italics) combine with the base land use designation; therefore, acreage is not included in the percentage of the total project site.

### Table 4.10-2. Existing Zoning Districts*

<table>
<thead>
<tr>
<th>Project Site</th>
<th>Existing Zone Classifications</th>
<th>Acres</th>
<th>Percent of Total Project Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Sky River</td>
<td>A (Exclusive Agriculture District)</td>
<td>12,428</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>A-1 MH (Limited Agriculture–Mobilehome Combining District**)</td>
<td>627</td>
<td>5</td>
</tr>
<tr>
<td>Jawbone</td>
<td>A (Exclusive Agriculture District)</td>
<td>654</td>
<td>100</td>
</tr>
</tbody>
</table>

* Source: Kern County Zoning Ordinance, 2009

*a acreage numbers are based on data dated March 2011 and may be subject to slight adjustments based on final project layout.

**Mobilehome Combining District (MH) – Combining Districts are modifiers to the base zone district

### Regional

The proposed project is located in southeastern Kern County at the base of the Tehachapi and Piute mountain ranges within the Sierra Nevada, directly west of the Fremont Valley in the Western Mojave Desert (Figure 3-1). The Energy Element of the Kern County General Plan (KCGP) describes the Tehachapi Mountains as one of California’s largest areas for wind energy development, responsible for about 40% of the State’s total wind-generated power. Elevations
range between 2,680 and 5,600 feet above mean sea level. The area is rugged and woodland and desert scrub habitat types are common.

The project area has been heavily impacted by authorized and unauthorized off-highway vehicle (OHV) use and livestock grazing. The BLM’s Jawbone Off-highway Vehicle Open Area is located off Jawbone Canyon Road. Existing development in the area includes rural access roads, producing and non-producing water wells, cattle ranching and maintenance facilities, and existing meteorological towers (met towers). Water sources include Cottonwood Creek and Butterbredt Springs. The PCT is located west of the proposed project site. The distance between the PCT and the project site boundary varies, ranging from 5.5 miles at the northwest corner of the project to 0.8 mile at the southwest corner of the project. The distance from the PCT to the nearest proposed WTG within the project site is 1.7 miles.

Several year-round and seasonal residences exist near the proposed project site; however, none of these residences are located within the project boundary. Two residences are located in Kelso Valley, within 0.5 mile west of the proposed project site. The closest residence is located 3,215 feet west from the nearest WTG. The minimum distance between the proposed regional Wilderness transmission line reinforcement and a residence is 1,000 feet. Seasonal residences, which appear to be used for hunting or other recreation, are located in the southern portion of Kelso Valley, 1.5 miles northeast of Weldon Peak along Jawbone Canyon Road.

The nearest public airstrip is California City Municipal, located approximately 16.6 miles southeast of the site Tehachapi Municipal, also a public single-runway airport, is located 20 miles southwest of the project site. The Mojave Air and Space Port has three runways, is accessible for public use, and is 20 miles from the project site. Nearby military installations that have air overflights include China Lake Naval Air Weapons Station (NAWS) to the northeast of the site and Edwards Air Force Base (AFB) to the southeast of the site.

Major transportation corridors in the region include State Route (SR) 14 (north–south) and SR 58 (east–west), which intersect about 20 miles south of the project area in the community of Mojave. Population centers within 20 miles of the proposed project site include:

- Community of Lake Isabella (20 miles northwest of the proposed project site);
- City of California City (12 miles southeast of the proposed project site);
- City of Tehachapi (12 miles southwest of the proposed project site);
- Community of Mojave (12 miles south of the proposed project site); and
- Community of Twin Oaks (10 miles west of the proposed project site).

There are several existing, permitted, and proposed wind energy and transmission projects in the region. The Los Angeles Department of Water and Power Pine Tree Wind Project, which is now fully online, is located immediately south of the proposed project site (access to the proposed project site is off SR 14 via Jawbone Canyon Road, which also serves the Pine Tree Wind Project). The Alta-Oak Creek Mojave Wind Project, located 14 miles south of the proposed project site, was approved by Kern County in December 2009 and is currently under construction. The 300-MW PdV Wind (recently referred to as Manzana Wind Project) and the 151-MW Pacific Wind Projects are located 25 miles south of the proposed project site. In addition, NextEra owns and operates the existing 77-MW Sky River Wind Energy Facility located 10 miles south of the proposed project site.
Segments 4–11 of the Tehachapi Renewable Transmission Project (TRTP), currently in the agency permitting process, are expected to be approved and constructed in the vicinity of the proposed project site within the next several years. Segment 4 of the TRTP initiates at the Cottonwind Substation and includes two new parallel four mile, single circuit 220 kilovolt (kV) transmission lines to the Whirlwind Substation and a new 15.6 mile, single circuit 500 kV transmission line from the Whirlwind Substation to the Antelope Substation.

Conditional Use Permit (CUP) Approval

Construction of the proposed project would also require approval of a CUP to allow the use of one temporary, mobile concrete batch plant to provide concrete and materials for WTG, substation, and operation and maintenance building foundations. The batch plant would be located onsite during construction only.

4.10.3 Regulatory Setting

Federal

Bureau of Land Management, California Desert Conservation Area Plan, 1980

The 25 million-acre CDCA Plan Area contains over 12 million acres of public lands spread within the area known as the California Desert, which includes the following three deserts: the Mojave, the Sonoran, and a small portion of the Great Basin. The 12 million acres of public lands administered by the BLM are half of the CDCA.

The CDCA Plan is a comprehensive, long-range plan with goals and specific actions for the management, use, development, and protection of the resources and public lands within the CDCA, and it is based on the concepts of multiple use, sustained yield, and maintenance of environmental quality. The plan’s goals and actions for each resource are established in its 12 elements. Each of the plan elements provides both a desert-wide perspective of the planning decisions for one major resource or issue of public concern as well as more specific interpretation of multiple-use class guidelines for a given resource and its associated activities.

On December 9, 2010 (with subsequent revisions on December 13, 2010, January 28, and March 15, 2011) the North Sky River Project proponent applied to the BLM Ridgecrest Field Office and the Renewable Energy Coordinating Office (RECO) to obtain rights-of-way (ROW) grants to utilize 30,462 linear feet of existing roads, improve 11,733 linear feet of the existing road, and construct 962 linear feet of new roads on BLM property in order to access the North Sky River Project site. Additionally, the application included a request for ROW for 9,200 linear feet of new gen-tie transmission line, use of 2,666 linear feet of existing roads and construction of 6,266 linear feet of new roads to access the generation-tie transmission line. The BLM is currently processing the ROW request. Granting of the ROW would require a determination of project consistency with the CDCA Plan by BLM. BLM will address project compliance with CDCA guidelines through the NEPA Environmental Assessment (EA) process. If the project generation-tie transmission line is not within an existing designated corridor or does not meet other guidance of the CDCA, a plan amendment will be made as part of the Decision Record. If the ROW is approved by BLM, a ROW