

**DOCKETED**

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*Comment Received From: Imperial County Planning & Development Services  
Submitted On: 10/5/2023  
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**CUP23-0017 Black Rock CEC County Letter**

*Additional submitted attachment is included below.*



# Imperial County Planning & Development Services Planning / Building

September 28, 2023

Jim Minnick  
DIRECTOR

Mr. Eric Veerkamp  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

## **Imperial County Response to Data Request Set 1 (TN #252096) for the Black Rock Geothermal Project (23-AFC-03)**

Dear Mr. Eric Veerkamp:

In response to the California Energy Commission (CEC) Staff's Data Requests Set 1 for the Black Rock Geothermal Project (BRGP) (23-AFC-03), this letter is intended to clarify Imperial County's (County) perspective on the potential project. Specifically, this letter addresses applicability of County development standards on the project's ancillary components and the County's perspective on potential findings for issuance of Conditional Use Permits (CUP).

### **Applicability of Development Standards on Ancillary Components**

BRGP Data Request #55 requests information on how the development of each ancillary facility is consistent with the development standards for each site's zoning designation. Ancillary facilities for the project includes aboveground and underground production and injection wells, aboveground production and injection pipelines, generation tie-lines (transmission lines and poles), underground freshwater supply lines, and temporary laydown yards, parking areas, borrow pits, and construction camps.

The wells (includes production and injection), aboveground pipelines (includes production and injection), and construction camps require County review and approval of a Conditional Use Permit (CUP). During the CUP process, the County will determine applicable development standards (if any), including setbacks and maximum structure height, for the wells, pipelines, and construction camps. The County will require consistency with applicable development standards prior to the issuance of a CUP or as conditions of approval.

The generation interconnection transmission line (gen-tie) is under jurisdiction of the Imperial Irrigation District and is not subject to County development standards. The freshwater supply lines and connections are located underground and are not subject to County development standards. Due to the temporary nature of laydown yards, parking areas, and borrow pits, development standards are not applicable.

### **Potential to Make Required Findings for Issuance of CUPs**

BRGP Data Request #56 requests information on how the development of each project element, which would require a CUP if reviewed by the County, would meet the findings required for issuance of a CUP.

The BRGP components which would be subject to a CUP, if reviewed by the County, include the following:

- Primary powerplant: Per Section 90509.02 of the County's Land Use Ordinance, major geothermal projects are permitted as conditional uses.
- Production and injection wells and production and injection pipelines: Per Section 90509.02 and 90507.02 of the County's Land Use Ordinance, mineral extraction and resource extraction are permitted as conditional uses.
- Temporary laydown yards and parking areas: Per Section 90509.02 and 90518.02 of the County's Land Use Ordinance, temporary contractor storage yards are permitted as conditional uses.
- Temporary construction camps: Per Section 90509.02 and 90518.02 of the County's Land Use Ordinance, labor camps are permitted as conditional uses.
- Temporary borrow pits: Per Section 90509.02 and 90507.02 of the County's Land Use Ordinance, mineral extraction and resource extraction are permitted as conditional uses.

In order to issue CUPs, the County would need to make the following findings, pursuant to Section 90203.09 of the County's Land Use Ordinance:

- A. The proposed use is consistent with the goals and policies of the adopted county general plan;
- B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be located;
- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10;
- D. The proposed use meets the minimum requirements of this title applicable to the use and complies with all applicable laws, ordinances and regulations of the county of Imperial and the state of California;
- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity;
- F. The proposed use does not violate any other law or ordinance;
- G. The proposed use is not granting a special privilege.

A high-level informal review indicates the following:

Finding A: There are no initial concerns regarding significant inconsistencies with the projects and the goals and policies of the adopted general plan.

Finding B: As shown in the bullet list above, the proposed uses appear to generally align with uses identified in the County's Land Use Ordinance as permitted conditional uses. If the proposed uses are consistent with the permitted conditional uses identified in the code, the proposed uses would be consistent with the purpose of the zone designation which they are located in.

Finding C: As shown in the bullet list above, the proposed uses appear to generally align with uses identified in the County's Land Use Ordinance as permitted conditional uses.

Finding D: The project does not appear to be inconsistent with applicable laws, ordinances, and regulations of the County or State.

Finding E: There are no initial concerns with the proposed uses being detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

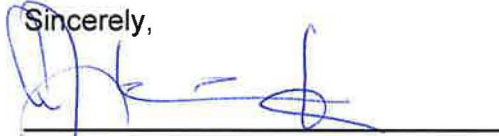
Finding F: The proposed uses do not appear to violate any other law or ordinance.

Finding G: The project is similar to other existing geothermal powerplants in the area. There are no initial concerns regarding the granting of a special privilege if a CUP is issued.

In summary, based upon the information we have reviewed to date, we are presently aware of no facts that would prevent the County from issuing CUP(s) for the elements of the projects that would require a CUP if reviewed by the County. However, this is an informal and non-binding opinion. It is critical to note that the County would require formal review to determine if the required findings, set forth in Section 90203.09 of the County's Land Use Ordinance, can be made for each instance.

If the County's perspective on these land use issues requires further clarification, please feel free to contact me at (442) 265-1736 or via email at [jimminnick@co.imperial.ca.us](mailto:jimminnick@co.imperial.ca.us).

Sincerely,



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Jim Minnick, Director  
Imperial County Planning & Development Services

CC: Michael Abraham, AICP, Assistant Planning & Development Services Director  
Diana Robinson, Planning Division Manager  
Files: 10.102; 10.101; 10.104  
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