MINUTES OF THE
PLANNING COMMISSION MEETING

February 13, 2013

The Imperial County Planning Commission convened a meeting on Wednesday, February 13, 2013 at 9:00 AM in the Board of Supervisors Chambers, El Centro, California.

Chairman Rudy Schaffner called meeting to order at 8:58 a.m.

Roll Call

Commissioners present: Schaffner, Kalin, Bergh, Cabanas, Castillo, Gaddis, Hargrave, Herrera, Niver and Roben.

Staff present: Director/Villa, Assistant Director/Minnick, Planner III/Valenzuela, Planner II/Hernandez, Clerk/Scoville and GIS Tech/Newland.

Pledge of Allegiance.

Chairman Schaffner entertained a motion to approve the Minutes of January 9, 2013 as presented by staff.

Motion made by Commissioner Kalin and seconded by Commissioner Niver to approve the Minutes as presented by staff for the January 9, 2013 meeting and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Castillo (Yes), Gaddis (Yes), Hargrave (Yes), Herrera (Yes), Niver (Yes) and Roben (Yes).

Jim Minnick, Assistant Director opened up the Meeting for the Election of Officer(s) 2013 and thanked the current officers for 2012.

Election of Officer – Chairman

A. Adopted the motion made by Commissioner Kalin and seconded by Commissioner Niver to re-elect Commissioner Schaffner as Chairman for 2013 and Adopted the motion made by Commissioner Kalin to close nominations and carried on the unanimous vote of all Commissioners.

Election of Officer – Vice-Chairman

A. Adopted the motion made by Commissioner Roben and seconded by Commissioner Niver to re-elect Commissioner Kalin as Vice-Chairman for 2013 and Adopted the motion made by Commissioner Roben to close nominations and carried on the unanimous vote of all Commissioners.

Election of Officers Closed.

Jim Minnick, Assistant Director congratulated the 2013 Officer(s), and Chairman Schaffner started meeting.

PUBLIC HEARINGS:

1. Consideration of Time Extension 12-0012 as submitted by Granite Construction Company for their Frink Site, requesting a time extension for Conditional Use Permit 97-0015 for their asphalt/concrete batch plant, on property described as Section 27, Tract 9 South, Range 13 East, SBB&M, 633.42 acres, except that Portion of the Northeast Quarter deeded to USA. Assessor’s Parcel Number 003-050-013-000. (8775 Coachella Canal Road, Niland), (Supervisory District #4). The Commission took the following action:

Jim Minnick gave a brief description of the Time Extension 12-0012 and presented Planner III, Patricia Valenzuela who read the project into the record.

Patricia Valenzuela, Planner III read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner asked if there was a representative for this project present.
Jayne Powell of Granite Construction, Indio CA., was present along with their Legal Counsel, Sean Hungerford.

Chairman Schaffner asked the Applicant if they agreed with staff’s recommendations.

Sean Hungerford, Legal Counsel for Granite Construction stated that they had a couple brief comments. First of all, they wanted to thank staff for their time and attention working on this application and stated that this is a long-standing operation that has been operating since 1975, with the first asphalt plant permitted in 1985. Secondly, they wanted to notify the Commission that there is a compliance issue raised by the Office of Mine Reclamation and for those of you that might not be familiar with it, it’s part of the California Department of Conservation State Agency which has general oversight over all the mining operations in the State. So, the question was to what extent does the site have underlining use entitlements to continue mining. It is an issue that they have spoken to staff and the Office of Mine Reclamation which appears to be a minor issue but one that they can work through. They just wanted to make sure the Commission is aware of that, and agree with staff that this is something that can’t prevent any action to the request. With that they agree with staff’s recommendations and was there to answer any questions.

Chairman Schaffner opened the item up to the public. There were no public comments. He then turned it over to the Commission and entertained a motion.

Commissioner Bergh asked the Applicant who was responsible for doing the permit and keeping it maintained?

Patricia Valenzuela, Planner III, stated that the County does Annual Mine Operation inspections of all the Mining Operations and discovered a few items not in compliance and advised Granite that the County wanted all of that back in compliance. Granite is now in compliance, and that is why we are having this hearing. The OMR permit is good until the year 2027.

1. Motion made by Commissioner Kalin and seconded by Commissioner Cabanas and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Castillo (Yes), Gaddis (Yes), Hargrave (Yes), Herrera (Yes), Niver (Yes) and Roben (Yes), to recommend approval of Extension 12-0012 for Conditional Use Permit 97-0015 by taking the following actions, that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Code, and approve the Time Extension 12-0012, subject to compliance with all the conditions of approval of Conditional Use Permit 97-0015 for another fifteen (15) year time period.

   Assistant Director Minnick stated that this project stands approved and adopted. Any interested party or member of the public wishing to appeal this decision must do so within 10 days of today’s hearing and submit a filing fee of $650.00 to the Planning & Development Services Department.

2. Consideration of **Conditional Use Permit 12-0012** as submitted by La Valle Sabbia, Inc., proposing to drill and install a water well for the flushing of toilets and washing hands, on property described as a Portion of Tract 123, Township 15 South, Range 13 East, SBB&M. Assessor’s Parcel Number 052-080-015-000. (2105 Silsbee Road, El Centro), (Supervisors District #3). The Commission took the following action:

   Commissioner Roben stepped down at 9:10 a.m. from this project due to a possible conflict of interest with this project, and Jim Minnick. Assistant Director stated that there are nine (9) Commissioners left and still have a quorum.

   Jim Minnick gave a brief description of Conditional Use Permit 12-0012 for La Valle Sabbia, Inc. and introduced Planner II, Joe Hernandez, to read the project into the record.

   Joe Hernandez, Planner II read the project into the record and was there to answer any questions from the Commission regarding this project.

   Chairman Schaffner asked if there was a representative for this project present.

   Sid Swarthout, Plant General Manager for La Valle Sabbia, was present to answer any questions from the Commission and stated that they will comply with everything suggested by the environmental standards, and stated that he agrees with staff recommendations.

   Chairman Schaffner opened the item up to the public. There were no public comments. He then turned it over to the Commission and entertained a motion.

   Commissioner Kalin asked the applicant if he had an IID ditch and was curious why he was doing a well instead of using canal water.
Sid Swarthout, stated that this is more for an environment impact by using a well, because contaminants can be placed inside a ditch and you draw from it. The water well is below the ground and the water results will be whatever it is. It's not portable water, they just want their employees to be able to wash their hands and be able to flush a toilet.

Joe Hernandez stated that we have a letter from Environmental Health Services that they need to get a permit, whether it's IID water or a water well.

Commissioner Gaddis asked the Applicant what was the purpose of the well permit.

Mr. Swarthout stated that they have a hay compress company. They have to get the CUP in order to drill the well, and the County Health Department will decide if the water is ok. So, if this works and the requirements to keep it in place are much less than if you have a surface water system, and if this works and it's not going to impact the 25 gallons per person. That is a lot of water, and since they are farming they don't have a lot of categories and they used the category of a factory worker and do not see their use as a larger impact. The water system is working, and it doesn't flood the septic and this is to try to be in compliance land is less severe.

Chairman Schaffner turned it over to the Commission and entertained a motion.

A. Motion made by Commissioner Kalin and seconded by Commissioner Cabanas and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Castillo (Yes), Gaddis (Yes), Hargrave (Yes), Herrera (Yes), Niver (Yes) and Roben (Yes) to recommend that you approve Conditional Use Permit 12-0012 by taking the following actions, approve the Negative Declaration by finding that the proposed project would not have a significant effect on the Environment as recommended by the Environmental Evaluation Committee on December 13, 2012, make the De Minimus Findings as recommended at the December 13, 2012, EEC Hearing, that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes, and adopt the Resolution and supporting Findings, and approving Conditional Use Permit 12-0012, subject to all the conditions, and authorize the Planning & Development Services Director to sign the Conditional Use Permit contract upon receipt from the Permittee.

Assistant Director Minnick stated that this project stands approved and adopted. Any interested party or member of the public wishing to appeal this decision must do so within 10 days of today's hearing and submit a filing fee of $650.00 to the Planning & Development Services Department.

3. Consideration of Lot Line Adjustment 00257 as submitted by William L. Brandt and William Marden, Trustee (et al) proposing to adjust property boundaries to provide legal and physical access to the individual parcels without encroachments, on property described as Southeast Quadrant of Brandt Road and Webster Road and in Portion of Tracts 176 and 198, Township 13 South, Range 14 East, SBB&M. Assessor's Parcel Number(s) 048-020-011, 048-020-041-000, 048-020-042-000 & 048-230-030-000. (4410 Brandt Road, Brawley), (Supervisory District #4). The Commission took the following action:

Jim Minnick gave a brief description of the Lot Line Adjustment 00257 and introduced Planner II, Joe Hernandez to read the project into the record.

Joe Hernandez, Planner II read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner asked if there was a representative for this project present.

Todd Dial, on behalf the Brandt Family for LLA00257 stated that originally a driveway was shared by the Brandt and Shields Family and believes that the Shields family are in a point that they are not going to develop a vacant lot out in the country and fearful of future sales to somebody that is not that easy to drive 15 to 20 feet so they are trying to do a Lot Line Adjustment. Not mentioned in the report was that there are two equal 30 foot wide of strips of land between both of them, and so it's kind of a handshake, with a legal description and planning documents, and agrees with staff's recommendation.

Chairman Schaffner opened the item up to the public. There were no public comments. He then turned it over to the Commission and entertained a motion

A. Motion made by Commissioner Kalin and seconded by Commissioner Cabanas and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Castillo (Yes), Gaddis (Yes), Hargrave (Yes), Herrera (Yes), Niver (Yes) and Roben (Yes) to make the findings that the project is categorically exempt from CEQA per Article 19, Section 15305, Class 5 of CEQA and that no
further environmental documentation is necessary, make the finding that Lot Line Adjustment 00257 is consistent with applicable Zoning and Building Ordinances, and approve Lot Line Adjustment, subject to the conditions.

Assistant Director Minnick stated that this project stands approved and adopted. Any interested party or member of the public wishing to appeal this decision must do so within 10 days of today's hearing and submit a filing fee of $650.00 to the Planning & Development Services Department.

4. Consideration of Conditional Use Permit 12-0010 as submitted by Dune Spreading dba, Imperial Compost, proposing to the use of more composting material to be composed at their existing composting facility, on property described as Portion of Tracts 59, 64 and 65, Township 14 South, Range 15 East, and SBB&M. Assessor's Parcel Number 041-250-022-000. (1291 Cooper Road, Brawley), (Supervisory, District #4). The Commission took the following action:

Jim Minnick gave a brief description of the Conditional Use Permit 12-0010 and introduced Planner II, Joe Hernandez to read the project into the record.

Joe Hernandez, Planner II read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner asked if there was a representative for this project present.

Bruce Singh, was there representing Dune Spreading project and was there to answer any questions from the Commission and also stated that he agrees with staff's recommendations.

Chairman Schaffner opened the item up to the public. There were no public comments. He then turned it over to the Commission and entertained a motion

Commissioner Niver asked the Applicant what was “paunch”.

Mr. Singh stated that it is the indigested feed that comes out of the cattle and instead of taking it to a waste facility, they mix it with a carbon source and it breaks down in the process.

Commissioner Castillo asked the applicant were exactly is the project location.

Mr. Singh pointed out the location on the power point presentation and stated that they have been composting in that location for the past four years. They need to expand their operation to take the Mesquite yard paunch and gives them more of an opportunity to take more in instead of piling stuff or moving them around the yard. The demand has increased and it's a good opportunity for them to expand.

Commissioner Gaddis asked how long does it take to process.

Mr. Singh stated that it takes up to 15 to 16 days and is sold by bulk. This compost is used on everything from organic to regular farming.

Chairman Schaffner then turned it over to the Commission and entertained a motion

A. Motion made by Commissioner Kalin and seconded by Commissioner Cabanas and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Castillo (Yes), Gaddis (Yes), Hargrave (Yes), Herrera (Yes), Niver (Yes) and Roben (Yes) to Certify the Negative Declaration on the basis of the Initial Study and any comments received showing no substantial evidence that the project will have a significant effect on the environment as determined by the Environmental Evaluation Committee (EEC) on December 27, 2012, and Make the de Minimus findings as recommended by the December 27, 2012 EEC Hearing, that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Code, and make the findings, and Approve Conditional Use Permit 12-0010, subject to all the Conditions, and authorize the Planning & Development Services Director to sign the Conditional Use Permit Contract upon receipt from the Permittee.

Assistant Director Minnick stated that this project stands approved and adopted. Any interested party or member of the public wishing to appeal this decision must do so within 10 days of today's hearing and submit a filing fee of $650.00 to the Planning & Development Services Department.

V. Public Comments: None
VI. **Commissioner Comments:** Chairman Schaffner wanted to thank the Commissioners that showed up to the pre-party the night before the 2013 Rib Cook Off.

VII. **Planning Director Comments:** Jim Minnick, Assistant Director, stated that with a lot of help from a lot of people the Department came up with a Flintstone’s theme and forgot to bring photos and apologized, the booth came out really nice and managed to get by with the wind. The Planning & Development Services received first place on the best booth. Mr. Minnick also thanked Chairman Schaffner for blessing us with 25 cases of ribs which comes out to over a thousand pounds of ribs. Commissioner Kalin and presented him with a plaque, thanking him for his sponsorship.

Chairman Schaffner also thanked Commissioner Castillo for his participation at the 2013 Rib-Cook Off. Castillo has been participating for over ten years. Castillo also made 25 cases of ribs. Chairman Schaffner also mentioned how much fun it was the night before and mentioned all of the food and drinks they had.

Chairman Schaffner also requested that the Planning & Development Services schedule a trip out to the windmills and the Mines.

Jim Minnick, stated that he needs to get a head count to see when they can schedule a trip out there to show them the solar sites and the Mining Facilities also.

VII. **Adjournment** – Meeting was adjourned at 9:40 a.m.

The next meeting of the Planning Commission will be held on February 27, 2013 at 9:00 A.M.

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Submitted by: Rudy Schaffner,
Chairman of the Planning Commission

Attest:

Armando G. Villa, AICP, Secretary
Imperial County Planning Commission

Maria Scoville
PC Recording Clerk