MINUTES OF THE
PLANNING COMMISSION MEETING
February 27, 2013

The Imperial County Planning Commission convened a meeting on Wednesday, February 27, 2013 at 9:00 AM in the Board of Supervisors Chambers, El Centro, California.

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

Chairman Rudy Schaffner called meeting to order at 9:00 a.m.

Roll Call
Commissioners present: Schaffner, Kalin, Bergh, Cabanas, Castillo, Gaddis, Hargrave, Niver and Roben.
Commissioner Herrera was absent.

Pledge of Allegiance.

Chairman Schaffner entertained a motion to approve the Minutes of February 13, 2013 as presented by staff.

Motion made by Commissioner Kalin and seconded by Commissioner Cabanas to approve the Minutes as presented by staff for the February 13, 2013 meeting and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Gaddis (Yes), Niver (Yes) and Roben (Yes).

PUBLIC HEARINGS:

1. Consideration of Parcel Map 02453 as submitted by Hudson Ranch Power I, LLC., proposing to allow the transfer of fee ownership for a portion of HR-1 excess property on property described as Portion of the North ½ of Section 24, Township 11 South, Range 14 East, SBB&M, shown as 1 of Parcel Map 2427 filed in Book 13, Page 39 and 40, on file in the office of the County Recorder of Imperial County. Assessor’s Parcel Number 020-100-044-000, (409 West McDonald Road, Calipatria), (Supervisiorial District #4). The Commission took the following action:

Commissioner Roben stepped out from this project due to a conflict of interest at 9:05 am.

Jim Minnick, Assistant Director, gave a brief description of the Parcel Map and introduced Joe Hernandez, Planner II to read the project into the record.

Joe Hernandez, Planner II, read the project into the record, and also mentioned there were revised conditions due to redundancy and that the Commission should have a copy of those conditions right in front of them for review and/or comments.

Chairman Schaffner asked if there was anyone present representing this project.

Jurg Heuberger, representing Energy Source and Hudson Ranch was present and agreed with staff’s recommendations and with revised conditions.

Chairman Schaffner opened the project up to the public, there were no public comments, and then asked the Commission if they had any questions and/or entertained a motion.

A. Motion made by Commissioner Kalin and seconded by Commissioner Bergh and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes),
Castillo (Yes), Gaddis (Yes), Hargrave (Yes) and Niver (Yes) to approve 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 January 24, 2013, and make the De Minimus Findings as recommended by the January 24, 2013 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 make the findings, and approve Parcel Map #02453, subject to the revised 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.

2. Consideration of Lot Line Adjustment 00256 as submitted by Thomas & Laura Moiola, Trustees and Melvin & Deborah Rebik, Trustees, proposing to adjust the existing property line North + 111 feet to be closer to the tree line and to encompass vacant land into Parcel “A” to allow more landscaping and a larger Parcel. This project is located on property described as those Portions of Tract 120, Township 14 South, Range 15 East, SBB&M, shown and indicated as Parcel 1, of Parcel Map filed in Book 5 Page 87, and Parcel 1 of Parcel Map filed in Book 10, Page 42, of Parcel Maps in file in the office of the County Recorders of Imperial County. Assessor’s Parcel Number(s) 041-080-018-000 & 041-080-025-000. (4085 HWY 115 & 1497 East Gonder Road, Brawley), (Supervisorial, District #4). The Commission took the following action:

Commissioner Roben returns as a Commissioner at 9:10 am.

Jim Minnick, Assistant Director, gave a brief project description and introduced Planner II, Joe Hernandez to read the project into the record.

Joe Hernandez, Planner II, read the project into the record and advised the Commission of minor changes done to the Findings, also mentioned that a comment letter was received from the Department of Public Works dated February 25, 2013.

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

Tim Jones, JBL, was present representing the Moiola’s and stated that they agree with staff’s recommendations. Mr. Jones also mentioned that the property owners were also present if the Commission had any questions for them.

Chairman Schaffner opened the project up to the public, there were no public comments, and then asked the Commission if they had any questions and/or entertained a motion.

Commissioner Roben asked Mr. Jones if he had read the letter received by the Department of Public Works submitted on February 25, 2013. Commissioner Roben also stated that he is confused why Public Works is requiring a commercial driveway, he doesn’t see the need.

Mr. Jones, stated that “yes” he did see that letter and stated that he doesn’t agree with conditions #3 that states that they need an encroachment permit from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the properties through surrounding roads. As a minimum, a commercial type of driveway shall be constructed (Per Imperial County Code of Ordinances, Chapter 12.12.020).

George Pacheco, Right-Away Technician of the Department of Public Works, stated that in review of the comment in the letter that the commercial driveway won’t be necessary in regards to this Lot Line Adjustment and will be glad to take it out, but they are still required to do conditions #1 and #2.

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

A. Motion made by Commissioner Kalin and seconded by Commissioner Niver and carried on the affirmative vote of Commissioners Schaffner (Yes), Kalin (Yes), Bergh (Yes), Cabanas (Yes), Gaddis (Yes), and Niver (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, and make the finding that Lot Line Adjustment 00256 is consistent with applicable zoning and building Ordinances, and approve Lot Line Adjustment 00256, 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.

V. **Public Comments:** None

VI. **Commissioner Comments:** Commissioner Gaddis stated that there has been more farm land taken out of production because of these solar projects, and stated that over 150 thousand acres have been taken out of production. Commissioner Gaddis has been against the solar project since the beginning because they are taking prime farm land out of production; we need to say no. No more farm land to be taken out of production. We don't have to say “yes” just because they come in front of the Planning Commission.

Commissioner Roben stated that we have said “NO” to some of these projects, but when they go to the Board they overrule the Planning Commission’s decision.

VII. **Planning Director:** Mr. villa stated that there have been working with the Board of Supervisors regarding the Solar Resolution the Planning Commission approved. They are starting to stress to the Board how important this issue is and it looks like we are getting a little bit of traction on this issue.

VII. **Adjournment** – Meeting was adjourned at 9:20 a.m.

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

Submitted by: Rudy Schaffner, Chairman of the Planning Commission

Attest:

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

Maria Scoville
PC Recording Clerk