

**MINUTES OF THE
PLANNING COMMISSION MEETING
January 27, 2021**

The Imperial County Planning Commission convened a Meeting on Wednesday, January 27, 2021 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick/Assistant Director, Michael Abraham/Planner III, Diana Robinson/Planner II, Mariela Moran/Clerk, Gabriela Robb.

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

- I. Roll Call: Commissioners present:** Schaffner, Bergh, Castillo and Cabañas in attendance.

Zoom Call: Kalin, Wright, Zuno, Roben

Absent: Medina.

- II. Pledge of Allegiance:**

- III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the December 17, 2020 meeting as submitted by staff. Motion was made by Commissioner **Kalin** seconded by Commissioner **Cabañas** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Zuno (yes), and Roben (yes).

- 1. Consideration of Conditional Use Permit (CUP) #20-0014** as submitted by Anastasia Miki on behalf of Hay Kingdom, Inc., proposing the expand its operation to include an increase in tonnage to 1,100 tons of hay pressed per day, increase the number of presses to 4 presses, increase the annual raw hay processed to 250,000 tons, increase the double trailer truck round trips to site to 100 peak/24 low, increase container trips out to 60, increase employees to 80 and operate the facility 24-hours per day, 7 days a week (when necessary due to equipment maintenance issues). The property is legally described as portion of Tract 114, Township 15 South, Range 14 East, S.B.B.M. Assessor's Parcel Numbers 044-500-079-000, (393 E. Worthington Road, Imperial, CA, Supervisorial District #5). The Commission took the following actions:

Jim Minnick, Director, gave a brief description of the project, and introduced Mariela Moran, Planner II, to read the project into the record.

Mariela Moran, Planner II, read the project into the record and was there for any questions from the Commission.

Chairman Schaffner, asked if there were representatives for this project present to state their name and address for the record.

Anastasia Miki, WRA Consulting Engineers introduced herself and informed the commission that she read and agreed with the staff report.

Chairman Schaffner, opened/closed the public portion of the meeting, there were no public comment and then turned it over to the commission for any questions or comments and entertained a motion.

Commissioner Castillo, Asked if there were any responses from the surrounding landowners.

Mariela Moran, Planner II, We received a couple for the Environmental Evaluation Committee meeting but did not receive new responses for this Planning Commission meeting.

Commissioner Castillo, What was their location to the project site?

Anastasia Miki, We have a comment letter from Mr. Esquire who I believe is North East of the project. Another comment letter from Robert Miller who is on the South East corner of the project. We had two letters submitted right before the Environmental Evaluation Committee meeting, which I answered that same day and followed up with a letter.

At this time, Anastasia Miki read the received comment letters and responses to the Planning Commission. **(Attached)**

Commissioner Bergh, I am assuming the County has looked into the septic tank capacity for the increase of employees?

Anastasia Miki, Yes sir, one of the conditions from Environmental Health is for us to do an analysis on that septic tank. It's already planned to put in a new tank to make sure we have enough excess capacity but we are going to be having Mr. Lyon analyze that system.

Commissioner Bergh, So you have not taken out the permits yet?

Anastasia Miki, No sir, not yet. We are waiting to be approved. They have already started on the water plant design anticipating that approval because it does take a while.

Commissioner Castillo, I have a question for Jim. They have a storage yard on the West side of Highway 111. Does that have any impact on this request?

Jim Minnick, Director, The County does not regulate storage yards, so that would not be connected to this Conditional Use Permit.

Commissioner Kalin, You are proposing to add one press and double the capacity. Is the press that you are adding the same size as the other three that you have?

Anastasia Miki, We are requesting a fourth press. What they are planning on doing is replace the existing ones with more efficient ones. The fourth press would fill the balance of that production capacity. Right now, they have some old machines that they want to upgrade. This will enable us to upgrade those machines. We may not even need a fourth machine after the increase in efficiency.

Commissioner Kalin, So, you are going to double capacity but there is no change in the dust collector. Why is that?

Anastasia Miki, The dust collector was sized for a much larger capacity than needed when they bought it many years ago.

Commissioner Kalin, Ok, and it still meets today's standards?

Anastasia Miki, That is correct. We are in very close communication with Israel at Air Pollution Control District.

Commissioner Kalin, In the semi-annual or annual reports you have been submitting for the past fourteen years, how often do you break down?

Anastasia Miki, I would estimate maybe twice a year. It does not happen very often but when it does, they need to get the machines quickly fixed and working in order to meet their orders.

I can get the exact answer for you but not at this very moment. I would say on average two to three times a year, judging on my experience with presses.

Commissioner Kalin, So only two or three times a year would you be operating 24 hours a day? Only if it was necessary to use the full 24 hours to fix the equipment?

Anastasia Miki, That is correct, sir. It's a family based company. They do not like keeping their employees late.

Commissioner Kalin, I understand. So let's say, if one or two broke down or you had a major electrical problem and you had to go two or three days waiting for parts. When you finally get the parts and are up and running again, would you expect to be able to operate 24/7 until you are caught up?

Anastasia Miki, I doubt that would ever be necessary. That would be an extreme situation. I do not know if there is enough trained staff to keep them moving that long.

Commissioner Kalin, Normal operations are 5am to 5pm and there would be no truck traffic on the yard after 5pm?

Anastasia Miki, That is their operating procedure. To always be done by 5pm. anyone who would still be there would be security or if a truck broke down and needed to park overnight.

Commissioner Kalin, I have a problem with the 24 hours being wide open. I can kind of understand your request but, I'm not too sure I agree with giving permission to do that.

Anastasia Miki, I respect that.

Chairman Schaffner, Commissioner Kalin, are you saying it should be for repairs only and not to catch up on pressing?

Commissioner Kalin, I think I would be happy with that, yes.

Chairman Schaffner, Would that work?

Anastasia Miki, I prefer to keep it to be able to catch up. If we do end up with enough contracts to utilize the Conditional Use Permit that we worked hard to prepare and bring to you, it will be difficult to catch up. It would be such a minimal occurrence rarely happening in a year that I have a hard time giving it up. If you want to limit it to three days for catching up or add some language, we can. However, to completely give up the opportunity to catch up on the pressing is a bit of an ask. Therefore, I would rather table it and come back if that is what is required here. I do not want to make that decision without inquiring the family. I am sure I can get an answer via text if you wanted to go onto another agenda item and come back to me. It is a big decision.

Commissioner Kalin, I can understand that and if you would not mind tabling it, I think that would be the best way to do it that way staff and your people could communicate and come up with a solution that works for everybody. When something breaks down, you need to fix it. I understand that. I know you have obligations to move product. I do not want it to be a wide-open production of bumping it up to 1,500 tons a day for an unlimited amount of time because you got a new contract.

Commissioner Bergh, How long do you want to table this for?

Anastasia Miki, Can you give me ten minutes so I can get in contact with the plant manager and owner and see if I can get an answer while you move to the next agenda item. Is that possible, Jim?

Jim Minnick, Director, Yes.

Chairman Schaffner, We can do that. Ok we are going to put agenda item number one on hold and move to agenda item number two.

At this time, Commissioner Ernie Medina confirmed his attendance in the meeting.

2. Consideration of **Conditional Use Permit (CUP) #20-0018** as submitted by Albert Garzon. Project Applicant is requesting CUP #20-0018 for approval of a new well for a total allocation of 10-acre feet of water yearly, at 6535 Evan Hewes Highway, Winterhaven, CA. The property is described as the West half of the West half of the Southwest Quarter of the Southwest Quarter of Section 36, T 16 S, R 19 E, SBM; Assessor Parcel Numbers 056-210-030-000,(Supervisory District #5). The commission took the following actions:

Jim Minnick, Director, gave a brief description of the project, and introduced Mariela Moran, Planner II, to read the project into the record.

Mariela Moran, Planner II, read the project into the record and was there for any questions from the Commission. Informed commissioners that an email was received from the applicant's representative requesting to make an amendment to condition S3 for the water report. They are proposing to have one water report every year instead of every six months.

Chairman Schaffner, asked if there were representatives for this project present to state their name and address for the record.

Jurg Heuberger, representing Albert Garzon, introduced himself and stated that he agrees with the staff report, however is asking to modify condition S3 to provide an annual report instead of every six months. This is a small single-family residential that he plans to use mostly for weekends. To do a report every six months seems like a lot of paperwork to do for both the County and the applicant. It is a small amount of water.

Chairman Schaffner, opened/closed the public portion of the meeting, there were no public comment and then turned it over to the commission for any questions or comments and entertained a motion.

Commissioner Bergh, I cannot agree with the modification to condition S3. Everyone else seems to be doing it every six months. If you want to vote on it, I cannot agree to the addendum on that condition. The inspection has to be every six months.

Jurg Heuberger, That is fine. I understand your position. It is more paperwork for everybody, but that is ok.

Chairman Schaffner, How fast does that water go up and down? Is part of the reporting the gallons used or is it for the level too?

Jurg Heuberger, right now the reporting is for total acre-feet. The report done for the adjacent property was a comprehensive ground water study. However, that was based on him having to potentially extract 1,000 acre-feet. That report indicated there was sufficient water that you approved not too long ago. I do not think it is an issue of reporting every six months that the groundwater is changing. It is more that he complies with the 10-acre foot maximum. We can

live with the six months. It just looks like a lot of paperwork for both sides but if that is what you want, we are ok with that.

Commissioner Cabanas, Jim, is everyone else reporting every six months?

Jim Minnick, It is normally a yearly basis. As you get to larger ones, we tend to want six month intervals.

Commissioner Cabanas, This is not considered a larger one?

Jim Minnick, We do not have a problem with this one.

Commissioner Castillo, How far are you from the delivery ditch that the IID has? It shows that you are right next to it.

Jurg Heuberger, That is the bypass canal that is bringing water from the All American around the property to the proposed storage. It is adjacent to it but you are not allowed to use it. They went around Gordons Well when they built that.

Commissioner Castillo, Is the bottom concrete lined?

Jurg Heuberger, I do not know. As far as I know, it has not really been used either.

Commissioner Castillo, Isn't that the main supply line?

Jurg Heuberger, It is the bypass that they built in order to fill that storage reservoir.

Chairman Schaffner, I thought that was concrete.

Commissioner Castillo, I think the sides are concrete. I am not sure about the bottom.

Jurg Heuberger, Either way, you cannot tap into it.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval Conditional Use Permit #20-0018 as recommended by staff with six month testing.

Jim Minnick, Director, stated Conditional Use Permit #20-0018 stand approved by the commission. Any member of the public or applicant may appeal this decision by following the appropriate appeal within the next ten days.

Chairman Schaffner, Moving onto item number 3. I believe agenda item number 3 has been pulled, correct?

Jim Minnick, Director, Yes. Agenda item number 3, Parcel Map #02488, was to be heard and has been continued. There is no date certain so we will reschedule that and repost it.

4. Consideration of **Lot Merger #00147 and Initial Study #20-0018** as submitted by Imperial County Executive Office and Imperial County Workforce and Economic Development. The project includes the CEQA review of the proposed Seeley Fire Facility and Cooling Center (Initial Study #20-0018) and Lot Merger (MERG#00147) application. The merger was required to join three lots within the parcel to have enough area for the proposed development. The scope of work of the facility includes construction of a 3,725 sq. ft. fire station and an 801 sq. ft. cooling center. It also includes parking, sidewalks, and perimeter fencing in the Town site of Seeley. The property is legally described as Lots 7 to 12 Block 14 and Lots 5 to 10 Block 19

Amended Map of a part of Crabtree Addition to Seeley. The project site is approximately 8.5 acres. (APN 051-241-006-000), (1862 W. Evan Hewes Highway, Seeley, CA), (Supervisory District #3). The commission took the following actions:

Jim Minnick, Director, gave a brief description of the project, and introduced Diana Robinson, Planner III, to read the project into the record.

Diana Robinson, Planner III, read the project into the record and was there for any questions from the Commission. Informed commissioners that she received revised exhibits and legal descriptions, which have been included and made part of the package under Attachment B. On page 1 of the staff report, the acreage is to be revised from 2.15 acres to 2.42 acres. As a reference, Public Works provided email correspondence regarding right of way for site-specific condition #7.

Chairman Schaffner, asked if there were representatives for this project present to state their name and address for the record.

Andrea Gonzalez, with the County Executive Office introduced herself as the project representative. Informed the commission that she read and agreed with the staff report.

Chairman Schaffner, opened/closed the public portion of the meeting, there were no public comment and then turned it over to the commission for any questions or comments and entertained a motion.

Commissioner Castillo, This does not show the location of the new fire station. Is that going to be facing Evan Hewes?

Jim Minnick, Director, I can answer that question. We are not 100% sure. The original proposal is to face Evan Hewes. The Public Works director and I are trying to encourage an off street, which would be where lot 8 is as opposed to lot 9. This is why we are merging three lots. We really only need two lots to be merged for the facility. However, yes, the original design was to go straight onto Evan Hewes Highway.

- A.** Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabanas**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to recommend approval of Lot Merger #00147 and Initial Study #20-0018 as recommended by staff.

Jim Minnick, Director, stated Lot Merger #00147 and Initial Study #20-0018 stand approved by the commission. Any member of the public or applicant may appeal this decision by following the appropriate appeal within the next ten days.

Chairman Schaffner, Ok, we will move back to agenda item #1.

Anastasia Miki, I have had a discussion with the owner and his requests are as follows. To reduce from 24 hours to 22 hours with the addition of sound rooms around the motors. Which is something I had done at Fondomonte. We built sound rooms around those motors so it is a quiet facility. They would propose to build sound rooms and to limit the inbound and outbound traffic from 5pm to 5am. There would be no truck traffic or any traffic between 5pm and 5am and in a squeeze were moving around during those hours, they would have low beams.

Therefore, that addresses the noise question from Mr. Esquire and Mr. Miller as well as the light pollution question. That is their proposal. They said that they really need the 22 hours.

Commissioner Kalin, You still could operate 24 hours a day all year long. I do not think I am ok with that. It sounds like the idea of "only when repairs needed" just flew out the window.

Anastasia Miki, They are telling me that they need the 22 hours and do not want to be limited.

Commissioner Kalin, They need the 22 hours year round?

Anastasia Miki, When needed, yes.

Commissioner Kalin, For repairs?

Anastasia Miki, The original request was for 24 hours 7 days a week. When we got the letters from Mr. Esquire and Mr. Miller, we came back with the mitigation of making it for repairs with the addition of sound walls and limiting the traffic and the lighting on sight during the later hours of the day. That mitigates for the noise and the sound. We have 24 hours a day operation at Fondomonte in Calipatria and we have never had a single complaint.

Jim Minnick, Director, Fondomonte is not located adjacent to houses like this is. This operation currently operates 21 hours a day 6 days a week, is that correct?

Anastasia Miki, The working hours right now are 6am to 4:30 pm six days a week.

Jim Minnick, Director, According to the chart, it says 6am to 4:30pm and 6pm to 4:30am six days a week. That is 21 hours a day six days a week. What you are asking for in this project is 24 hours a day 7 days a week. We are talking about a 24 hours a day 7 days a week operation 365 days a year. Right now, they can only operate 312 days a year so this is an expansion. I am not opposed to this project but it seems like we are in weeds and we should not be. The way the condition is written right now is 24 hours a day 7 days a week.

Anastasia Miki, The owner of the facility just offered to give up Sundays to leave it at 6 days a week.

Commissioner Bergh, That still didn't address the truck lights.

Jim Minnick, Director, With all due respect, I recommend we continue this until we figure this out. I apologize for bringing this project to the commission in this condition at this time. We obviously were premature in doing this.

Chairman Schaffner, Is the applicant in agreeance with that?

Anastasia Miki, Certainly.

Chairman Schaffner, Ok, that might be for the best because we are throwing numbers out here back and forth and there's some even ground that will work well for the hay compress and the neighbors and we should probably spend a little more time getting that worked out before we come here. I entertain a motion for continuance.

- A.** Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabanas**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes)

to continue Conditional Use Permit #20-0014 to the next Planning Commission Meeting on February 24th.

Commissioner Kalin, Jim, do we want to hear from Air Pollution Control District on Policy #5?

Anastasia Miki, It is a fee that we need to pay upon approval of the Conditional Use Permit. In order to meet that one specific condition. She has already given me the invoice for it and the check is ready to be cut as soon as we pass Planning Commission.

Commissioner Kalin, Ok.

Monica Soucier, from the Air Pollution Control District, introduced herself and indicated that a draft analysis was done. The final approvable analysis will be done once they have assessed the complete permit. What I have seen in this documentation and sent Jim an email about is the language that is in the currently proposed Conditional Use Permit. This project eliminates all the language that the original Conditional Use Permit had regarding fugitive docs and the permit requirements. If this Conditional Use Permit were to stay as is, it does not limit the hours. It does not completely indicate what the limiting parameters are. My concern is that there is going to be an operation that the Air District would not be able to limit by anything other than the emissions that they demonstrate. Without the proper monitoring equipment on site for us to verify whether those emissions are being kept under the limit, it becomes much more difficult. I see some issues where the proposed Conditional Use Permit language needs to be firmed up. Regardless of what the decision is by this board, I strongly recommend that the Air Pollution Control District review the language prior to any recording.

Commissioner Kalin, We have tabled this until the next Planning Commission meeting. That gives you a chance to speak with staff about that language.

Monica Soucier, Yes, I sent an email to Jim requesting that we do that.

Commissioner Bergh, Jim, will that give them enough time for the applicant to review the changes made and say it's ok?

Jim Minnick, Director, Yes. Nice thing is that we will not be doing the first meeting in February so we have a little bit more time. We should be able to handle it. I agree that we need to meet with them. I was trying to do comparisons between the existing Conditional Use Permit and the new one this morning and I had some concerns so that is fine with me.

VI. Public Comments, NONE.

VII. Commissioner Comments, NONE.

VIII. Director Comments, In regards to agenda item #3, Parcel Map #02488, I request that it be continued to the February 24th meeting as well. I am requesting a motion on that.

- A.** Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabanas**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), and Roben (yes) to continue Parcel Map #02488 to the next Planning Commission Meeting on February 24th.

We did not have the Election of Officers in this agenda but we will have it in the next agenda. I want to make sure everyone is aware of that. Please start thinking about who you want to be your chair and vice-chair and we will make sure to have that on the next agenda.

IX. Adjournment: Meeting adjourned at 9:57 a.m.



Submitted by Rudy Schaffner;
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission
Gabriela Robb PC Recording Clerk

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