

**MINUTES OF THE
PLANNING COMMISSION MEETING
FEBRUARY 23, 2022**

The Imperial County Planning Commission convened a Meeting on Wednesday, February 23, 2022 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick/ Assistant Director, Michael Abraham/ Clerks- Carina Gomez & Valerie Grijalva.

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

- I. **Roll Call: Commissioners present:** Kalin, Bergh, Cabanas, Wright, Roben, Dunn, and Schaffner in attendance. Medina arrived shortly after roll call.

Zoom Call: Roben, Wright, and Medina.

Absent: Castillo & Pacheco

- II. **Pledge of Allegiance:**

- III. **Public Hearings**

1. Consideration of **Brown Act Resolution** to "Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361." The Commission took the following actions:

Chairman Schaffner, Please call roll for the approval of agenda item #1.

Roll call vote on the affirmative by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), and Schaffner (yes) to adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361.

2. **Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **January 26, 2022** 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 Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), and Schaffner (yes) to approve minutes as they stand.

3. Consideration of **Lot Line Adjustment #00323** as submitted by Mark McBroom, Tori McBroom, Javier Rubio, and Esperanza Rubio, who proposes to move the existing boundary line between Parcel A (APN 023-050-021) and Parcel B (APN 023-050-028) 5 feet south of an existing water cistern to correct an encroachment. In total the property will be adjusted approximately 12.13 feet south on the East side of the property and 6.92 feet south on the West side of the property. Parcel A would increase from approximately 2.90 Acres to 2.97 Acres. Parcel B would decreased from approximately 2.63 Acres to 2.56 Acres. On property legally described as a portion of Section 17, Township 12 South, Range 14 East, S.B.M., in an unincorporated area of the County of Imperial, State of California according to the official Plat thereof, Assessor's Parcel Number (s) 023-050-021-000 & 023-050-028-000. (6523 Riley Road, Calipatria, CA 92233) (Supervisory District #4). The commission took the following action:

Jim Minnick, Director; gave a brief description of the project, and introduced Diana Robinson, Planning Division Manager, to read the project into the record.

Diana Robinson, Planning Division Manager; read the PowerPoint presentation of the project into the record.

Chairman Schaffner, Ok do we have a representative for this here project?

Taylor Preece, introduced himself as from Precision Engineering and the applicant representative for Mark McBroom & Javier Rubio.

Chairman, Schaffner, Ok, and you read the entire project and agree with everything in it?

Taylor Preece, Yes.

Chairman Schaffner, Any questions or comments?

Taylor Preece, No.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Pacheco (yes), Dunn (yes), and Schaffner (yes) to make the finding that the project is categorically exempt from CEQA under Government Code 15305 and that no further Environmental documentation is necessary; find that Lot Line Adjustment #00323 is consistent with applicable zoning, State Laws, and County Building Ordinances; and make the findings and approve Lot Line Adjustment #00323, subject to the conditions.

Jim Minnick, Director stated that **Lot Line Adjustment #00323** project stands approved and adopted by the Planning Commission. If any interested party or member of the public wishing to appeal this decision to the Board of Supervisors, may do so within 10 days from today's hearing and submit the appropriate fee of \$650.00 to the Planning & Development Services Department.

4. Consideration of **Conditional Use Permit #19-0014/Initial Study #19-0016** as submitted by Lorena Guillen on behalf of Xpress Enterprises, LLC. Applicant proposes to operate two trucking terminal businesses (McKinney Trailer Rentals and Abba International Transportation) from the property and develop 300 new parking spaces with a new guard shack. The property is legally described as a Portion of Tract 122, Township 16 South, Range 14 East, SBBM; Assessor's Parcel Numbers 054-080-038-000, (486 E. Chick Rd., El Centro CA 92243) (Supervisory District #5)

Jim Minnick, The applicant for #4 or #5 have not arrived, do you want to take a break? Get some doughnuts?

Chairman, Schaffner, Let's go forward.

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

Mariela Moran, Planner III; read the PowerPoint presentation of the project into the record.

Chairman Schaffner, Ok, do we have a representative here for this project? Or online?

Mariela Moran, Mr. Yañez the engineer is here.

Jim Minnick, Director, The engineer is here.

Chairman, Schaffner, Ok can we have the representative come forward?

Manuel Yañez, introduced himself as the project representatives.

Chairman Schaffner, Ok have you read the entire project and do you agree with everything in it?

Manuel Yañez, Yes, I'm representing here for the project of Xpress Enterprise. I read the entire project and I worked on it and on the process I agree with all of them.

Chairman Schaffner, Ok I have one question, what has changed on this project? When Schneider had that it basically a truck-parking place too and a parts house. What has changed?

Manuel Yañez, What has changed is they going to have an additional business, now they only have one business, they are going to have two businesses in the same property.

Jim Minnick, Director, Plus Schneider was limited to just that small portion of the parcel, and it was grandfathered in the way it is but in order to expand in to the other portion as far as the Use permit and improvements that need to be examined as well.

Chairman Schaffner, Ok got it. Ok, we'll open this up to the public. Do we have anyone that would like to speak on this item?

Salvador Enriquez, introduced himself and stated, my question is how is this going to affect me or my family?

Commissioner Cabañas, You live in there?

Salvador Enriquez, There's a vacant lot,

Jim Minnick, Director, Is that your house right there?

Salvador Enriquez, Yeah right there.

Jim Minnick, Director, There's a house just to left of the red line and that's where he lives.

Salvador Enriquez, There's a big area that's been there forever because Mr. Schneider explained he did not want to bother the house, so he created, it's vacant. So my question is are they going to move the whole project next to my property?

Mariela Moran, There is a condition, condition S-13 which is a buffer area. It mentions that existing the 200 ft. buffer zone shall remain around the residence located at west 450 E Chick Rd. in El Centro, California. This was part of the previous condition of the Zone Change.

Jim Minnick, Director, We're keeping the buffer zone.

Salvador Enriquez, So it's going to stay the same?

Jim Minnick, Director, Yes.

Salvador Enriquez, Ok, great. My other question, the road, truck traveling right there, the road is destroyed, is there anything that can be done about that? Because I had to replace my cars suspension already because even if I go slow it's real bad the road. Trucks keep coming by, I don't think that the road is built for that.

Mariela Moran, Yes we do have a letter. We do have a letter from Public Works Department related to impact to traffic generated by this project.

Commissioner Cabañas, But did they say the road is going to be fixed or they just did an analysis?

Mariela Moran, There was a traffic assessment and some of the conditions they include to construct an East bound left turn lane and West bound right turn lane at the project driveway. And also, the project will stall signs along Chick Road, Yourman Road, McCabe Road, as detailed in the approved truck road and crossing plans from the ambient traffic study.

Commissioner Bergh, What is the composition of the existing road?

Chairman Schaffner, So what you'll have is a really nice turning lane on one side and a really nice turning lane on the other side and the crappy county road in the middle. Like it is now right?

Salvador Enriquez, I mean they go all the way to 111 they don't just go to the trucking company and back to Bowker Road, they come front of the house to 111. They go on the east –

Jim Minnick, Director, This commission can add a condition if they shall wish, to require the repaving of the road, or surfacing of the road to meet county standards. That is your right to ask for that.

Chairman Schaffner, Yeah, but how far?

Jim Minnick, Director, From the driveway to the Highway. If you want to add that as a condition or we can just continue this and get public works in here as to tell us what the fine is to maintain that road, or obviously, you can deny the project.

Chairman Bergh, They should continue it.

Chairman Schaffner, Oh well I think that'd be great but I don't think that's fair.

Salvador Enriquez, No they shouldn't.

Chairman Schaffner, Everybody is paying their taxes to keep that road up. Where'd that money go?

Commissioner Bergh, I think get Public Works in here.

Commissioner Cabañas, you going to continue it?

Chairman Schaffer, What do you guys think?

Commissioner Bergh, Continue it.

Jim Minnick, Director, County maintains roads, so the county needs to maintain the road if the road is in a condition it needs to be repaired prior to the issuance of the allowance for the operation then it would be the burden of the applicant. The road is in conditions of acceptable and results in damage to the road as result of the new project that could also be a requirement for the applicant but Public Works did not identify in their letter the need to resurface the road.

Commissioner Bergh, Yeah right turn, or left turn those lanes are not going to help if the road in a bad condition.

Chairman Schaffner, And the road wasn't torn up from trucks, that road is trashed all the way down just from age.

Commissioner Bergh, Yeah, but the trucks will definitely make it worse.

Commissioner Cabañas, Yeah, sounds like we need to continue it.

Chairman Schaffner, I wish Public Works was here, but maybe they're out repairing roads. Oh maybe not.

Jim Minnick, Director, So we can, if you want-

Commissioner Kalin, I saw them the other day actually.

Jim Minnick, Director, We can reach out to them, see if they can get somebody out over here between now and the next meeting, or we can switch the items, make a phone call, or you can continue the project.

Chairman Schaffner, If you want to give them a quick call and see if the can be here.

Commissioner Cabañas, 10 minutes.

Jim Minnick, Director, Stepped out of the board room to consult with Public Works Department to see if they could have a representative from their department to join the commissioners in their hearing.

Commissioner Cabañas, We are trying to find out what's going to happen to the road.

Salvador Enriquez, Because I am going to have to start driving by the canal bank, because that road is terrible.

Jim Minnick, Director, The Public Works Director stated that the turning lanes would dictate the requirement to pave the rest of it, so he would be requiring to pay like the condition modify to include paving to one letter. Resurfacing.

Commissioner Cabañas, By the County?

Jim Minnick, Director, No the applicant.

Commissioner Cabañas, The applicant.

Jim Minnick, Director, Yes, but they coordinate with exactly what is necessary with Public Works during process. That is the request. He says he apologizes he can not be here at the meeting, that he has an emergency meeting with CEO, not the CEO, the chairman of the Board of Supervisors. But I explained everything to him, he said based on traffic he'd want that to be resurface.

Commissioner Cabañas, So in their application that would be a condition.

Jim Minnick, Director, Public Works is requesting a new condition to be included to make sure that the road is in working order, acceptable, between the front driveway of the property all the way to 111. And the applicant would have to coordinate with the Public Works Department to what exactly is necessary. Could be a simple seal off.

Salvador Enriquez, So what is the solution?

Commissioner Cabañas, You understand that sir?

Salvador Enriquez, what is the solution about the road?

Jim Minnick, Director, I just called the Public Works director and he is requesting to add a condition to make sure that the applicant and Public Works department work together to improve the road to meet the standards, so resurfacing the road or sealing it up to make it -

Salvador Enriquez, They are going to service the road?

Jim Minnick, Director, Yes sir.

Salvador Enriquez, Good.

Jim Minnick, Director, That is the condition that is being requested to be added by the commission. It's up to the commission whether they accept the additional condition.

Salvador Enriquez, That's good, thank you.

Jim Minnick, Director, So the applicant essentially will have to work with Public Works as to what's needed. They already have to do the turn lights on Chick Road into their driveway, which is going to require the front edge of that road to be already improved, and the condition between the front edge and the highway will then be responsibility of the applicant. Because they are going to impact the road.

Chairman Schaffner, Does the applicant already own this property? Or they leasing it?

Jim Minnick, Director, No idea.

Mariela Moran, I think they own it.

Chairman Schaffner, They own it?

Mariela Moran, Yes.

Chairman Schaffner, I'd be inclined to continue this.

Commissioner Kalin, Yeah.

Chairman Schaffner, So the applicant has time to find out from Public Works what they going to be responsible for.

Commissioner Bergh, Yeah I agree.

Chairman Schaffner, Because I think that's going to be a big hit, a lot bigger than the applicant thinks. Yeah I would do that, I'd be in favor of that.

Commissioner Cabanas, Somebody make sure that they understand that they need to fix the road in conjunction with Public Works.

Salvador Enriquez, Ok.

Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh**, on the affirmative vote for continuance by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), and Schaffner (yes) to the March 9, 2022 Planning Commission Hearing.

Jim Minnick, Director stated that **Conditional Use Permit #19-0014/Initial Study #19-0016** project is to be continue to the next Planning Commission Hearing dated March 9, 2022, no re-noticing will be done, applicant and member from public will be recommended to be present at the next hearing.

5. Consideration of **Conditional Use Permit #20-0027/Initial Study #20-0037** as submitted by Diamond Environmental Services, LP. Applicant proposes an equipment rental business renting, servicing, and maintaining portable restrooms, septic pumping, nonhazardous pumping services, line jetting, rental and setup of temp fencing, barricades, and temporary power service. The property is legally described as a Portion of Tract 288, Township 16 South, Range 12/13 East, SBBM; Assessor's Parcel Numbers 051-420-101-000 & 051-420-102-000, (1702 Evan Hewes Highway & 1684 El Centro Ave. Seeley CA 92273) (Supervisory District #3)

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

Mariela Moran, Planner III; read the PowerPoint presentation of the project into the record.

Commissioner Cabañas, Have we done this project before?

Chairman Schaffner, Yeah that's what I thought, is this the same spot, we did this once before or close to it?

Mariela Moran, For cannabis.

Jim Minnick, Director, Ok, what we did we came here to do a similarity of use determination to make sure we could do this type of operation on the zoning, the planning commission granted the similarity of use so now we are back with the actual conditional use permit. So it is a two-step, you have seen it, but we had to determine whether or not it was a use

that could be found

Chairman Schaffner, I thought we'd gone all the way through. But I must have been asleep at that meeting.

Jim Minnick, Director, No, the biggest thing is we wanted to make sure that environmentally we were on the right page and the staff is comfortable with we

Commissioner Kalin, So does this include the cannabis dispensary as it did previously?

Chairman Schaffner, That was another one.

Jim Minnick, Director, That was before.

Chairman Schaffner, Can we have the representative come forward?

Conrad Bewellsky, introduced himself as the representative of the project, We only have one item in here that we've been talking to Public Works about making a modification to and that is on the right of way improvements. The right of way path we are fine with, we are looking at changing some of the area of improvements along the right of way instead of it having it go all the way around parcel. It would be from our driveway on both El Centro Ave and on Evan Hewes going west and developing that side. The rest of that triangle there, there's not any activity in there so I figured if you go through and prepare our driveways to the edge of property to the West on both of them, and then on the El Centro Ave, there is one parcel before it goes to an apartment complex that we would also put in curb and gutter sidewalk there to the apartments. To improve property to the West of us there.

Jim Minnick, Director, And what is Public Works asking? They are asking for full improvements?

Conrad Bewellsky, We have met with director Gay, and in concept he has agreed with this, he got called out of a meeting on a conference call we had regarding this and he is in favor of this. But we hadn't finished it because that was last week and he's been busy since then but we've been in contact with them, you may want to go through and have director Minnick go through and talk to him that's your choice. But we had discussed this preliminary with him and he thought it was a good idea, to go through and at least have the connections sidewalks and that those permits would be fine. But I don't have a written document from him stating that or an email.

Chairman Schaffner, Yeah and if we pass this today he is liable to tell you, you have to pave the road all the way back to El Centro.

Conrad Bewellsky, I understand that's why we would like to make sure there is some clarity to that. Yes. But other than that everything else in the project we are very satisfied with, work with staff and the different department in there.

Chairman Schaffner, Are we able to nail that down in our conditions today?

Jim Minnick, Director, Well what we can do, he was leaving for a meeting so I can't call him back otherwise I would. We can continue the item, we can leave the conditions as is, and he can get us a letter from Public Works removing or reducing the conditions after the fact, that is perfectly ok. Because they are not our conditions, they are Public Works conditions or we can continue the item.

Chairman Schaffner, What would you prefer?

Conrad Bewellsky, Well as you are aware we have been here before, we'd like to have it finish without having to come

back. But you know, I know we need to have some kind of documentation to go through with it and make sure this is complete. I guess this is my two suggestions; the owner of the property is here. You want to continue it? Or you would like to have.

Eric De Jong, property owner of project, I say we just follow up with a letter.

Jim Minnick, Director, It is fine with me. It is their conditions so they come back a day, a week, a month from now and say, please modify these conditions or we are accepting this is how we are changing it. That's within their right not mine.

Eric De Jong, Yeah.

Jim Minnick, Director, So that's the risk you take by having the commission hear the project and make the decision today. These are in concrete unless the Public Works director says, I want this changed.

Commissioner Bergh, It's in stone.

Eric De Jong, I'm good with it because he told us his word. I'll make it happen.

Chairman Schaffner, This is our last chance to help you.

Property Owner, I understand.

Chairman Schaffner, After this your stuck with the rest of the it now.

Commissioner Cabañas, If he tells you to pave all the town of Seeley you're on your own.

Jim Minnick, Director, If they were my conditions I could do something about them.

Eric De Jong, Yeah.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Pacheco (yes), Dunn (yes), and Schaffner (yes) to adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing held on November 18, 2021; make the De Minimus findings as recommended at the November 18, 2021 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 Resolutions and supporting findings, approving Conditional Use Permit (CUP) #20-0027 subject to all the conditions, and authorize the Planning and Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director stated that **Conditional Use Permit #20-0027** project stands approved and adopted by the Planning Commission. If any interested party or member of the public wishing to appeal this decision to the Board of Supervisors, may do so within 10 days from today's hearing and submit the appropriate fee of \$650.00 to the Planning & Development Services Department.

VI. Public Comments, NONE.

VII. Commissioner Comments, NONE.

VIII. Director Comments, NONE.

IX. Adjournment: Meeting adjourned at 9:34 a.m.

Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:

Jim Minnick, Director of
Imperial County Planning Commission
Valerie Grijalva & Carina A. Gomez PC Recording Clerks
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