

**MINUTES OF THE
PLANNING COMMISSION MEETING
March 08, 2023**

The Imperial County Planning Commission convened a Meeting on Wednesday, March 08, 2023 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick, Assistant Director, Michael Abraham / Planning Division Manager, Diana Robinson, Planner I, Gerardo Quero, Planner IV David Black /Clerks- Valerie Grijalva & Melina Rizo.

Chairman Rudy Schaffner called meeting to order at 9:02 a.m.

I. Roll Call: Commissioners present: Schaffner, Kalin, Roben, Cabañas, Bergh, Wright, and Pacheco

Zoom Call: Medina

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:

Motion was made by **Vice- Chairman Kalin** seconded by **Commissioner Cabanas** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (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 25, 2023** meeting as submitted by staff seconded by **Commissioner Cabanas** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes), to approve minutes as they stand.

3. Consideration of Conditional Use Permit #22-0008 as submitted by CalEnergy Operating Corporation for the construction and operation of a Helicopter Landing Pad (Heliport) for the purpose of corporate use and to aid facility emergency response situations. This will serve the existing geothermal facility permitted under CUP #05-0054 Unit 5, Region 1. The property is located at 6896 Crummer Road, Calipatria, CA 92233; also known as Assessor’s Parcel Number 020-110-049-000; and legally described as Parcel 1 of PM2281 of SE ¼, Section 5, Township 12 South, Range 13 East, S.B.B.M. in the unincorporated area of the County of Imperial. (Supervisory District #4) [Diana Robinson, Planning Division Manager at (442) 265-1736, extension 1751 or via email at dianarobinson@co.imperial.ca.us]

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 and informed that a letter was received from Air Pollution Control District where applicant is reminded project must comply with Air District rules and regulations and emphasized regulation (8) eight rules designed to maintain fugitive destinations below 20% visual capacity and informed some minor edits were made to the Conditional Use Permit to reflect consistency with the project.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Mark Gram, Applicant; Introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Mark Gram, Applicant; Stated that they read and agreed with everything and had no further questions.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Vice-chairman Kalin: It sure seemed like an awful lot of paperwork for me; but hey.

Vice-chairman Kalin: Made a motion in favor of project seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Item #3** stands approved by this Commission. In which applicant or any member from the public which to appeal must done by filing the appropriate appeal in the next ten (10) days.

4. Consideration of **Conditional Use Permit #22-0021** as submitted by Jesus & Liliana Aguirre (Aguirre's Propane, LLC), who are proposing to construct and operate a Liquefied Petroleum Gas (LPG) bulk plant to store and distribute Liquid Propane Gas for commercial business purposes on property described as Lot 07 of Block 07 of Tract 570, FM 5-28, Township 10 South, Range 10 East, SBBM, in an unincorporated area of the County of Imperial, Assessor Parcel Number 014-031-005-000 (1338 Glendale Avenue, Salton City, CA 92274),(Supervisory District #4) [Gerardo A. Quero, Planner I at 442-265-1736, extension 1748 or by email at gerardoquero@co.imperial.ca.us].

Jim Minnick, Director; Gave a brief description of the project, and introduced **Gerardo Quero**, Planner I, to read the project into the record.

Gerardo Quero, Planner I; Read the PowerPoint Presentation of the project into the record and advised minor edits were made to the staff report to clarify that, "no onsite sales are to be performed at the facility" and also to reflect consistency with the project.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

Jesus Aguirre, Applicant; Introduced himself.

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

Jesus Aguirre, Applicant; Stated that they read and agreed with the project report.

Chairman Schaffner; Do you have any questions at this time?

Jesus Aguirre, Applicant; Yes; the questions that I have are regarding some of the conditions that were put in the agreement and I just wanted to bring them forward. They are asking for concrete all the way around this tank, on the tank site. I just wanted to know if there is a particular reason why it has to be concrete and whether it may perhaps be something else; like compacted gravel or asphalt, as per the concrete would be a real high cost basis analysis to the project.

Jim Minnick, Director; Concrete's intent is to be a containerized area in case you have a rupture.

Jesus Aguirre, Applicant; No, they're asking for concrete just around the ground as a pavement. Not for a rupture, for a rupture would be maybe a block wall or something.

Jim Minnick, Director; Okay, typically when we have a tank, we require tank to be sitting on concrete and then have a lip around it. That is what the conditions is based on.

Jesus Aguirre, Applicant; Ok, but they are asking for concrete around it, not for it to be sitting on concrete.

Jim Minnick, Director; Ok, we will correct the condition, we want a slab and then a berm around it, curve type thing. It's like we would expect you to have bollards there to keep the trucks from running into it.

Chairman Schaffner: What is the berm going to retain?

Jim Minnick, Director; Typically when we are dealing with tanks it is something we deal with fuel tanks and things like that.

Chairman Schaffner: So this being gas, it wouldn't need it right.

Jim Minnick, Director; Probably not.

Jim Minnick, Director; What you are talking about is the actual concrete roadway.

Jesus Aguirre, Applicant: Yes.

Jim Minnick, Director; Any type of new development that we will have we want it to be paved. Pavement is what you are talking about. Unfortunately we don't get in the business of gravel.

Commissioner Roben: It doesn't have to be concrete though.

Jim Minnick, Director; Sure, it could be asphalt. But he has got heavy trucks so, most likely concrete would be a better choice. Plus the truck that is coming in to fill these tanks in the first place is going to need to have the space. Unfortunately, the cost of doing business is such that you want to have the improvements. I know you don't want to spend money but if this was in the middle of Coachella it would be the same thing. So, we are looking to improve our community and anyone who wants to have this type of business, we are asking to have certain improvements, which includes this.

Jesus Aguirre, Applicant: Well, I totally understand that.

Jim Minnick, Director: Also, this will help you reduce your air impacts by not having to deal with dust.

Jesus Aguirre, Applicant; The reason why I bring it up is because there is another business not too far from me and he has just gravel. He has a concrete driveway but that is it.

Jim Minnick, Director; If you were to drive over to the gas station and all the other new improvements that have been done in the county area, you will see that we have concrete or asphalt. You will have stuff that has been around for thirty (30) forty (40) years; obviously the county has been around since 1908; so we have lots of old stuff but we are in 2023, and we are trying to be proactive and make sure we are putting value added to improvements.

Jesus Aguirre, Applicant; So, it has to be concrete?

Commissioner Roben; Or asphalt. It has to be paved.

Jesus Aguirre, Applicant; Another question I had was, landscaping. They are asking for landscaping. And we are in a drought and probably will be forever.

Jim Minnick, Director; You can have either xeric landscaping but then again you are taking a vacant lot and you are putting a business on it. That business requires 10% of the developed area to be landscaped. Again, as you are trying to participate in working with the County; and new business are required to have landscaping.

Jesus Aguirre, Applicant; So, a desert environment would be fine.

Jim Minnick, Director; You can have cactuses and rocks and nice landscaping.

Commissioner Roben; You can have nice things without the need of a sprinkler system.

Jim Minnick, Director; We are not expecting a golf course.

Commissioner Roben; Although that would be nice.

Chairman Schaffner; Any other questions or comments.

Jesus Aguirre, Applicant; No, that is it.

Chairman Schaffner; Opened the public portion of the meeting.

Dennis Perough; We do have property that is very close to the property that is being developed and we just want to know what the traffic impact is going to be for these vehicles coming in. I mean, is it going to be a lot of vehicles coming back and forth.

Jesus Aguirre, Applicant; No, it is only going to be the truck that delivers once every two weeks; and then our trucks as we need to fill them, maybe once every couple of days.

Dennis Perough; Ok. Thanks. This may sound a little on the weird side but, I understand that this is propane; what is the business? So, there is no other people coming in to get the propane; it is just you guys going out and filling propane tanks at people's residences?

Jesus Aguirre, Applicant; Yes, at their residences.

Dennis Perough; Thank you, that is all the questions I have.

Chairman Schaffner; Any other comments from the public. Hearing none, he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Vice-chairman Kalin; Made a motion in favor of project seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Item #4** stands approved by this Commission. In which applicant or any member from the public which to appeal must done by filing the appropriate appeal in the next ten (10) days.

Jim Minnick, Director; Stated there was a correction on Item #3 as item would proceed over to the Board of Supervisors.

- 5a. Consideration of **Water Supply Assessment (WSA)** as submitted by ORNI 30 LLC proposing a Water Supply Assessment for the Brawley Solar Energy Facility. This Water Supply Assessment has determined that IID has adequate policies, programs and project in place to provide water to agricultural, commercial, industrial and municipal users in the Imperial Unit. Adequate supply is currently available during normal water years. The foreseeable planned demands for the sources of water for the Project have been noted in this Water Supply Assessment. The proposed Project site is located on five (5) parcels (APNs 037-140-020, 037-140-021, 037-140-022, 037-140-023, 037-140-006-000). The project is located approximately one (1) mile north of the City of Brawley, CA. (Supervisor District # 4) [David Black, Planner IV at (442) 265-1736, extension 1746 or via email at davidblack@co.imperial.ca.us]
- 5b. Consideration of **Final Environmental Impact Report (FEIR 2021070424)** and Findings. Consideration of the Brawley Solar Energy Facility Environmental Impact Report (FEIR), that includes a review of WSA, Mitigation Monitoring & Reporting (MM&RP) Program, General Plan Amendment GPA #21-0003, Zone Change #ZC 21-0003 & Conditional Use Permit #20-0030. The project proposes to generate approximately 40 MWs of solar and up to 80 MW of battery storage. The proposed Project site is located on five (5) parcels. (APN's 037-140-020, 037-140-021, 037-140-022, 037-140-023, 037-140-006-000). The project is located approximately one (1) mile north of the City of Brawley, CA. (Supervisor District # 4) [David Black, Planner IV at (442) 265-1736, extension 1746 or via email at davidblack@co.imperial.ca.us]
- 5c. Consideration of **Mitigation Monitoring & Reporting Program (MM&RP)**, for the Brawley Solar Energy Facility. A mitigation monitoring and reporting program for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment (CCR §15097). This program will be designed to ensure that these measures are carried out during project construction and operation. The proposed Project site is located on parcels (APN's 037-140-020, 037-140-021, 037-140-022, 037-140-023, and 037-140-006-000). The project is located approximately 1 mile north of the City of Brawley. (Supervisor District #4) [David Black, Planner IV at (442) 265-1736, extension 1746 or via email at davidblack@co.imperial.ca.us]
- 5d. Consideration of **General Plan Amendment GPA # 21-0003**, for the Brawley Solar Energy Facility. A General Plan Amendment to the County's General Plan, Renewable Energy and Transmission Element is required to implement the proposed project. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone. The northern portion of the project site (APNs 037-140-020 and 037-140-021) is located within the Geothermal Overlay Zone, which is considered as part of the RE Overlay Zone. However, the southern parcels of the project site (APN's 037-140-022, 037-140-023, and 037-140-006) are located adjacent to, but outside of the RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment to include/classify the southern three project parcels into the RE Overlay Zone, so that the entire site would be located within the RE Overlay Zone. No change in the underlying General Plan land use (Agriculture) is proposed. (Supervisor District #4) [David Black, Planner IV at (442) 265-1736, extension 1746 or via email at davidblack@co.imperial.ca.us]
- 5e. Consideration of **Zone Change ZC #21-0003**, for the Brawley Solar Energy Facility. Zone Change. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone. The northern portion of the project site (APNs 037-140-020 and 037-140-021) is located within the Geothermal Overlay Zone, which is considered as part of the RE Overlay Zone. However, the southern parcels of the project site (APN's 037-140-022, 037-140-023, and 037-140-006) are located adjacent to, but outside of the RE Overlay Zone. The applicant is requesting a Zone Change to include/classify project parcels into the Renewable Energy/Geothermal (REG) Overlay Zone (A-2-REG). (Supervisor District #4) [David Black, Planner IV at (442) 265-1736, extension 1746 or via email at davidblack@co.imperial.ca.us]

5f. Consideration of **Conditional Use Permit CUP #20-0030** for the Brawley Solar Energy Facility. The project proposes to generate approximately 40 MWs of solar and up to 80 MW of battery storage. Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation for the proposed solar energy facility with an integrated BESS on land zoned General Agricultural with a REG Overlay Zone (A-2-REG). The proposed Project site is located on five (5) parcels. (APN's 037-140-020, 037-140-021, 037-140-022, 037-140-023, 037-140-006-000), approximately 1 mile north of the City of Brawley. (Supervisor District #4) [David Black, Planner IV at (442) 265-1736, extension 1746 or via email at davidblack@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced **David Black**, Planner IV, to read the project into the record.

David Black, Planner I; Read the PowerPoint Presentation of the project into the record and introduced Tim Gnibus to present review of the EIR.

Tim Gnibus, HDR Consultant; Thank you Dave, Good morning. Chairman, Members of the Commission, Tim, Gnibus with HDR I'm the environmental consultant for the county on this project, so I just take a few minutes here to run through the environmental process. Slide here just summarizes the project components in a little bit more detail. The proposed facility is a 40 megawatt generation PV solar project. It includes an on-site substation. There would be either fiber optic line or microwave tower that would be used to remotely control and operate the facility. The entire property would be fenced. There would be internal access roads that would be there to both service and maintain the project, but also have been designed to conform with fire department requirements, for fire service. The project also includes a battery energy storage system that would also have the capacity to store up to 40 Mw, but not to exceed 80 Mw. The project includes an offsite gen tie connection that's a (92)kv line that would interconnect to the Imperial Irrigation District's North Brawley geothermal power plant substation and that is shown leaving the Southern portion of the site. With a red line traveling along basically directly West to the existing substation location. An environmental impact report was prepared for the project; the EEC and Scoping meeting was held on August 12, 2021. Notice of preparation review period extended for thirty five (35) days, from late July to late August. The draft EIR public review period extended from December 27th through February 10th of 2022. And again that was a fifty (50) day public review period. During the public review period we received six (6) comment letters by the entities listed below: Imperial Irrigation District, Department of transportation, The City of Brawley, and then a couple of organizations as well. We prepared responses written responses to each of the comments received. There were a lot of comments from Adams Broadwell in particular, but we're very comfortable that we have responded to any issues that have been raised in those letters. The detailed responses are provided in the final EIR. That is before you today and that's part of your recommendation as well as the Mitigation Monitoring and Reporting Program and CEQA findings of Fact. So just real briefly, the environmental topics analyzed in the EIR are pretty much a comprehensive document. This slide lists basically from A to U, all the subjects that were analyzed in the EIR. Next slide, the findings are that there were no impacts unless than significant impacts to the following categories forestry resources, energy, mineral resources, noise, population and housing, public services, recreation, utilities and service systems, and wildlife. And then, there were significant but mitigable impacts as identified for agricultural resources, air quality and that's short term construction air quality, biological resources, cultural resources, geology and soils, and hydrology and water quality. That concludes my summary; I am available for questions and I think, Dave would like to present the recommendation of staff. We did receive two late letters I failed to mention, yesterday evening. They're part of your packet today. One is from Adams Broadwell Joseph & Cardozo. The other one is from the offices of Steven Volker. I had the opportunity to look at these briefly last night, and just want to express that the comments mirror largely the comments that have already been received on the draft EIR and were responded to as part of the final EIR and you have copies in front of you.

Chairman Schaffner; Yes, Do we have a representative for this project come forward?

Alissa Sanchez, Representative; Hi thank you commissioners for seeing us I am Alissa Sanchez I'm a permitting manager for Ormat.

Chairman Schaffner; You will be representing this project?

Alissa Sanchez, Representative; Yes.

Chairman Schaffner; Okay, so you read the entire project and agree with everything in it? Any questions or comments at this time?

Alissa Sanchez, Representative; Yes, I do. No, not at this time.

Chairman Schaffner; Okay, we're going to open this up to the public and we have some people that filled out the card and we'll start with them. We will give you three minutes each.

Carolyn Allen; It has been a while since I have addressed this commission; I don't know if this is the point where I am supposed to oppose the entire project or just the water assessment but I will go ahead and say that I oppose the Brawley Solar project and therefore the water assessment. I am here because of a deep love for the valley's farmland and a desire to protect it. I'm here speaking on behalf of myself, Carolyn Allen, and my sister, Donna Tisdale, my brothers, Larry Cox, and Mike Cox, and our family owned business, Don Bee Farms, and also on behalf of all of us as individuals and on behalf of any of our related business entities. We all vehemently oppose the Brawley Solar Project. We strongly support the comments Stephen Volker has sent in also opposing the project. And my name, Carolyn Allen, and my sister's, Donna Tisdale, are on the Volker comments. We ask that you please vote no and deny this project. Thank you.

Commissioner Cabanas; Thank you. Hector Meza.

Hector Meza; Morning commissioners, my name is Hector Meza I am a resident of Brawley. I am concerned with the current EIR doesn't require that the current roads around the project to be paved it is too close to our city and that can lead to higher asthma rates and other respiratory issues to our children; please consider this before voting thank you

Commissioner Cabanas; Christina Marcus.

Christina Marcus; Morning commissioners, Christina Marquez I'm a member of "Citizens for responsible Industry", "Citizens" is a coalition of unions and community members that encourages sustainable development of California's energy and natural resources; projects like this one, must mitigate environmental and public health impacts and maximize community benefits. We have concern about this project because the environmental impact report does not mitigate enough the project's impacts. Our experts found that the project will cause an air pollution from dust but the EIR does not require the roads around the project site to be paved. Our water experts found that the project may lead to reduced groundwater levels which is a big problem in Imperial. Our biologists found that the project may kill thousands birds that collide solar panels and transmission lines but the EIR dismissed these impacts. Our comment letters provide more details about our concerns. We urge the county to revise and recirculate the EIR to comply with the law before recommending approval by the Board of Supervisors. Thank you for your time.

Chairman Schaffner; Do you have any other comments from the public?

Kelillah Federman; Yes, I would like to make a comment via zoom if that is possible.

Chairman Schaffner; Go ahead.

Keliliah Federman; Thank you. Good morning. My name is Keliliah Federman, On behalf of "Citizens for Responsible Industry". We filed comments yesterday, supported by expert comments on biological resources, groundwater supply, and agricultural resources, which demonstrate that the final EIR fails to analyze and mitigate the significant environmental impacts of the project; fails to respond to public comments, and fails to analyze the environmentally superior alternatives to the project. The EIR fails to comply with the California Environmental Quality Act, and the Planning Commission cannot make the necessary findings to recommend that the Board of Supervisors approve the project. First, the EIR includes a water supply assessment that was not circulated to the public. In the draft EIR, our consultants concluded that even though water may be supplied to IID the project's, conversion from agriculture to industrial may result in significant reduction in groundwater recharge to the underlying aquifer. This is a significant impact that requires analysis in the EIR. Second, the EIR discloses that the project may cause severe dust emissions if the roads around the project are not paved, but fails to require adequate road paving in the mitigation plan. This is new information requiring recirculation of the EIR. The EIR also fails to provide substantial evidence to support its biological baseline analysis because the applicant's, biological consultants, severely under counted the number of threatened and endangered species on the project site. Our biological consultant conducted their own site visits and located over a dozen listed species that the EIR failed to acknowledge. The EIR also fails to provide adequate mitigation to reduce the significant risk of avian collisions with solar panels and the project's transmission lines. Construction of the project will threaten the endangered species on the project site. In particular, the Generation Tie line connecting the substation to IID's North Brawley Geothermal Power Plant will cross the New River, and result in the death of thousands of birds throughout the project's lifespan (absent adequate mitigation).The EIR must be revised to include more robust mitigation for biological resources. For all these reasons and those discussed in our comments, the Planning Commission should not recommend the Board of Supervisors approve the project and must revise and recirculate the EIR to accurately reflect the project's significant environmental impacts and mitigate the impacts to the greatest extent feasible. Thank you.

Chairman Schaffner; Thank you. Any other comments from the public? If not, we'll close this portion of the hearing. Commissioners, any questions or comments?

Commissioner Bergh; The first lady that spoke, she was objecting to the project but didn't very specify what she's talking about. Objecting to it. I mean, is there is anything specific that she objects to? Can we hear from again? I'd like to hear what she says. I mean just to say that I object to the project. Do not mean a thing.

Carolyn Allen; Again my name is Carolyn Allen, and I'm responding to a question from the one of the Commissioners. Yes, as I mentioned, my sister and I are mentioned, we are part of the comments of Stephen Volker which was lengthy papers filed as comments. So our opposition is duly noted in those. And also, on behalf of my brothers and my sister and I our entities, we own farm land directly to the east of that project of on the other side of Best road, so we will be directly impacted.

Commissioner Bergh; Would you also be objecting then to dirt road then, specifically?

Carolyn Allen; We're in opposition to the whole project on all of the impacts that it will have. Numerous, numerous ones to the farmland, the farm operations, the Ag support businesses with a loss of the farmland. But that is duly noted in the lengthy comments that my sister and I and we are in support of those comments.

Commissioner Cabanas; Thank you. Jim, let me ask you question. Wasn't this site at one time considered for a Geo-Thermal power plant.

Jim Minnick, Director; It was.

Commissioner Cabanas; And an environmental impact report was done then, correct.

Jim Minnick, Director; Correct.

Commissioner Cabanas; And it was approved.

Jim Minnick, Director; Yes, sir.

Commissioner Cabanas; Thank you.

Chairman Schaffner; Can you tell me why the groundwater would be impacted for recharging?

Jim Minnick, Director; Well, so I listened to that and that was quite interesting. You have a field, speculating here, and you partially cover the filled with panels, therefore there is not an absorption rate as it would be versus the three inches of rain we get throughout the valley every year. However, that said, we require retention basins on all projects; so any water that were to hit the panels during a rainstorm would eventually go into that retention basin and still be absorbed into the groundwater in the area. In fact, it would be focal percolating as opposed to periodic percolation, so you might actually get better penetration of ground water by the rain being collected in one spot and percolating. But I'm not a geologist.

Commissioner Pacheco; Jim, what about the gas emissions through the greenhouse? Is there issues with that?

Jim Minnick, Director; Well, I'm assuming they're referring to the construction phase and the construction phase has to meet all of the air pollution control districts requirements for its different rules. And so that would mitigate during that. And then once the solar project is built, essentially there is no real activity going on there. So there isn't like a lot of in and out and so forth, but any type of in announce with regards say, roads, that the operator has to meet the same requirements of every business here that actually waters roads. And I will say this it's important that the water requirements for dust suppression on industrial is different than on Ag land. There's a lot of roads out there that don't get watered on a regular basis. Some real good property owners do water around their properties, but there's a lot of times you'll see roads and vehicles driving around the dirt roads that don't get water. This particular project will be required as a condition of approval and water which those shouldn't be used for periodic maintenance. And keep in mind solar projects don't have a lot of maintenance, they don't have alot of employees. So going back to the commissioner Cabanas, if we had a geothermal plant on there, you would actually have more activity than we would have with Solar instead.

Commissioner Roben; And I mean part of this is in the geothermal overlay and part of isn't.

Jim Minnick, Director; The north half is in the geothermal overlay the south half, that's what the general plan and the zone change overlay is being requested, to put that into the all renewable. Good half of it, Yes, is in the geothermal overlay.

Commissioner Roben; So, it would be fair to say this is intended for something like that, like geothermal or renewable.

Jim Minnick, Director; Yes sir, there's also a lot of existing piping that has made it difficult to farm that specific property.

Vice Chairman Kalin; When was the last time it was farmed?

Jim Minnick, Director; I couldn't tell you right this moment, but we could look into it.

Vice-chairman Kalin: Made a motion in favor of project (5e) seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (no).

Vice-chairman Kalin: Made a motion in favor of project (5f) seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (no).

Jim Minnick, Director; Stated **Agenda Item #5** will be moved forward to the Board of Supervisors. There is no appeal of this commission.

VI. Public Comments, NONE.

VII. Commissioner Comments, NONE.

VIII. Director Comments,

Jim Minnick, Director; Assembly Bill (361) State of California has eliminated its emergency action for Covid in February. The federal government will be doing so in May, and so the Board of Supervisors has moved forward with all staff in all public hearings, and that's the direction we're going with this department for this commission as well as our EEC. I will double check on the actual deadline for Assembly Bills (361) but that's the direction that the state is going and the feds are going that's why I gave direction last meeting to be in person. So please expect that if there is additional time we will let you know, otherwise expect to be here in person from this point moving forward. Assembly Bill (361) does allow for certain types of situations if you're sick, but for the most part what we were doing with Covid where we were remote we will not be doing.

Commissioner Kalin; When the public calls in, will they'll still be able to call in and comment on Zoom? Yes, to my understanding. From the public hearing process, you're supposed to be here in person. There are some minor exemptions. We can go over those next Commission meeting. But the most important thing is to I'd like to see your faces. I appreciate you here.

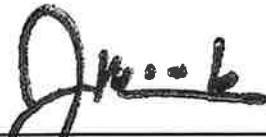
Chairman Schaffner; adjourned meeting.

IX. Adjournment: Meeting adjourned at 9:54 a.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Valerie Grijalva & Melina Rizo PC Recording Clerks

VGIS\Clerical\MINUTES & RESOLUTIONS\2023\PC\03 08 23 PC MINUTES .docx