

**MINUTES OF THE
PLANNING COMMISSION MEETING
JUNE 9, 2021**

The Imperial County Planning Commission convened a Meeting on Wednesday, June 9, 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 IV, Patricia Valenzuela on behalf of David Black/Planner III, Diana Robinson/Planner II, Mariela Moran/Clerks-Kimberly Noriega and Maria Scoville.

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

- I. Roll Call: Commissioners present:** Schaffner, Bergh, Cabanas and Pacheco in attendance.

Zoom Call: Kalin, Wright, Medina, Castillo and Roben.

Absent: N/A

- II. Pledge of Allegiance:**

- III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **May 12, 2021** 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), Cabanas (yes), Wright (yes), Medina (yes) and Pacheco (yes).

Commissioner Castillo and Roben were not present for the approval of the minutes; they joined the meeting after.

Chairman Schaffner made a change of the order of the Agenda; he started with item #6 due to a conflict of interest with Commissioner Cabanas

6. Consideration of **Conditional Use Permit #19-0017**, for a Planning Commission determination as submitted by Second Imperial Geothermal Company, proposing a fifteen (15) year renewal for the operation of the existing Second Imperial Geothermal facilities. The proposed Conditional Use Permit #19-0017 will allow for upgrades including the installation of two new water-cooled ORMAT Energy Converters (OECs) to replace six old units from 1992; 3 10,000-gallon isopenteny storage tanks; and, additional pipes to connect the proposed facilities. All proposed upgrades will be develop within the existing Heber 2 facility and fence line. CUP #19-0017 also proposes to renew the permitted life of the Second Imperial Geothermal facilities including the (Heber 2, Heber South, Goulds 2 plant facilities) for 15 years. Additionally, the Planning Commission will make a determination for a proposed Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program and approval of the Findings of Fact that the project is categorically exempt from CEQA under Government Section Code 15301, 15302 & 15061 and no further environmental documentation is necessary. This project is located at 855 Dogwood Road, south the town-site of Heber, California. The parcels are describe as Tract 44, Township 16 South, Range 14 East, SBB&M and identified as APN 054-250-031-000, on an approx. total of 40 acres. (Supervisorial District # 2). The Commission took the following action,

Jim Minnick, Director, gave a brief description of the project, and introduced Patricia Valenzuela, Planner IV, to read the project into the record.

Patricia Valenzuela, Planner IV, on behalf of David Black read the PowerPoint presentation of the project into the record and stated that the applicant ORMAT and our County Counsel were in attendance for questions from the Commission.

Chairman Schaffner asked if there was a representative(s) for this project to state their name and address for the record.

Larry Grogan introduced himself on stated he was representing Walter and Tony Holtz currently a royalty and landowner within the geothermal district. Mr. Grogan stated that they had three things they wanted to bring up before the Commission. #1. Complete an inventory of the support pillars on the Holtz land. #2. Notify the Holtz of work planned on their property 48-hours in advance of work activities on their land. #3 Replacement of approximately 100' of 12" diameter 1" wall steel irrigation pipe. The problem is when you start to patch a drains if there is any type of materials stuck in the pipeline being repaired you get a buildup of material and it is very possible it could end up creating problems for the actual drainage itself. The only thing they are asking is for the Planning Commission, that you attach a condition that they would report their findings and pipeline reports. Mr. Grogan also stated that he would take any questions the Commission may have.

Chairman Schaffner asked Mr. Minnick if that is doable. Mr. Minnick stated yes if both parties agree. The Chairman asked for a geothermal representative to confirm all that the Holtz are request. Troy Owens of ORMAT stated that they agree with those conditions.

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. He then entertained a motion.

Commissioner Bergh asked ORMAT, what you think is causing the damage on the piers. Is it the vibration? Mr. Owens stated that he was correct and it is a seismic area were they are and is something that they always maintain moving forward with inspections and repairs needed. Mr. Bergh stated that some of those look somewhat old. Mr. Owens stated that he does not know which pillars he was looking at or their age, they are currently working on doing their inspection on all of those pillars.

- A. Motion made by Commissioner **Kalin** with the added conditions discussed by Mr. Grogan and seconded by Commissioner **Bergh**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Castillo (yes), Wright (yes), Medina (yes), and Pacheco (yes). To approve of the Findings of Fact that project is categorically exempt from CEQA under Government Code Section 15301, 15302, & 15061 and that no further environmental documentation is necessary. Adopt the Mitigated Negative Declaration with the "Mitigations, Monitoring and Reporting Program" based on the Initial Study and any comments received showing no substantial evidence that the project will have a significant effect on the environment. Make the De Minimus Findings, as recommended at the November 19, 2020 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. In addition, adopt the Findings and Resolution(s), approving Conditional Use Permit #19-0017, subject to all the conditions of approval, and authorize the Planning & Development Services Department Director to execute the CUP Agreement.

Jim Minnick, Director stated that this 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.

1. Consideration of **Time Extension #21-0014 for TR#00941** as submitted by Kilmainham Holdings, LLC requesting the sixth and final time extension of Tract Map #00941, for one (1) additional year. The Board of Supervisors approved Tract Map #00941, subject to conditions, on January 19, 1999. This time extension request is being made pursuant to the Subdivision Map Act and the property owner's intent of developing the land in the near future. This sixth and final extension would cover from June 15, 2021 to June 15, 2022. On properties legally described as a Portion of Section 11, 12 and Tract 148, Township 17 South, Range 15 East, SBB&M, in an unincorporated area of the County of Imperial, State of California. Assessor's Parcel Number (s) 059-210-035 (et al.) (1851 Carr Road, Calexico, CA), (Supervisory District #2). 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 PowerPoint presentation of the project into the record and was there for any questions from the Commission.

Chairman Schaffner asked if there was a representative(s) for this project to state their name and address for the record.

J. Carlos Romero, from Pro-Terra Engineering and has Joan Allen on the speakerphone and they wanted to thank the Planning staff for working on this item and bringing it to the Commission.

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. He then entertained a motion.

Commissioner Bergh asked if this was the final extension. Mr. Romero stated that this is the last year and that the project is under construction right now Menvielle, Maggio Road and interior streets in process right now.

Jim Minnick, Director stated that there are a lot more parcels that make up Tract Map 00941. This extension will extend all of those parcels that are undeveloped, not the ones that are map and recorded the remaining parcels. This will be the last go-around of extensions unless the State steps in after this year assuming the Commission approves it. Then, they will need new maps.

Chairman Schaffner then entertained a motion.

Jim Minnick, Director stated that this project stands approved; this project has no appeal period.

2. Consideration of **Time Extension #21-0012 for TR #00958** as submitted by Alphabet Farms, LLC (applicant) requesting the sixth and final one-year time extension for Tract Map #958 as allowed by the Subdivision Map Act. The Board of Supervisors approved Tract Map #958 (Major subdivision) subject to conditions, on August 16, 2005. The sixth and final time extension would cover from August 16, 2021 to August 16, 2022 (end of life of the map). The applicant intends to file all phases of the tentative map. On properties legally described as a portion of Tract 64, Township 16 South, Range 12/13 East, SBB&M, in an unincorporated area of the County of Imperial, State of California. Assessor's Parcel Number (s) 051-450-011, -012, -013 & -018-000 (1700 West Ross Road, 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 PowerPoint presentation of the project into the record and was there for any questions from the Commission.

Chairman Schaffner asked if there was a representative(s) for this project to state their name and address for the record.

Miriam Gonzalez, Seeley County Water District, asked the applicant Mr. Eisenhower if they can reach out to him, they have more questions for him. This is in regards to a current infrastructure they are currently working on, which is the Waste Water Treatment Plant. There's something else they would like to focus on how is the developer going to help with capital and O&M of the project when the time comes? Mr. Eisenhower stated that he would reach out to staff to get her contact information so they can answer those questions.

Erin Garcia, Waste Water Systems Manager for the Seeley County Water District, also stated that he had a couple of questions as well since the County is requesting a time extension. Mr. Garcia is not sure if to ask now or at the follow up meeting, it does deal with the expired Will Serve Letter, the issue of the capacity in the wastewater side and the Conditions of Approval. Some items do deal with their plant according to the documents they should be receiving detailed plans of the entire infrastructure that will be place in the ground for them to comment and/or approve/not approve. Mr. Garcia is wondering how soon can they expect to receive those plans and how much time would they have to review and get back to us with updated Will Serve Letter.

Jim Minnick Director answered Mr. Garcia's concerns. Mr. Minnick started by stating that this Tract Map was approved in 2005 with some 80 Conditions of Approval prior to the recordation of any map the project does have to meet those conditions along as Seeley would be providing the water and sewer. The applicant would have to negotiate with the City of Seeley to make sure it has the capacity and availability in whatever infrastructure. This is not something that is on debate right now is a time extension it is already conditioned as that. If the Will Serve Letter is expired, obviously the applicant and the district is going to have to get together to get another Will Serve Letter. The conditions have changed at the district that is again a negotiation between the applicant and the district, but not part of this Commission.

Chairman Schaffner asked the Seeley water district if that answered their questions. Ms. Gonzalez and Mr. Garcia both stated that yes it did.

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. He then entertained a motion.

Chairman Schaffner then entertained a motion.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Pacheco (yes). Approve Time Extension (EXT#21-0012) will extend Tract Map (TR#00958) for the sixth and final one-year time extension, subject to the conditions listed under said Tract Map.

Jim Minnick, Director stated that this project stands approved by this Commission; this project has no appeal period. Mr. Minnick also stated that this is the last time extension or this map at this time. In the case of this map it is also important to understand that there is available time on the map should a recorded phase be done within the next year.

3. Consideration of **Conditional Use Permit #20-0019** as submitted by Cabaj Zbigniew & Martha Blaszczyk, proposing CUP to continue the extraction of one (1) acre feet of water a year for residential use from existing water well originally entitled under CUP #935-90. On property legally described as Portion of Tract 49, Township 16 South, Range 10 East, SBBM, in an unincorporated area of the County of Imperial, Assessor Parcel Number 033-620-006-000 (1 Coyote Well Rd., Ocotillo CA 92259), (Supervisory District #2). 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 and gave a power point presentation of the project into the record and was there for any questions from the Commission.

Chairman Schaffner asked if there was a representative(s) for this project to state their name and address for the record.

Zbigniew Cabaj, owner introduced himself for the project via zoom and stated that he had read the entire project and agree with staff's recommendation.

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. He then entertained a motion.

Commissioner Castillo what is the interval term, for this Conditional Use Permit. Mr. Minnick stated that for a water well it's a 15-year term 3 year minimal. Then it comes back to this Commission for an additional renewal.

Chairman Schaffner then entertained a motion

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Pacheco (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 on April 29, 2021. Make the De Minimus Finding as recommended at the April 29, 2021 EEC hearing that the project will not have individually or cumulatively adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes; and approve the Resolution(s) and supporting findings and Conditional Use Permit (CUP) #20-0019, subject to all the Conditions and authorize the Planning & Development Services Director to sign the CUP upon receipt from the applicant.

Jim Minnick, Director stated that this 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 #19-0026**, as submitted by Pyramid Construction & Aggregate LLC., proposing to amend existing operational Conditional Use Permit #16-0008 via Conditional Use Permit #19-0026 to construct and operate a portable asphalt batch plant on their existing, American Girl East mining site. This project is located on property legally further described as the portion of Section 19, Township 15 South, and Range 21 East; and identified as Assessor's Parcel Number 050-320-031-000 (3737 American Girl Road, Winterhaven, CA), (Supervisory District #5). The Commission took the following actions:

Jim Minnick, Director gave a brief description of the project, and introduced Patricia Valenzuela, Planner IV, to read the project into the record.

Patricia Valenzuela, Planner IV, read the PowerPoint presentation of the project into the record and was there for any questions from the Commission. Ms. Valenzuela also stated that she had a little bit of housekeeping to the Staff Report, Errata Sheet and CUP Agreement. The CUP showing you that it was supposed to be 500,000 cubic yards in the CUP and it matches what was evaluated at the EEC Hearing under 500,000 cubic yards.

Chairman Schaffner asked if there was a representative(s) for this project to state their name and address for the record.

George Flannigan introduced himself as the representative of the project and stated that he read the entire project and agree with staff's recommendation.

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. He then entertained a motion.

Commissioner Bergh asked if that road up that complex is water down. Mr. Bergh asked Mr. Minnick that EHS has done that since they signed off on their diligence. Mr. Minnick stated that the majority of the work was done with the original approval back in 2016, this is just the allowance of a continuance of the project. Mr. Bergh asked what was the blank hole in the project site was. Ms. Valenzuela stated that the red shaded area are parcels and the grey area is the project site.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes), and Pacheco (yes). To adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environment Evaluation Committee on January 14, 2021. Make the De Minimums Finding, as recommended at the January 14, 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 California Fish and Game Codes. In addition, approve the Resolution and supporting findings, for Conditional Use Permit #19-0026, subject to all the

conditions and authorize the Planning & Development Services Director to sign the Conditional Use Permit upon receipt from the Permittee.

Jim Minnick, Director stated that this 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.

5. Consideration of **Conditional Use Permit (CUP) #19-0016** as submitted by Allied Imperial Landfill, requesting an amendment to the existing Conditional Use Permit #07-0027, to allow for out of County waste to be deposited at the landfill. On property legally described as a Tract 222 & Tract 223, Section 9, Township 15 South, Range 14 East, SBB&M, in an unincorporated area of the County of Imperial, Assessor Parcel Number 044-030-006-000 & 044-030-024-000 (104 Robinson Road, Imperial, CA), (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 PowerPoint presentation of the project into the record and was there for any questions from the Commission.

Chairman Schaffner asked if there was a representative(s) for this project to state their name and address for the record.

Peter Sterenberg introduced himself as the representative of the project, and their consultant Stan Wilder was present for any questions. Mr. Sterenberg stated that he read the entire project and agree with staff's recommendation.

Chuck Jernigan stated that project commonly known as Robinson Mountain as it is getting so big. Mr. Jernigan recall that the applicant applied for a Variance for the CUP last year to increase the height, and now he is beginning to think that was their strategy to come before your Commission to request to bring in outside trash which he is opposed to it. Mr. Jernigan agrees that we generate our own trash and have to dispose of our own, but we do not need to handle other people's trash. With the 12 hundred tons a day how does it affect the life of this dump, what was the original anticipated life of the dump?

Peter Sterenberg, stated the landfill originally is for the 17 hundred tons per day and have 50 plus years on the landfill. Mr. Jernigan asked what would the 12 hundred additional tons a day influence that 50 year anticipated life span. Mr. Jernigan made some calculations and totaled the anticipated life of the dump for 26 years.

Stan Wilder introduced himself and stated that they have been working on this site for quite some time now. When this landfill was, approve back in 2010. There were incremental increases that were allow for the waste excepted at the landfill. What they found at this time that they have not even coming close to the amount they are allow. They are currently excepting about 400 tons a day which of course over the last 10-years, they have not accepted the 17 hundred tons they were expecting. So that increased the life of the landfill, they do not expect to shorten the life of the landfill the 12 hundred tons per day is just the maximum they are asking for and do not expect to hit that even close on a daily basis. This is for special projects that they get to bid on so they can accept that trash. It is not the intent to have that coming in every day in the near future.

Mr. Jernigan asked if they have considered mitigating the additional traffic coming down Dogwood Road or coming out of Worthington Rd. Mr. Wilder stated that with the process they had an additional traffic report done, so they can see what the impact would be for the additional 12 hundred tons. Keep in mind that the original EIR already anticipated this level of trash coming in, the difference the type of vehicles that were coming. With the original EIR and Traffic Study was done, they anticipated just the local haulers. They bring in loads that are less than the long haulers; there should be less truck traffic with the 12 hundred tons they are asking for than what was originally approve with the EIR.

Mr. Jernigan I apologized but that made no sense to him, with the increase amount of trash, you anticipate decrease the amount of road traffic. Mr. Wilder stated that with the original EIR they already anticipated the amount of trash coming in, it's just coming from a different location as oppose to the local haulers it would be coming from a further distance. Mr. Jernigan mentioned that he goes down Dogwood Road every day to go to work and is in horrible condition and is one of the concerns. Mr. Jernigan does not think people in general want to handle other county's trash; we have enough problems we do not need to import this from every other county that surrounds us. Generally, speaking the people of Imperial don't want to see this and stated that he will close with this, that he is opposed to this.

Commissioner Kalin, asked in the amount trash that can be taking into the dump increases over time it max is out at 3,882 tons per day, is that correct. Mr. Wilder responded that pursuant to the original Conditional Use Permit that would be the max. Mr. Kalin asked if this was with the anticipated increase that you are asking for today or without it. Mr. Wilder said that the 12 hundred tons is within that range yes, so it's not added its just coming from a different location. Mr. Kalin also said that you are currently receiving about 400 tons per day. Mr. Wilder stated yes, that is correct. Mr. Kalin how did you miss it by a factor of nearly 10 times.

Mr. Wilder stated that part of the EIR they have anticipated importing dirt into their landfills this will be an opportunity kind of a long range plan for them. If there is impact, its soil to bring them into their landfill manage them to be able to use them for cover. Mr. Sterenberg gave an example of soils coming out of Los Angeles; another example would be a construction project coming out of the eastern San Diego County. They also own the landfill in San Diego County the waste would either go back to San Diego County landfill or maybe cheaper to come to Imperial, so that type of waste they would like to be able to get in this landfill as a way to attract waste to this landfill. That would be the purpose of this more of an event driven it's not MSW is a term that they accept to their landfill they can't accept any cow hazard waste. Mr. Bergh but it's still coming outside the County. Mr. Sterenberg said it could come from outside the County that is what they are asking for; if it were outside the County, they would be able to accept that.

Commissioner Bergh we are already receiving a lot of trash from Los Angeles to the Mesquite Mine landfill, do we really need to have more coming in. This is supposed to be lithium valley and thinks it's going to mean trash valley. Commissioner Bergh strongly objects to having outside products coming in here because the landfills from other counties do not want that stuff there. They're exporting to the desert, you guys abandoned the first landfill you had out there because the Imperial fault and contacted the USGA and they stated that mountain is not perversely to liquefaction are they wrong. Mr. Sterenberg stated he does not have an answer to that.

Mr. Wilder when the EIR was prepared and came before this Commission and the Board of Supervisors back in 2010 all of that was addressed and any Mitigation Measures that were necessary were put in and implemented all along the process. Mr. Bergh so you're asking the valley to take in 2,400 thousand pounds of questionable material non-hazardous that we didn't generate.

Commissioner Cabanas also stated that they had mentioned that they have two landfills in San Diego and its cheaper to haul to the valley instead of San Diego can you explain. Mr. Wilder, what he was referring to is if you have a project in eastern San Diego County, it is either going to be truck back to their San Diego landfill or be truck to a landfill here. Mr. Cabanas but why bring it over here it is at least 150 miles it just does not make any sense. Mr. Cabanas thinks that landfill in San Diego will not take the material you want to bring here. Mr. Wilder stated that the same waste that allowed here is allow in San Diego County there is no different waste. A third party is the one taking care of the trucking, so they will truck it to wherever it is least expensive.

Commissioner Bergh also stated that he is concern, because Imperial is going east into that area and understands that there is an elementary school already set aside in that general area of Dogwood. You are talking about truck traffic going back and forth about 20 tons per truck and thinks Dogwood is going to get worse than it is now. If you are going to be hauling trash in here, you need to mitigate the County Roads

that you are going to be using. Mr. Bergh does not see them doing that, and cannot vote for something like this.

Commissioner Cabanas asked what the height of the landfill is right now. The size you see out there is the maximum it is not going to up it but horizontal.

Chairman Schaffner stated that did not agree the first time it came around and does not agree now.

Commissioner Cabanas asked in your plan did you considered the growth of this valley to still handle the trash 30-40 years from now. Mr. Wilder, yes they are not even going beyond the 17 hundred tons per day that is allow via the solid waste facility permit from the State. However, over time, the landfill was allow under the current CUP up to over 3 thousand tons per day. So they are well behind on what it was originally anticipated.

Mr. Jernigan, you mentioned that you're at the maximum height of the mountain now, are you going to go out on the base east or west. Mr. Wilder stated they are going to the westerly direction. Mr. Jernigan stated that so they are going back towards Dogwood Road. Mr. Wilder responded that is correct and then there is a 71 acre buffer area between where they are able to utilize the landfill and Dogwood Road, it is about 1,000 feet.

Mr. Minnick to answer the Commissions question the project that was approve back in 2010 stands approved. If you chose not to accept it, this project is still what it is the only difference is that they are not generating as much waste anticipated they are looking at bringing some in. This doesn't change anything that's been approves and that is approve for the next 60 something years. He knows that the Commission is concerned about other county waste, and would like to address that if they don't mind. The County has the Mesquite and Safety Clean, which is for hazardous waste, and we have Burrtec that was approve by this Commission and the Board of Supervisors. This is a County landfill and is accepting other counties landfill waste from Coachella. This operation accepts trash from Borrego Springs, they are asking to be able to accept municipal waste, nothing special or weird or strange same waste that everybody else is being allow from other counties. To accept for the hazardous landfill from other counties that is what they are asking for. They are not asking to make the mountain bigger, move to the left or right, it will not ad traffic, they already were permitted to has as much traffic as it would take 3,883 tons per day. It's important to understand what it is that you are approving or denying this is not a condemnation on the project that was approve by the Board of Supervisors. The question is whether they can have the resources to be brought in like every landfill we have in the county except for the monofill.

Commissioner Cabanas thank Mr. Minnick for the explanation and just doesn't want the same thing to happen as it did in 2010. Mr. Minnick understands that and they wouldn't bring something that would be an addition. They understand where the Commission was and is now. He just wanted to say that his trash is being pick up by CR&R and that's hauled to Yuma. A lot of different places trash is being move throughout different counties, we have plenty of trash coming thru the county from L.A to Yuma through our roads and highways. He is not saying it is right, wrong or in different please understand that it is a complicated hauling trash and diversion is very real. He is not sure if you know but the current rules that have just been put in place now require for commercial, hotel, restaurant and apartment complex to now separate alternatively daily cover which use to be Green Waste no longer allowed. You will be seeing project come in and try to handle green waste tree lawn and tree clippings we have to find other solutions. So all of these things are being diverted out of these landfills is reducing the demand of for the landfills. Landfill Companies are looking for other resources to do it, but they cannot exceed the capacity of their CAL-Recycling permit in terms of material that is going to be coming in and it is important to understand all of that.

Chairman Schaffner so the way it works is a company comes to you and says I'll take your trash you pay me for it and stack it in your neighborhood and when its complete I'll leave town and you'll still have the trash.

Commissioner Roben just wanted to give his input and lives in imperial, and has talked to people about this and he was opposed to it back in 2010. At that time, several people that live within the area came forward and said they were promise last time and haven't done. So there attorney got up just deny it were going to go to the Politicians and were going to be approve. Mr. Roben said that they were never given any input on

this it just went over their heads. The thing they are selling is that we are running out of capacity in our own landfill and we need this we are going to run out of landfill, is he wrong. Mr. Roben stated that we are going to run out of landfill they are going to be closing is that correct. Mr. Minnick the county is closing it's existing landfills. Mr. Roben yes so where is the trash going to go if we don't have our own landfill if this is the only place. We are going to have one for all Imperial County; the way this thing is going and yes, they are recycling and doing a lot of things to divert. To him as an Imperial resident the whole deal that happen in 2010 he thinks it was crazy and thinks it was wrong the Board didn't listen to the people around there to resolve some of the issues, they just went right around them. Mr. Roben stated that he is 100% opposed to this bringing this trash, maybe down in the future when we figure out that all of this recycling is going to eliminate trash and the capacity is going to go to 100 years maybe think about that but not now.

Commissioner Castillo this is a matter of dealing with the path traveled, do we have any comments from Public Works on the road situation.

Mariela Moran stated that they did received a letter from Public Works requesting and mentioned that it would be classified as prime material six line divide requiring 167' of right-away and they require that sufficient right-away be provided to meet the road classification. Mr. Castillo asked if there was anything mentioned in regards to the repair of any roads at all. At one time they were talking about bringing in some trash to the old mine site and there was a big discussion on road repair and is just wondering if the additional loads made any difference in the existing road conditions that we have. But apparently Public Works didn't draw on it, is that correct. Mr. Minnick yes that is correct, there is no indication of any road maintenance or reconditioning of the roads.

Chairman Schaffner then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Roben** for the denial of CUP19-0016 for the Allied Imperial Landfill, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes), and Pacheco (yes).

Jim Minnick, Director stated that this project stands denied 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 10:16 a.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission
Kimberly Noriega & Maria Scoville PC Recording Clerks

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