

**MINUTES OF THE
PLANNING COMMISSION MEETING
SEPTEMBER 8, 2021**

The Imperial County Planning Commission convened a Meeting on Wednesday, September 8, 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, Planner IV, David Black/Planner III, Diana Robinson/Planner II, Mariela Moran/Planner I, Jeanine Ramos, Clerks-Kimberly Noriega and Carina Gomez.

Vice Chairman Carson Kalin called meeting to order at 9:00 a.m.

I. Roll Call: Commissioners present: Kalin, Bergh and Cabañas in attendance.

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

Absent Pacheco.

II. Pledge of Allegiance:

III. Approval of Minutes: Chairman Kalin entertained a motion to approve the Planning Commission Minutes for the **June 9, 2021** meeting as submitted by staff. Motion was made by Commissioner **Cabañas** seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Wright (yes), Medina (yes), Castillo (yes) and Roben (yes). to approve minutes as they stand.

Vice Chairman Kalin called Jim Minnick, Director to speak;

Jim Minnick, Director; stated to the Commission he was asked last minute to pull item #8 from the agenda Zone Change #18-0001, PM02476, CUP20-0026 a. b. c.; there was no time specifics; therefore, project will be re-noticed.

Vice Chairman Kalin entertained a motion for the removal of item #8, a, b, & c of the September 8, 2021 Planning Commission Agenda. Motion was made by Commissioner **Cabañas** seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Wright (yes), Medina (yes), Castillo (yes) and Roben (yes).

Jim Minnick, Director offered an apology for the inconvenience for those present for item #8 pulled from the agenda.

1. Consideration of **Time Extension #21-0024/Conditional Use Permit #992-91(a)** as submitted by William Hard proposing a new 15-year term under the previously approved Conditional Use Permit #992-91 for an existing water well. The permit allowed the applicant to drill and operate a water well for domestic purposes of up to one (1) acre feet of groundwater per year. The project site is located on property identified as Assessor Parcel Number 018-230-042-000, legally described as the Southwest ¼ of Southeast ¼ of Section 17, Township 12 South, Range 9 East, SBB&M., (2299 A. West Highway 78, Borrego Springs, CA.), (Supervisorial 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 added we received a letter from Air Pollution Control District stating they had no comments on the project.

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

William Hard, introduced himself, stated he has read the entire project and agrees with everything in it, but would like to ask, that if the last extension was done in 2017, if he could do annual reporting instead of every 6 months?

Stated he uses it as a vacation home, it not that easy for them to complete that. They are only using a fraction of an acre-foot per year; they have no intention in changing that with all that property since 2005. They have no intentions in making any changes, has not changed since that period. They would like to report every 3-years when they request for an extension of the CUP if that is agreeable starting in November 2021.

Jim Minnick, Director stated the ordinance requires once a year;

William Hard, said, ok, can we then go back to reporting every year instead of every 6 months, starting in November since that would generally be when they will begin using that property?

Jim Minnick, Director, replied, yes.

Vice Chairman Kalin, 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.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Roben**, 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 Roben (yes), to approve the exchange of reporting every 6 months to once a year starting November of each year for the duration of this extension; to find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; Find that Time Extension #21-0024 for Conditional Use Permit #992-91(a) is consistent with applicable zoning and building ordinances; and to Approve Time Extension #21-0024 for Conditional Use Permit #992-91(a) for a new 15-year term, subject to the existing conditions.

Jim Minnick, Director stated that Time Extension #21-0024/Conditional Use Permit #992-91(a) 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.

2. Consideration of **Conditional Use Permit #21-0004** as submitted by MMI Titan Inc. on behalf of Crown Castle, proposing to renew entitlements for the previously approved Conditional Use Permit (CUP) #05-0047, since its time limit has reached expiration. The CUP is for an existing 196-foot telecommunications tower with ancillary equipment, which is located on property legally described as a Portion of Section 23, Township 10 South, Range 22 East, S.B.B. & M., filed in the Office of the County Recorder of Imperial. County Assessor's Parcel Number 006-190-032-000 (87 Mitchell's Camp Road, Palo Verde, CA 92266), (Supervisory District #5). The Commission took the following actions:

Jim Minnick, Director, gave a brief description of the project, and introduced Jeanine Ramos, Planner I, to read the project into the record.

Jeanine Ramos, Planner I, read the PowerPoint presentation of the project into the record and was there for any questions from the Commission.

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

Justin Robinson, introduced himself as the project representative, stated that as indicated this Conditional Use Permit intended to supersede the previous conditional use permit. There is a little bit of an outstanding issue with planning that requires some sort of video verification of the 2005 approved conditions, but since the draft approval that you have before you, includes all of the standard conditions all the conditions that we have agreed to do and the modifications to the lighting that has been requested by staff. We would like to request that the draft conditions is approved as written and Crown Castle make the necessary changes and submit the evidence required under the new condition.

Vice Chairman Kalin, then asked the project representative if he was in agreement with the entire project as submitted, correct?

Justin Robinson, replied, that is correct.

Vice Chairman Kalin, 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.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Bergh**, 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 Roben (yes), to find that Conditional Use Permit #21-0004 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and that no further environmental documentation is necessary; and to Approve the Resolution(s), supporting findings and Conditional Use Permit #21-0004 (subject to all the conditions) and; authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director, added, with in regards to S-12 this request is that within 30 days they will get their light system for the daytime light working, is that correct Mr. Robinson?

Justin Robinson, replied, yes that is correct. The previous conditional use permit stipulates that a high intensity weight beckon could be added to the tower. The FAA has determined that all towers below 700-feet should use a medium intensity and they could use a high intensity if required. Currently this site is not require for any obstruction notification by the FAA, so voluntarily we will add the medium intensity beckon along with the red light that flashes 30 times per minute at the top. We also have lighting at the 100-foot level on each of the three (3) legs of the tower.

Jim Minnick, Director, replied; the Planning Department does not have a problem with going from the high intensity, which was required in 2005 by the Airport Land Use Commission to the median to be consistent, but, if this fails to be completed, with evidence to the department within 30 days, we will be bringing this back to Planning Commission to terminate the CUP. Please understand the severity of getting this done.

Justin Robinson, replied, I do understand the severity of getting this done and we will get that light installed and provide video evidence.

Jim Minnick, Director stated that CUP#21-0004 stands approved 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.

3. Consideration of **Conditional Use Permit #21-0007/Initial Study #21-0006** as submitted by Abraham Gutierrez, Jr. proposing to build a new water well for residential uses to pump up to one acre-foot of groundwater per year. The project site is located on property identified as Assessor Parcel Number 056-470-029-000, and is further described as Parcel 1 of Parcel Map 891 of the Northeast Quarter of Section 21, Township 16 South, Range 21 East, S.B.B.M., (771 Sidewinder Road, Winterhaven, 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.

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

Abraham Gutierrez Jr., introduced himself.

Vice Chairman Kalin, then asked Mr. Gutierrez, if has read the entire project and agrees with all of it.

Abraham Gutierrez Jr., replied, yes.

Vice Chairman Kalin, 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.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Bergh**, 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 Roben (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 July 15, 2021; Make the De Minimus findings as recommended at the July 15, 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 to Adopt the Resolutions and supporting findings, approving Conditional Use Permit (CUP) #21-0007 subject to all the conditions, and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director stated that CUP#21-0007/IS#21-0006 stands approved 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 #20-0015** as submitted by Kyle Vestermark proposing to construct and operate a wastewater treatment system. The project site is located on property identified as Assessor Parcel Number 039-120-027-000, further described as a Portion of Southwest ¼ of Section 33, Township 13 South, Range 16 East of Imperial County, S.B.B.M., (2496 E. Hwy. 78., Brawley, CA.), (Supervisory District #4). 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.

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

Kyle Vestermark, introduced himself.

Vice Chairman Kalin, then asked if he has read the entire project and agree with everything in it.

Kyle Vestermark, replied, yes, I do.

Vice Chairman Kalin, 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, stated, it appears that the holding areas are already under construction, are they under construction? You have pictures there of some kind of retention basins.

Patricia Valenzuela, responded, yes, it has been constructed, we had some conflict with Regional Board and who had authority and who didn't, so, they felt they had the authority to tell Mr. Vestermark it was OK to construct when it wasn't.

Kyle Vestermark, elaborated by stating that earlier on they submitted their application back in August and worked with Environmental Health Services to put in the 2nd 2000 lb. underground storage tanks prior to the season getting started out there. They took it to the Regional Board for, if you want to hand off the ball to them "*we are not on the driver's seat on the permitting ahead of time on it*" but the Regional Board would be on the driver's seat for it. I contacted the Regional Board, they said what you can do, has been done before recently at Customs and Border Patrol location a year or two ago that was approved by the Board, waiting on the County. You can put it in, your par all the codes and everything else approved by the Board, but you cannot turn it on or do anything until you get approval from the County. If something is messed up, you did something incorrect, it is up to you to fix that, before it gets approved and turned on.

Vice Chairman Kalin, then asked, Mr. Vestermark a question in regards to condition S-1 which states, "*this wastewater facility is not for public use, it is strictly for the customers of Dune Edge Storage*".

Kyle Vestermark, replied, yes that is correct.

Jim Minnick, Director, requested the Commission to add S-1 condition language be added to motion.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Bergh**, 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 Roben (yes), with the amendment of CUP condition S-1 "*this wastewater treatment is not for public use, strictly for customers of Dune Edge Storage*" to be added to the existing CUP; 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 April 15, 2021; Make the De Minimus findings as recommended at the April 15, 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 to Adopt the Resolutions and supporting findings, approving Conditional Use Permit (CUP) #20-0015 subject to all the conditions, and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director stated that CUP#20-0015 stands approved 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 #20-0026** as submitted by Grace & Clyde Edgar Bended Tree, LLC proposing to develop a portion of their home site into a Special Event Center. The project site is located, on property identified as Assessor Parcel Number 037-130-021-000, further described as Tract Map 99, Township 13 South, Range 14 East of Imperial County, S.B.B.M., (4895 Hovley Road, Brawley, CA.), (Supervisory District #4). 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.

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

Jurg Heuberger, introduced himself, stated he has reviewed the conditions revised by staff. They are in agreement with those revisions with the exception of one item, which the Director of Public Works will address.

John Gay; Public Works Director, this particular condition is S-2, we have worked with the County Fire Department, as well as with the applicant and the main access to this particular site is a farm field Road. They will require ultimately putting in an all-weather access; all-weather material can be from gravel to class 2 base, we will be working with the applicant on that. The condition also states that there will be a driveway so it conflicts with what we actually proposed. We are not recommending any kind of paved access off Hovley Road because it is a field road we will have an encroachment permit for the applicant as they put in the all-weather material, they will have to maintain that edge boundary right up next to Hovley Road. That is really just a nuance in the condition; we do want to have some form of treatment on that road for County Fire Department.

Vice Chairman Kalin, asked Mr. Heuberger, if the applicant was in agreement with those changes.

Jurg Heuberger, responded, applicant agrees with the changes shown on the revisions.

Vice Chairman Kalin, asked Mr. Heuberger if that would also satisfy Mr. Cox's letter?

Jurg Heuberger, responded, I believe so.

Vice Chairman Kalin, turned it over to the Commission for any questions or comments;

Commissioner Bergh, asked if access would have to be maintained, and not just put in one time?

Jurg Heuberger, replied, yes, stated the road is actually a private road on their property; therefore, that is part of the maintenance associated with that.

Jim Minnick, Director, Additionally there is a requirement for a Master Dust Mitigation Plan that will required approved by Air Pollution Control prior to the events. We will have a guideline to make sure that road stays maintained.

Commissioner Cabañas, asked Mr. Heuberger, where is this location in regards to the Geothermal Power Plant? Is this south of the geothermal plant?

Jurg Heuberger, replied, south and west.

Commissioner Cabañas, responded, you are aware that sometimes weather conditions cause Geothermal Power Plant to Tip and will be noisy.

Jurg Heuberger, replied, yes, and the applicant in this case have live there for a number of years and the events would be 3 to 4 times a month at most, mostly on Saturday's. So, your plant is already subjected to those events, but we are aware of them.

Commissioner Castillo, asked, does this require permits for every event that they have?

Vice Chairman Kalin, I believe that is does not require a permit for each event.

Jim Minnick, Director, responded, what is requires specifically that they notify us of a schedule 60 days prior. They can have up to four (4) events a month and just provide us with a calendar showing events. It is more in line to make sure they are running the numbers that they set for us, as well as a way for the County should there be a complaint, that we are aware of what is going on.

Vice Chairman Kalin, 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.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Bergh**, 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 Roben (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 held on the May 27, 2021; to Make the de minimus findings as recommended at the May 27, 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; to Adopt Resolutions and supporting findings, approving Conditional Use Permit (CUP) #21-0002 subject to all the conditions, and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director stated that CUP#20-0026 stands approved 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.

Chairman Schaffner and Vice Chairman Kalin, stepped down for item #6a & #6b due to possible business conflict.

6a. Consideration of Conditional Use Permit #21-0002 as submitted by InSite Towers Development 2, LLC, proposing to build and maintain a 160-foot telecommunication tower. The project is identified as Assessor Parcel Number 044-230-014-000, and is further described as that portion of the North ½ of Tract 69, Township 15 South, Range 14 East, S.B.B.M., according to the plat of resurvey approved December 22, 1908, and filed in the District Land Office. (373 E. Aten Road, Imperial, CA.), (Supervisory District #5). The Commission took the following actions:

Jim Minnick, Director, gave a brief description of the project, and introduced Jeanine Ramos, Planner I, to read the project into the record.

(Currently the Commission has nine (9) standing members, eight (8) out of the nine (9) were present and two (2) stepped down due to conflict. Therefore, Commissioners need to carry five (5) of six (6) vote, for the approval of this particular project).

Jeanine Ramos, Planner I, read the PowerPoint presentation of the project into the record and was there for any questions from the Commission.

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

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

Debbie Depompai, with InSite Towers introduced herself; stated she is available to answer any questions.

Commissioner Cabañas, then asked, if she has read the entire project and agree with everything in it.

Debbie Depompai, replied, yes.

Commissioner Cabañas, 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.

Jurg Heuberger, member of the Board of Directors for the Pioneer Museum Historical Society stated also present was two other members of the Board, we as you know from the site plan operate the Pioneers Museum on this property although this property is owned by the County of Imperial and we want to support this project, the tower is needed for several reasons. Not, the least, which is the reception, is very poor, so the tower will help the communication; Imperial Valley Collage being across the street, alot of students there that also need better cell reception. I believe this is part of the emergency services previsions to get a tower. We are here to support your approval of the tower and ask your commission to support it.

Commissioner Bergh, asked, why is it that we have ugly towers? I strongly object to that tower.

Jurg Heuberger, comment, how he recalls back in the day when there was a Planning Commissioner, Mr. Norm Niver, who thought tower were beautiful, unfortunately he is no longer a Planning Commissioner anymore, but he

use to tell me towers were the most beautiful things in the world. I don't disagree towers necessarily being the neatest things in the world, but let's face it; we need the towers for communication. There is just no other way but to build cell towers for service. Our buildings aren't high enough or big enough. Mr. Bergh, the location of this tower, not sure if you are familiar with it, is located behind two high power lines that are right on the corner, that is why we picked that area of that site, recognizing that it is our bone yard, or so called old equipment yard, which excuse the expression, but is about as ugly as a tower.

Commissioner Bergh, comment, doing engineering all these years I know that they can put up single poles towers that we happened to have here in El Centro and no problem at all. It's a lattice work, it's archaic because of expense. They are putting this latticework here all over the county. That is my objection to it, 1. They have gone the cheap way; and 2. They are not trying to hide it, put a couple of limbs on it or something; the look of it is my objection.

Jim Minnick, comment to Mr. Heuberger, that according to the staff report, the communication tower can be camouflaged as an oil tower.

Debbie Depompai, stated, it is a lattice tower they did design it to look like an oil tower, They wanted to try and find a design that would fit in with the rustic for pioneer museum, so they found that the oil tower would blend in more the pioneer museum and rural landscape of the areas as much possible, that can camouflage that tower. The actual lattice of the tower is 150 ft., then there is a 10 ft. a frame on top that is purely decorative and is just there to make it appear like an oil tower. Just want you all to know, we tried to do as much camouflage as possible.

Motion made by Commissioner **Roben** and seconded by Commissioner **Medina**, on the affirmative vote by the Commissioners present as follow Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Roben (yes). Commissioner Bergh vote (no); 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 held on the May 27, 2021; Make the de minimus findings as recommended at the May 27, 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 to Adopt Resolutions and supporting findings, approving Conditional Use Permit (CUP) #21-0002 subject to all the conditions, and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee.

- 6b. Consideration of **Variance #21-0001** as submitted by InSite Towers Development 2, LLC, proposing to build and maintain a 160-foot telecommunication tower. The project is identified as Assessor Parcel Number 044-230-014-000, and is further described as that portion of the North ½ of Tract 69, Township 15 South, Range 14 East, S.B.B.M., according to the plat of resurvey approved December 22, 1908, and filed in the District Land Office. (373 E. Aten Road, Imperial, CA.), (Supervisorial District #5), [Jeanine Ramos, Planner I at (442) 265-1736, extension 1750, or by email at jeanineramos@co.imperial.ca.us]. The Commission took the following actions:

Motion made by Commissioner **Roben** and seconded by Commissioner **Medina**, on the affirmative vote by the Commissioners present as follow Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Roben (yes). Commissioner Bergh voted (no); 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 held on the May 27, 2021; to Make the de minimus findings as recommended at the May 27, 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 to Adopt the Resolution to approve Variance #21-0001 and Findings.

Jim Minnick, Director stated that CUP#20-0002 stands approved 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.

7. Consideration of **Conditional Use Permit #19-0023/Initial Study #19-0027** as submitted by Bertha E. Ponce, proposing to build and operate a trucking terminal for two trucks. The project site is located on property identified as Assessor Parcel Number 059-020-017-000. Further described as Parcel 2 of Parcel Map 2067, recorded in Book 9, Page 97 of Parcel Maps of Imperial County, Township 17 South, Range 14 East, S.B.B.M., (660 Kloke Rd., Calexico CA.), (Supervisorial District #1). 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 IV, read the PowerPoint presentation of the project into the record and was there for any questions from the Commission.

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

Ernesto Vega, project representative on behalf of Bertha Ponce introduced himself.

Vice Chairman Kalin, then asked, if she has read the entire project and agree with everything in it.

Ernesto Vega, replied, yes.

Commissioner Castillo, asked, does this conditional use permit affect the entire parcel or just the portion of the parcel that they are developing?

Jim Minnick, Director, replied, just that portion of the parcel, just the 2.3 acres.

Commissioner Castillo, asked, are there only two trucks, sounds like too much effort and expense, to just allow only two trucks. Is there a maximum that they can have so they don't have to come back?

Jim Minnick, Director, that is what they are requesting. If the planning commission wants to give them some future expansion within reason you can do that, just try to be careful not to ask for much more because CEQA wise we are limited to just the two that we have done up to 6. In which would have to be done today. 1 to 30, No. Any additional up to six trucks would also meet the same standards.

What we are trying to do is to anticipate that 15 years down the line, would they ever need more, would we need to come back, is it something that could be determined here or at the discretion of the planning Director. Would 4-6 trucks make a change on the environmental document, No, as long as they meet all of the required standards. That is up to you, but they are not asking for that at this time they are only asking for two.

Commissioner Cabañas, asked the petitioner, what do you see in the future 5 years from now, will you need more trucks or will two trucks all you will be operating?

Ernesto Vega, replied, no. will only use two trucks.

Vice Chairman Kalin, for clarification, asked petitioner, if they were satisfied with just two truck.

Ernesto Vega, replied, yes.

Jim Minnick, Director, stated to petitioner, regarding email received requesting to expand hours of operation from 3 pm to 4 pm, is that correct?

Ernesto Vega, replied, yes.

Jim Minnick, Director, comment, the application states hours of operation say until 3 pm, their request is extending it to 4 pm.

Vice Chairman Kalin, stated he has no problem extending it to 4 pm;

Ernesto Vega, stated hours of operation are from 7 am to 4 pm.

Commissioner Cabañas, for clarification, stated to Mr. Vega, that if 3 years down the line in 2024-2025 you need to have more truck, you would need to go through all this permitting again, are you aware of that? We can add two or three truck now, this will not affect in no way.

Ernesto Vega, replied, yes, it is clear.

Vice Chairman Kalin, 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.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Bergh**, 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 Roben (yes), with the only change to extend the hours of operation to 7 a.m to 4 pm, 7 days a week; 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 July 29, 2021; Make the De Minimus findings as recommended at the July 29, 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 to Adopt Resolutions and supporting findings, approving Conditional Use Permit (CUP) #19-0023, subject to all the conditions, and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director stated that CUP#19-0023/IS#19-0027 stands approved 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 10:06 a.m.

Submitted by Carson Kalin
Vice Chairman of the Planning Commission

Attest:

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

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