

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
SEPTEMBER 22, 2021**

The Imperial County Planning Commission convened a Meeting on Wednesday, September 22, 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, David Black/Planner III, Diana Robinson/Planner I, Jeanine Ramos, Clerks-Kimberly Noriega and Carina Gomez.

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

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

**Zoom Call:** Kalin, Wright, Medina, and Castillo (Commissioner Castillo arrived after roll call and approval of minutes).

**Absent:** Roben.

**II. Pledge of Allegiance:**

**III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **September 8, 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). to approve minutes as they stand.

**1. Consideration of General Plan Amendment GPA#20-0004/Initial Study #20-0040** as submitted by Imperial County Planning and Development Services (ICPDS) Department. Pursuant to State law requirements, ICPDS is preparing the proposed 2021–2029 Housing Element to serve as the County’s guiding policy document that meets future needs of housing for all of the County’s economic groups. The proposed 2021–2029 Housing Element will replace the existing 2014-2021 Housing Element. The project is being proposed at a Countywide level. 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 presented consultant Cynthia Walsh to present their PowerPoint presentation.

**Cynthia Walsh**, read the PowerPoint presentation of the project into the record.

**Chairman Schaffner**, asked Mr. Minnick if there are any comments before I open this up to the public?

**Jim Minnick, Director**, answered, No, not at this time.

**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.

**Commissioner Bergh**, stated, Just housekeeping more than anything else, I noticed on the initial study it was no one from the California Department of Fish and Game were present during the meeting? They are not checked yes or no. Then why did Public Works vote no on that project? It’s on page 2 of 71. Just Curious. Wrong question. No, I would think they would have to sign off on it.

**Jim Minnick, Director**, answered, No.

**Commissioner Bergh**, asked, Why did Public Works not sign off on it?

**Jim Minnick, Director**, asked, Why did Public works not say yes to it?

**Commissioner Bergh**, asked, Yeah, it is not in their purview?

**Jim Minnick, Director**, responded, It might be a typo on our end, but Fish and Wildlife doesn't have a say. We are not building within their areas.

**Commissioner Bergh**, stated, Ok, and then I am questioning why the population is eight thousand people off on two different studies. On one, the housing element, it says 188,777 people. Then the next page over, it says, oh by the way there only 180,701, a little over 8 thousand people disappear?

**Jim Minnick, Director**, responded, We will double check that.

**Commissioner Bergh**, questioned, Or is that just an error?

**Jim Minnick, Director**, stated, Well, looks like an error, but we do have updated information from the Census now, so, we will double check that we do have the right amount. Thank you.

**Commissioner Bergh**, asked, Ok. This is from the last Census correct?

**Jim Minnick, Director**, answered, 2010. Yes, or 2020.

**Commissioner Bergh**, stated, 2020 Yeah, I read an article on the internet the other day, that the federal government was objecting to some of the data that was on that, because of there was a certain amount of people that didn't just want to report to it. In certain areas.

**Jim Minnick**, responded, It happens every single time.

**Commissioner Bergh**, argued, Yeah, but they said there was a larger percentage this year.

**Jim Minnick Director**, explained, Well, the 2000 Census was the worst one identified on record. They did a lot of changes on the 2010, which is why its numbers turned out pretty good. They're blaming in part, COVID, and people not wanting to respond. They also went more digital in 2020, than they did in 2010. We still were using paper documents more so. And so, the canvassing was more complicated nationwide.

**Commissioner Bergh**, answered, More spotty then?

**Jim Minnick, Director**, stated, Yeah.

**Commissioner Bergh**, responded, Yeah, ok that's all I got.

**Cynthia Walsh**, explained, If I could also add to that. So, looking at table 2, which is showing the 188,777, that's looking at data from the 2020 Department of Finance., and if we're looking table A3 which shows the 180,701 that's looking at the 2015-2019 ACS, so that's a five-year estimate there. So, that's probably why there's a difference in the population numbers. They are just two different sources, looking at two different timeframes.

**Commissioner Bergh**, stated, So, if you had a third source, you might have different figures.

**Cynthia Walsh**, responded, Yeah, unfortunately HCD has approved a data packet with SCAG and so that is the data packet that we rely on since it's already been pre-approved through the state. So, we have a little bit of wiggle room there to adjust things.

**Commissioner Bergh**, answered, I guess I have been working with computers too often. They're more precise.

**Jim Minnick, Director**, answered, I got confirmation that the check box is an error.

**Commissioner Bergh**, asked, It was an error? Ok.

**Chairman Schaffner**, asked, Any other comments from the commissioners?

**Commissioner Castillo**, answered, Mr. Schaffner, Max Castillo.

**Chairman Schaffner**, stated, Yes.

**Commissioner Castillo**, asked, I just wanted to, I must have missed this, but the additional comments that HCD wanted. How much time do they allow us to do that?

**Cynthia Walsh**, explained, So, we are hoping to complete the revisions in the next couple of weeks. And then work with HCD informally before adoption to make sure that we are meeting all of statutory requirements. So the ball is kind of in our court, as far when we want to make those edits, but our plan is to get them done in the next few weeks.

**Commissioner Castillo**, asked, Do you think it is necessary for us to wait before we make our recommendation to the Board of Supervisors?

**Jim Minnick, Director**, answered, No.

**Cynthia Walsh**, answered, I do not think so. I think that these are very minor edits, we are not adding any new programs, it's just very minor clarification and it is all required by state law.

**Commissioner Castillo**, stated, Thank you.

**Chairman Schaffner**, stated, Ok, I'll entertain a motion.

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 Resolution that recommends to the Board of Supervisors the adoption of the Negative Declaration (IS#20-0040) for the General Plan Amendment GPA#20-0004 pursuant to State requirements to update the Imperial County General Plan's Housing Element (2021-2029) as recommended by the Environmental Evaluation Committee (EEC) hearing held on July 15, 2021; to Adopt the Resolution that recommends to the Board of Supervisors to make the finding that the I Imperial County General Plan's Housing Element (2021-2029) is consistent with applicable General Plan and Codified Ordinances; and Adopt the Resolution that recommends to the Board of Supervisors the adoption of the General Plan Amendment that approves the Imperial County General Plan's Housing Element (2021-2029).

**Jim Minnick, Director** stated that GPA20-0004 stands approved by the Planning Commission. There is no appeal since the Board of Supervisors will make decision.

- 2a.** Consideration of **Water Supply Assessment (WSA)** as submitted by Hudson Ranch Mineral, LLC proposing a Water Supply Assessment for the Energy Source Mineral project. The foreseeable planned demands for the sources of water for the Project have been noted in this Water Supply Assessment. . The project is generally located south of McDonald Road, east of Davis Road and north of Schrimpf Road totaling approximately 92 total acres. Assessor Parcel Numbers: 020-100-044, 046 & 025-000. (Supervisory District #4). The Commission took the following actions:

**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 IV**, read the PowerPoint presentation of the project into the record, and presented consultant Corinne Lytle-Bonine to present their PowerPoint presentation.

**Corinne Lytle-Bonine**, read the PowerPoint presentation of the project into the record.

**Commissioner Cabanas**, asked, which were the tribes that requested documents?

**Corinne Lytle-Bonine**, answered, Sorry, none of the tribes requested documents. The two tribes that have standing requests for notification with the county are the Quechan and Torres Martinez. Thank you Dave.

**Chairman Schaffner**, asked, Ok any other comments from the public?

**Commissioner Pacheco**, asked, How many people is this going to employ once you guys are done with the project? Employment.

**Commissioner Schaffner**, directed, Who's going to answer that, someone come to the microphone.

**Victoria Boyd**, introduced herself, and stated, there are projected to be approximately 62 full time on site employees. Yeah, that is the projected 62 employees full time employees.

**Commissioner Cabanas**, asked, These are additional employees?

**Jurg Heuberger**, stated, I'll clarify that in a minute let Marc go first.

**Marc Grand**, asked, Ok, thank you. Is that ok?

**Chairman, Schaffner**, answered, Yeah, go ahead

**Marc Grand**, introduced himself and stated, We just want to add a comment into the record. We're not in opposition to the project in any manner, but we do have mineral rights in the area. So we do want to add a comment into the record, and that comment is, CalEnergy operating corporation is an interested party, as a mineral interest holder, within the project area. We have rights and an interest on these parcels through our mineral interest a non-disturbance agreement is active for parcel 020-100-026 that contain the Hudson Ranch one power plant. CalEnergy operating corporation is in discussions with Energy Source for access to our mineral rights on this project and we hope to reach a bilateral agreement. CalEnergy operating corporation wants to be on record that this conditional use permit is potentially impacting our rights. And that's the comment.

**Jim Minnick, Director**, asked, Can I ask you a question? Can you explain how this is impacting your rights if they are not accessing your minerals?

**Marc Grand**, answered, They are not accessing the minerals, but we may need to access our minerals and so we want to work with them on a non-disturbance agreement.

**Jim Minnick, Director**, answered, Ok, so, that doesn't mean that this project in any way, shape or form, is affecting your rights.

**Marc Grand**, replied, No

**Jim Minnick, Director**, explained, I just want to make sure that the Commissioners understand that. The actions that are being requested here have nothing to do with their mineral rights. I just want to make that this last statement implied that this project that you are going is affecting his rights and this project about mineral recovery. I don't want the record to be clouded to say something to the contrary. I understand surface access and or subsurface access to your rights. But the actions before the planning commission today don't affect your rights.

**Marc Grand**, replied, Yeah, they just want to make sure that we can work out a bilateral agreement.

**Jim Minnick, Director**, answered. That's fine. That's not for this commission to worry about.

**Commissioner Bergh**, asked, Jim who answers the question about the waste? What is being extracted?

**Jurg Hueberger**, introduced himself and state, along with me today I have Vincent Signoretti, Senior Vice President for land acquisitions and mineral leases, and also Nathan Featherstone construction project manager, and as you

all know, Nathans father is the guru for geothermal, for the plants, for both CalEnergy and ours so, both those gentleman are here representing Energy Source and are able to answer some of those questions that I probably can't answer. So, to start with number one I want to thank the commission for the hearing, staff for all the work, and the consultants for all the work they've put into this project to bring us to this point. And we're obviously excited to try to get this project off the ground. So, having said that, there was a question posed about employees, we expect to have between 60-63 full time project related employees. Including the shift, you know there's like 40 onsite at any one time type of arrangement, but 60. In addition to that, there will be a significant number of ancillary people involved, obviously we have a large number trucking, truck drivers, hauling materials in and out, suppliers and various other ancillary that we can go into more detail on if you want, but that's pretty much the answer to the first question that was posed as far as number of employees. Jim has already somewhat clarified the issued with CalEnergy and we already have an agreement for HR1, which is Hudson Ranch Power, and it will be no different, but again as Jim pointed out this is strictly a surface project. We're not drilling any wells; we're not taking any additional minerals. The way this process works, is we are simply taking the brine that's coming up going into Hudson Ranch 1 and putting it through one additional loop of processing and then back to Hudson 1 for reinjection down into the resource. So, we're not mining, we're not doing anything other than taking the brine that's already going through our plant, at Hudson 1; and in effect if you want to look at this real simplistically, as I think most of you on the commission know, when we process the brine, we take a certain amount of...I was going to say something, but I'll call it stuff out of the brine and it predominantly iron and silica. Ok, and right now, we take out about two truckloads per day of iron/silica that we have to dispose of. This process will require us to take virtually all of that out of the brine, in order to process it for the mineral extraction; so we will be taking out four to five times more; and in effect what I am getting at is that the material that we will then be reinjecting is that much cleaner going down hole back into the resource. So, I just wanted you to understand the process a little bit, and with that we will be, like I said, the three of us are here to answer any other questions you have. I'm sure you have some Mr. Bergh.

**Commissioner Bergh**, asked, Yeah, what you are not reinjecting back in and not extracting the minerals out of it, what happens to that? What I would consider waste.

**Jurg Heuberger**, answered, So, like I said, the predominant quantity of waste is silica with substantial amount of iron, some arsenic and various other minerals. So, that material if it passes California standards, we can take it to the Burrtec landfill in Salton City, if it doesn't pass we have to run two tests; STLC and TTLC. Ironically, because of the way the California tests are structured we will be using citric acid the arsenic and lead are our two culprits, if you will, that causes to fail the tests most often. We've gotten the process now to where I want to say out of 100 hundred trucks we only fail maybe two. So, most of the silica, sand, and iron material, which is the waste as you point out Mr. Bergh, is right now going to Burrtec if it cannot go into California, then it goes to Wellton Arizona, which is just across the state line there East of Yuma as you know. That's where our trucks generally have gone in the past, but like I said, recently, we have be able to manage the process and pass the California tests we've contracted with Burrtec, which also the county gets a tipping fee as well.

**Commissioner Bergh**, stated, Yeah I know.

**Jurg Heuberger**, replied, So, that's where the waste goes and then the regular sort of quote "municipal waste" goes to regular landfill.

**Vice Chairman, Kalin**, asked, You are using 32,000 acre ft. water annually, I believe, it's close to that number. What's that being used for?

**Jurg Heuberger**, replied, Ok, as I said I have Nathan Featherstone who's the guru. I am going to let him answer that. I can give you an answer but he is much more precise than I am.

**Vice Chairman, Kalin**, asked, I wonder if you could also answer that's about a 9 acre foot order, on head, 365 days

a year. Does IID have the infrastructure to be able to make that delivery without impacting the other farmers on that canal?

**Jurg Heuberger**, answered, The short answer is yes but to clarify that further Mr. Kalin, at the present time Hudson Ranch receives all of its water through the old lateral. With this project we are also going to be tying into the end lateral which is South of the current project site. There's two reasons for that, one as you stated quantity water coming down on a routine basis. The other is, as you know, IID outages can last three to five days and we have a capacity to store three to five days but anything beyond that would put us at risk. So, for both reliability reasons and continual service reasons we are going to tie into both the old and end lateral. Ok, so Nathan if you could explain the process water to Mr. Kalin.

**Nathan Featherstone**, elaborated, Yeah, the process water usage for our ATLiS project is we got a couple of uses of the water; cooling for one, dilution and we also have evaporation as that going to happen in the crystallization of evaporation process which is all process related to extracting lithium hydroxide out of the geothermal brine.

**Vice Chairman, Kalin**, asked, So will you have any affluent?

**Nathan Featherstone**, answered, Zero,

**Vice Chairman, Kalin**, repeated, Zero.

**Nathan Featherstone**, explained, Everything that was the affluent that was going back into the injection in the geothermal wells is, will continue. We are extracting the mineral, but we do have the additional requirement of water for process.

**Vice Chairman, Kalin**, asked, So everything else is evaporation?

**Nathan Featherstone**, answered, Via cooling towers and process and we also have dilution for the process as well.

**Vice Chairman, Kalin**, stated, Thank you.

**Chairman Schaffner**, stated, Any other comments or questions? If not I'll entertain a motion.

**Vice Chairman, Kalin**, asked, I do have a question on the resolution for the water availability, section 2 item number 6, refers to the Imperial Irrigation Districts' equitable distribution plan, IID does not have an equitable distribution plan today, it was struck down by the courts. So, I don't know if we need to strike that clause or statement or not? Mr. Minnick you were referring to title 9, the county's prioritization of water deliveries.

**Jim Minnick, Director**, answered, Yeah, that has to do more with groundwater than anything else.

**Vice Chairman, Kalin**, replied, Ok.

**Jim Minnick, Director**, stated, We can strike that down.

**Vice Chairman, Kalin**, replied, Ok.

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 approve the Resolution, with Findings for the Water Supply Assessment after bullet point number 6 in section 2 is eliminated on agenda item 2a only.

**2b.** Consideration of **Final Environmental Impact Report (SCH 2020120143)**, for the environmental review of the Energy Source Mineral project (ATLiS) that includes a Mineral extraction project. The project is generally located south along McDonald Road, east of along Davis Road and north along Schrimpf Road, Calipatria, CA totaling approximately 92 total acres. Assessor Parcel Numbers: 020-100-044, 046 & 025-000. (Supervisory District #4). The commission took the following action:

Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh**, on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Pacheco (yes), to approve the resolution, with Findings for the Final Environmental Impact Report (SCH #2020120143); and approve the Findings of Fact for Energy Source Mineral Project (ATLiS) (SCH #2020120143)

**2c.** Consideration of **Mitigation Monitoring & Reporting Program (MM&RP)** as submitted by Hudson Ranch Mineral, LLC for the Energy Source Mineral project (ATLiS). A mitigation monitoring and reporting program (MM&RP) will be required pre-construction, during construction and during operational phases of project to ensure that the mitigation measures identified in the EIR are implemented. The project is generally located south along McDonald Road, east of along Davis Road and north along Schrimpf Road, Calipatria, CA. totaling approximately 92 total acres. Assessor Parcel Numbers: 020-100-044, 046 & 025-000. (Supervisory District #4). The commission took the following action:

Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh**, on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Pacheco (yes), to approve the resolution, with findings for the Mitigation Monitoring and Reporting Program.

**2d.** Consideration of **Conditional Use Permit (CUP #20-0008)** as submitted by Hudson Ranch Power I, LLC proposing conditions of approval for the Energy Source Mineral Project (ATLiS project). Assessor's parcel numbers: 020-100-044, 046 & 025. The project is generally located south along McDonald Road, east of along Davis Road and north along Schrimpf Road, Calipatria, CA totaling approximately 92 total acres. (Supervisory District #4). The commission took the following action:

Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh**, on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Pacheco (yes), to approve the resolution for Conditional Use Permit #20-0008, subject to the conditions of approval.

**2e.** Consideration of **Parcel Map #02485** as submitted by Hudson Ranch Power I, LLC proposing a minor subdivision for the Energy Source Mineral Project (ATLiS project). Assessor's Parcel Numbers: 020-100-044, 046 & 025. The project is generally located south along McDonald Road, east of along Davis Road and north along Schrimpf Road, Calipatria, CA totaling approximately 92 total acres. (Supervisory District #4). The commission took the following action:

Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh**, on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes) and Pacheco (yes), to approve the resolution, with findings for Parcel Map #02485, subject to the conditions of approval.

**Jim Minnick, Director** stated that PM02485/CUP20-0008 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 **Notice of Violation #01106 Code Enforcement for Ronald Gist** as submitted by the County of Imperial County Counsel's Office, regarding the accumulation of miscellaneous items, abandonment of the property, and creating a public nuisance. The project site is located at 2149 W. G Street, Winterhaven, CA, on property identified as Assessor Parcel Number 056-273-001-000, and is further described as Lot 1 and 2, of Block 6, of the Townsite of Winterhaven Original Map 3-25. (Supervisory District #1). The commission took the following action:

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

**Jeanine Ramos Planner I**, presented the PowerPoint presentation of the project into the record, and presented County Counsel Faye Winkler to read the project summary.

**Faye Winkler**, presented the remaining slides of the PowerPoint presentation.

**Chairman Schaffner**, commented, The only comment I want to make is that on Google Earth it looks way worse than your pictures. There's a lot of trash there.

**Commissioner Bergh**, asked, You never established who Renee is?

**Faye Winkler**, replied, No.

**Commissioner Bergh**, replied, She signing for him.

**Faye Winkler**, stated, Yes, I believe she is a member of the family. She said at one point she had access to the PO Box but she said that she no longer has access to the PO Box and no longer has contact to Mr. Gist.

**Commissioner Bergh**, asked My only question is, why did the county let this go this long? Without having any kind of response. This totally, for a legal standpoint, I can't say the word. I can't believe he was allowed to do this, this long period of time. There must be rodents and everything else in that stuff.

**Faye Winkler**, explained, So when he received the property in 2017, things were a little shaky. In 2018, the fire department did go out multiple times as well as the planning department sent a notice. In 2019, as demonstrated in the chronology that is in your project packet we did have some one from Behavioral Health Services approach the planning department to try to get the property into compliance for Ronald Gist. However, because he was not the property owner of record, that man that came, we informed Behavioral Health Services that we can assist Ronald Gist in getting the property in getting the property into compliance, but that we would need the individual to come in as the property owner. So, we expected something to happen, nothing really did so, in 2020 we started the process over. But, as everyone knows COVID hit, and there also was the fire in Niland which took a lot of the time and resources away from the fire department to attend to this matter, and now that things have settled down we have started the process all over again.

**Commissioner Bergh**, commented, So, essentially, it's going to cost the taxpayers in this county to rectify that for land that probably is not even worth it.

**Fay Winkler**, replied, Well we have some ideas as far as cost go. Because that was kind of our thinking as well and we wanted to make this as smooth and efficient a process as possible. So we are in the process of researching grants that are available to help with these types of properties, for hauling services. We have also contacted a volunteer organization, Team Rubicon, who has helped us with the Niland fires and the cleanup, who said they would volunteer their time to assist us in this type of cleanup. And lieutenant Loper has also identified a way in which we can get the extra vehicles removed at no expense to the county.

**Commissioner Bergh**, asked, So in other words, once its cleaned up he can't come back and claim it. You are going to already have it.



**Faye Winkler**, answered, No, it's still his property. We have no rights to it.

**Commissioner Bergh**, asked, So you are doing a good cleanup job for him?

**Faye Winkler**, replied, That's the best we can do.

**Commissioner Castillo**, asked, It seems awful strange to me that it's taken this long to get a small matter like that taken care of. Is there some way that all these notices, that have been posted, would have you, are they really necessary? A single notice is that adequate to get things started. I feel sorry for the neighbors that have had to endure all this time. Is there some way that it could be shortened up without having to go back, and back, and back, and back and take all this time, cost, money and effort.

**Faye Winkler**, replied, Unfortunately not, the land use, or Imperial County land use ordinance has a very specific process that we have to follow. Which includes multiple notices, multiple inspections and timeframes in which we have to operate under. As well as the fire code.

**Commissioner Bergh**, asked, If the COVID wasn't here then would have the process speeded up?

**Faye Winkler**, answered, Yes, the process would have speeded up and also I didn't mention this previously, but I probably should now, we did try and go through receivership. Similar to the mine hotel, that kind of happened, that's fresh in everyone's mind, we did do some research to that, because that could have been to no cost to the county. But unfortunately, the receiver did research and it didn't pencil out for him. So.

**Steve Taylor**, introduce himself and stated, I was a fire chief for Winterhaven and I have been working on this property for almost 10 year now and to the point where the fire department to a trash can of 40 roll away in his front yard offered to help him get the stuff out there. Not only that he's got a history with the Sheriff Department, he's mentally unstable. I've tried your health department, environmental stuff like that; there is no water, there is no power, there is no sewer. He urinates and he defecates in his property and you can smell from my house. I just, I don't think that giving this guy 45 days, when you start issuing the citations. He started taking over the property next to him that belong to his aunt. Now that things full of trash. It's just unreal the amount of hassle I've had to put up with, since probably since 2009. And we tried helping him cleaning it up when I was with the fire department and nothing.

**Chairman Schaffner**, asked, Is that the one on the other side of the fence?

**Steve Taylor**, answered, Correct.

**Chairman Schaffner**, replied, It doesn't have buildings. It's all just trash.

**Steve Taylor**, confirmed, It had a building at one time, but it burned down.

**Chairman Schaffner**, replied, Yeah that almost looks worse than the other one. Anyway.

**Steve Taylor**, explained, I actually took money out my pocket to clean the property next to mine. You because the weeds are 10 ft. tall. You know, anyways I'd like to thank the planning/zoning department and the fire department for getting it to this point. It has been a hassle for a long time. I catch that guy burning in the middle of the night, to the point where we had to put a camera to try and catch him burning. I'm sure the fire department is responded to numerous fire there throughout the years so. But anyways I'd like to thank the commissioners.

**Chairman Schaffner**, stated, Any further comments. If not, I'll entertain a motion.

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 declare that storage of the two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, and overgrown vegetation on a residential lot (R-1 Zone) to be a violation pursuant to 2019 California Fire Code; to declare that storage of the

two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, and overgrown vegetation on a residential lot (R-1 Zone) to be a violation pursuant to Imperial County Land Use Ordinance Title 9; to direct the owner(s) Ronald Gist to abate the conditions on the property within forty-five (45) days of this Decision; to grant permission to the enforcement officer to have the conditions abated on the property and place a lien on the property for costs incurred if property owners fail to come into compliance within forty-five (45) days; and to declare that due to the above-mentioned violations and that no action by the property owner has been taken to bring the property into compliance, the conditions of the property constitute a public nuisance.

**Jim Minnick, Director** stated that NOV01106 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 10:01 a.m.



Submitted by Rudy Schaffner  
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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