

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
August 23, 2023**

The Imperial County Planning Commission convened a Meeting on Wednesday, August 23, 2023 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

**Staff present:** Director, Jim Minnick, Assistant Director, Michael Abraham / Planning Division Manager, Diana Robinson, Planner I, Gerardo Quero, Planner II Derek Newland, Planner IV David Black, Planner I Rocio Yee, Clerks- Laryssa Alvarado & John Robb.

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

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

II. **Pledge of Allegiance:**

III. **Public Hearings**

1. **Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **July 12, 2023** meeting as submitted by staff; **Commissioner Kalin** made motion to approve minutes seconded by **Commissioner Bergh** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes) Pacheco (yes) to approve minutes as they stand.

2. Consideration of **Lot Line Adjustment #00330** as submitted by William Dubois, who is requesting to adjust the boundary line between Parcel A and Parcel B to correct an encroachment of Parcel A's driveway on Parcel B's property. Parcel A with Assessor's Parcel Number 052-240-060-000 (801 West Ross Road, El Centro, CA 92243; Supervisory District #2) is legally described as Parcel 1 of Parcel Map #610 of Tract #119, Township 16 South, Range 14 East, S.B.B.M.; Parcel B with Assessor's Parcel Number 052-240-061-000 (1791 Nichols Road, El Centro, CA 92243; Supervisory District #2) is legally described as Parcel 2 of Parcel Map #610 of Tract #119, Township 16 South, Range 14 East, S.B.B.M.; [Gerardo A. Quero, Planner I at (442) 265-1736, extension 1748 or via email at [gerardoquero@co.imperial.ca.us](mailto:gerardoquero@co.imperial.ca.us)]

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

**Gerardo Quero, Planner I;** Read the PowerPoint Presentation of the project into the record.

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

**Taylor Preece, Representative;** Introduced himself.

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

**Taylor Preece, Applicant;** Stated that they read and agreed with everything and had no further questions.

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

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

**Jim Minnick, Director;** Stated **Agenda Item #2** stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

3. Consideration of **Lot Line Adjustment #00331** as submitted by Carson Kalin proposes to adjust the boundary between Parcel 1 (035-210-010-000) and Parcel 2 (035-210-011-000) to separate the existing actively farmed agriculture land from the existing feedlot and grain silos on Parcel 2. The proposed adjustment would move the western boundary of Parcel 2 +/- 1,000 feet east and would transfer +/- 29.59 acres to Parcel 1. The result of the adjustment would create one (1) parcel of agricultural fields (proposed Parcel A) and 1 parcel of only developed land containing the feedlot and grain silos (proposed Parcel B). These properties are legally described as the West Half of Tract 78 and the East Half of the North Half of Tract 78, T13S, R13E, S.B.B.M. (035-210-010-000) and The South Half of the East Half of Tract 78, T13S, R13E, S.B.B.M. (035-210-011-000; (5300 Kalin Road, Brawley, CA 92227; Supervisorial District #4) [Derek Newland, Planner II at (442) 265-1736, extension 1756 or via email at [dereknewland@co.imperial.ca.us](mailto:dereknewland@co.imperial.ca.us)]

**Commissioner Kalin,** I am excusing myself because I have a little bit of a conflict.

**Jim Minnick, Director;** Gave a brief description of the project, and introduced **Derek Newland, Planner II,** to read the project into the record.

**Derek Newland, Planner II;** Read the PowerPoint Presentation of the project into the record.

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

**Taylor Preece, Representative;** Introduced himself.

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

**Taylor Preece, Representative;** Stated that he read and agreed with the project report.

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

**Commissioner Pacheco:** Have the conditions been approved by the IID with the tile?

**Jim Minnick, Director:** That is kind of a correction. Actually, the IID does not control tile. Those are on private property.

**Commissioner Pacheco:** So then, it should not be on there?

**Jim Minnick, Director,** It should not be on there. We did check with the property owner and the Lot Line Adjustment will not affect tile lines. The Lot Line Adjustment is shrinking down to where the feedlot is and it doesn't have tile lines underneath.

**Commissioner Pacheco:** So we are good to go?

**Jim Minnick, Director:** Actually, we are improving the situation with the tile lines in the property.

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

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

**Jim Minnick, Director:** While we are waiting for the next agenda item, I do need to do a little housekeeping. As you know we are currently seated nine commissioners, six of you have shown up for the day. In order to have a motion pass, you have to have at least five of your six votes.

**Chairman Schaffner:** Okay

4. Consideration of **Conditional Use Permit #23-0003** as submitted by Edwin & Mary Mealey, who are proposing to construct a second (2<sup>nd</sup>) Dwelling Single Family Residence within an existing 5,000 square feet (100' x 50') metal storage warehouse. The 2<sup>nd</sup> dwelling will be constructed within the metal storage warehouse disturbing only 1,938.5 square feet of the existing 5,000 square feet storage warehouse on property legally described as Lot 1 Green Acre West-TR 902 Por Tr 144 16-14. The property is also known as Assessor's Parcel number (APN) 054-403-011-000 (1805 Bass Cove Rd, El Centro, CA 92243), (Supervisory District #5) [Evelia Jimenez, Planner II at 442-265-1736, extension 1747 or by email at [ejimenez@co.imperial.ca.us](mailto:ejimenez@co.imperial.ca.us)].

**Jim Minnick, Director;** Gave a brief description of the project, and introduced **Evelia Jimenez, Planner II**, to read the project into the record.

**Evelia Jimenez, Planner II;** Read the PowerPoint Presentation of the project into the record.

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

**Cecilia Vogel, representative,** introduced herself.

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

**Cecilia Vogel, Representative;** Stated that he read and agreed with the project report.

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

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

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

5. 5a. Consideration of Water Supply Assessment (WSA) as submitted by APEX Energy Solutions, LLC proposing a water well for construction and operations for the proposed VEGA SES 2, VEGA SES 3, SOLAR ENERGY projects. This Water Supply Assessment has determined that adequate supply is currently available during normal water years. The foreseeable planned demands for the sources of water for the Project have been noted in this Water Supply Assessment. The proposed Project site is located on one parcel (APNs 025-

010-006-000, 025-260-011; 025-270-023-000, 025-260-019; 025-260-022-000). The projects are located southeast of the Town of Niland east of East Main Canal. (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)].

5b. Consideration of Water Supply Assessment (WSA) as submitted by APEX Energy Solutions, LLC proposing a water well for construction and operations for the proposed VEGA SES 5, SOLAR ENERGY projects. This Water Supply Assessment has determined that adequate supply is currently available during normal water years. The foreseeable planned demands for the sources of water for the Project have been noted in this Water Supply Assessment. The proposed Project site is located on one parcel (APNs 025-010-006-000, 025-260-011; 025-270-023-000, 025-260-019; 025-260-022-000). The projects are located southeast of the Town of Niland east of East Main Canal. (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5c. Consideration of Final Environmental Impact Report (FEIR 2021050013) and Findings, Consideration of the VEGA SES 2, VEGA SES 3, & VEGA SES 5 SOLAR ENERGY projects Environmental Impact Report (FEIR) that includes reviews of WSA, Mitigation Monitoring & Reporting (MM&RP) Program, CUP20-0021, CUP20-0022, CUP 20-0023, CUP22-0025 CUP22-0026 & CUP 22-0027. The projects propose to generate approximately 350 MWs of solar and up to 700 MW of battery storage. The proposed Project sites is located on parcels (APN 025-010-006-000, 025-260-011; 025-270-023-000, 025-260-019; 025-260-022-000). The projects are located southeast of the town of Niland, along the East Main Canal on approximately 1963 privately owned lands (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5d. Consideration of Mitigation Monitoring & Reporting Program (MM&RP), for the VEGA SES solar energy projects. A mitigation monitoring and reporting program for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment (CCR §15097). This program will be designed to ensure that these measures are carried out during project construction and operation. The proposed Project site is located on parcel (APNs 025-010-006, 025-260-011; 025-270-023-000, 025-260-019; 025-260-022-000,). The projects are located southeast of the town of Niland, along the East Main Canal on approximately 230 privately owned lands (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5e. Consideration of Conditional Use Permit (CUP) #20-0021 for the Vega SES 2 solar energy Project- 240 MW solar generation (PV) and up to 480 MW battery storage facility on approximately 1,483 acres, located on parcels (APNs 025-260-011; 025-010-006 & 025-270-023-000). The project is located southeast of the town of Niland, along the East Main Canal. (Supervisor District #3) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5f. Consideration of Conditional Use Permit (CUP) #20-0022 for the Vega SES 3 solar energy Project, which is an approximately 60 MW solar generation (PV) and up to 120 MW battery storage facility. (APNs 025-010-006). The project is located southeast of the town of Niland, along the East Main Canal on approximately 230 privately owned lands (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5g. Consideration of Conditional Use Permit (CUP) #20-0023 for the Vega SES 5 solar energy Project, which is an approximately 50 MW solar generation (PV) and up to 100 MW battery storage facility. (APNs 025-260-019; 025-260-022-000). The project is located southeast of the town of Niland, along the East Main Canal on approximately 250 privately owned lands (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5h. Consideration of Conditional Use Permit Water well (CUP) #22-0025 for the Vega SES 2 for the approval of a water well for the construction and operations of solar and battery operations. (APNs

025-270-019 & 023-000). The project is located southeast of the town of Niland, along the East Main Canal. (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5i. Consideration of Conditional Use Permit Water well (CUP) #22-0026 for the Vega SES 3 for the approval of a water well for construction and operations of solar and battery operations. (APNs 025-010-006). The project is located southeast of the town of Niland, along the East Main Canal. (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

5j. Consideration of Conditional Use Permit Water well (CUP) #22-0027 for the Vega SES 5 for the approval of a water well for construction and operations of solar and battery operations. (APNs 025-010-006). The project is located southeast of the town of Niland, along the East Main Canal. (Supervisor District #4) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)]

**Jim Minnick, Director;** Gave a brief description of the project, and introduced

**David Black, Planner IV,** to read the project into the record.

**Jim Minnick, Director:** Okay we are going to start with the environmental. Tim Gnibus will read through the environmental part of the project.

**Tim Gnibus, Consultant:** Good morning Chairman and members of the commission, Tim Gnibus with HDR Environmental Consultant to the County. Let's see, we've got a PowerPoint here. Mr. Black was going to cover the initial slides but what I would like to do is jump over if I can to the environmental review process. Keeping in mind, we will go through the project description a little bit more detailed. This part of the presentation just to note to the commission that the project was reviewed pursuant to the California Environmental Quality Act with Environmental Impact Report. That is before you today. The final EIR is part of your approvals. The scoping occurred back in May of 2021 with the Notice of Preparation occurring May-June 2021. The draft EIR was released for public review in December 2022 till February 2023. At the request of the Bureau of Land Management, public review was extended an additional 30 days to March 3<sup>rd</sup>. Six comment letters were received in response to the draft EIR. Those agencies are listed below. The final EIR includes detailed responses to all those comment letters and any revisions that we needed to make to the final EIR. Then of course, the Mitigation Monitoring Reporting Program and CEQA findings are also part of your approval package today. Environmental issues analyzed in the EIR, comprehensive document, this slide lists all the issue areas that were studied. With respect to conclusions, no significant impacts or less than significant impacts for the following issue areas. The EIR identified significant but mitigatable impacts with respect to agricultural resources. I just want to point out that on that particular topic the project sites are not located in agricultural lands. It is just a mitigation measure for pest control management for one of the CUP areas that is in relative proximity to an existing agricultural field. Air quality with respect to dust control. There is biological resources, mitigation measures, a lot of pre-construction and construction monitoring requirements. The same with respect to cultural resources. Also, then some geology and soils, hydrology and water quality significant but mitigated impacts. That concludes my presentation. I am here for any questions then I will pass it back to Mr. Black.

**David Black, Planner IV:** reads project into the record

**Jim Minnick, Director:** This morning we also received a request from the applicant to amend Vega CUP for Vega 2. A copy of that has been provided to you. I will let the applicant explain why there are changes.

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

**Jurg Heuberger, representative:** introduced himself.

**Jurg Heuberger, representative:** As Jim pointed out, we did have a request probably be it a little late and took some time to reconcile with prior projects. So Jim I don't know if you want me to go through those or are you guys going too?

**Jim Minnick, Director:** You go ahead and go through yours and we will go through ours. So S-3 would be the first item?

**Jurg Heuberger, representative:** Yes, so the first item would be S-3. We are simply asking that the whole section be deleted. The reason behind this is that if you will recall when we were here a couple months ago on Vega 4, we brought to your attention that there was a new policy that the Board of Supervisors had passed I think in May. Basically, requesting \$600 per acre per year as offset mitigations for everything for all the different fees. Our understanding has been to consolidate all the different requests by the various departments into this sort of generalized fee. So this section here deals with prime farmland, again it is an offset mitigation that should be covered, and on top of that, there is no farm ground on these projects anyway. So we are asking that section be removed because right now it is duplicated if you look at the fee that is being charged at \$600 an acre.

**Chairman Schaffner:** No last minute fire trucks?

**Jurg Heuberger, representative:** We have already bought a firetruck, we have already bought a road grader, and we are asked to pay \$600 an acre, which amounts to \$26 million for this project.

**Jim Minnick, Director:** In regards to this condition, Rosa Lopez from CEO's office is here if you have any questions with modifying.

**Commissioner Kalin:** The last project that I think Dave was mentioning is zoned A-2/3. The stuff on the south side?

**Jurg Heuberger, representative:** A portion of Vega 5, yes.

**Commissioner Kalin:** And how long has it been since that has been farmed, roughly? Do we know?

**Jurg Heuberger, representative:** At least 15-20 years.

**Commissioner Kalin:** Okay thank you.

**Jurg Heuberger, representative:** As far as we know, I mean it does not look like it's ever been farmed. I won't say never.

**Commissioner Kalin:** It looks like it might have been at some point. Okay, thanks.

**Jim Minnick, Director:** Okay the next one is S-24, unless I skipped one.

**Jurg Heuberger, representative:** So S-24 says compliance with Caltrans; we are 10 miles from the nearest Caltrans road. There is no need for any permits from Caltrans other than if we have heavy loads, which is a standard requirement anyway on all highways. But this condition just seems frivolous.

**Jim Minnick, Director:** Staff has no problem with that and appreciates the fact that the applicant did read that.

**Commissioner Cabanas:** So you are okay with that Jim?

**Jim Minnick, Director:** Yeah. The next one is S-26, fire protection.



**Jurg Heuberger, representative:** Yeah so that one is just a duplication of the two conditions that are identical. I believe if I am looking at the right one.

**Jim Minnick, Director:** Yes, six and seven are identical.

**Jurg Heuberger, representative:** Yes, the same condition is repeated twice. We are just saying to get rid of one of them.

**Commissioner Kalin:** It is a duplicate?

**Jurg Heuberger, representative:** Yes

**Jim Minnick, Director:** We will take it out

**Commissioner Cabanas:** Is that it?

**Jurg Heuberger, representative:** So we did have one additional item that we noticed this morning and not necessarily asking that it be changed. We are just asking for clarification and that would be under the public services section that is on page 18 on ours. I believe its S-10 well I can't tell. Its item S-10 public services. Again, we have a section that says permittee shall compensate the county for the department of environmental health and the department shall compensate the Sheriff's office. Again, based on the ongoing discussions that have been held with the CEO's office and Vega 4 which have not been concluded as of today anyways. It is our understanding that \$600 is supposed to cover all of these fees. If that is true and again, I am not a party to the negotiations with the CEO's office but if that is correct, then this would be a duplication.

**Jim Minnick, Director:** Ms. Lopez is in the audience she can address that concern that's not part of land use.

**Chairman Schaffner:** Would you like to comment on that?

**Rosa Lopez, Executive Office:** So for clarification the \$600 per acre fee, I just want to make it clear there are items that are under the environmental mitigation that belong in the environmental section. Some of them will include for time and services provided by the individual county departments. As far as the \$600 fee, that again is to replace the community what was previously called the community public benefit fee, which includes the community public benefit fee and the AG benefit fee. So that is what is replaced. We are still working on finalizing the Vega 4 public service agreement and we anticipate that what we currently have, what was approved by the Board on May 2023 it will stand. But we do request that this language remain as is and no modifications occur.

**Chairman Schaffner:** Mr. Heuberger, is that the way you understand it?

**Jurg Heuberger, representative:** Nope.

**Chairman Schaffner:** You don't look too happy.

**Jurg Heuberger, representative:** You know what to be honest with you, it is not my money it is my client's money and if he was standing here, I can guarantee you he would not be looking happy that is true. The negotiations like I said and Rosa, I have not been included in your negotiations with your office. Our understanding or at least what I was told is that the \$600 would cover everything. That's why I asked for clarification on this because apparently it does not. I will relay that to the client. They can go back to the CEO's office and continue their negotiations.

**Commissioner Cabanas:** When those negotiations from the previous one will be completed, will they apply to these projects exactly?

**Rosa Lopez, Executive Office:** We are hoping soon.

**Chairman Schaffner:** It has to go to the Board of Supervisors, I hope.

**Rosa Lopez, Executive Office:** Exactly. I know it's a simple answer

**Chairman Schaffner:** It is late in the game to be doing negotiations.

**Jim Minnick, Director:** If we leave it in and they negotiate it into exactly how \$600 covers, I am assuming it covers this aspect of it. A letter of amendment through my office would identify that has been achieved through this other mechanism. If we take it out and it did not get covered then it would be deficient to the county.

**Commissioner Cabanas:** Then we have to be back in here?

**Jim Minnick, Director:** We can always say look this applies to the \$600 and then if there's not an additional we can add the document in here, but if we removed it then we have to go through this whole process to add it back.

**Jurg Heuberger, representative:** Jim, these projects still go to the Board right?

**Jim Minnick, Director:** Yes sir. I am assuming that it doesn't get resolved by the time it gets to the Board. If it gets solved by the time it gets to the board, then we'll amend this document to reflect what the Board says and leading up to the Board we will fix this.

**Jurg Heuberger, representative:** Well I was just going to say from our standpoint since this goes to the board anyway then we can leave it in.

**Jim Minnick, Director:** Yes that is what I am saying.

**Jurg Heuberger, representative:** We will ask the board to take it out or they can say yay or nay based on the negotiations. Then the last item that we would request of course is that the 3 CUP's that you have in front of you, be modified consistently throughout, with the same requests that we made on Vega to here. Not to bore you with going through all three CUP's separately, I think that would be fine.

**Commissioner Cabanas,** There will be three administrative changes

**Jim Minnick, Director:** What we are going to do is if the Board approves the requested actions on Vega 2 regarding S-3, S-24, S-26 we will make those changes on the other two, perhaps double check to make sure all three of those issues are in the other two CUP's. That is your decision on making that recommendation. Given a few minutes, we can double check it or we can resume.

**Chairman Schaffner:** Let your client know that it was not the Planning Commission's idea.

**Jurg Heuberger, representative:** I think he is well aware of that

**Chairman Schaffner:** It gets messed up before it gets here, probably afterwards

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



**Commissioner Kalin:** Jim or maybe Mr. Heuberger, the specific conditions that we wanted to change were S-3, S-24, and S-26?

**Jurg Heuberger, representative,** Okay and again the language in all 3 be identical as this one is.

**Commissioner Kalin:** Made a motion in favor of item 5a seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5b seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5c seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5d seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5e with corrections for Specific Conditions #3,#24,#26 seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5f with corrections for Specific Conditions #3,#24,#26 seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5g with corrections for Specific Conditions #3,#24,#26 seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Question on 5h, are the conditions #3,#26,#24 in this conditional use permit? I don't think they are. Are they?

**David Black, Planner IV,** No.

**Commissioner Kalin:** Made a motion in favor of item 5h seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5i seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Commissioner Kalin:** Made a motion in favor of item 5j seconded by **Commissioner Bergh** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Wright (yes), Pacheco (yes).

**Jim Minnick, Director;** Stated **Agenda Item #5a-5j** stands approved for recommendation to the Board of Supervisors. There is no appeal on this decision.

**Jurg Heuberger, representative:** Thank you very much to the commission and I would like to personally thank David Black and Jim for their patience and endurance on this project. And Dave, you've been served. It's the documents that you asked for. Thank you.

#### **IV. Public Comments, NONE**

#### **V. Planning Commissioner Comments,**

**Chairman Bergh:** Previously I asked about the Lithium Battery disposal project, is there anything in the County because there are many electric cars out there. They're gonna have to have their batteries replacements so where are these batteries going to go or where are they going to be stored until the county figures out what they are going to do with it?

**Chairman Schaffner:** There is a project in Holtville that was bought to do that. I do not know if they moved forward with it yet or not but I see a little bit of stuff moving not much.

**Jim Minnick, Director:** Yes, Rudy said there was a project out in Holtville that was going to be allowed to dismantle the battery, grind it up but not process the components. So it's just a collection of grinding them and it hasn't gone forward to my knowledge.

**Commissioner Bergh:** Where is it going to go from there? Landfill? Disposal?

**Jim Minnick, Director:** They separate the materials, the metals from the minerals and then the metals get recycled or landfilled and the minerals go to another processing plant where they then treat it so they can then separate those minerals, the lithium and the different components. That is what they said to us.

**Commissioner Bergh:** And that is being controlled by the County?

**Jim Minnick, Director,** It would be controlled by the County to the extent of what they are doing. If they were processing the material, that would be an entirely different animal. They are just doing the grinding not the chemical process

**Commissioner Bergh:** So the county is watching them is what I am saying?

**Jim Minnick, Director:** Yes sir. We are in the process of doing a Lithium Valley Specific Plan that will go into more detail whether or not we allow recycling and to what extent. With that plan, it would also identify things such as developing cathodes, and anodes for the process for the creation of batteries as well. So the cradle degree of a battery is to be contemplated

#### **VI. Director Comments,**

**Jim Minnick, Director:** Yes, I have a couple. First, the Planning Division Manager is going to come up and introduce the new planner and then I will talk after this.

**Diana Robinson, Planning Division Manager,** Good morning Commissioners, I would like to introduce to you Rocio Yee. She is our new planner.

**Chairman Schaffner,** Welcome

**Rocio Yee, Planner I,** Thank you.

**Jim Minnick, Director,** You are lucky. Usually they make you stand up and speak about who you are, where you came from, your date of birth.

**Commissioner Cabanas,** Yeah before we put you through some misery in here with questions, we want to know more about you.

**Chairman Schaffner,** Tell us something about yourself.

**Rocio Yee, Planner I,** Well my name is Rocio Yee.

**Chairman Schaffner,** That is good enough

**Rocio Yee, Planner I,** All right. Sounds good to me.

**Chairman Schaffner,** See I let you off the hook unless you want to speak more. Are you a local?

**Rocio Yee, Planner I,** Yes from Calexico.

**Jim Minnick, Director,** The longer you are here with us you are more local.

**Chairman Schaffner,** You know this is the best planning commission in the state of California, right?

**Rocio Yee, Planner I,** Yes of course.

**Chairman Schaffner,** They are all good people here.

**Rocio Yee, Planner I,** Thank you guys

**Chairman Schaffner,** Thank you very much

**Jim Minnick, Director,** Okay last thing. The California County Planning Commission Association Conference is coming up on October 6<sup>th</sup> & 7<sup>th</sup> in. Do you remember the name of this?

**Commissioner Kalin,** What?

**Jim Minnick, Director:** The name of this place in California

**Chairman Schaffner,** Black Sutton?

**Commissioner Kalin,** Tuolumne

**Jim Minnick, Director,** Yes, Tuolumne

**Chairman Schaffner,** Oh that is the casino black something?

**Jim Minnick, Director,** It's going to be held at the Black Oak Casino resort. I have funding that I can handle two planning commissioners if you want to attend. I highly recommend it, you decide who you want to send to go but it is October 6<sup>th</sup> and 7<sup>th</sup>. County will cover the cost of going up there, coming back, per diems as well as the event.

**Commissioner Kalin,** It's gonna be informational

**Chairman Schaffner,** Carson is thinking about it

**Commissioner Pacheco**, Any casino chips?

**Chairman Schaffner**, This might be a set up I don't know

**Chairman Schaffner**; adjourned meeting.

**IX. Adjournment:** Meeting adjourned at 9:45 a.m.

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Submitted by Rudy Schaffner  
Chairman of the Planning Commission

Attest:

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Jim Minnick, Director of  
Imperial County Planning Commission

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