

PLANNING COMMISSION AGENDA

COUNTY OF IMPERIAL

COMMISSIONERS:

Chairman: Rudy Schaffner
Vice Chairman: Carson Kalin

Dennis Bergh
 Sergio Cabanas
 Scott Wright
 Max Castillo

Vacant
 Russell Roben
 Ernesto Medina
 Lewis Pacheco

JIM MINNICK, DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

HEARING DATE:

NOVEMBER 18, 2021 at 9:00 A.M.

HEARING LOCATION

940 MAIN STREET, BOARD ROOM, EL CENTRO, CALIFORNIA

NOTICE:

Planning Commission Meeting Live Video/Audio Streaming Link http://imperial.granicus.com/ViewPublisher.php?view_id=2. Through the guidance of our Public Health Officer, California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID-19 virus, we are following these recommendations: 1. You are strongly encouraged to listen to the live audio and video stream of the Planning Commission meetings at the link mentioned above. 2. Should you wish to provide public comment on a specific item on the agenda and/or general public comment, please submit your comment via email to the Planning Commission clerk at icpdscommentletters@co.imperial.ca.us no later than 2:00 p.m. on the Tuesday prior to the Planning Commission meeting. If you are planning to attend the Planning Commission meeting in person you will be required to maintain appropriate social distancing i.e. maintain a six-foot distance between yourself and other individuals. All supporting documentation is available for public review in the office of the Planning & Development Services Department located at 801 Main Street, El Centro, Ca. 92243 during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday, excluding holidays. Please remember to shut off all cell phones, or electronic devices upon entering the Board Chambers.

The public will have an opportunity to speak to any agenda item when the Chairman opens the matter to the public to discussion and before action is taken. The Chairman will determine the order of speaking and unless the Chairman grants more or less time, the speaker's limit is 3 minutes on each agenda item. Please read and complete a speaker form at the podium prior to the start of the meeting. The Chairperson will call on you to speak when your item is called.

ITEM	TIME	PROJECT DESCRIPTION	DECISION		
			Y	N	C
I.	9:00 a.m.	CALL TO ORDER & ROLL CALL			
II.		PLEDGE OF ALLEGIANCE			
III.		APPROVAL OF MINUTES FOR OCTOBER 27, 2021 MEETING.			
IV.		PUBLIC HEARINGS: <i>(Please read and complete a speakers form at the podium prior to the start of the meeting. The Chairperson will call on you to speak when your item is called.)</i>			
1.		Consideration of Brown Act Resolution to "Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361."			
2.		Consideration of Lot Line Adjustment #00322 as submitted by Sanayeh Investments Limited Partnership, who proposes to move the existing boundary line between Parcel A (APN 018-170-057) and Parcel B (APN 018-170-046) so that it follows an existing chain link fence built for Titan Solar II and correct this encroachment. Parcel A would be reduced from approximately 598.76 Acres to 532.25 Acres. Parcel B would be increased from approximately 185.06 Acres to 251.57 Acres. On property legally described as Lot 3 and Lot 8 of Tract Map NO. 00988, in an unincorporated area of the County of Imperial, State of California, according to Map on file in Book 27, Pages 8 through 13, Inclusive of Final Maps in the Office of the County Recorder of Imperial County, Assessor's Parcel Number (s) 018-170-046-000 & 016-170-057-000. (1791 W. Highway 78, Borrego Springs, CA 92004) (Supervisory District # 3) [Jeanine Ramos, Planner I at (442) 265-1736 extension 1750 or via email at jeanineramos@co.imperial.ca.us]. Actions: a. Make the finding that the project is categorically exempt from CEQA under Government Code 15305 and that no further Environmental documentation is necessary; b. Find that Lot Line Adjustment #00322 is consistent with applicable zoning, State Laws, and County Building Ordinances; and c. Make the findings and approve Lot Line Adjustment #00322, subject to the conditions.			

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3.		<p>Consideration of <u>Conditional Use Permit #21-0009</u> as submitted by AT&T California d.b.a. Pacific Bell, who proposes to build and operate a 40-foot monopole. The project site is located at 313 E. Main St., Niland, CA, on property identified as Assessor Parcel Number 021-073-007-000, and is further described as the west 50 ft. of Lots 16, 17, and 18, of Block 35, within the Townsite of Niland, (Supervisory District #4), [Jeanine Ramos, Planner I at (442) 265-1736, extension 1750 or by email at jeanineramos@co.imperial.ca.us].</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. 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 September 9, 2021; b. Make the De Minimus findings as recommended at the September 9, 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, c. Adopt the resolutions and supporting findings, approving Conditional Use Permit (CUP) #21-0009 subject to all the conditions, and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the permittee. 	
4.		<p>Consideration of <u>Conditional Use Permit #21-0016</u> as submitted by MOVOCAN proposes Conditional Use Permits #21-0016 to allow for the operation for an Adult Use & Medicinal store for sale of cannabis. MOVOCAN is proposing a 1,445 square foot Adult Use/ Medicinal cannabis retail space with Delivery where patients can experience a safe environment. The purpose of this dispensary will be to give this County's medical patients a place where they can find relief and safe access to medicinal cannabis products. MOVOCAN is expecting approx. 100 customers a day. The delivery operations will include 1 to 2 vehicles depending on the volume of orders. MOVOCAN will be doing business as AROMA. The project site is located at Assessor's Parcel Number 056-282-013-000, and is further described as Lot 37 & 38, Block 11 of the Townsite of Winterhaven (2129 Winterhaven Dr, Winterhaven, CA) (Supervisory District #1), [David Black, Planner IV at 442-265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us].</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Adopt the "Negative Declaration", Findings and Resolution and any comments received have been completed pursuant to Govt. Code, Section 15070, et. seq. and the County's "Rules and Regulations to Implement CEQA, as Amended" and that there are no significant effects; b. Make the De Minimus finding that the projects 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 c. Approve Conditional Use Permits #21-0016 for a Cannabis Adult Use Storefront with delivery, subject to conditions of approval and authorize the Planning & Development Services Director to execute the CUP Agreements. 	
5a.		<p>Consideration of <u>Zone Change #21-0002</u> as submitted by 92JT 8me LLC and 32KM 8me LLC, proposing a Zone Change affecting the Laurel 2 North project area (two parcels) and an additional parcel. The intent is to rezone these three (3) parcels into A-3-RE (Heavy Agriculture with Renewable Energy) for consistency and to avoid dual zoning. The project area is within Zone Map 40. Assessor Parcel Numbers 051-300-036-000, 051-300-035 & 051-300-032-000, approximately 8 miles southwest of the City of El Centro. (Supervisory District #2), [Diana Robinson, Planning Division Manager at (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us].</p>	

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		<p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to Board of Supervisors to adopt the Addendum to the Final EIR (SCH #2017121078) for the Laurel 2 North and South Solar Farms Project; and b. Recommend to Board of Supervisors to approve the attached Codified Ordinance with Findings for Zone Change #21-0002 modifying APNs 051-300-036-000, 051-300-035 & 051-300-032-000 to “A-3-RE (Heavy Agriculture with Renewable Energy)”; and c. Recommend to the Board of Supervisors to adopt the Ordinance modifying Division 25, Chapter 40 			
5b.		<p>Consideration of <u>Conditional Use Permit #21-0013</u> also known as Laurel 2 South as submitted by 98JT 8me LLC, within the previously-approved Laurel Cluster Solar Farm area, specifically the Laurel Cluster Solar Farm 2 (CUP #17-0029) project area. The applicant proposes to split the recorded CUP #17-0029 into two CUPs (CUP #21-0014 and CUP #21-0013). The project proposed a 40 MW solar energy facility with energy (battery) storage not to exceed the 2 to 1 solar/battery ratio. It will include all ancillary facilities and subject to all mitigation measures as per the previously approved CUP #17-0029. Area is 160 acres, Assessor Parcel Numbers 051-310-027 and 051-310-028, approximately 8 miles southwest of the City of El Centro, (Supervisory District #2), [Diana Robinson, Planning Division Manager at (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us].</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to Board of Supervisors to approve the Conditional Use Permit #21-0013, subject to all of the conditions of approval and authorize the Planning and Development Services Department to sign the CUP and record the Conditional Use Permit; and b. Recommend to the Board of Supervisors to approve the Resolution with Findings for Conditional Use Permit #21-0013. 			
5c.		<p>Consideration of <u>Conditional Use Permit #21-0014</u> also known as Laurel 2 North as submitted by 38KM 8me LLC, within the previously-approved Laurel Cluster Solar Farm area, specifically the Laurel Cluster Solar Farm 2 (CUP #17-0029) project area. The applicant proposes to split the recorded CUP #17-0029 into two CUPs (CUP #21-0014 and CUP #21-0013). The project proposed a 30 MW solar energy facility with energy (battery) storage not to exceed the 2 to 1 solar/battery ratio. It will include all ancillary facilities and subject to all mitigation measures as per the previously approved CUP #17-0029. Area is 120 acres, Assessor Parcel Numbers 051-300-036 and 051-300-032-000, approximately 8 miles southwest of the City of El Centro, (Supervisory District #2), [Diana Robinson, Planning Division Manager at (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us].</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to Board of Supervisors to approve the Conditional Use Permit #21-0014, subject to all of the conditions of approval and authorize the Planning and Development Services Department to sign the CUP and record the Conditional Use Permit; and b. Recommend to the Board of Supervisors to approve the Resolution with Findings for Conditional Use Permit #21-0014. 			
5d.		<p>Consideration of <u>Lot Line Adjustment #00321</u> as submitted by 92JT 8me LLC, proposing to reconfigure APN 051-300-032-000 and combine a portion of said parcel with APNs 051-300-035-000 and -036 all of which are within the Laurel 2 North project area. The proposed reconfiguration is meant to separate the proposed project site intended for solar use from the rest of the parcel. This reconfiguration causes dual zoning on some of the affected parcels, which is why the applicant is also requesting a Zone Change (ZC #21-0002). On property legally described as a Portion of Section 22, Township 16 South, Range 12 East, S.B.B.M in an unincorporated area of the County of Imperial, in the State</p>			

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		<p>of California, Assessor's Parcel Number (s) 051-300-032-000, 051-300-035-000, & 051-300-036-000, approximately 8 miles southwest of the City of El Centro. (Supervisory District # 2) [Diana Robinson, Planning Division Manager at (442) 265-1736 extension 1751 or via email at dianarobinson@co.imperial.ca.us].</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Make the finding that the project is categorically exempt from CEQA under Government Code 15305 and that no further Environmental documentation is necessary; b. Find that Lot Line Adjustment #00321 is consistent with applicable zoning, State Laws, and County Building Ordinances; and c. Make the findings and approve Lot Line Adjustment #00321, subject to the conditions. 		
6.		<p>Consideration of <u>Conditional Use Permit #19-0028</u> for a Planning Commission determination as submitted by Heber Field Company, a subsidiary of Ormat Nevada Inc., proposing a fifteen (15) year renewal for the operation of the existing Heber 1 Geothermal Energy Complex. Additionally, the proposed Conditional Use Permit #19-0028 will allow for upgrades to current Heber 1 facilities, including: decommissioning and replacement of the existing dual flash steam turbine generator and bottoming units with two new Ormat Energy Converters (OECs), which will function as an Ormat Integrated three-level unit (I3LU); conversion of the existing two OECs to an integrated two-level unit (ITLU); the installation of ancillary equipment; and upgrades to replace aging equipment, including two new isopentane storage tanks. All proposed upgrades will be developed within the existing Heber 1 facility and fence line. The purpose of the Repower Project is to improve operational efficiency and restore the facility's net and gross generation to the permitted levels of 52MW (net) and 78.2MW (gross), as previously approved under Conditional Use Permit #15-0013. Finally, the Planning Commission will make a determination as to the approval of Findings of Fact that the Project will not have a significant effect on the environment and is therefore categorically exempt from further CEQA review under the Existing Facilities, Replacement/Reconstruction, and Common Sense exemptions. (Cal. Code Regs., tit. 15, §§ 15031, 15032, 15061.) The Commission will also consider the Project's proposed Mitigated Negative Declaration (MND), Errata to the MND, and Mitigation Monitoring and Reporting Program (MMRP), which ensure changes to the Project were evaluated and avoided by imposing Conditions of Approval. This project is located at 875 Pitzer Road, Heber, CA. (Supervisory District # 2). [David Black, Project Planner at (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us].</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Adopt the Notice of Exemption and approve the Findings of Fact that the Project is categorically exempt from CEQA under California Code of Regulations, title 15, sections 15301, 15302, & 15061 (CEQA Guidelines), and that no further environmental review is necessary; b. Adopt the Mitigated Negative Declaration (MND), Errata to the MND, the Mitigation, Monitoring and Reporting Program (MMRP) and the conditions of approval contained therein, and any comments received showing that there is no substantial evidence that the Project will have a significant effect on the environment, as recommended at the Environmental Evaluation Committee (EEC) hearing on February 11, 2021; c. Make the De Minimis Findings, as recommended at the February 11, 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 d. Adopt the Findings and Resolution(s), approving Conditional Use Permit #19-0028, subject to all the conditions of approval, and authorize the Planning & Development Services Department Director to execute the CUP agreement. 		

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7a.		<p>Consideration of <u>Final Environmental Impact Report (SCH #2019120605)</u> and Findings, as submitted by CalEnergy (Applicant). The applicant is requesting an amendment to CUP #05-0020 (CUP Amendment #18-0025), a General Plan Amendment (GPA #18-0004), and a Zone Change (ZC #18-0005) to facilitate expansion of the existing Desert Valley Company Monofill (DVCM) Facility for the development of a new waste storage cell (Cell 4) and associated facilities. They are also seeking to obtain a Water Well (CUP #21-0002) for a new on-site water well. The proposed Project would expand the existing facility by approximately 80 acres and would provide an additional 1.3 million cubic yards of disposal capacity. The project site is located at Assessor's Parcel Number 019-100-004-000, and is further described as Section 33 Township 12 South, Range 11 East (3301 W. Highway 86, Brawley, CA) (Supervisory District #3), [Diana Robinson, Planning Division Manager at 442-265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us.]</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to the Board of Supervisors to approve the Resolution with Findings for Final Environmental Impact Report (SCH #2019120605); and b. Recommend to the Board of Supervisors to approve the Findings of Fact for (SCH #2019120605). 		
7b.		<p>Consideration of <u>Mitigation Monitoring and Reporting Program (MMRP)</u>, as submitted by CalEnergy (Applicant). 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). The program will be designed to ensure that these measures are carried out during project construction and operation. The proposed project site is located at Assessor's Parcel Number 019-100-004-000, and is further described as Section 33 Township 12 South, Range 11 East (3301 W. Highway 86, Brawley, CA) (Supervisory District #3), [Diana Robinson, Planning Division Manager at 442-265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us.]</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to the Board of Supervisors to approve the Resolution with Findings for adoption of the Mitigation Monitoring and Reporting Program (MMRP). 		
7c.		<p>Consideration of <u>General Plan Amendment #18-0004</u> as submitted by CalEnergy (Applicant), who is requesting a General Plan Amendment (GPA #18-0004) as part of the Desert Valley Company Monofill Cell 4 expansion project. The intent is to change the General Plan land use designation from Recreation and Open Space to Special Purpose Facility to match the adjacent land use with the existing landfill facility and be able to expand. The project site is located at Assessor's Parcel Number 019-100-004-000, and is further described as Section 33 Township 12 South, Range 11 East (3301 W. Highway 86, Brawley, CA) (Supervisory District #3), [Diana Robinson, Planning Division Manager at 442-265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us.]</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to the Board of Supervisors to approve the Resolution with Findings for General Plan Amendment #18-0004 to change the land use designation to Special Purpose Facility. 		
7d.		<p>Consideration of <u>Zone Change #18-0005</u> as submitted by CalEnergy (Applicant), who is requesting a zone change as part of the Desert Valley Company Monofill Cell 4 expansion project. The intent is to change the zone from S-2 (Open Space/Preservation) to M-2 (Medium Industrial) to match the adjacent zoning with the existing landfill facility and be able to expand. The project site is located at Assessor's Parcel Number 019-100-004-000, and is further described as Section 33 Township 12 South, Range 11 East (3301 W. Highway 86, Brawley, CA) (Supervisory District #3), [Diana Robinson, Planning Division</p>		

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		<p>Manager at 442-265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us]</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to the Board of Supervisors to approve the Codified Ordinance with Findings for Zone Change #18-0005 modifying APN 019-100-004-004 to "M-2 (Medium Industrial)"; and b. Recommend to the Board of Supervisors to adopt the Ordinance modifying Division 25, Chapter 70. 			
7e.		<p>Consideration of <u>Conditional Use Permit #18-0025</u> as submitted by CalEnergy (Applicant), who is requesting to amend Conditional Use Permit (CUP) as part of the Desert Valley Company Monofill Cell 4 expansion project. The current facility is permitted under CUP #05-0020 and the applicant intends to amend the CUP to include the addition of a new waste storage (Cell 4) and associated facilities. The project site is located at Assessor's Parcel Number 019-100-004-000, and is further described as Section 33 Township 12 South, Range 11 East (3301 W. Highway 86, Brawley, CA) (Supervisory District #3), [Diana Robinson, Planning Division Manager at 442-265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us.]</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to the Board of Supervisors to approve the Conditional Use Permit #18-0025, subject to all the conditions of approval and authorize the Planning and Development Services Department to sign the CUP and record the Conditional Use Permit; and b. Recommend to the Board of Supervisors to approve the Resolution with Findings for Conditional Use Permit #18-0025. 			
7f.		<p>Consideration of <u>Conditional Use Permit #21-0001</u> as submitted by CalEnergy (Applicant), who is requesting a Conditional Use Permit (CUP) for a water well as part of the Desert Valley Company Monofill Cell 4 expansion project. A new water well would be required to provide groundwater for use during construction and operation of the expansion and closure of existing Cell 3. The project site is located at Assessor's Parcel Number 019-100-004-000, and is further described as Section 33 Township 12 South, Range 11 East (3301 W. Highway 86, Brawley, CA) (Supervisory District #3), [Diana Robinson, Planning Division Manager at 442-265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us.]</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> a. Recommend to the Board of Supervisors to approve the Conditional Use Permit #21-0001, subject to all the conditions of approval and authorize the Planning and Development Services Department to sign the CUP and record the Conditional Use Permit; and b. Recommend to the Board of Supervisors to approve the Resolution with Findings for Conditional Use Permit #21-0001. 			
V.		Public Comments.			
VI.		Planning Commissioner Comments.			
VII.		Director Comments.			
VIII.		Adjournment.			

For questions regarding these projects contact the above-mentioned Planner following the project.
Si usted requiere esta información en español, favor de llamar al (442) 265-1736
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