

PLANNING COMMISSION AGENDA

COUNTY OF IMPERIAL

COMMISSIONERS:

Chairman: Rudy Schaffner
Vice Chairman: Carson Kalin

Russell Roben
 Dennis Bergh
 Sergio Cabanas
 Kathryn Dunn

Ernesto Medina
 Scott Wright
 Lewis Pacheco

JIM MINNICK, DIRECTOR OF PLANNING & DEVELOPMENT SERVICES

HEARING DATE: December 13, 2023, at 9:00 A.M.

HEARING LOCATION 940 MAIN STREET, BOARD CHAMBER, EL CENTRO, CALIFORNIA

NOTICE:

All supporting documentation is available for public review in the office of the Imperial County Planning & Development Services located at 801 Main Street, El Centro, CA 92243, during regular business hours, 8:00 AM. – 5:00 PM, Monday through Friday, excluding holidays. Please remember to shut off all cell phones, pagers or electronic devices upon entering the Board Chamber.

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.		PUBLIC HEARINGS: (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.)			
1.		APPROVAL OF MINUTES for November 16, 2023, MEETING.			
2.		<p>Consideration of an Amendments to the previously approved Conditional Use Permit #23-0002 as submitted by IID. The project includes converting four (4) test wells into water supply wells for irrigation of vegetation-based dust control. Construction activities associated with the completion of the test wells were permitted under separate approved construction permits for testing purposes only. The total amount of acre-feet of water per year is 63-acre feet for the four (4) wells. The proposed amendments include allowing for a 10-year term of the CUP with eligibility for 10-year extension and Self-Insurance. The proposed IID water well Project site comprises approximately 254 acres and is located at 2902 Crystal Lake Ave. Salton City. The NE¼ of the NE1/4 of the NW1/4 and the NE ¼ of the SE1/4 of Section 5, T10S R10 APN: 008-010-006-000. (Supervisorial District #4) [David Black, Project Planner at 442-265-1736, extension 46 or by email at davidblack@co.imperial.ca.us].</p> <p>Actions:</p> <ol style="list-style-type: none"> Resolution approving amendments to the Conditions of Approval for Conditional Use Permit (CUP) #23-0002 and authorizing the Planning & Development Services Director to sign the CUP. 			
3.		<p>Consideration of Lot Merger #00156 as submitted by Olga Saldivar and Keren Jael Saldivar, who is proposing a Lot Merger to combine two (2) lots. The Lot Merger would create a single 12,000 square foot lot. These parcels are further identified as Assessor's Parcel Numbers 001-331-008 and 001-331-009; legally described as LOT 36 and LOT 37 BLK 2B SALTON SEA BEACH ESTATES UNIT NO 3 FM 2 26, (219 Coachella Ave, Salton City, CA; Supervisorial District #4). [Evelia Jimenez, Planner II at (442) 265-1736, extension 1747 or via email at ejimenez@co.imperial.ca.us]</p> <p>Actions:</p> <ol style="list-style-type: none"> Find that Lot Merger #00156 is categorically exempt from CEQA per Article 19, Section 15305 (Minor Alterations in Land Use Limitations) and that no further environmental documentation is necessary. 			

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		<p>2. Find that Lot Merger #00156 is consistent with applicable Zoning and Building Ordinances; and, 3. Approve Lot Merger #00156, subject to the attached conditions.</p>			
4.		<p>Consideration of Lot Line Adjustment #00332 as submitted by Lyons Road LLC, who is proposing a lot line adjustment to formally correct what has been shown as the lot line per Assessor's Parcel Maps to be corrected to the county ¼ section line of Parcel A and Parcel B. Parcel A with Assessor's Parcel Number 052-170-073-000 (1790 W. Hwy 98, El Centro, CA 92243; Supervisory District #2) is legally described as POR NW4 SEC 7 LY W OF WSTSD MAIN CANAL 17-13 EXC POR NW4 SEC 7.; Parcel B with Assessor's Parcel Number 052-170-043-000 (1790 W. Hwy 98, El Centro, CA 92243; Supervisory District #2) is legally described as LOTS 3 & 4 & E1/2 OF SW1/4 SEC 7 T17S R13E 161.29 AC.; [Luis Valenzuela, Planner I at (442) 265-1736, extension 1749 or via email at luisvalenzuela@co.imperial.ca.us]</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Find that Lot Line Adjustment #00332 is categorically exempt from CEQA per Article 19, Section 15305 (a) (Minor Alterations in Land Use Limitations) and that no further environmental documentation is necessary; and, 2. Find that Lot Line Adjustment #00332 is consistent with applicable Zoning and Building Ordinances; and 3. Approve Lot Line Adjustment #00332, subject to the attached conditions. 			
5.		<p>Consideration of Conditional Use Permit #23-0028 as submitted by Entravision Communications Company for a new fifteen (15) year term Re-entitlement for Conditional Use Permit #01-0049 for an existing 375 foot above ground level "AGL" tower. The property is located at 99 E. Keystone Road, Brawley, CA 92227; also known as Assessor's Parcel Number 040-350-027-000 and legally described as Parcel 1, Parcel Map 2231 of East 160 acres of tract 69, Township 14 South, Range 14 East, S.B.B.M. in an unincorporated Area of the County of Imperial, State of California. (Supervisorial District #5) [Rocio Yee, Planner I at (442) 265-1736, extension 1750 or via email at rocioyee@co.imperial.ca.us]</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Find that the project is categorically except from CEQA under Government Code Section 15301 and that no further environmental documentation is necessary; and, 2. Find that Conditional Use Permit #23-0028 is consistent with applicable zoning and building ordinances; and 3. Approve Conditional Use Permit #23-0028 for a new 15-year term, subject to the existing conditions. 			
6.		<p>Consideration of Conditional Use Permit #23-0013 as submitted by Phoenix 1 LLC., proposes the reworking of the Orita 2 and Orita 4 geothermal wells originally permitted under CUP G-09-0002 for the purpose of flow and resource testing for a proposed temporary 14-week period. The project consists of three (3) parcels legally described as TR 43 EXC S 100 FT THEREOF T13S R16E 289.54 AC S.B.B.M. (APN 039-080-004-000), POR PAR 1 LLA#281 ALSO BEING N3/4 E2 NE4 SEC 20 T13S R16E 60AC S.B.B.M (APN 039-080-005-000), and POR PAR 3 LLA#281 ALSO BEING S4 E2 NE4 & POR SE4 SEC 20 T13S R16E 82.50 AC S.B.B.M. (039-080-006-000) (2300 Farr Rd, Brawley, CA, and; Supervisorial District #4), [Derek Newland, Planner III at 442-265-1736 or by email at dereknewland@co.imperial.ca.us].</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Adopt the Mitigated Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing on October 26, 2023; and, 			

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		<ol style="list-style-type: none"> 2. Make the de minimis findings as recommended at the October 26, 2023 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 3. Approve the attached resolution, with findings for Conditional Use Permit (CUP) 23-0013, subject to all the Conditions of Approval and authorize the Planning & Development Services Director to sign the CUP upon receipt from the applicant. 			
7a.		<p>Consideration of Water Supply Assessment as submitted by Tomcat Development LLC proposing a Water Supply Assessment as part of the Green Valley Logistics Center (Project), for development and operation for the proposed Green Valley Logistic Center. The proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Recommend to the Board of Supervisors to approve the attached Resolution with Findings for Water Supply Assessment. 			
7b.		<p>Consideration of Initial Study #21-0032 submitted by Tomcat Development LLC as part of the Green Valley Logistics Center (Project). The proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The Project would be located on approximately 285 gross acres within Imperial County (County), California, approximately 1.25 miles north of the City of Imperial. The Project would be west of the Union Pacific Railroad (UPRR), east of SR 86 (Imperial Avenue), north of Harris Road, and south of Newside Drain Number 1-A, entirely within the Mesquite Lake Specific Plan and on land owned by Tomcat Development LLC. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Recommend to the Board of Supervisors to adopt the Mitigated Negative Declaration, with the Mitigations, Monitoring and Reporting Program, in accordance with Initial Study #21-0032 and comments received showing no substantial evidence that the project will have a significant effect on the environment as determined at the Environmental Evaluation Committee (EEC) meeting held on August 10, 2023; and, 2. Recommend to Board of Supervisors to Make the De Minimis Findings as determined at the August 10, 2023, 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, 			
7c.		<p>Consideration of the proposed update to Mesquite Lake Specific Plan Amendment #21-0001 as submitted by Tomcat Development LLC as part of the Green Vally Logistics Center (Project), proposing development and operation for the proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisory District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us</p> <p>Actions:</p>			

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		<p>1. Recommend to the Board of Supervisors to approve the attached Resolution and Findings for an update to Mesquite Lake Specific Plan #21-0001.</p>			
7d.		<p>Consideration of Zone Change #21-0005 as submitted by Tomcat Development LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed Green Valley Logistic Center, the proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading of commodities to and from trucks. Currents zones will be updated to include only the ML-GS and ML-I-3-RE zones (Heavy Industrial zone and G/S Government/Special Public zone). The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisorial District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us</p> <p>Actions:</p> <p>1. Recommend to the Board of Supervisors to approve the attached Resolution with Findings for Zone Change #21-0005 from ML-GS, ML-I-2-RE & ML-I-3-RE to ML-GS & ML-I-3-RE.</p>			
7e.		<p>Consideration of Tract Map #00993 as submitted by Tomcat Development, LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed rail system and facilities that will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The proposed Tract Map #00993 will include up to 23 lots for this development. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisorial District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us</p> <p>Actions:</p> <p>1. Recommend to the Board of Supervisors to approve the attached Resolutions with Findings for Tract Map 993 subject to the attached conditions.</p>			
7f.		<p>Consideration of Variance #23-0007 as submitted by Tomcat Development, LLC as part of the Green Valley Logistics Center (Project), proposing development and operation for the proposed rail system and facilities will facilitate inbound and outbound trains of commodities as well as the transloading and warehousing of commodities to and from trucks. The proposed Variance will allow for a 180-foot grain elevator. The Project would be within Section 31 of Township 14 South, Range 14 East, San Bernardino Base Meridian, and Assessor Parcel Numbers (APNs) 040-340-004, 040-340-006, 040-340-032, and 040-340-033 (Supervisorial District #3) David Black, Planner (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us</p> <p>Actions:</p> <p>1. Recommend to the Board of Supervisors to approve the attached Resolutions with Findings for Variance #23-0007.</p>			
8a.		<p>Consideration of Water Supply Assessment, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) and Hell's Kitchen LithiumCo 1, LLC. (HKL1); the proposed project in Imperial County, California. HKP1 and HKL1 are both subsidiaries of Controlled Thermal Resources, Inc. (CTR). HKP1 involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. HKL1 proposes to develop mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-</p>			

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		<p>001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> 1. Approve the Resolution, with Findings for the Water Supply Assessment. 			
8b.		<p><u>Consideration of Final Environmental Impact Report (SCH #2022030704)</u>, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) and Hell's Kitchen LithiumCo 1, LLC. (HKL1); the proposed project in Imperial County, California. HKP1 and HKL1 are both subsidiaries of Controlled Thermal Resources, Inc. (CTR). HKP1 involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. HKL1 proposes to develop mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> 1. Approve the attached Resolution with Findings for Final Environmental Impact Report (SCH #2022030704); and, 2. Approve the Findings of Fact for the HKP1 and HKL1 Project (SCH #2022030704). 			
8c.		<p><u>Consideration of Mitigation Monitoring & Reporting Program</u>, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) and Hell's Kitchen LithiumCo 1, LLC. (HKL1); the proposed project in Imperial County, California. HKP1 and HKL1 are both subsidiaries of Controlled Thermal Resources, Inc. (CTR). HKP1 involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. HKL1 proposes to develop mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. A mitigation monitoring and reporting program for mitigation measures that have been incorporated into 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 project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> 1. Approve the attached Resolution, with Findings for the adoption of the Mitigation Monitoring & Reporting Program. 			
8d.		<p><u>Consideration of Conditional Use Permit #21-0020</u>, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -</p>			

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		<p>002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <p>1. Approve the Conditional Use Permit #21-0020, subject to the Conditions of Approval.</p>			
8e.		<p><u>Consideration of Conditional Use Permit #21-0021</u>, as submitted by Hell's Kitchen LithiumCo 1, LLC. (HKL1) involves the development mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <p>1. Approve the Conditional Use Permit #21-0021, subject to the Conditions of Approval.</p>			
8f.		<p><u>Consideration of Variance 21-0004</u>, as submitted by Hell's Kitchen PowerCo 1, LLC. (HKP1) involves the development of a geothermal power plant that will produce up to 49.9 megawatts (net) of geothermal power. The project features include cooling towers up to 40 feet and 230-kV gen-tie structures up to 120 feet. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <p>1. Approve Variance #21-0004, with Findings subject to the Conditions of Approval.</p>			
8g.		<p><u>Consideration of Variance 21-0005</u>, as submitted by Hell's Kitchen LithiumCo 1, LLC. (HKL1) involves the development mineral extraction and processing facilities capable of producing lithium hydroxide, silica, bulk sulfide, and polymetallic products for commercial sale. The project features include cooling towers up to 50 feet, silos up to 60 feet, evaporator structures up to 80 feet and crystallizers up to 110 feet. The project's plant and facilities will be located on undeveloped land owned by Imperial Irrigation District (IID), which is approximately 3.6 miles southwest of the community of Niland on sixteen parcels: APNs 020-010-012, -013, 020-070-060, 020-010-031, -032, -035, -042, -044, 020-060-001, -002, -039, -040, 020-070-025, -026, -029, -055. The project's plant facilities would be built on approximately 65 acres, including a gen-tie line. (Supervisor District #4) David Black, Planner IV (442) 265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us.</p> <p><u>Actions:</u></p> <p>1. Approve Variance #21-0005, with Findings subject to the Conditions of Approval.</p>			
9.		<p><u>Consideration of Reclamation Plan #21-0001/Initial Study #21-0029</u> as submitted SMP Gold Corp. (aka Oro Cruz). The applicant proposes mineral exploration activities consisting of using existing access roads and improving some existing roads, as well as constructing a new temporary exploration drilling access road, up to eight (8) helicopter landing pads and sixty-five (65) drill pads to support exploration in seven (7) Drill Areas.</p>			

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		<p>The Project would also entail constructing a new permanent access road and 2.8-acre staging area for access to the Oro Cruz Portal on BLM lands. The total surface disturbance on BLM lands for the proposed Project activities is estimated at 21.3 acres. The Project is located on previously mined BLM lands, (APN 050-110-006, 007, 008, 009, 023, 024, and 050-280-001, 012 and 013) within T15S, R20E, Sections 1, 2, 12 and 13, and T15S, R21E, Sections 6, 7 and 18, SBBM; Winterhaven area, Supervisorial District #5), [Gerardo A. Quero, Planner II at (442) 265-1736 or by email at gerardoquero@co.imperial.ca.us].</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Adopt the Mitigated Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing on November 17, 2022; and, 2. Make the De Minimis Findings as recommended at the November 17, 2022, 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 3. Approve the attached Resolution(s), Supporting Findings, and Reclamation Plan (RP) #21-0001. 			
IV.		Public Comments			
V.		Planning Commissioner Comments			
VI.		Director Comments.			
VII.		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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