

**MINUTES OF THE
PLANNING COMMISSION MEETING
December 14, 2022**

The Imperial County Planning Commission convened a Meeting on Wednesday, December 14, 2022 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 I, Victoria Escalante, Planner II, Derek Newland/Clerks- Allison Galindo & Melina Rizo.

Vice-Chairman Carson Kalin called meeting to order at 9:03 a.m.

I. Roll Call: Commissioners present: Kalin, Roben, Cabañas, Gallegos, Bergh, and Pacheco

Zoom Call: Schaffner and Wright

II. Pledge of Allegiance:

III. Public Hearings

1. Consideration of Brown Act Resolution to “Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361.” The Commission took the following actions:

Motion was made by Commissioner **Cabañas** seconded by Commissioner **Gallegos** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes), to adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361.

2. Approval of Minutes: Vice-Chairman Kalin entertained a motion to approve the Planning Commission Minutes for the **November 09, 2022** meeting as submitted by staff.

Motion was made by Commissioner **Cabañas** seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes), to approve minutes as they stand.

3. Consideration of Time Extension #22-0018 for CUP #1063-92 as submitted by Brenda Aguilar for a fifteen (15) year Time Extension for Conditional Use Permit #1063-92 for an existing general store located within the Rivers Edge RV Resort. The property is located at 2299 Winterhaven Drive, Winterhaven, CA 92283; also known as Assessor's Parcel Number 056-480-011-000; and legally described as Accretion Land, a Portion of the South ¼ of Section 27, T16S, R22E, S.B.BM., in the unincorporated area of the County of Imperial. (Supervisorial District #5) [Derek Newland, Planner II at (442) 265-1736, extension 1756 or via email at dereknewland@co.imperial.ca.us]

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.

Vice-Chairman Kalin; Asked if there was a representative for the project to approach the podium.

Charles Aguilera, Representative; Introduced himself.

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

Charles Aguilera, Representative; Stated that they read and agreed with everything.

Vice-Chairman Kalin; Opened the public portion of the meeting. There were no public comments, he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Gallegos** on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes).

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

4. Consideration of **Parcel Map #02501** as submitted by Kudu, Inc. Applicant proposes Parcel Map #02501 to separate a parcel containing two existing agricultural fields into two legal parcels. The project site totals approximately 321.92 Acres of farmland. Proposed Parcel 1 would be approximately 161.77 Acres and proposed Parcel 2 approximately 160.15 Acres. Existing agricultural use will remain. This project is located on property legally described as APN 020-110-031-000: Lots 5 and 6; the South Half of the Northwest Quarter; and the Southwest Quarter of Section 4, T.12S, R.13E, located on the unincorporated Calipatria town site of the County of Imperial. (Supervisory District #4), [Gerardo A. Quero, Planner I at 442-265-1736, or by email at 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.

Jim Minnick, Director; Stated to Commissioners that comment letter from Public Works had been distributed to them along with the Revised Conditions.

Taylor Preece, Representative; Introduced himself.

Vice-Chairman Kalin; 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 would like to address conditions six (6) and seven (7), where IID commented that they had no comments on this project. Public works, specifically the county surveyor has claimed that IID does not have easements for it, therefore in the conditions it states that they will provide with new easements for further existing structures. IID beliefs they already have these easements and the county doesn't. He mentioned that he would like to strike those two (2) conditions or make an amendment to language stating that these are pending in acceptance of IID.

Jim Minnick, Director; Stated that the Department has a policy that requires undergrounding of canals and if IID chooses to have a particular canal that should not be underground they can overwrite their conditions, but conditions in any map are underground canals. If IID doesn't want it or they have it then it's not required.

Commissioner Bergh; Asked if it was something that can be done at the moment.

Jim Minnick, Director; Stated it can be address at the moment.

Taylor Preece, Representative; Stated to add at the end of conditions six (6) and seven (7) pending of acceptance of IID.

Vice-Chairman Kalin; Opened the public portion of the meeting. There were no public comments, he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Pacheco** on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes); with the two (2) minor amendments 6 and 7

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

5. Consideration of **Parcel Map #02503** as submitted by Scaroni Properties, Inc. Applicant proposes Parcel Map #02503 to reconfigure two (2) parcels to separate an existing house from farmland. The project site consists of two parcels: Parcel 1, approximately 93.35 acres, contains the existing home site and farmland; and Parcel 2, approximately 69.68 acres, is an existing agricultural field. Proposed Parcel 1, with 10.01 Acres, will contain the existing house and Proposed Parcel 2, with 153.02 acres, will contain the farmland. Both existing residential and agricultural uses are proposed to remain. This project is located on properties legally described as APN 054-260-002-000: the West 1539.94 feet of Tract 46, T.16S, R.14E, SBBM; and APN 054-260-003-000: a Portion of the East 1539.94 feet of the West 3079.88 feet of Tract 46, T.16S, R14E, SBBM, located on the unincorporated Heber town site of the County of Imperial. (Supervisorial District #2), [Gerardo A. Quero, Planner I at 442-265-1736, or by email at 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.

Vice-Chairman Kalin; Asked if there was a representative for this project.

Taylor Preece, Representative; Introduced himself.

Vice-Chairman Kalin; Asked if he read the entire project and agreed with everything.

Taylor Preece, Representative; Stated that he read and agreed with everything.

Commissioner Cabañas; Asked if this is the office right across the geothermal by Jasper Road.

Taylor Preece, Representative; Stated it was.

Vice-Chairman Kalin; Opened the public portion of the meeting. There were no public comments, he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Pacheco** on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes)

Jim Minnick, Director; Stated **Agenda Item #5** stands approved by this Commission. In which applicant or any member from the public which to appeal must done by filing the appropriate appeal in the next ten (10) days.

6. Consideration of **Parcel Map #02502** as submitted by Legacy Capital Solutions, LLC, requesting minor subdivision creating two parcels in order to separate an existing house from their farming operation. The parcels will be 8.02+/- and 184.07+/- acres for a project's total of approximately 192.09 acres. The property is legally described as the Por E2 Sec1 17-13 179.24 AC N & W of Rds & W & S of Riv Bluff West ½, SE ¼, Section 1, T17S, R13E, SBBM; Assessor's Parcel Numbers 052-180-042-000 (590 Kubler Road, Calexico, CA); (Supervisory District #1), [Victoria Escalante, Planner I at (442) 265-1736 or by email at victoriaescalante@co.imperial.ca.us].

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

Victoria Escalante, Planner I; Read the PowerPoint Presentation of the project into the record.

Vice-Chairman Kalin; Asked if there was a representative for this project.

Ray Carrillo, Representative; Introduced himself.

Vice-Chairman Kalin; Asked if he had any comments regarding the project, and if he had read the entire project and agreed with everything.

Ray Carrillo, Representative; Stated that he had no comments and that he had read and agreed with everything.

Vice-Chairman Kalin; Asked the Commissioner's if they had any comments.

Commissioner Pacheco; Stated that the IID had an issue regarding the water delivery and discharge that they wanted to have in both parcels and asked whether that was done.

Ray Carrillo, Representative; Stated he didn't know whether it was done.

Commissioner Pacheco; Asked whether it can be approved if that was what was asked by IID.

Jim Minnick, Director; Stated that it can be added as a condition.

Vice-Chairman Kalin; Open the public portion of the meeting. There were no public comments, he then entertained a motion.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Gallegos** on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes); with the necessary language for the IID result prior to be approved.

Jim Minnick, Director; Stated **Agenda Item #6** stands approved by this Commission. In which applicant or any member from the public which to appeal must done by filing the appropriate appeal in the next ten (10) days.

7. Consideration of a **Development Agreement (DA)** concerning Laurel Cluster Solar Farms 3 and 4 (Big Rock 1) Project (SCH #2017121078) originally submitted by 92JT 8ME, LLC, now known as Avantus, who agrees to enter into a Development Agreement with Imperial County in connection with previously-approved Conditional Use Permits #17-0027 and #17-0030. The applicant is proposing to construct and operate a 250-

MW battery storage system (BESS) and supporting infrastructure on 50 acres within the previously-approved 342-acre footprint of the Laurel Cluster Solar Farm 4 Project site and would be shared with the solar generation associated with the Laurel Cluster Solar Farm 3 project site. The developer intends to allow any remainder of the parcel 051-350-015-000 to be farmed or remain in cultivation. The project for CUP #17-0027 is located on Assessor's Parcel Numbers 051-350-015 and -016, 051-360-038 and -028, 051-330-024-000. The project for CUP #17-0030 is located on Assessor's Parcel Numbers 051-270-027 and -047, 051-300-008, -009, -030 and -039 and 051-330-001-000. The project is approximately 10 miles west and southwest of City of El Centro and approximately 13 miles west and northwest of Calexico. (Supervisorial District #2), [Diana Robinson, Planning Division Manager at (442) 265-1736, extension 1751 or by email at dianarobinson@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced **Diana Robinson**, Planning Division Manager, to read the project into the record.

Diana Robinson, Planning Division Manager; Read the PowerPoint Presentation of the project into the record and stated that Legal Description was distributed and indicated it should be behind page twenty-two (22). She then introduced Tim Gnibus, HDR Consultant.

Tim Gnibus, HDR Consultant; Read the PowerPoint Presentation of the project into the record.

Commissioner Cabañas; Asked if the original EIR was considered already installed in this battery storage.

Tim Gnibus, HDR Consultant; Stated that the battery storage system was always ratio as to the total energy megawatt capacity of the total project.

Commissioner Cabañas; Asked into what ratio is the battery storage going to be installed.

Tim Gnibus, HDR Consultant; Stated two to one (2-1).

Jim Minnick, Director; Stated that's why they are using two (2) of the projects.

Commissioner Cabañas; Asked that if the project is approved will the fire department have a waiver stating there be no changes for them when the battery storage was installed.

Jim Minnick, Director; Stated that the action is the Development Agreement and that the Fire Department reviewed and are part of the Development Agreement. No changes are going to be made in the existing Conditional Use Permits.

Vice-Chairman Kalin; Asked what is that the Sheriff's department is requesting.

Jim Minnick, Director; Stated that the prior request was to increase security as well as the reimbursement for any investigations, and/or prosecutions resulting from any criminal actions that can occur.

Vice-Chairman Kalin; Asked how much is the Sheriff's Department getting paid per acre feet.

Jim Minnick, Director; Stated the he doesn't know at the moment but it changes every year.

Tim Gnibus, HDR Consultant; Stated that from the CEQA perspective they are only looking surface ratios from Fire department employees. With the Development Agreement the applicant has negotiated with the Fire Department and Law Enforcement to satisfy their needs in terms of service.

Vice-Chairman Kalin; Asked the Commissioners if they had any comments.

Commissioner Roben; Asked if the comments from the Sheriff's was included in the Development Agreement.

Jim Minnick, Director; Stated that the Sheriffs have added that in the Development Agreement.

Commissioner Roben; Asked whether it was a negotiation between the owner and the County.

Jim Minnick, Director; Stated that it was a negotiation.

Commissioner Bergh; Asked if the Development Agreement has ran reach ends with the Sheriffs.

Jim Minnick, Director; Stated that the final points are still being worked out.

Vice-Chairman Kalin; Asked if there was a representative from the Sheriff's department. There was no representative. Opened the public portion of the meeting. There were no public comments, he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Cabañas** and seconded by Commissioner **Roben** on the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Roben (yes), Cabañas (yes), Bergh (yes), Gallegos (yes), Wright (yes), Pacheco (yes); with Sheriffs recommendations being addressed and apply solutions.

Jim Minnick, Director; Stated **Agenda Item #7** stands approved for recommendation to the Board of Supervisors project will advance to the Board of Supervisors there is no appeal of the Planning Commission determination.

VI. Public Comments, NONE.

VII. Commissioner Comments, NONE.

VIII. Director Comments, NONE.

IX. Adjournment: Meeting adjourned at 9:47 a.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Allison Galindo & Melina Rizo PC Recording Clerks
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