

**MINUTES OF THE
PLANNING COMMISSION MEETING
June 11, 2025**

The Imperial County Planning Commission convened a Meeting on Wednesday, June 11, 2025, at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick; Assistant Director, Michael Abraham; Planner II Gerardo Quero, Planner II, Luis Valenzuela; Planner II, Luis Bejarano; Clerks – Valerie Grijalva & Adriana Ceballos

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

I. Roll Call: Commissioners present: Schaffner, Kalin, Cabañas, Medina, Wright, Gallegos, Hinojosa

II. Pledge of Allegiance:

III. Public Hearings

1. Approval of Minutes: Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **March 12, 2025**, meeting as submitted by staff; Commissioner Kalin made motion to approve minutes seconded by Commissioner Cabanas and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes)

2. Consideration of Amendment on Conditional Use Permit #22-0029 as submitted by Apex Energy Solutions, LLC/Holtville Peaker, LLC who proposes modification to General Condition G-10, "Time Limit," as stipulated on previously approved Conditional Use Permit (CUP) #22-0029, to extend the project's term from 15 years to 30 years due to project's viability, life cycle, and financing matters. Previously approved CUP #22-0029 authorized the construction and operation of a 100-megawatt (MW) Battery Energy Storage System (BESS) facility, designed to interconnect with the Imperial Irrigation District's existing 92-kilovolt (kV) 'E' Line, located immediately east of the project site along Melon Road. The proposed project site is located at 2275 Melon Road, Holtville, CA 92250, on property identified as Assessor's Parcel Number 045-570-087-000, and further described as Parcel 1 per Lot Line Adjustment #234, Township 15 South, Range 15 East of the San Bernardino Base and Meridian (S.B.B.M.), County of Imperial; State of California (Supervisory District #5), [Gerardo A. Quero, Planner II at 442-265-1736, or via email at gerardoquero@co.imperial.ca.us].

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

Gerardo Quero, 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.

Ramon Gonzalez, Representative: Introduced himself.

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

Ramon Gonzalez, Representative: Stated that he read and did agree with everything in the project and had no questions or comments.

Chairman Schaffner: Opened the public portion of the meeting.

Chairman Schaffner: 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 to approve **Agenda Item #2** seconded by **Commissioner Cabañas** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Kalin (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes)

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

3. **Consideration of Parcel Map #02513** as submitted by Carson Kalin proposes to reconfigure the distribution of land from four (4) existing parcels into six (6) legal parcels. The intent of the proposed parcel map is to separate the existing farmed fields into legal parcels. The subject properties are described as being: Lot 5 and the East Half of the Southwest Quarter of Section 31 containing 123.98 Acres, Lot 6 of Section 31 containing 43.94 acres, The Southeast quarter of section 31 containing 160.00 Acres, and the South half of the Northeast quarter, the Southeast quarter of the northwest quarter, Lot 4 of section 31 containing 163.92 Acres, all being in T.12S., R.13E., S.B.M., County of Imperial; State of California (Supervisory District #4), [Luis Valenzuela, Planner II at 442-265-1736, or by email at luisvalenzuela@co.imperial.ca.us].

Jim Minnick, Director: Gave a brief description of the project, and introduced Luis Valenzuela, Planner II, to read the project into the record.

Luis Valenzuela, 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.

Carson Kalin, Owner: Introduces himself.

Chairman Schaffner: Asked if he read and agreed with everything.

Carson Kalin, Owner: Stated he read and did agree with everything on the project. and had no questions or comments.

Commissioner Schaffner: Asked if he had any questions or comments regarding the project.

Carson Kalin, Owner: Stated he had no questions or comments.

Chairman Schaffner: Opened the public portion of the meeting.

Chairman Schaffner: 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 Cabañas: Made a motion to approve **Agenda Item #3** seconded by **Commissioner Gallegos** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes)

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

4. **Consideration of Conditional Use Permit #24-0018** as submitted by Burrtec Waste Industries, is proposing to supersede the existing water well CUP #23-0030 to continue the operation of two (2) existing wells and construct a third water well. The addition of the third well is to meet the daily water needs for the operation of the permitted and active landfill located on the project parcel. No changes to the current water allotment allowed of 92,000 gallons per day, 365 days a year, under CUP #23-0030 are being proposed. The property is legally described as the North Half of Section 12 Township 11 south Range 9 east 320 Acres., S.B.B.M. in an Unincorporated Area of the County of Imperial, State of California, Assessor's Parcel Numbers 017-120-015-000, (935 W Hwy 86, Salton City, CA 92274, and; Supervisorial District #4), [Luis Bejarano, Planner I at (442) 265-1736, extension 1745 or by email at luisbejarano@co.imperial.ca.us].

Jim Minnick, Director: Gave a brief description of the project, and introduced Luis Bejarano, Planner II, to read the project into the record.

Luis Bejarano, 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.

Dave Brischke, Representative: Introduces himself.

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

Dave Brischke, Representative: Stated that he read and did agree with everything on the project and had no questions or comments.

Chairman Schaffner: Opened the public portion of the meeting.

Chairman Schaffner: 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 to approve **Agenda Item #4** seconded by **Commissioner Cabañas** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Kalin (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes)

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

5. **Consideration of Final Environmental Impact Report (FEIR SCH #2024010510) and Findings** of the Dogwood Geothermal Energy Project Final Environmental Impact Report (FEIR) that includes review of Mitigation Monitoring & Reporting (MM&RP) Program and three (3) Conditional Use Permits (CUP)s. The applicants propose to construct and operate various facilities: CUP23-0020 includes a new 25 megawatt geothermal plant and associated ancillary facilities, new substation, 7 megawatt solar facility and medium voltage distribution cable from the solar plant to the geothermal plant; CUP23-0021 includes a 15 mw solar facility to provide energy to the existing Heber 2 geothermal plant; CUP23-0022: includes three geothermal production wells and approximately 4,500 feet of geothermal fluid production pipeline that would be used to transport geothermal fluid from the production wells to the power plants. The proposed project site is located on three parcels (APNs 054-250-031-000, 054-250-017-000, 059-020-001-000). The project is located approximately 1 mile south of Heber and approximately half mile west of Calexico. (Supervisor District #2) [Luis Valenzuela, Planner II at 442-265-1736, or by email at luisvalenzuela@co.imperial.ca.us].

Consideration of Mitigation Monitoring & Reporting Program (MM&RP), for the Dogwood Geothermal Energy Project. 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 three parcels (APNs 054-250-031-000, 054-250-017-000, 059-020-001-000). The project is located approximately 1 mile south of Heber and approximately half mile west of Calexico. (Supervisor District #2) [Luis Valenzuela, Planner II at 442-265-1736, or by email at luisvalenzuela@co.imperial.ca.us].

Consideration of Conditional Use Permit (CUP) #23-0020 as submitted by OrHeber 3, LLC, Heber Field Company, LLC and the Second Imperial Geothermal company (collectively, the “applicants”), proposing the Dogwood Geothermal Energy Project, which includes a new 25 megawatt geothermal plant and associated ancillary facilities, new substation, 7 megawatt solar facility and medium voltage distribution cable from the solar plant to the geothermal plant. This is one of the three CUPs that have collectively undergone environmental review under CEQA, SCH #2024010510. The project is located on two parcels (APNs 054-250-031-000, and 059-020-001-000). The project is located approximately 1 mile south of Heber and approximately half mile west of Calexico. (Supervisor District #2) [Luis Valenzuela, Planner II at 442-265-1736, or by email at luisvalenzuela@co.imperial.ca.us].

Consideration of Conditional Use Permit (CUP) #23-0021 as submitted by Second Imperial Geothermal Company, which includes a 15-megawatt solar facility to provide energy to the existing Heber 2 geothermal plant. This is one of the three CUPs that have collectively undergone environmental review under CEQA, SCH #2024010510. The project is located on parcel identified as APN 059-020-001-000. The project is located approximately 1 mile south of Heber and approximately half mile west of Calexico. (Supervisor District #2) [Luis Valenzuela, Planner II at 442-265-1736, or by email at luisvalenzuela@co.imperial.ca.us].

Consideration of Conditional Use Permit (CUP) #23-0022 as submitted by Heber Field Company, LLC, which includes three geothermal production wells and approximately 4,500 feet of geothermal fluid production pipeline that would be used to transport geothermal fluid from the production wells to the power plants. This is one of the three CUPs that have collectively undergone environmental review under CEQA, SCH #2024010510. The project is located on two parcels (APNs 059-020-001-000 and 054-250-017-000). The project is located approximately 1 mile south of Heber and approximately half mile west of Calexico. (Supervisor District #2) [Luis Valenzuela, Planner II at 442-265-1736, or by email at luisvalenzuela@co.imperial.ca.us].

Jim Minnick, Director: Gave a brief description of the project, and introduced Luis Valenzuela, Planner II, to read the project into the record.

Luis Valenzuela, Planner II: Read the PowerPoint presentation of the project into the record.

Tim Gribus, Representative: Presented PowerPoint into the record.

Luis Valenzuela, Planner II: Finished with the remaining of his presentation.

Tim Gribus, Environmental Consultant: I did fail to mention we did receive one late comment letter today. This is from Adams Broadwell, they were a party that commented several times on the Draft EIR, and I reviewed those comments this morning, just wanted to let you know that we have reviewed them and we feel very comfortable that we responded to everything adequately and there is no change that we foresee on the Final EIR.

Chairman Schaffner: Asked if there was a representative for the project.

Alissa Sanchez, Representative: Introduces herself.

Chairman Schaffner: Asked if she read and agreed with everything.

Alissa Sanchez, Representative: Stated she read and did agree with everything on the project and had no questions or comments.

Chairman Schaffner: Opened the public portion of the meeting.

Alura McGuire, Adams Broadwell Representative: Good Morning Chairman and Commissioners, my name is Alaura McGuire with Adams Broadwell Joseph and Cardozo on behalf of Citizens for Responsible Industry. We respectfully request this Commission remand the project back to the County staff and require preparation of a revised EIR before the project can be approved. As you heard we submitted comments this morning with the support of 3 experts on the final EIR and the staff report. These comments demonstrate that the County failed to adequately address our draft EIR comments, and it provides substantial evidence that the project will result in potentially significant environmental impacts to air quality, noise, agricultural resources and biological resources. For a couple of examples, the County fails to quantify or mitigate the project's emissions of hydrogen sulfide. The County acknowledges that hydrogen sulfide will be emitted by the project's well drilling activities and that it may exceed the Imperial County Air Pollution Control District's threshold of 0.2% by volume. Instead of quantifying or mitigating those impacts it just conclusively states that those impacts won't be significant, but our air quality expert reviewed the project and found that this is an extreme oversight because the project is located near residences and schools with the closest residence being 450 feet away. The hydrogen sulfide emissions have like a... they're commonly known for this rotten egg smell that can last for several hours to 45 days and exposure to those emissions can cause severe health impacts including respiratory infection, loss of smell and with really high exposure and amounts can result in death. So those impacts need to be disclosed and mitigated. Additionally, the EIR does not adequately address burrowing owls, as mentioned the California Department of Fish and Wildlife mentioned that the burrowing owls, are now a candidate species which requires heightened legal protections and one of the things that the EIR did not do was follow the CDFW 2012 survey protocols. There are 20 minimum requirements, and the EIR only followed 13 of those, this is extremely important for identifying nesting pairs on or near the project site that could be affected and without that data there's it's impossible to ensure that the projects will be adequately protected as required by CEQA and the California Environmental Species Act. So, with that we request that the county revise and recirculate the EIR. Thank you so much.

Chairman Schaffner: Thank you.

Tim Gnibus, Consultant: Mr. Chairman once again Tim with HDR just want to respond to some of these comments brought up here, I guess with respect to Air Quality again, would just like to reiterate that our experts have provided a thorough substantial evaluation and were comfortable with the conclusions. The speaker mentioned a particular pollutant that brings up odors and such that the existing facility uses the same processes etcetera, and I just checked with the director, there are no complaints of odors or anything for the existing facility. With respect to BIO, I just want to reiterate it's the applicant has worked with the county and CDFW to identify appropriate mitigation measures with respect to burrowing owls you know it's comprehensive and again it's the trustee agency of the State that is accepting those mitigation measures. I think that's it for now. Yeah, thank you for your time.

Chairman Schaffner: Asks if we had any other comments from the public.

Chairman Schaffner: He then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Medina: Yes, the speaker mentioned that only some of the items of concern were addressed, can someone explain why the others were not?

Tim Gnibus, Consultant: I think at the end of the day what you have is a negotiation with the state agency that's responsible for protecting that species, in this case it's California Department of Fish and Wildlife and

those mitigation measures were developed with in consultation with that agency. And it's kind of a package like menu of mitigation measures that lead you to protecting the species.

Commissioner Medina: So, it's Fish and Wildlife.

Tim Gnibus, Consultant: California Department of Fish and Wildlife.

Commissioner Medina: How about that health and safety to the residents?

Tim Gnibus, Consultant: So those comprehensive evaluation in the EIR regarding health and safety including you know at risk of upset explosion analysis etcetera and determine it with mitigation measures. That would be less than significant. Again, the plant is existing today and would operate with the best management practices that it does today; in addition to whatever is being proposed as part of this conditional use permit. And again, there's a lot of talk about odor in the plants there today it's operating with the same processes and there have been no complaints regarding odor sulfur smells from area residents.

Commissioner Medina: Will this be in addition to what's there by adding these other measures?

Tim Gnibus, Consultant: It's an expansion of the megawatt capacity of the plant

Commissioner Medina: And the Odor?

Tim Gnibus, Consultant: Excuse me

Commissioner Medina: And the odor? The expansion of the odor.

Tim Gnibus, Consultant: Well there are controls in place for the odors.

Commissioner Medina: Yes, just the residence of Heber is one thing, but we get our West winds that Calxico gets quite a few large number of these unwelcome odors. So, are these odors going to increase?

Commissioner Cabañas: No.

Tim Gnibus, Consultant: No.

Tim Gnibus, Consultant: We are not identified odors as an issue as part of the environmental review.

Chairman Schaffner: Okay

Alura McGuire, Adams Broadwell Representative: If I may respond to that as well.

Alura McGuire, Adams Broadwell Representative: Hi, Alaura McGuire with Adams Broadwell again, to respond to your question regarding the measures that weren't achieved with the CDFW survey protocols. It's on page 9 of our final EIR. It's also in our expert report from Doctor Smallwood whose biological resources expert and he lists all of the CDFW minimum requirements and just to name a few, he says that prior to the site visit they must compile relevant biological information on site and surrounding area. That was not completed. They must provide analysis of relevant historical information concerning burrowing owl abuse or occupancy. They also must present burrowing owls individuals pairs or signs, which was one of the things I mentioned they didn't do a comprehensive analysis of the pairs the mating pairs on or near the project site which will affect their numbers which is why they're listed as a candidate species. As for the odor impacts, there's no analysis to support the county 's assertion that voter will not be an impact there needs to be quantifying data for that it's insufficient to just say that because the current project produces orders that this addition which is proposing 3 new facilities is not going to contribute significantly to that.

Commissioner Cabañas : They're not facilities they are 3 new wells.

Alura McGuire, Adams Broadwell Representative: yes.

Commissioner Cabañas : Mr. Medina, I am very familiar with that project. Many many years ago I was part of that and I can assure you that every time there's a new well there's a lot of requirements that have to be met because the Imperial County Air Pollution Control District issues a permit with authority to construct where they give you limitations of the amount of H2s you can be putting out to the atmosphere into well testing and if you don't meet that you will have severe consequences as far as right now what I have read, they're trying to improve the quality of the equipment in there by installing some new more modern equipment. That will also limit the amount of emissions from those projects. As far as the issues with the owls, I also dealt with that for many years and I'm telling you right we met everything that California was required to that so. I don't see anything in here right now that it will you know really won't cause any problems to the residents of the Heber area even Calexico, in the past we've done, or they were done by Ormat a lot of health risk assessments and a lot of studies in that area.

Commissioner Medina: Yeah, my concern is when you have concerns that are brought up and they're not addressed for some reason they're not addressed. That's my main concern.

Commissioner Cabañas: I understand Sir, just wanted to put thought in your mind. Thank you

Chairman Schaffner: I entertain a motion.

Commissioner Kalin: Made a motion to recommend to the Board of Supervisors for Final Environmental Impact Report **Agenda Item #5a** seconded by **Commissioner Gallegos** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes), Kalin (Yes)

Commissioner Kalin: Made a motion to recommend approval of the Mitigation Monitoring **Agenda Item #5b** seconded by **Commissioner Gallegos** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes), Kalin (Yes)

Commissioner Kalin: Made a motion to recommend approval of the CUP#23-0020 **Agenda Item #5c** seconded by **Commissioner Gallegos** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes), Kalin (Yes)

Commissioner Kalin: Made a motion to recommend approval of the CUP#23-0021 **Agenda Item #5d** seconded by **Commissioner Gallegos** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes), Kalin (Yes)

Commissioner Kalin: Made a motion to recommend approval of the CUP#23-0022 **Agenda Item #5e** seconded by **Commissioner Gallegos** and the affirmative vote by the Commissioners present as follows Schaffner (yes), Cabañas (yes), Medina (yes), Wright (yes), Gallegos (yes), Hinojosa (yes), Kalin (Yes)

Jim Minnick, Director: Stated **Agenda Item #5** stands approved by this Commission for recommendation to Board of Supervisors, with no appeals.

IV. Public Comments: NONE

IV. Planning Commissioner Comments:

Commissioner Gallegos: With this closing of Holy Sugar, does the planning department going to do anything about when they close out, make it a junk yard area, including that big old white mountain that's over there. Are you doing any mitigation with them, they don't want to talk to the Board of Supervisors.

Jim Minnick, Director: I believe the White Mountain is under the purview of the health department, environmental health but we will take a look and see what mechanisms we have currently in place with regards to entitlements we're very limited in our entitlements in that property it's been around for a number of years. But obviously we wouldn't want it to be a mothballed and be a derelict facility that creates a hazard.

Commissioner Gallegos: Because what they haven't, what does it been mean. Just turning just like with rusty tubes just sticking up. I mean they're not doing anything to it except just leaving it alone and I just wondered if we're going to have that same trouble with 86.

Jim Minnick, Director: Well again I'm not sure what we have on file I know that modern require bonding for sureties to make sure that if it is a project is ceases operation like your solar projects they have to be completely removed and remediated but some of these older projects we may not have that on staff but I'll take a look at it and get back to you.

Commissioner Gallegos: Kudos for finally cleaning that property on Dogwood Road.

Jim Minnick, Director: Luis is working really hard on that.

Commissioner Galledog: Kudos to Luis and your staff or whoever, looking good.

VI. Director Comments: NONE

VII. Adjournment: Chairman Schaffner: Adjourned meeting. Meeting adjourned at 9:45am.

Submitted by Rudy Schaffner

Attest:



Chairman of the Planning Commission

Jim Minnick, Director of
Imperial County Planning Commission

Adriana Ceballos & Valerie Grijalva - PC Recording Clerks
AC\S:\Clerical\MINUTES & RESOLUTIONS\2025\PC\6 11 2025 PC MINUTES .docx