

**H. Zone Change  
(ZC#19-0004)**

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR AN APPROVAL OF A ZONE CHANGE TO CHANGE THE ZONING CLASSIFICATION FROM "A-3" (HEAVY AGRICULTURE) TO M-2 " MEDIUM INDUSTRIAL" WITH (ZONE CHANGE #19-0004) AND FOR THE ADOPTION OF CHANGE TO THE ZONE CHANGE CODIFIED ORDINANCE.**

**WHEREAS**, Project Applicant: CED WESTSIDE CANAL BATTERY STORAGE, LLC has filed an application to re-zone parcels 052-350-010-000 & 051-350-011-000 from an A-3 Heavy Agriculture zone to "Medium Industrial" zone. Westside Canal Battery Energy project area is mostly bounded on the north and east side by the West Main Canal and on the south side by the Campo Verde Solar development currently in operation.

**WHEREAS**, the Planning Commission of the County of Imperial has been delegated with the responsibility of making a recommendation to the Board of Supervisors on a decision for changes to Zoning Map No.40 Westside School area; and

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on October 27, 2021.

**NOW THEREFORE**, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

**SECTION 1.** The Planning Commission has considered the proposed Zone Change No. 19-0004, prior to making a recommendation to the Board of Supervisors on a decision for the proposed amendment to the Zoning Map #40. Planning Commission finds and determines that the Environmental Impact Report is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), which analyzes environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning law and the County of Imperial General Plan and zoning ordinances, the following findings for the approval of Zone Change No. 19-0004 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded

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that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.

2. The Zone Change to M-2 Medium Industrial will be consistent with the General Plan's land use Designation of Industrial.
3. The proposed M-2 Medium Industrial zone, subject to this recommendation, is consistent with the uses allowed by Imperial County's Land Use Ordinances 90516-02 for properties in the aforementioned zones, provided that the applicant obtains a conditional use permit. County Ordinances No. 90516.02 represent the county's long-standing determination that conditionally approved battery storage projects are consistent with the M-2 zone.
4. The site physically is suitable of this type of development and zoning. The project site consists of generally flat terrain with very gentle topography.
5. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change. Several easements surround and traverse the area. The Imperial Irrigation District (IID) owns several easements associated with existing canal, drains and electrical lines. The easements and their associated facilities will be retained, vacated or realigned as appropriate.
6. The change of zone is also consistent with the General Plan Land Use Element goals and objectives, including objectives to "[d]iversify employment and economic opportunities in the County while preserving agricultural activity" (Goal 2) and to "[p]reserve agriculture and natural resources while promoting diverse economic growth through sound land use planning" (Goal 3, Objective 3.2).
7. Economic Impact Analyses, Employment (Jobs) Impact Analyses and Fiscal Impact Analyses prepared demonstrated that in addition to other economic benefits (construction jobs, fee payments, etc.), battery storage facility will employ full-time employees compared the existing vacant land which hasn't been farmed in a number of years. The Project appears to have a clear long term economic benefit to the County.

**NOW, THEREFORE**, based on the above findings, the Planning Commission of the County of Imperial DOES HEREBY recommend for the Board of Supervisors to approve the proposed Zone Change #19-0004 to rezone from the current zoning of A-3 Heavy Agriculture to M-2 Medium Zone" and approve the proposed change to the Imperial County Codified Zoning Ordinance.

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**Rudy Schaffner, Chairperson  
Imperial County Planning Commission**

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on October 27, 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Jim Minnick, Director of Planning & Development Services  
Secretary to the Planning Commission**

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Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF  
THE COUNTY OF IMPERIAL RELATING TO ZONES**

The Board of Supervisors of the County of Imperial, State of California, ordain as follows:

**SECTION 1:** The map entitled "Westside School Area" Zoning Map No. 40 (Section 92540.01 of the Codified Ordinances) is hereby amended in the following particular only.

Section **92540.01** Amendment to Zoning Map No. 40 "Westside School Area" Zone Change ZC 19-0004" Westside Canal Battery Energy".

The zone classification of those certain parcels of real property situated in the County of Imperial, State of California, and more particularly described as:

**LEGAL DESCRIPTION:** South ½ of Southeast ¼ Section 34 Township 16 South, Range 12 East 80 acres; & POR Northeast ¼ & Southwest ¼ & North ½ of Southeast ¼ Section 34 Township 16 South, Range 12 East, South of Westside 68 Acres AC. **051-350-010-000 & 051-350-011-000.**

**"A-3" (Heavy Agriculture) zone change to "M-2" (Medium Industrial).**

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**SECTION 2:** This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, State of California, together with the names of the Board of Supervisors voting for and against the same.

**SECTION 3:** That in accordance with State Planning and Zoning law and the County of Imperial General Plan and zoning ordinances, the following findings for the approval of Zone Change No. 19-0004 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses,

densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.

2. The Zone Change is consistent with the General Plan's underlying land use overlay designation of Renewable Energy (RE). The Zone Change will allow for the development of a Battery Storage Energy facility.
3. The proposed zone change to an M-2 Medium Industrial zone site subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinances 90516.02 for properties in the aforementioned zones, provided that the applicant obtains a conditional use permit.
4. The site physically is suitable of this type of development and zoning. The project site consists of generally flat terrain with very gentle topography.
5. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change. Several easements surround and traverse the area. The Imperial Irrigation District (IID) owns several easements associated with existing canals, drains and electrical lines. The easements and their associated facilities will be retained, vacated or realigned as appropriate.
6. The change of zone is also consistent with the General Plan Land Use Element goals and objectives, including objectives to "[d]iversify employment and economic opportunities in the County while preserving agricultural activity" (Goal 2) and to "[p]reserve agriculture and natural resources while promoting diverse economic growth through sound land use planning" (Goal 3, Objective 3.2).
7. Economic Impact Analyses, Employment (Jobs) Impact Analyses and Fiscal Impact Analyses prepared for this project has demonstrated that in addition to other economic benefits (construction jobs, fee payments, etc.), renewable energy projects offer "fiscal benefits from increased economic activity and local employment opportunities that do not threaten the economic viability of other industries." The conclusion is that the Project will have a clear long-term economic benefit to the County.

**PASSED, ADOPTED AND APPROVED** by the Board of Supervisors of the County of Imperial this \_\_\_\_\_.

PASSED, ADOPTED, AND APPROVED by the Board of Supervisors of the County of Imperial this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NOES:

ABSENT:

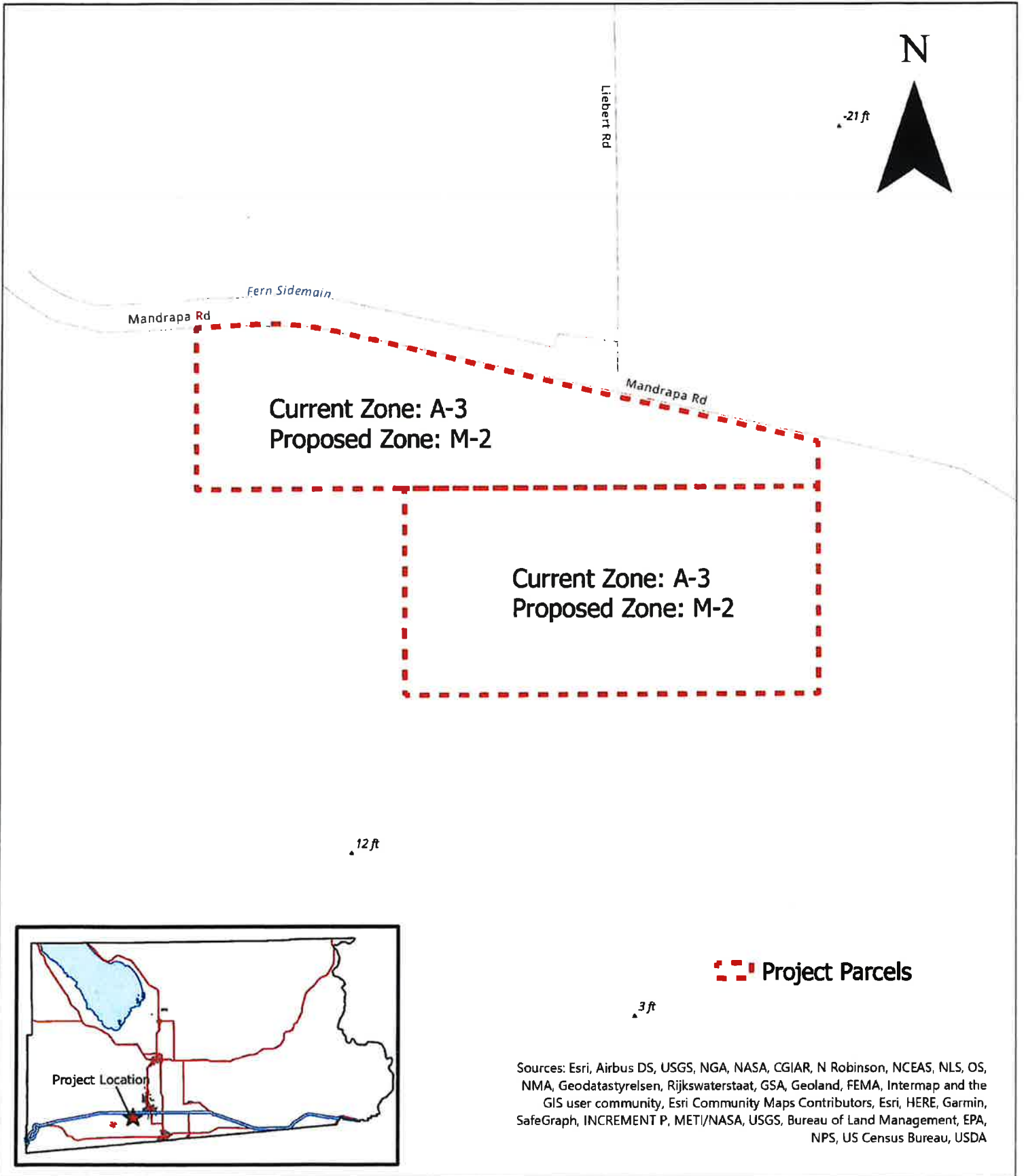
ABSTAIN:

\_\_\_\_\_  
Michael W. Kelley, Chairman  
Imperial County Board of Supervisors  
County of Imperial, State of California

ATTEST: \_\_\_\_\_  
BLANCA ACOSTA, Clerk  
Clerk of the Board.

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# Westside Canal Battery Energy Project ZC #19-0004



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA