

PROJECT REPORT

TO: **PLANNING COMMISSION**
FROM: **PLANNING & DEVELOPMENT SERVICES**

AGENDA DATE: December 18, 2025
AGENDA TIME: 9:00AM / No.9

PROJECT TYPE: Similarity of Use – Green Energy Partners SUPERVISOR DIST # 5

LOCATION: 213 E Keystone Rd APN: 040-250-020-000

Brawley, CA PARCEL SIZE: +/- 37.58 AC

GENERAL PLAN (existing) Mesquite Lake Specific Plan Area GENERAL PLAN (proposed) N/A

ZONE (existing) MLI-3-RE ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 12/18/2025

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: N/A

INITIAL STUDY: N/A

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

| | | | | |
|--------------|-------------------------------------|------|--------------------------|----------|
| PUBLIC WORKS | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| AG | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| APCD | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| E.H.S. | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| FIRE / OES | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| SHERIFF | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| OTHER | | | <input type="checkbox"/> | ATTACHED |

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED "SIMILARITY OF USE" DETERMINATION REQUEST FOR AN ANAEROBIC DIGESTION FACILITY. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

1. MAKE THE FINDING THAT THIS "SIMILARITY OF USE" DETERMINATION IS STATUTORILY EXEMPT FROM CEQA PER ARTICLE 18, SECTION 15268 (A) AND (C), MINISTERIAL PROJECTS, OF CEQA AND SECTION 90203.10 (F.) OF THE IMPERIAL COUNTY LAND USE ORDINANCE, TITLE 9, AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. APPROVE OR DENY THE RESOLUTION AND MAKE THE ATTACHED FINDINGS TO ALLOW THE REQUESTED USE; AND,
3. DETERMINE WHETHER THE PROPOSED ANAEROBIC DIGESTION FACILITY IS A SIMILAR USE FOR THE MESQUITE LAKE HEAVY INDUSTRIAL (MLI-3) ZONE, WITH A CONDITIONAL USE PERMIT.

Planning & Development Services

801 MAIN ST., EL CENTRO, CA, 92243 442-265-1736

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STAFF REPORT
Planning Commission Meeting
December 18, 2025

Project Name: Similarity of Use – Green Energy Partners

Applicant: Imperial Valley Green Energy Partners
1065 State St, El Centro, CA 92243
APN 040-250-020-000

Project Location:

The location of the proposed project is at 213 E Keystone Rd, Brawley, CA, property identified under Assessor's Parcel Number (APN) 040-250-020-000 and legally described as Portion of the West Half of Tract 58, Township 14 North, Range 14 East of the San Bernardino Base Meridian (S. B. B. M.), containing 37.58 acres, south of the road and west of the highway, except the east 40 acres, in an unincorporated area of the County of Imperial.

Project Summary:

The applicant is requesting a Similarity of Use Determination to allow the development and operation of an Anaerobic Digestion Facility that would process organic waste to generate renewable biogas and produce nutrient-rich fertilizer. The project site is located within the Mesquite Lake Specific Plan Area on an approximately designated parcel identified as Assessor's Parcel Number (APN) 040-250-020-000, located at 213 E. Keystone Road, Brawley, California 92227. The site is zoned MLI-3 (Mesquite Lake Heavy Industrial) under the Mesquite Lake Specific Plan.

The applicant is requesting that the project be considered a use similar to those permitted within the MLI-3 zone. According to Section B(1) of the Mesquite Lake Specific Plan (page 50), uses permitted with a Conditional Use Permit (CUP) in this zone include, but are not limited to, alternative-fuel power-generating facilities. Typical activities identified under this category include anaerobic digesters, biomass facilities, biosolid processing, and solar energy conversion. The proposed anaerobic digestion facility is consistent with these listed activities and is therefore being presented as a comparable use.

The applicant states that the project would further the intent and objectives of the Mesquite Lake Specific Plan by supporting renewable energy production, promoting the beneficial reuse of agricultural and organic byproducts, and contributing to the County's broader goal of establishing an industrial ecosystem that delivers both economic development and environmental benefits.

1. The proposed use resembles or is of the same basic nature as an identified use or a conditional use in that zone.

The proposed Anaerobic Digestion Facility that would process organic waste to generate renewable biogas and produce nutrient-rich fertilizer is similar to the permitted use for construction and operation of alternative-fuel power-generating facilities, such as anaerobic digesters, biomass facilities, biosolid processing, and solar energy conversion, as listed in the Mesquite Lake Specific Plan under the allowed uses with a Conditional Use Permit within the Mesquite Lake Heavy Industrial zone (MLI-3).

2. The proposed use includes activities, equipment, or materials typically employed in the identified use.

The activities, equipment, and materials associated with an Anaerobic Digester alternative-fuel power-generating facility are similar to those of the Anaerobic Digester Facility for the generation of renewable biogas and nutrient-rich fertilizer, which per the information provided by the applicant, provides a self-contained process, featuring state-of-the-art process controls and monitoring, operates largely within enclosed structures, containing odors and process emissions, and utilizes advanced technology to safely and efficiently convert waste into energy and usable byproducts.

3. The proposed use has equal to or less impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use.

The proposed use will have equal or less impact on traffic, noise, dust, odor, vibration, and appearance, as it will operate in a manner similar to the Anaerobic Digester alternative-fuel power-generating facility, allowed with the approval of a Conditional Use Permit, which will through the proper environmental assessment evaluate the potential impacts and incorporate mitigations and conditions. Any project of this nature would be subject to the same level of review.

4. All impacts identified could and would be mitigated through conditions.

The Mesquite Lake Specific Plan is subject to Development Standards which would be placed through conditions to reduce any identified impacts.

5. The "similar" use, if allowed in the proposed zone, will not affect the health, safety and welfare of the public or impact the property and residents in the vicinity.

Any potential impacts associated with the proposed "similar" use will be fully evaluated through the environmental review conducted as part of the Conditional Use Permit application process. If any impacts are identified, appropriate mitigation measures will be incorporated to reduce those impacts to acceptable levels. In addition, conditions of approval implemented as part of the development standards for the Conditional Use Permit will ensure that the use does not

adversely affect the health, safety, or welfare of the public, nor negatively impact surrounding properties or residents.

Once a use has been found to be "similar" by the Commission, it shall be listed as such by the Department within the Mesquite Lake Specific Plan Area, Chapter III-A Land Use Plan, Section 3, Subsection B(1) as a permitted use with a Conditional Use Permit and may be used by other applicants.

The determination of similar use shall be ministerial action and shall not require CEQA documentation.

Surrounding Land Uses, Zoning and General Plan Designations:

| DIRECTION | CURRENT | ZONING | GENERAL PLAN |
|---------------------|----------------|--|----------------------------------|
| Project Site | Vacant | MLI-3-RE (Mesquite Lake Heavy Industrial with Renewable Energy Overlay) | Mesquite Lake Specific Plan Area |
| North | Vacant | A-2-RE (General Agricultural with Renewable Energy Overlay) | Specific |
| South | Power Plant | MLI-3-RE (Mesquite Lake Heavy Industrial with Renewable Energy Overlay) | Mesquite Lake Specific Plan Area |
| East | Solar | MLI-2-RE (Mesquite Lake Medium Industrial with Renewable Energy Overlay) | Mesquite Lake Specific Plan Area |
| West | Vacant | MLI-2-RE (Mesquite Lake Medium Industrial with Renewable Energy Overlay) | Mesquite Lake Specific Plan Area |

Staff Recommendation:

It is recommended that you conduct a Public Hearing, that you hear all the opponents and proponents of the proposed "Similarity of Use" Determination Request for an Anaerobic Digestion Facility. Staff would then recommend that you take the following Actions:

1. Make the Finding that this "Similarity of Use" Determination is Statutorily Exempt from CEQA per Article 18, Section 15268 (a) and (c), Ministerial Projects, of CEQA and Section 90203.10 (F.) of the Imperial County Land Use Ordinance, Title 9, and that no further environmental documentation is necessary; and ,
2. Approve or deny the Resolution and make the attached Findings to allow the requested use; and,

3. Determine whether the proposed Anaerobic Digestion Facility is a similar use for the Mesquite Lake Heavy Industrial (MLI-3) Zone, with a Conditional Use Permit.

PREPARED BY: Luis Bejarano, Planner II
Planning & Development Services

for [signature]

REVIEWED BY: Michael Abraham, AICP, Asst. Director
Planning & Development Services

[signature]

APPROVED BY: Jim Minnick, Director
Planning & Development Services

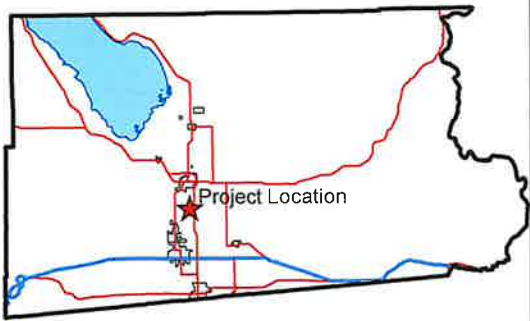
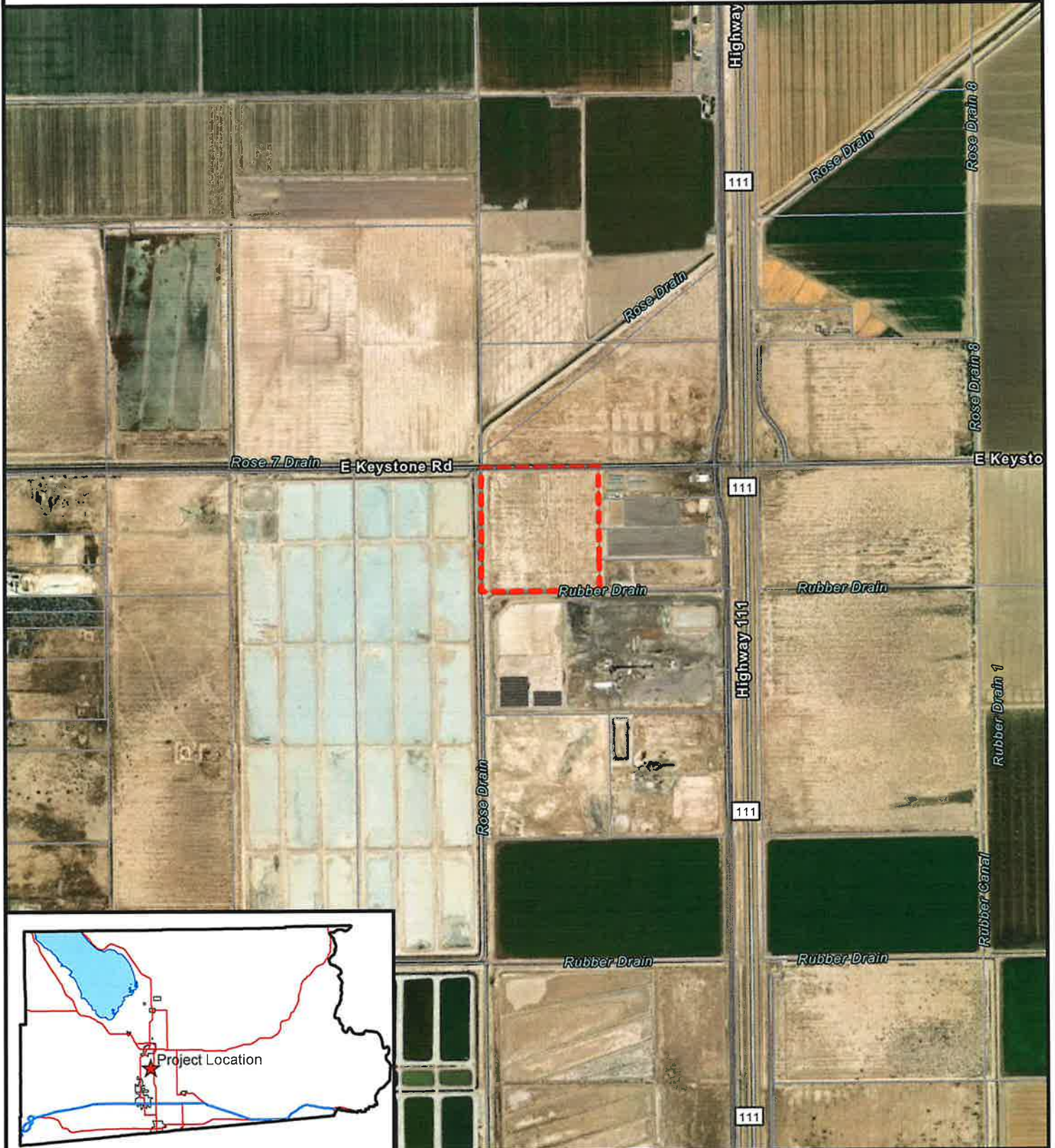
for [signature]

Attached: A. Vicinity Map
B. PC Resolution
C. Application
D. Comment Letters
S:\AllUsers\APN\040\250\020\Similarity of Use - Green Energy Partners\PC\PC Staff Report.docx

ATTACHMENT “A”

VICINITY MAP

PROJECT LOCATION MAP



GREEN ENERGY PARTNERS
APN 040-250-020-000

-  Project Location
-  Parcels
-  Centerline



ATTACHMENT “B”

PC RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA TO DETERMINE THAT ANAEROBIC DIGESTION FACILITY IS A “SIMILAR USE” TO THE PERMITTED USES FOR THE MESQUITE LAKE SPECIFIC PLAN AREA.

WHEREAS, Imperial Valley Green Energy Partners, has submitted a request for a determination of “similar use” for an Anaerobic Digestion Facility, in the Mesquite Lake Specific Plan Area.

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 December 18, 2025;

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

SECTION 1. The Planning Commission has considered the request for determination of “similar use” prior to approval; the Planning Commission finds and determines that the request for determination is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings have been made:

A. The proposed use resembles or is of the same basic nature as an identified use or a conditional use in that zone?

The proposed Anaerobic Digestion Facility that would process organic waste to generate renewable biogas and produce nutrient-rich fertilizer is similar to the permitted use for construction and operation of alternative-fuel power-generating facilities, such as anaerobic digesters, biomass facilities, biosolid processing, and solar energy conversion, as listed in the Mesquite Lake Specific Plan under the allowed uses with a Conditional Use Permit within the Mesquite Lake Heavy Industrial zone (MLI-3).

B. The proposed use includes activities, equipment, or materials typically employed in the identified use?

The activities, equipment, and materials associated with an Anaerobic Digester alternative-fuel power-generating facility are similar to those of the Anaerobic Digester Facility for the generation of renewable biogas and nutrient-rich fertilizer, which per the information provided by the applicant, provides a self-contained process, featuring state-of-the-art process controls and monitoring, operates largely within enclosed structures, containing odors and process emissions, and utilizes advanced technology to safely and efficiently convert waste into energy and usable byproducts.

C. The proposed use has equal to or less impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use?

C. The proposed use has equal to or less impacts on traffic, noise, dust, odor, vibration and appearance than the identified listed use?

The proposed use will have equal or less impact on traffic, noise, dust, odor, vibration, and appearance, as it will operate in a manner similar to the Anaerobic Digester alternative-fuel power-generating facility, allowed with the approval of a Conditional Use Permit, which will through the proper environmental assessment evaluate the potential impacts and incorporate mitigations and conditions. Any project of this nature would be subject to the same level of review

D. All impacts identified could and would be mitigated through conditions?

The Mesquite Lake Specific Plan is subject to Development Standards which would be placed through conditions to reduce any identified impacts.

E. The “Similar” use, if allowed in the proposed zone, will not affect the health, safety and welfare of the public or impact the property and residents in the vicinity?

Any potential impacts associated with the proposed “similar” use will be fully evaluated through the environmental review conducted as part of the Conditional Use Permit application process. If any impacts are identified, appropriate mitigation measures will be incorporated to reduce those impacts to acceptable levels. In addition, conditions of approval implemented as part of the development standards for the Conditional Use Permit will ensure that the use does not adversely affect the health, safety, or welfare of the public, nor negatively impact surrounding properties or residents.

Once a use has been found to be "similar" by the Commission, it shall be listed as such by the Department within the Mesquite Lake Specific Plan Area, Chapter III-A Land Use Plan, Section 3, Subsection B(1) as a permitted use with a Conditional Use Permit and may be used by other applicants.

The determination of similar use shall be ministerial action and shall not require CEQA documentation.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission
DOES HEREBY DETERMINE THE PROPOSED USE IS SIMILAR.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Imperial County Planning Commission at a meeting conducted on December 18, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT “C”

APPLICATION

November 6, 2025

Mr. Jim Minnick
Director of Planning & Development Services
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

RE: Imperial Valley Green Energy Partners Request for "Similarity of Use" Determination – Proposed Anaerobic Digestion Facility at Mesquite Specific Plan Area, M1-3 Zone

Dear Mr. Minnick,

This letter serves as a formal request for a "Similarity of Use" determination to permit the construction and operation of an anaerobic digestion facility on the property located at 040-250-020. The property is situated within the Mesquite Specific Plan area and zoned M1-3. We believe the proposed facility is functionally and operationally similar to permitted industrial uses in this zone, fully aligning with the intent of the Mesquite Lake Specific Plan and Heavy Industrial land use. Our hope is to determine that the intent of the similarity of use will not require an amendment of the specific plan.

Intent of the Mesquite Lake Specific Plan

The Mesquite Lake Specific Plan was approved in 2005 and designed to foster new, job-producing industrial uses away from the cities and population, particularly those related to renewable energy and agricultural processing. An anaerobic digestion facility, which converts organic waste into renewable biogas and nutrient-rich fertilizer, is a direct and modern embodiment of this intent. It supports sustainable energy production, enhances the value of agricultural byproducts, and aligns with the county's goal of establishing an "industrial ecosystem" that generates economic and environmental benefits.

Modern heavy industrial use and building permits

The evolution of technology has changed the character of heavy industrial uses since the Mesquite Lake plan was first developed. Today, many industrial processes, such as anaerobic digestion, are highly advanced, self-contained, and result in a smaller environmental footprint than older industrial operations. An anaerobic digestion facility:

- Features state-of-the-art process controls and monitoring.
- Operates largely within enclosed structures, containing odors and process emissions.
- Utilizes advanced technology to safely and efficiently convert waste into energy and usable byproducts.

This represents a more technologically advanced and environmentally responsible use than heavy industrial facilities in 2005. Granting a building permit for our facility is not an expansion of non-conforming use but an embrace of industrial innovation that achieves the original heavy industrial intent with modern standards.

Precedent of similar developments: The True North Organics Facility

In 2023, this commission approved a similar project, the True North Organics Renewable Energy Facility, within the Mesquite Lake Specific Plan. That project also involved a high-solids anaerobic digestion facility and required multiple discretionary approvals, including a Specific Plan Amendment, Zone Change, Conditional Use Permit, Variance, and Lot Merger. Crucially, the approval process for True North required a Specific Plan Amendment because it sought to change the land use designation, a step we hope to demonstrate is not necessary for our project through a favorable determination of similarity of use. Furthermore, on page 50 of the specific plan, Section B (1) states that uses permitted with a Conditional Use Permit (CUP) include, but are not limited to, anaerobic digesters, biomass, biosolid, and solar conversion. The approval of the True North Organics project establishes a critical precedent, demonstrating that:

- High-solids anaerobic digestion is a recognized and approvable use within the Mesquite Specific Plan area.
- The County has already determined that this type of advanced renewable energy facility is consistent with modern heavy industrial zoning.
- The process for allowing such facilities is well-established, validating that our project is consistent with the strategic direction already endorsed by the Planning Commission.

Precedent of similar use approvals

The county has previously demonstrated a willingness to approve innovative industrial uses through similarity of use determinations. We cite the approval of Diamond Environmental Services, which manages waste and wastewater from maintaining, renting, and servicing portable restrooms.

These projects showcase the county's practice of:

- Recognizing the functional alignment of new technologies with existing land use categories.
- Permitting modern industrial processes in appropriate locations, even when the exact use is not explicitly defined in older ordinances.
- Our anaerobic digestion facility is functionally similar to waste management and resource extraction, as it processes organic waste and extracts energy and other valuable resources.

Support under Ordinance 90203.10

This request is made in accordance with Imperial County Ordinance 90203.10, which allows for the determination of a similar use during the processing of a use permit. Our application will include all necessary details on construction, operation, and environmental controls. We will demonstrate a clear and direct parallel between the processes and impacts of our proposed facility and other permitted heavy industrial and renewable energy uses in the Mesquite Specific Plan.

In conclusion, the proposed anaerobic digestion facility is a beneficial and forward-thinking industrial use that is consistent with the strategic vision for the Mesquite Specific Plan. We request a favorable similar use determination to proceed with our use permit and building permit applications.

Thank you for your consideration and we look forward to hearing from you soon.

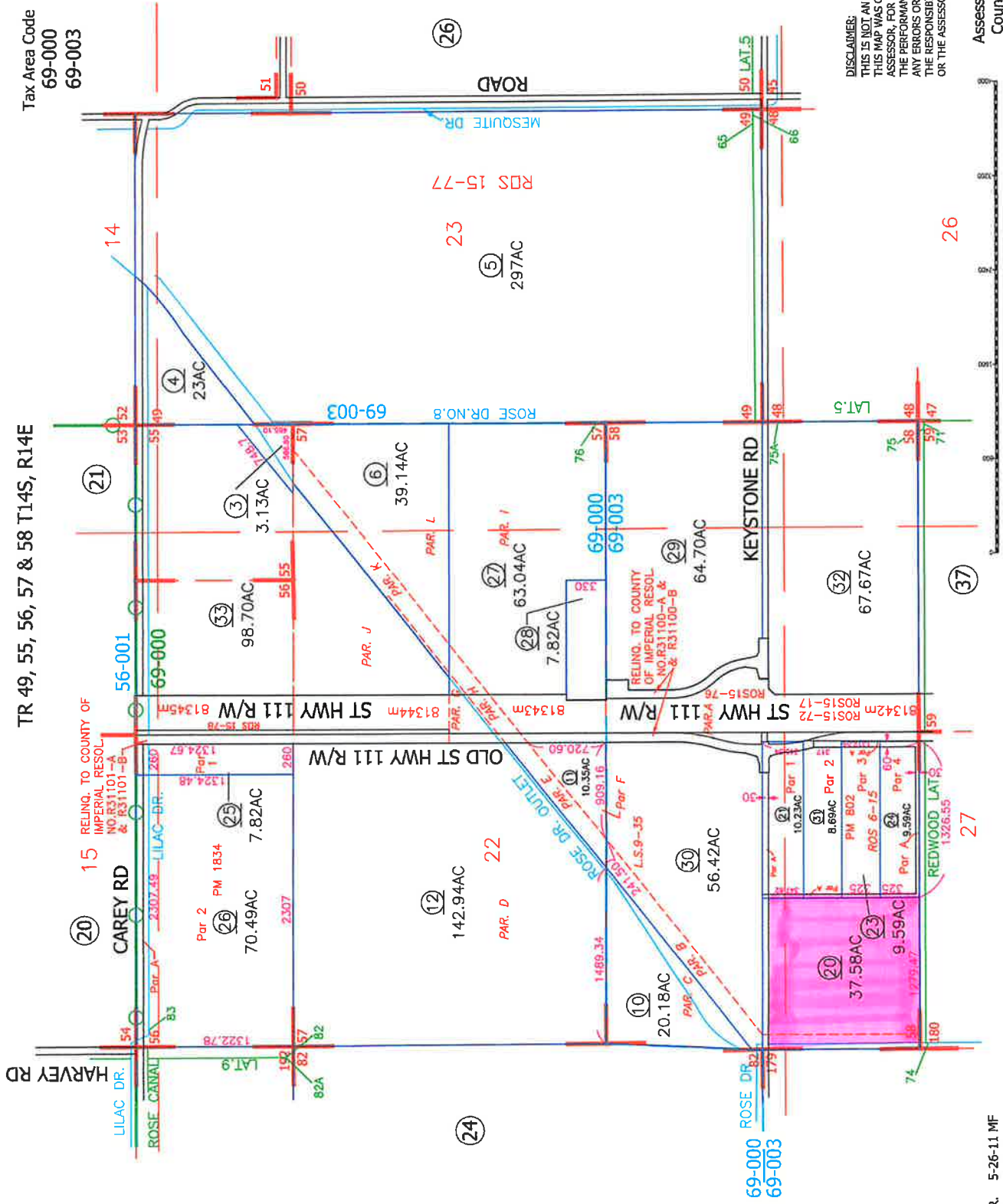
Respectfully,



Tom Dubose
President of Dubose Design Group

Tax Area Code
69-000
69-003

TR 49, 55, 56, 57 & 58 T14S, R14E



DISCLAIMER:

THIS IS NOT AN OFFICIAL MAP.
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY
ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN
THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR.
ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT
THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL
OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

Assessor's Map Bk 40-Pg.25
County of Imperial, Calif.

10-14-10 MF
1-25-10 MF
1-21-10 MF
10-15-04 AR
9-9-02 AR
6-05-01 AR
3-6-90 LS
5-12-76 II
REDRAWN & CORR. 5-26-11 MF

ATTACHMENT “D”
COMMENT LETTERS



IMPERIAL COUNTY SHERIFF'S OFFICE
FRED MIRAMONTES
SHERIFF-CORONER-MARSHAL



Chief Deputy Ryan Kelley
328 Applestill Road
El Centro, Ca. 92243
(442) 265-2003
rkelly@icsso.org

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DEC 03 2025

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

December 3, 2025

Imperial County Planning & Development Services
801 Main Street
El Centro, Ca. 92243
(442) 265-1736

Planning & Development Services,

The proposed project site is located within the Imperial County Sheriff's Office jurisdiction. The project is located at 213 East Keystone Road in Brawley, California (APN) 040-250-020-000.

Green Energy Partners is requesting a similarity of use determination to operate an Anaerobic Digestion Facility that will convert organic waste into renewable biogas and nutrient-rich fertilizer. The project is proposed within the Mesquite Lake Specific Plan Area.

With a project of this type located in the County, calls for service can vary from burglaries, vandalism, thefts and trespassing. Investigations of this nature can result in arrests of offenders for felony property crimes. Some investigations require extensive follow-up from our Criminal Investigations Division and our Scientific Investigations Unit.

The Imperial County Sheriff's Office is committed to facilities operating in our area of responsibility and will deploy every resource available to assist in the apprehension and prosecution of those responsible for these crimes.

The Imperial County Sheriff's Office requests that the conditions below be incorporated onto the conditional use permit. This request is in consideration of the potential hazards to the Imperial County Sheriff's Office employees associated with responding to calls for service originating at this facility.

1. Recommended the developer pay an annual \$100, per acre, per year for the life of the project to commence prior to the issuance of a grading permit. These costs will address the Imperial County Sheriff's Office expenses for services for regular security and response to the projected project site. As a result of the project site location, it is estimated that the Imperial County Sheriff's Office will spend at minimum an average of

an hour a day (365 hours) on travel to and from project site. This can occur multiple times a day with regular specific patrol checks and project site security or response for calls for service. Said fee will be paid to the Imperial County Sheriff's Office to cover ongoing maintenance and operations costs created by the project.

If you have any questions, please contact the Imperial County Sheriff's Office at (442)265-2002.



IID

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www.iid.com

Since 1911

Tuesday, December 2, 2025

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DEC 03 2025

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Luis Bejarano
Planner II
Planning & Development Services
801 Main St.
El Centro, CA 92243

SUBJECT: Anaerobic Digestion Facility (APN: 040-250-020-000)

Dear Luis Bejarano:

On Tuesday, November 25, 2025, the Imperial Irrigation District (IID) received a request from the Imperial County Planning & Development Services for agency review for the Anaerobic Digestion Facility project, located at 213 E. Keystone Rd, Brawley, CA 92227. The Applicant is requesting a Similarity of Use Determination to operate an Anaerobic Digestion Facility that would convert organic waste into renewable biogas and nutrient-rich fertilizer. The project is proposed within the Mesquite Lake Specific Plan Area on property identified as Assessor's Parcel Number (APN) 040-250-020-000, located at 213 E. Keystone Road, Brawley, CA 92227. The site is zoned MLI-3 (Mesquite Lake Heavy Industrial). The applicant is presenting the facility as a use comparable to those permitted under the Specific Plan, noting that Page 50, Section 8(1) identifies alternative-fuel power-generating facilities as uses allowed within the MLI-3 zone when processed under a Conditional Use Permit (CUP). These uses typically include, but are not limited to, anaerobic digesters, biomass systems, biosolid processing, and solar conversion activities. The applicant further states that the proposed project supports the intent of the Specific Plan by promoting sustainable energy production, enhancing the beneficial reuse of agricultural byproducts, and contributing to the County's objective of developing an "industrial ecosystem" that provides both economic and environmental benefits.

IID has reviewed the project information and has the following comments:

1. If and when the customer is contemplating electrical service, please contact the areas service planner Mr. Ignacio Romo at 760-482-3426 or email at IGRomo@IID.com. Customer is required to apply with IID for electrical service to the project. In addition to submitting a formal application (available for download at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of the site plan, approved electrical plans, electrical panel size

and panel location, operating voltage, electrical loads & one-line diagrams, project schedule, and applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project. Project will require a TCSP Application.

2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Applicant shall provide a surveyed legal description and associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.
4. The applicant may not use IID's canal banks or drain banks to access the project site.
5. If there is potential for threatened or species of special concern, plant or animal, within the project site impacts shall be examined as part of the project's CEQA/NEPA analysis and documentation.
6. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground facilities; will require an encroachment permit, or encroachment permit application and instructions for its completion is available at <http://www.iid.com/home/showdocument?id=271>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
7. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
8. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission, and distribution lines, etc.) need to be included as part of the project's

CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until the environmental documentation is amended and environmental impacts are fully mitigated. All mitigation necessary for the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact IID at iidenviornmental@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Wayne K. Strumpfer
General Counsel

Cc: Matthew H Smelser – Manager, Power Dept.
Mike Pacheco – Manager, Water Dept.
Tina Shields – Manager, Water Dept
Paul Rodriguez – Deputy Mgr. Power Dept. Power Dept.
Guillermo Barraza – Mgr. of Distribution Svcs. & Maint. Oprtns., Power Dept.
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Supervisor, Environmental Compliance Water

COUNTY EXECUTIVE OFFICE

Dr. Kathleen Lang
County Executive Officer
kathleenlang@co.imperial.ca.us
www.co.imperial.ca.us



County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

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DEC 03 2025

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

December 3, 2025

TO: Luis Bejarano, Planning and Development Services Department
FROM: Rosa Lopez-Solis, Executive Office *Rosa Lopez-Solis*
SUBJECT: Anaerobic Digestion Facility Project – APN 040-250-020-000

The County of Imperial Executive Office is providing comments on the Anaerobic Digestion Facility Project – APN 040-250-020-000. The Executive Office would like to inform the developer of the conditions and responsibilities that will apply if the applicant seeks approval of the proposed project. Prior to the Planning Commission approval or issuance of any grading permit, whichever comes first; the following shall be completed and submitted:

- **Sales Tax Guarantee.** The permittee is required to have a Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- At developers cost, the County Executive Office shall hire a third-party consultant to produce a Fiscal and Economic Impact Analysis & Job and Employment Analysis (FEIA & JEIA) prior to project being approved.

Should there be any concerns and/or questions, do not hesitate to contact me.