



Jim Minnick  
DIRECTOR

## Imperial County Planning & Development Services Planning / Building

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TO: Chairman Mike Goodsell  
Vice-Chairman Dennis Logue  
Commissioner Carmen Zamora  
Commissioner Jerry Arguelles  
Commissioner Steven Walker  
Commissioner Sylvia Chavez

FROM: Jim Minnick, Secretary  
Planning & Development Services Director

SUBJECT: Public Hearing for the consideration of the proposed NorthStar 1 Solar Energy and Battery Storage Project (General Plan Amendment #23-0001, Zone Change #23-0001 and Conditional Use Permits #23-0005 & #23-0006) located at 8997 Wikins Road, Calipatria, CA (APNs 003-110-005-000 & 003-110-007-000; Latitude 33° 20' 40.092" N – Longitude 115° 35' 1.0428" W) to determine Consistency with the Airport Land Use Compatibility Plan (ALUCP). [Gerardo A. Quero, Planner II] (**ALUC 08-24**)

DATE OF REPORT: August 21, 2024

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AGENDA ITEM NO: 1  
HEARING DATE: August 21, 2024  
HEARING TIME: 6:00 p.m.  
HEARING LOCATION: County Administration Center  
Board of Supervisors Chambers  
940 Main Street  
El Centro, CA 92243

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### STAFF RECOMMENDATION

It is Staff's recommendation that the Airport Land Use Commission finds the proposed General Plan Amendment #23-0001, Zone Change #23-0001 and Conditional Use Permit #23-0005 (Solar/Battery) & CUP #23-0006 (Groundwater Well) for the NorthStar 1 Solar Energy Generation and Battery Storage Project be consistent with the 1996 Airport Land Use Compatibility Plan.

## SECRETARY'S REPORT

### **Project Location:**

The proposed project is located on an approximately 288-acre project site consisting of two parcels: Assessor Parcel Number (APN) 003-110-005 and APN 003-110-007. APN 003-110-005 encompasses approximately 111 acres and APN 003-110-007 encompasses approximately 176 acres in the eastern portion of Imperial County, California. The project site is located approximately seven miles north of the unincorporated community of Niland and approximately 8.2 miles east of the community of Bombay Beach, between the East Highline Canal and Coachella Canal. The Salton Sea is located approximately 3.5 miles west of the project site. Highway 111 is approximately 2.6 miles west of the project site. Local unpaved roads provide access to the project site from Highway 111. Federal lands managed by the Bureau of Land Management (BLM) are located immediately east of the project site.

### **Project Description:**

The applicant, Apex Energy Solutions, LLC, proposes the NorthStar 1 Solar Energy Generation and Battery Storage Project through General Plan Amendment #23-0001, Zone Change #23-0001, and Conditional Use Permits #23-0005 (Solar PV/BESS) and #23-0006 (Groundwater Well), which consists of the construction and operation of a 50-megawatt (MW) solar photovoltaic (PV) energy generation facility with up to a 75-megawatt (MW) battery storage (BESS) component and an on-site transmission line to connect to the Imperial Irrigation District's existing 161kV "N" Line. The proposed project would be located on two privately owned parcels encompassing approximately 288 acres in the eastern portion of the County.

### **General Plan/ALUCP Analysis:**

The proposed project is located within an unincorporated area of the County. The existing General Plan land use designation is "Agriculture." The project site is currently zoned as S-2 (Open Space/Preservation) and S-2-RE (Open Space/Preservation in Renewable Energy Zone). The proposed General Plan Amendment and Zone Change propose to include/classify APN 003-110-007-000 into the Renewable Energy Overlay for the implementation of the proposed Solar and Battery project through approved Conditional Use Permits by the County of Imperial. (i.e., zone change from S-2 to S-2-RE). The underlying "Agriculture" General Plan designation would remain.

*"Any request for variance from a local agency's height limitation ordinance; and any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities" (Section 2.3.3(c)(h), pg. 2-3 & 2-4)"*

**This project is subject to the Airport Land Use Commission's review for determination of consistency with the 1996 ALUC Plan and policies as stated below:**

Per Imperial County's Airport Land Use Compatibility Plan, Part I, Chapter 2 – Policies, Subsection (3) - Types of Actions Reviewed, Subsection (1) - **General Plan Consistency Review**, states:

*“...The Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies until such time as (1) the Commission finds that the local general plan is consistent with the Airport Land Use Compatibility Plan...”*

The proposed Solar Energy and Battery Storage project has been submitted for the Airport Land Use Commission's review and determination of consistency with the 1996 Airport Land Use Compatibility Plan (ALUCP) due to the nature of the applications.

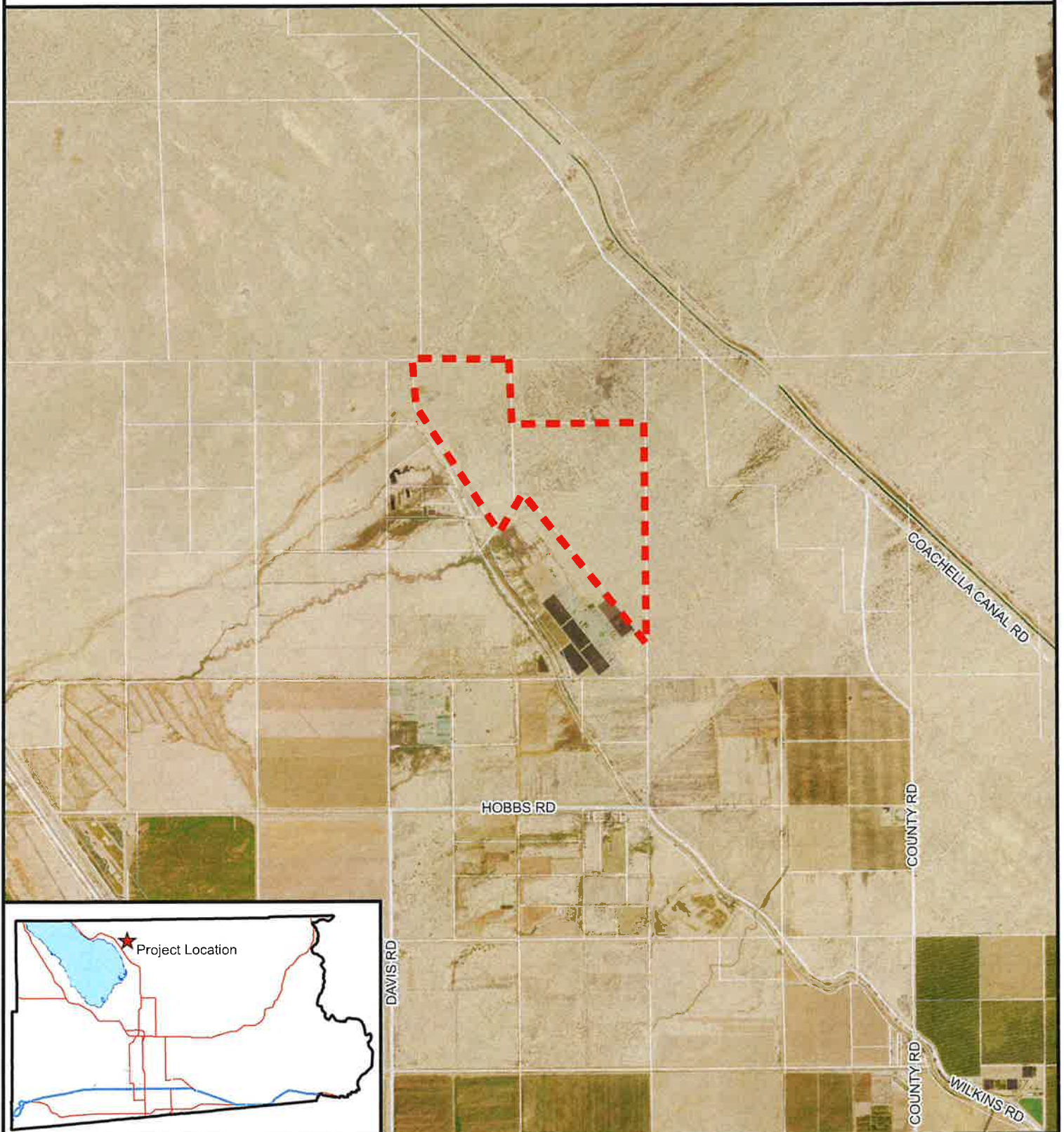
**ATTACHMENTS:**

- A. Vicinity Map
- B. ALUC Map
- C. Site Plan(s)
- D. Applications and Project Description
- E. ALUCP Policies – Chapter 2

S:\AllUsers\APN\003\110\005\GPA23-0001 ZC23-0001 CUP23-0005 CUP23-0006 IS23-0006\ALUC\Staff Report\NorthStar1 ALUC Staff Report.docx

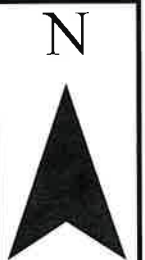
**ATTACHMENT “A”**  
**VICINITY MAP**

# PROJECT LOCATION MAP



**NORTHSTAR 1**  
**GPA #23-0001, ZC#23-0001, CUP#23-0005,**  
**CUP#23-0006, IS#23-0006**  
**APN: 003-110-005 & 003-110-007-000**

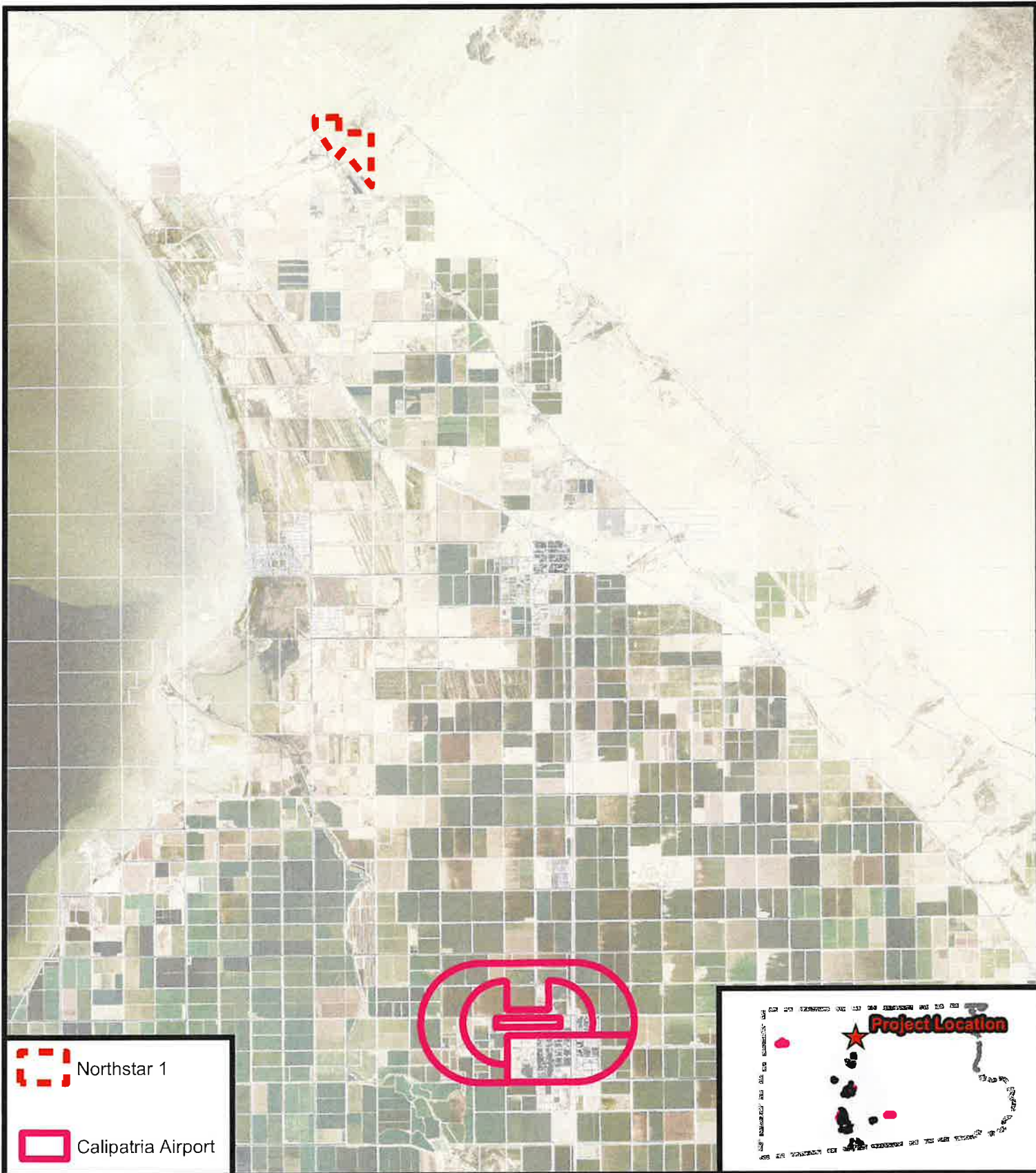
 Project Location  
 Centerline  
 Parcels





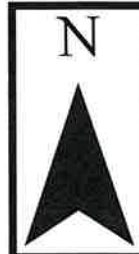
# **ATTACHMENT “B”**

ALUC MAP



## IMPERIAL COUNTY AIRPORT LAND USE COMMISSION

**NORTHSTAR 1 PV/BESS PROJECT**  
**GPA#23-0001, ZC#23-0001, CUP#23-0005,**  
**CUP#23-0006, IS#23-0006**  
**APN: 003-110-005 & 003-110-007-000**



**ATTACHMENT “C”**  
**SITE PLAN(S)**



NORTHSTAR 1

CONFIDENTIAL DOCUMENTS  
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REV	BY	DATE	DESCRIPTION
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2	100	2/14/2017	REVISED DESIGN
3	100	2/14/2017	REVISED DESIGN
4	100	2/14/2017	REVISED DESIGN
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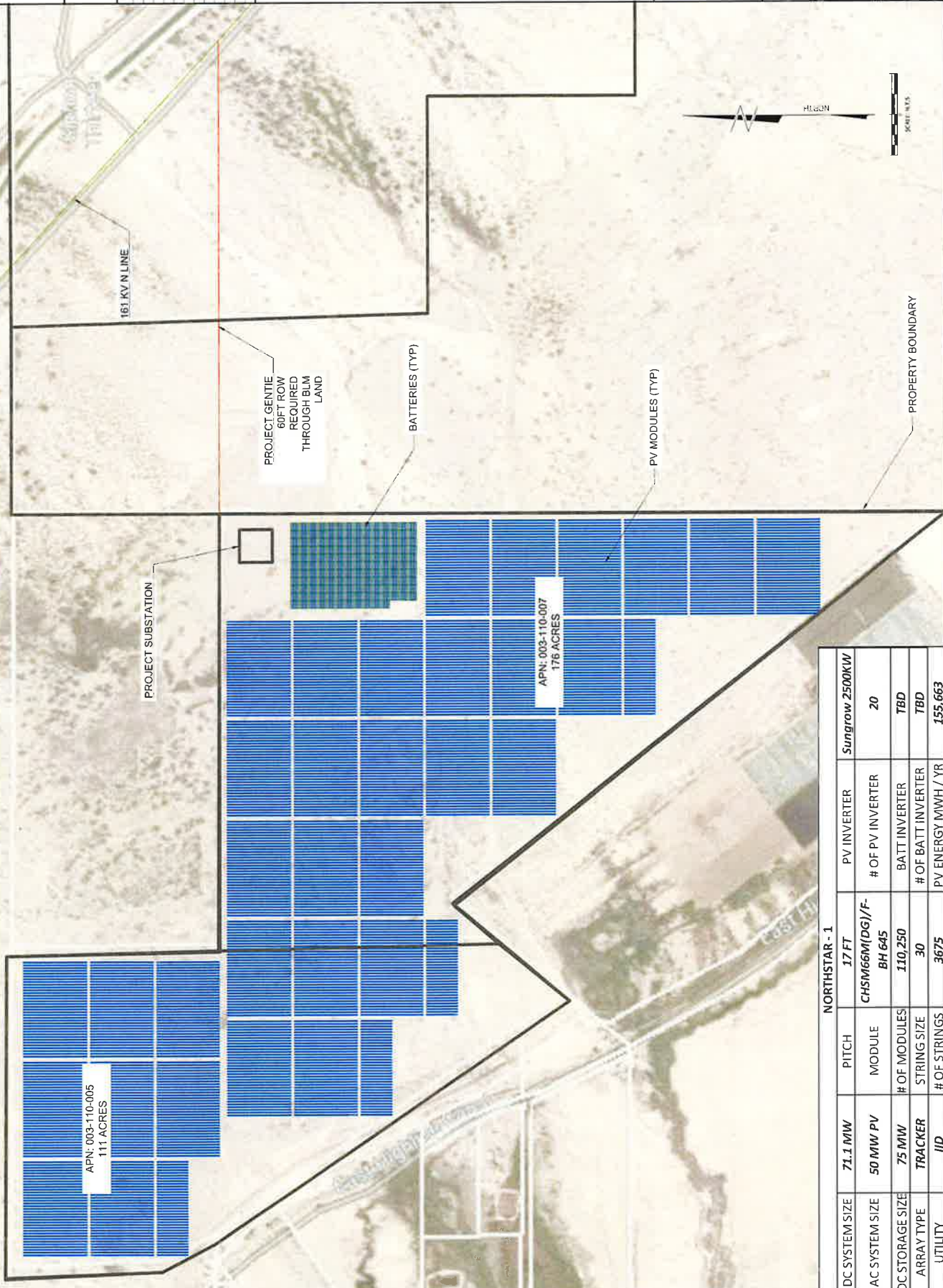
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Scale: 1" = 100' (Vertical)

**ZGLOBAL**  
604 SUTTER ST. STE 250  
FOLSOM, CA 95630  
Phone: 916.985.9461  
Fax: 916.985.9467

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SITE PLAN

DATE	2/14/2017
BY	100
APP'D	100
REV	1



NORTHSTAR - 1					
DC SYSTEM SIZE	71.1 MW	PITCH	17 FT	PV INVERTER	Sungrow 2500KW
AC SYSTEM SIZE	50 MW PV	CHS166M(DG)/F-	BH 645	# OF PV INVERTER	20
DC STORAGE SIZE	75 MW	# OF MODULES	110,250	BATT INVERTER	TBD
ARRAY TYPE	TRACKER	STRING SIZE	30	# OF BATT INVERTER	TBD
UTILITY	IID	# OF STRINGS	3675	PV ENERGY MWH / YR	155,663

NORTHSTAR 1

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REV	DATE	DESCRIPTION	BY	CHKD
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2	01/15/2019	ISSUED FOR PERMIT	JM	JK
3	01/15/2019	ISSUED FOR PERMIT	JM	JK
4	01/15/2019	ISSUED FOR PERMIT	JM	JK
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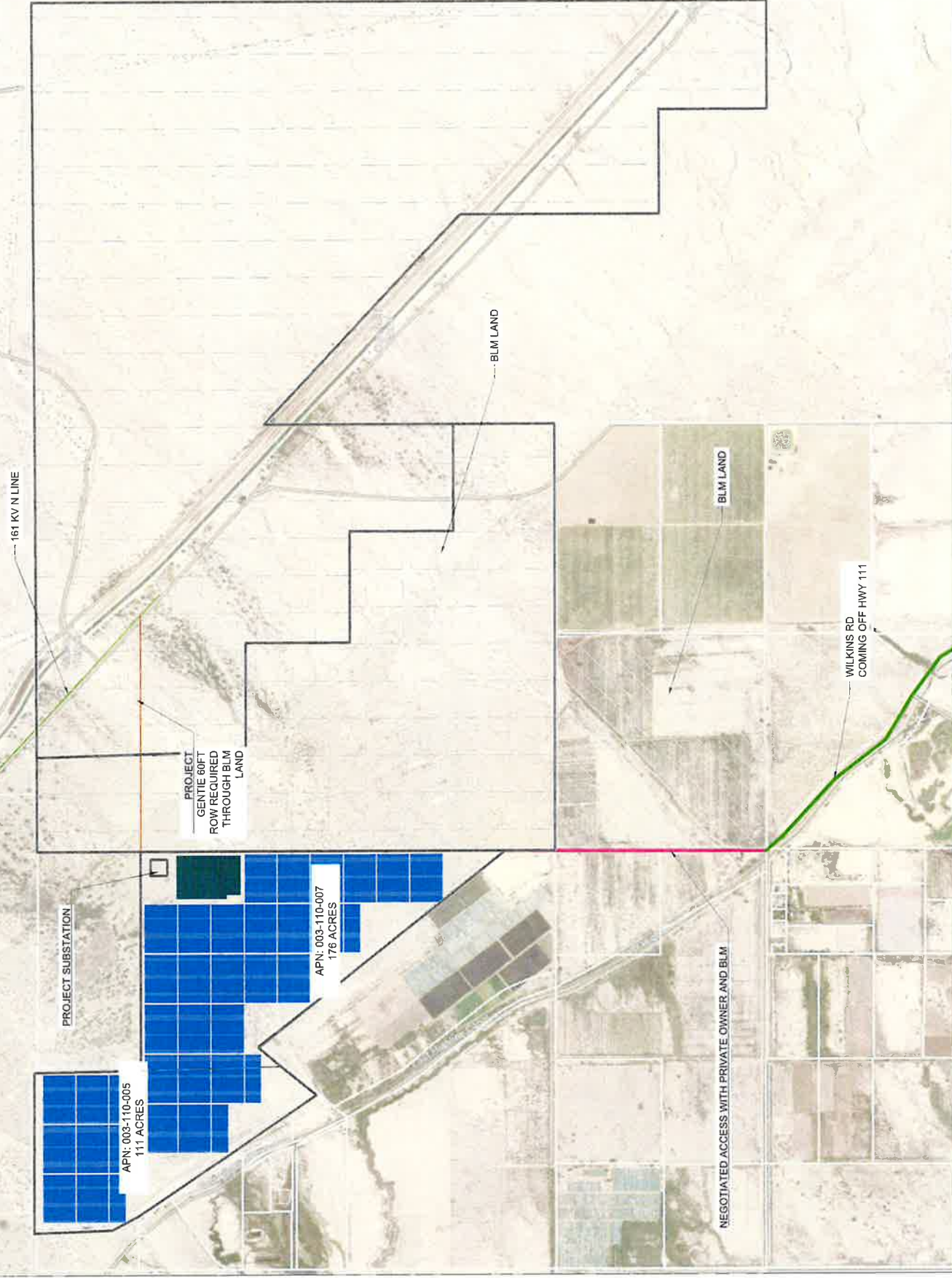
Scale in Feet  
1 inch = 100 feet

**ZGLOBAL**  
604 SUTTER ST., STE 250  
FOLSOM, CA 95630  
Phone : 916.985.9461  
FAX : 916.985.9467

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ACCESS ROAD

DATE	NO. OF SHEETS
01/15/2019	1
CHECKED	SCALE
JM	JM
DATE	NO. OF SHEETS
01/15/2019	1





**ATTACHMENT “D”**  
**APPLICATIONS & PROJECT**  
**DESCRIPTION**

# CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.  
801 Main Street, El Centro, CA 92243 (760) 482-4236**- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -**

1. PROPERTY OWNER'S NAME Apex Energy Solutions, LLC	EMAIL ADDRESS c/o Jurgheuberger@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 604 Sutter St., Suite 250, Folsom, CA	ZIP CODE 95630	PHONE NUMBER 760-996-0313
3. APPLICANT'S NAME Northstar 1 SES (Project Name)	EMAIL ADDRESS NA	
4. MAILING ADDRESS (Street / P O Box, City, State) same	ZIP CODE	PHONE NUMBER
4. ENGINEER'S NAME NA	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State) NA	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 003-110-005 & 003-110-007	SIZE OF PROPERTY (in acres or square foot) 112 Ac and 176 ac	ZONING (existing) S-2
7. PROPERTY (site) ADDRESS pending		
8. GENERAL LOCATION (i.e. city, town, cross street) see attached data (northwest of Niland)		
9. LEGAL DESCRIPTION See attached title report		

**PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)**

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) develop a solar power project with a battery storage system at approximately 50 MW and 75 MW storage	
11. DESCRIBE CURRENT USE OF PROPERTY	vacant
12. DESCRIBE PROPOSED SEWER SYSTEM	NA
13. DESCRIBE PROPOSED WATER SYSTEM	NA
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	meet county fire standards
15. IS PROPOSED USE A BUSINESS? <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? construction approx. 150, operations about 1-2

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY  
CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN  
IS TRUE AND CORRECT.**REQUIRED SUPPORT DOCUMENTS**

A. SITE PLAN

B. FEE

C. OTHER

D. OTHER

Ziad Alaywan  
Print Name  
Signature  
March 20, 2023  
Date  
\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Signature

APPLICATION RECEIVED BY:

APPLICATION DEEMED COMPLETE BY:

APPLICATION REJECTED BY:

TENTATIVE HEARING BY:

FINAL ACTION:

☐ APPROVED☐ DENIED

DATE

DATE

DATE

DATE

DATE

REVIEW / APPROVAL BY  
OTHER DEPT'S required.☐ P. W.☐ E. H. S.☐ A. P. C. D.☐ O. E. S.☐ \_\_\_\_\_☐ \_\_\_\_\_**CUP #**

# CONDITIONAL USE PERMIT

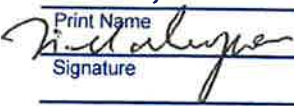
I.C. PLANNING & DEVELOPMENT SERVICES DEPT.  
801 Main Street, El Centro, CA 92243 (760) 482-4236**- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -**

1. PROPERTY OWNER'S NAME Apex Energy Solutions, LLC	EMAIL ADDRESS c/o Jurgheuberger@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 604 Sutter St., Suite 250, Folsom, CA	ZIP CODE 95630	PHONE NUMBER 760-996-0313
3. APPLICANT'S NAME Northstar 1 SES (Project Name)	EMAIL ADDRESS NA	
4. MAILING ADDRESS (Street / P O Box, City, State) same	ZIP CODE	PHONE NUMBER
4. ENGINEER'S NAME NA	CA. LICENSE NO. NA	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State) NA	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 003-110-005 & 003-110-007	SIZE OF PROPERTY (in acres or square foot) 112 Ac and 176 ac	ZONING (existing) S-2
7. PROPERTY (site) ADDRESS pending		
8. GENERAL LOCATION (i.e. city, town, cross street) see attached data (northwest of Niland)		
9. LEGAL DESCRIPTION See attached title report		

**PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)**

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) construct a water well (1.5- 5 ac. ft./yr) to develop a solar power project with a battery storage system at approximately 50 MW and 75 MW storage	
11. DESCRIBE CURRENT USE OF PROPERTY	vacant
12. DESCRIBE PROPOSED SEWER SYSTEM	NA
13. DESCRIBE PROPOSED WATER SYSTEM	NA
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	meet county fire standards
15. IS PROPOSED USE A BUSINESS? <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? construction approx. 150, operations about 1-2

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY  
CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN  
IS TRUE AND CORRECT.

Ziad Alaywan  
 Print Name \_\_\_\_\_  
 Signature   
 Date March 20, 2023  
 \_\_\_\_\_  
 Print Name \_\_\_\_\_  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_

**REQUIRED SUPPORT DOCUMENTS**

- A. SITE PLAN  
 B. FEE  
 C. OTHER  
 D. OTHER

APPLICATION RECEIVED BY: \_\_\_\_\_

APPLICATION DEEMED COMPLETE BY: \_\_\_\_\_

APPLICATION REJECTED BY: \_\_\_\_\_

TENTATIVE HEARING BY: \_\_\_\_\_

FINAL ACTION: ☐ APPROVED ☐ DENIED

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

REVIEW / APPROVAL BY  
OTHER DEPT'S required.☐ P. W.☐ E. H. S.☐ A. P. C. D.☐ O. E. S.☐☐**CUP #**



# CHANGE OF ZONE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.  
801 Main Street, El Centro, CA 92243 (760) 482-4236**- APPLICANT MUST COMPLETE ALL NUMBERED (black & blue) SPACES - Please type or print -**

1. PROPERTY OWNER'S NAME <b>Apex EnergySolutions, LLC</b>	EMAIL ADDRESS <b>c/o jurgheuberger@gmail.com</b>	
2. MAILING ADDRESS (Street / P O Box, City, State) <b>604 Sutter St., Suite 250, Folsom, CA</b>	ZIP CODE <b>95630</b>	PHONE NUMBER <b>c/o 760-996-0313</b>
3. ENGINEER'S NAME <b>NA</b>	CA. LICENSE NO. <b>NA</b>	EMAIL ADDRESS
4. MAILING ADDRESS (Street / P O Box, City, State) <b>NA</b>	ZIP CODE	PHONE NUMBER
5. ASSESSOR'S PARCEL NO. <b>003-110-007</b>	ZONING (existing) <b>S-2</b>	ZONING (proposed) <b>S-2 RE</b>
6. PROPERTY (site) ADDRESS <b>pending assignment by ICPDS</b>		SIZE OF PROPERTY (in acres or square foot) <b>176 Ac</b>
7. GENERAL LOCATION (i.e. city, town, cross street) <b>northwest of Niland</b>		
8. LEGAL DESCRIPTION <b>see attached PTR</b>		
8. DESCRIBE CURRENT USE ON / OF PROPERTY (list and describe in detail) <b>vacant open space/desert</b>		
9. PLEASE STATE REASON FOR PROPOSED USE (be specific) <b>develop a 50 MW solar and 75 MW. Bess project apn 003-110-005 part of the project is in the RE zone but 003-110-007 is not and therefore needs to be changed to S-2-RE</b>		
10. DESCRIBE SURROUNDING PROPERTY USES <b>generally vacant open space</b>		

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY  
CERTIFY THAT THE INFORMATION SHOWN OR STATED  
HEREIN IS TRUE AND CORRECT.**Ziad Alaywan****3/27/2023**

Print Name

Date

Signature

**REQUIRED SUPPORT DOCUMENTS**

- A. SITE PLAN
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. FEE \_\_\_\_\_
- D. OTHER \_\_\_\_\_

APPLICATION RECEIVED BY: \_\_\_\_\_

APPLICATION DEEMED COMPLETE BY: \_\_\_\_\_

APPLICATION REJECTED BY: \_\_\_\_\_

TENTATIVE HEARING BY: \_\_\_\_\_

FINAL ACTION:

☐ APPROVED☐ DENIED

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

REVIEW / APPROVAL BY  
OTHER DEPT'S required☐ P. W.☐ E. H. S.☐ A. P. C. D.☐ O. E. S.☐ \_\_\_\_\_  
☐ \_\_\_\_\_**ZC #**

***Project Description  
For the  
NorthStar1PV/BESS***

**INTRODUCTION:**

The NorthStar 1 Solar Energy Project and Battery Electric Storage System (BESS) (Project), includes the construction of a 50 -megawatt (MW) alternating current solar field and a 75 MW BESS, on approximately 288 acres of vacant land on two parcels in Imperial County, California (APN 003-110-005 @ 112 AC and APN 003-110-007 @ 176 AC .

**PROJECT OVERVIEW:**

The Project proposes to construct a 50-megawatt (MW) alternating current solar field, consisting of 110,250 single axis tracker modules in 3675 strings and associated collector and inverter facilities, and a 75 MW BESS, on approximately 288 acres of vacant land. The Project would connect to the grid offsite through an approximately .75 -mile gen-tie line to the 161 kV KN IID transmission line near the Coachella Canal. Operational water supply for the Project would be via a proposed groundwater well. Parcel 003-110-005 is within the County's Renewable Energy and Transmission (RE) Element however APN 003-110-007 is not and therefore, an amendment to the County's General Plan will be needed to include and classify the Project Site within the RE Overlay Zone. Additionally, a CUP to allow construction and operation of the solar energy generation facility with battery storage within the RE Overlay Zone will be required to implement the Project.

**PROJECT LOCATION:**

The total combined Project Site, consisting of two separate parcels of 288 acres in size is located SW of the Coachella Canal northwest of the town of Niland. east of. The Site is currently vacant, undeveloped land, and is surrounded by Open Space on three sides with some minor agricultural development on one side.. The California Department of Conservation's Imperial County Important Farmland Map (2018) categorizes the parcels as "Other Land," indicating that they are not considered important farmland under any category (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance). Attached is the site plan (EXHIBIT A) and the gentie map (EXHIBIT B).

**GENTIE CONNECTION:**

To connect this project to the IID (Imperial Irrigation District) grid, a gentie line approximately .75 to 1.25 mile in length across the adjacent (to the northeast) BLM owned land will be required. This will require the concurrent processing of an application with BLM for the necessary Right of Way.

**ACCESS to PROJECT SITE:**

The site can be accessed from HWY 111 . The project proposes to construct an entrance near the southwest corner of the project site by constructing a access entry. The access to the site will be gated and only authorized entities will be allowed access. An encroachment permit from CALTRANS will be required for the project.

***Project Description  
For the  
NorthStar1PV/BESS***

**BESS:**

As noted above a 75 MW battery system is being proposed with this project. The location of the BESS will be along the north east side of project. The type of battery system is yet to be finalized however more than likely it will be the TESLA Megawall or equal type of system. This will not be a battery system within a conventional building.

**SECURITY:**

The entire site will be fenced with a 6 ft. high chain linked fence with secured access gate. In addition, this site is entirely remotely operated and will have a full video surveillance security system. Given that these type of projects are self monitored and given that they are secured by the operators there is minimal if no need for police services. At most if an incident occurred at the site the sheriff's office may receive a call for service in which case the project will pay all direct costs for such service.

**FIRE PROTECTION:**

This is a PV/BESS project that is located in a remote area of the County. The project will meet all County Fire Department requirements. However there will be limited need for actual fire protection in case of a fire insofar as the battery system will be the type that needs to burn to the ground rather than have water applied. These type of battery systems are in open areas and are designed not to be extinguished. In fact attempting to extinguish them creates additional problem with longer burn times and more obnoxious smoke. At most the fire department would need to perform stand by services to prevent the fire from spreading to adjacent property. Given however that adjacent lands are open space desert with no structures at most the fire department would need to minimize brush fires. There will be two 10,000 gallon water storage tanks located on site at location(s) determined by the fire dept. these tanks will be maintained full at all times for fire protection purposes only.

**OPERATIONS:**

This project once constructed will have no on site personnel nor on site offices. At most there may be a small storage building to house limited supplies. During normal operations there will be routine maintenance which would be performed by one or two individuals going to the site. In addition, there will be rare need for washing the panels. This may occur once each year at most.

**WATER SOURCE:**

Given that this site is outside of the IID's irrigated district boundary, water cannot be obtained from any of the IID delivery canals unless IID policies change. In order to provide water for the construction and on going operations a water will need to be provided. A separate CUP application has been submitted for this project to drill and operate a water well.

# **ATTACHMENT “E”**

## **ALUCP POLICIES – CHAPTER 2**

## Policies

### 1. SCOPE OF REVIEW

#### 1. Geographic Area of Concern

The Imperial County Airport Land Use Commission's planning area encompasses:

1. *Airport Vicinity* - All lands on which the uses could be negatively affected by present or future aircraft operations at the following airports in the County and lands on which the uses could negatively affect said airports. The specific limits of the planning area for each airport are depicted on the respective *Compatibility Map* for that airport as presented in Chapter 3.
  - (a) Brawley Municipal Airport.
  - (b) Calexico International Airport.
  - (c) Calipatria Municipal Airport.
  - (d) Holtville Airport.
  - (e) Imperial County Airport.
  - (f) Salton Sea Airport.
  - (g) Naval Air Facility El Centro.



2. *Countywide Impacts on Flight Safety* - Those lands, regardless of their location in the County, on which the uses could adversely affect the safety of flight in the County. The specific uses of concern are identified in Paragraph 2.
3. *New Airports and Heliports* - The site and environs of any proposed new airport or heliport anywhere in the County. The Brawley Pioneers Memorial Hospital has a heliport area on-site.

## 2. Types of Airport Impacts

The Commission is concerned only with the potential impacts related to aircraft noise, land use safety (with respect both to people on the ground and the occupants of aircraft), airspace protection, and aircraft over-flights. Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are beyond the scope of this plan. These impacts are within the authority of other local, state, and federal agencies and are addressed within the environmental review procedures for airport development.

## 3. Types of Actions Reviewed

1. *General Plan Consistency Review* - Within 180 days of adoption of the *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies. Until such time as (1) the Commission finds that the local general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the local agency has overruled the Commission's determination of inconsistency, the local jurisdiction shall refer all actions, regulations, and permits (as specified in Paragraph 3) involving the airport area of influence to the Commission for review (Section 21676.5 (a)).
2. *Statutory Requirements* -As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's plan *prior to their approval* by the local jurisdiction:

- (a) The adoption or approval of any amendment to a general or specific plan affecting the Commission's geographic area of concern as indicated in Paragraph 1 (Section 21676 (b)).
- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern as indicated in Paragraph 1 and (2) involves the types of airport impact concerns listed in Paragraph 2 (Section 21676 (b)).
- (c) Adoption or modification of the master plan for an existing public-use airport (Section 21676 (c)).
- (d) Any proposal for a new airport or heliport whether for public use or private use (Section 21661.5).

3. *Other Project Review* - State law empowers the Commission to review additional types of land use "actions, regulations, and permits" involving a question of airport/land use compatibility if either: (1) the Commission and the local agency agree that these types of individual projects shall be reviewed by the Commission (Section 21676.5 (b)); or (2) the Commission finds that a local agency has not revised its general plan or specific plan or overruled the Commission and the Commission requires that the individual projects be submitted for review (Section 21676.5 (a)). For the purposes of this plan, the specific types of "actions, regulations, and permits" which the Commission shall review include:

- a) Any proposed expansion of a city's sphere of influence within an airport's planning area.
- b) Any proposed residential planned unit development consisting of five or more dwelling units within an airport's planning area.
- c) Any request for variance from a local agency's height limitation ordinance.
- d) Any proposal for construction or alteration of a structure (including antennas) taller than 150 feet above the ground anywhere within the County.

- e) Any major capital improvements (e.g., water, sewer, or roads) that would promote urban development.
- f) Proposed land acquisition by a government entity (especially, acquisition of a school site).
- g) Building permit applications for projects having a valuation greater than \$500,000.
- h) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

#### 4. Review Process

1. *Timing of Project Submittal* - Proposed actions listed in Paragraph 3.1 must be submitted to the Commission for review prior to approval by the local government entity. All projects shall be referred to the Commission at the earliest reasonable point in time so that the Commission's review can be duly considered by the local jurisdiction prior to formalizing its actions. At the local government's discretion, submittal of a project for Airport Land Use Commission review can be done before, after, or concurrently with review by the local planning commission or other local advisory bodies.
2. *Commission Action Choices* - When reviewing a land use project proposal, the Airport Land Use Commission has a choice of either of two actions: (1) find the project *consistent* with the *Airport Land Use Compatibility Plan*; or, (2) find the project *inconsistent* with the Plan. In making a finding of inconsistency, the Commission may note the conditions under which the project would be consistent with the Plan. The Commission cannot, however, find a project consistent with the Plan subject to the inclusion of certain conditions in the project.