

**MINUTES OF THE
ALUC MEETING
May 18, 2022**

The Airport Land Use Commission convened a Meeting on Wednesday, May 18, 2022 at 6:00 p.m. in the Board Room at 940 Main St., El Centro, California.

Staff present: Assistant Director Michael Abraham, Planner IV David Black, Clerk John Robb and Rosa Soto .

Chairman Mike Goodsell called the meeting into order.

- I. **Roll Call:** Commissioners present: Goodsell, Arguelles, Guerrero [Zoom] and Chavez {Zoom}
- II. **Pledge of Allegiance**
- III. **Consideration of Brown Act Resolution** –“Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361.”

Commissioner Goodsell, I Motion to approve the Brown Act Resolution for today meeting May 18, 2022.

Commissioner Arguelles, I will second.

Chairman Goodsell, We have a motion and a second, Roll call vote.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Arguelles (yes)

IV. Approval of Minutes – March 16, 2022 Minutes

Commissioner Goodsell: I Motion to approve the minutes for the March 16, 2022 meeting.

Commissioner Arguelles: I will second.

Chairman Goodsell: We have a motion and a second, Roll call vote.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Arguelles (yes)

V. Public Hearings

Chairman Goodsell: Introduces public hearings. First one of Brawley Solar Energy Facility project.

David Black, Planner IV: read the project into the record.

1. Public hearing to consider the Brawley Solar Energy Facility project. The project applicant, ORNI 30, LLC, proposes to construct and operate a 40-megawatt (MW) photovoltaic (PV) solar facility with an integrated 40 MW battery energy storage system (BESS) (not to exceed 80 MW) on five parcels 037-140-006, -020, -021, -022 and -023 totaling approximately 227 acres of privately owned land. Power will be transferred via a 1.8-mile-long double circuit 13.8 and 92 kV gen-tie line with 66- foot-high poles to interconnect to the Imperial Irrigation District's existing North Brawley Geothermal Power Plant substation, located at Hovley Road and Andre Road, southwest of the project site. A proposed fiber optic line from the project substation would be connected with the existing North Brawley Geothermal Power Plant substation to connect the project substation to the region's telecommunications system. The proposed fiber optic telecommunications cable, once past the point of interconnection, would utilize existing transmission lines to connect to the existing North Brawley Geothermal Power Plant substation. Alternatively, a 40 to 100-foot tall microwave tower could replace the need for a fiberoptic line to transmit data offsite.

The entire project site is currently zoned General Agricultural. Pursuant to Title 9, Division 5, Chapter 8, "Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height..." The proposed transmission poles and microwave tower do not exceed the height limit of 120 feet; therefore, a Variance is not required for the proposed project.

The applicant is requesting a General Plan Amendment to include/classify three (3) of the project parcels (Assessor Parcel Nos. [APN] 037-140-022, 037-140-023 and 037-140-006 into the Renewable Energy Overlay Zone. No change in the underlying General Plan land use (Agriculture) is proposed. The entire project site is currently zoned General Agricultural. The applicant is requesting a Zone Change to include/classify all five project parcels into the Renewable Energy/Geothermal (RE-G) Overlay Zone (A-2-RE-G). Implementation of the project would also require the approval of a conditional use permit by the County to allow for the construction and operation of the proposed solar energy facility with a BESS on land zoned General Agricultural with a RE-G Overlay Zone (A-2-RE-G). Additionally, the project would require the approval of a water supply assessment by the County. The project site is approximately one mile north from the City of Brawley's jurisdictional limit. (Supervisory District #4), Project is scheduled for review with the Airport Land Use Commission on May 18, 2022. (ALUC 02-22) [David Black, Planner IV at 442-265-1736, extension 1746 or by email at davidblack@co.imperial.ca.us].

David Black, Planner IV: That concludes the presentation; and asks if anyone has questions.

Chairman Goodsell: All right, any questions from anyone in the panel. If not we will entertain comments from anyone oppose to the project.

Larry Cox: From Brawley, my family resides on the east side from the proposed solar project, am here in opposition for several reasons. Number one (1) we are concern with animal intrusion, we are concern about dust, we are concern about wheats, but I also, I serve on the Imperial County Farm Bureau Board. Several years ago when solar started on agriculture fields there were heavy debate about it and did not take a position about it as farm bureau, because we support private property rights, and we have a tough time if somebody is farming in the north of Niland and someone has a tough time making a living on tough ground up there precluding them from turning to solar. However, it got to a point now where we are losing thousands of acres; we have lost thousands of acres of agricultural land in the Imperial Valley and it all has been done thru conditional use permits, which I think that has been a little bit too, what is the word am looking for? To loose on the permitting on these solar projects. At some point it gets to be where there is enough damaged done to the public good and the community, that out weighs the private rise, and I think to the point we send a letter to the Farm Bureau to the Supervisors a month ago saying take a look at the southwest corner of the Imperial Valley and you got thousands of acres that used to be productive farm land and its solar projects now. Take a look of how many people are employed there; it take one person to oversee several thousands of acres of solar. Then take a look of what is being done in a field of Bermuda grass, alfalfa, alfalfa seed, lettuce, or melons and take a look at how many jobs are out on those fields that are in production versus in solar. So, farm Bureau feels it has gotten to a point we have advise the solar and the county to put a cap on agriculture land to be converted to solar. We recommended being 15 thousand acres and we believe there is more than that now, That much more on the projects. I am hoping that they will take action. We are in opposition in this as family proximity and as a Farm Bureau member, thank you.

Victoria Boyd-Chambers group: Can I just make a quick comment? The applicant and some other people in the team are waiting to be let in to the meeting room.

Chairman Goodsell: Yeah we will need them in here. Therefore, I will like to ask if anybody is in favor of the project that will like to speak at this time. Whether someone Online or present? Hearing none. Then I guess to answer you Mr. Cox, you know we are out of our daily task here mainly is how it affects airport land use. We are not the Conditional Use Permit (CUP) approvers. It is right to come and voice your opinion, certainly. Therefore, we have a recommendation what is the pleasure of the commission regarding this project. Do we have a motion? Well if it fails for a motion then we will not take any action on it. However, it is our responsibility to offer approval or disapproval based on the airport land use commission compatibility plan.

David Black, Planner IV: Mr. Chairman if you do not mind. The project is going thru an environmental impact report right now, where we are addressing all the concerns that were raise by Mr. Cox and many other concerns thru a huge environmental document. The project area is outside of the airport land use compatibility area. The concerns, comments that we received from the City of Brawley about impacts on the road and stuff like that, we are also addressing. It does not appear to be any impacts to the air space or the area around the airport of the Brawley within the compatibility area of this plan; it is over a mile north of the compatibility planning area.

Chairman Goodsell: We are somewhat short in our panel tonight, but I am going to move then for approval for this base on its consistency with the plan. Will look for a second.

Commissioner Arguelles: I'll second.

Chairman Goodsell: We have a motion and a second.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Arguelles (yes)

Chairman Goodsell: Thank you, motion carries. Next public hearing to consider proposed tower company for IV holdings.

Michael Abraham, Assistant Director: Presents PowerPoint project.

2. Public hearing to consider the proposed TowerCo IV Holdings, LLC project for consistency with the Imperial County Airport Land Use Compatibility Plan. The project is identified as Conditional Use Permit #21-0022 for a 100-foot wireless communication facility and Variance #22-0002 to exceed the height limitation in an area zoned Gateway Industrial (GI) by 40 ft. The project site is located at 1812 Pan American Street, Calexico, CA, on property identified as Assessor Parcel Number 059-512-002-000, and is further described as Lot 64 of Tract 941-Unit #2, Township 17 South, Range 16 East, S.B.B.M., Latitude 32° 40' 36.998"N – Longitude 115° 22' 38.824"W. (ALUC 03-22) [Mariela Moran, Planner III (442) 265-1736, extension 1747 or by email at MarielaMoran@co.imperial.ca.us

Michael Abraham, Assistant Director: Asks if the commissioners have any questions for him. We have several comment letters, and I believe there is some participants online that wish to speak.

Chairman Goodsell: I have a question for Mr. Abraham. Is this something we will have to put a light on, lighted towers of any kind in the area?

Michael Abraham, Assistant Director: Responds, yes. He asks to go back to the vicinity map. It is our policy that we put lighting in all our cell towers. Even if it is not required by Federal Aviation Administration (FAA). Once it goes over by 200 ft. Federal Aviation Administration (FAA) requires lighting, but we always put lighting as a condition for CUP. There is another cell tower just to the West.

Chairman Goodsell: Is there any questions by somebody else in the panel? Those that are oppose to the project that will like to speak at this time. Feel free.

John, API: I would like to make a comment on opposition.

Chairman Goodsell: Go right ahead.

John Corcoran-API: I have submitted two (2) letters to planning dept. we are not opposing the project as long as the proper requisite checks are done. Michael made a comment about the nearest air facility. We have a special procedure CN90 on our property, which is showing on the map. Immediately east where the project is, where it says Los Alamos Road. We have a pad which is used by government services mainly Air Marine Operations. It is required, I had a conversation with Federal Aviation Administration (FAA), there has to be a study done in order to have air clearance approval. Which it might or not be a conflict here in our air space. However, that review has not been done because I saw the letter from Federal Aviation Administration (FAA) that was dated, 12/15/2021. Special procedure CN90 had an issue date of March 24, 2022, which it is currently active and in operation right now. Therefore, again we need to see if that has any type of issue from an Federal Aviation Administration (FAA) standpoint, relative to the penetration of the height of this tower. That has to be determined by Federal Aviation Administration (FAA). We went over that with Ms. Valenzuela this morning as to what the procedure will be. I will be talking to Federal Aviation Administration (FAA) rep. tomorrow on that to initiate a study into that. The second issue that we had reflected in the letter was any perspective interference that we have between the east port of entry and ourselves. Homeland security customs and border protection office of operations, we have wireless links that goes from our facilities to the east port of entry. We do not know if it does or does not have an interference issue relative to this wireless links and at this instant point in time, this has not been addressed or has been any technical study done to ascertain that we will not be impacted with communication between the east port and our facility. Just to put it why is that an important thing. If the port operations were to be disrupted the operations will be moved to our facility for temporary used operation by the port of entry Customs and Border Protection (CBP). We want to make sure communications will not be impacted by this. We have no opposition if neither one of this affect our current operational capabilities. We just want to raise this issues that need to be address and answer. That is all I have to say.

Chairman Goodsell: Usually when things come to us, the Federal Aviation Administration (FAA) has been aware of it.

Michael Abraham, Assistant Director: Right, so the letter we have it does indicate that the Federal Aviation Administration (FAA) is aware of this tower and that they have been in conversation with the Federal Communications Commission (FCC). If there is any issues regarding this proposed cell tower, like this is a conditional use permit and we will condition the tower to make sure that there is not any actual interferences. If the helicopters fly around that helipad, that is located in Mr. Corcoran's location also that the frequency and the communication does not interfere with their traffic. It is no different from any other cell tower close to any other airport. However, is there is any issues we will condition the Conditional Use Permit (CUP) to make sure there is not going to be any interference with their operation so we can mitigated all those issues with conditions on this Conditional Use Permit (CUP). We do have the applicant available.

Chairman Goodsell: If the applicant wishes to speak in favor of the project, this is your time.

Franklin Orozco-Tower Co: He mentions that along with him is Dale Smith, who has been working on the Federal Aviation Administration (FAA) clearance for the project. He explains the project is a tower for AT&T needed at the south to provide coverage in a busy area, which is Calexico. He explains they submitted the reason why they are requesting a high extension on the project. They received comment letters and responded to those. He understands that is not sufficient, he will let Mr. Smith know if he can help him with that if he is available. He will be happy to address those issues. According to AT&T radio engineering they only operated with spectrum and they do not see they will be any issues with interference. He adds that if there is any questions or comments he will be happy to address.

Dale Smith: Introduces himself and explains that he understands that the determination was issue prior to the instrument procedure. When the Federal Aviation Administration (FAA) look into that instrument procedure development, they would consider this tower. So there should be no interference issues, with the hallow path in this tower.

Chairman Goodsell: The best-case scenario with these issues would be to be settle before you had to approve it.

Dale Smith: We do have determination and hazard issue by the Federal Aviation Administration (FAA).

Michael Abraham, Assistant Director: This is one of the first steps in the process of approving a cell tower. It will still have to go through Environmental Evaluation Committee (EEC) and it still needs to go to the Planning Commission.

Chairman Goodsell: It does come back to us on our airport land use compatibility report for our decision. As this is consistent with that, I will move for approval for this project. I will need a second.

Commissioner Guerrero: I will second that.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Arguelles (yes)

Chairman Goodsell: Added that Mr. Corcoran's concerns will be address. Introduces third public hearing to consider the proposed Cal Energy Operating Corporation project.

Michael Abraham, Assistant Director: Presents PowerPoint project.

3. Public hearing to consider the proposed CalEnergy Operating Corporation project for consistency with the Imperial County Airport Land Use Compatibility Plan. The project is identified as Conditional Use Permit #22-0008 for a Helicopter Pad for general transportation (personnel, dignitaries, etc.) and to provide emergency evacuation of injured persons. The project site is located at 6922 Crummer Road, Calipatria, CA, 92233, on property identified as Assessor Parcel Number 020-110-049-000, and is further described as Parcel 1, of PM #02281 of the SE4, Section 5, Township 12 South, Range 13 East, S.B.B.M., Latitude 33° 9' 8.767"N – Longitude 115° 38' 9.402"W. (ALUC 04-22) [Patricia Valenzuela, Planner IV (442) 265-1736, extension 1749 or by email at PatriciaValenzuela@co.imperial.ca.us]

Michael Abraham, Assistant Director: Asks if the commissioners have any questions for him.

Chairman Goodsell: Hearing none. We will listen to anybody that might be opposed to the project. Hearing none. Anybody that will like to speak in favor of the project?

Mark Ran-Cal Energy Real Estate Assets Manager: Introduces himself and his team: Oswaldo Flores-Senior Environmental Coordinator, Anoops- Director of Environmental Services, Jeff Wright-President of Hello Planner Company. Adds that they are there to answer any questions they might have.

Chairman Goodsell: I see part of it is to try to get someone out of there that might be injured, other uses for the helicopter you can think of.

Mark Ran-Cal Energy Real Estate Assets Manager: Bringing people in, dignitaries, general use.

Chairman Goodsell: Ok, all right. Any other questions from the panel? Asks for motion concerning this item.

Commisioner Chavez: I motion that we find this project consistent with the 1996 ALUC plan.

Commissioner Arguelles: I second that.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Arguelles (yes)

Chairman Goodsell: Introduces fourth item, Non-Action Items: ALUC Compatibility Plan Update.

4. Non-Action Items: ALUC Compatibility Plan Update

Michael Abraham, Assistant Director: Michael mentions he had a conversation with Marcela City manager of El Centro; she has been talking to Counsel man walker and put us in contact with airport consultant that can put together a plan. In addition, Michael has been talking with some representative with the dept. of defense with the Navy and Marine corps. They are interested in helping us update the plan, as long as we include the Navy Air station and some of the concerns of the Marine Claire station in Yuma. Those are the minor updates we have at this point.

5. Meeting Adjourn.

A handwritten signature in blue ink, appearing to read "Jim Minnick", written over a horizontal line.

Jim Minnick, Secretary
Airport Land Use Commission

LM\rs\AGIS\AllUsers\ALUC\MINUTES\2022\ALUC Minutes 05 18 2022.docx