

**MINUTES OF THE
PLANNING COMMISSION MEETING
APRIL 13, 2022**

The Imperial County Planning Commission convened a Meeting on Wednesday, April 13, 2022 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick/ Assistant Director, Michael Abraham/Planner IV, David Black/ Clerks- Carina Gomez & Valerie Grijalva.

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

- I. **Roll Call: Commissioners present:** Kalin, Bergh, Cabanas, Wright, Roben, Medina, Pacheco and Schaffner in attendance. Commissioner Dunn came in at 9:03 a.m. after roll call/approval of minutes.

Zoom Call: Roben, Wright, and Medina.

Absent Castillo.

- II. **Pledge of Allegiance:**

- III. **Public Hearings**

1. Consideration of **Brown Act Resolution** to "Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361." The Commission took the following actions:

Motion was made by Commissioner **Kalin** seconded by Commissioner **Cabañas** and carried on the affirmative vote by the Commissioners present Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Pacheco (yes), and Schaffner (yes) to adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361.

2. **Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **March 9, 2022** meeting as submitted by staff.

Motion was made by Commissioner **Kalin** seconded by Commissioner **Cabañas** and carried on the affirmative vote by the Commissioners present Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), and Schaffner (yes) to approve minutes as they stand. Commissioner Pacheco (abstain) was not present on March 9, 2022 PC Meeting.

3. Consideration of **Time Extension #21-0007/Conditional Use Permit #06-0010** as submitted by Pyramid Construction who is requesting a new 15-year term under the previously approved Conditional Use Permit #06-0010 for an existing water well. The permit allowed the applicant to drill and operate a water well for domestic purposes of up to one (8) acre feet of groundwater per year. The project site is located at 1799 Shell Canyon Road, Ocotillo, CA, on property identified as Assessor Parcel Number 033-220-021-000; West half of the Southwest-Quarter, Section 15, Township 16 South, Range 9 East, SBB&M., (Supervisory District #3). The commission took the following action:

Jim Minnick, Director; gave a brief description of the project, and introduced **David Black**, Planner IV, to read the project into the record.

David Black, Planner IV; read the PowerPoint Presentation of the project into the record and asked if there were any questions.

Chairman Schaffner asked if there were representatives for this project present to state their name and address for the record.

George Flannigan, Office Manager; for Pyramid Construction stated he has read the entire project and agrees with everything in it.

Commissioner Schaffner asked Mr. Flannigan if he had any questions or comments.

George Flannigan, Office Manager, responded, not at this time.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), Pacheco (yes) and Schaffner (yes) to find that the project is exempt from CEQA under Government Code Section 15305, and that no further environmental documentation is necessary; find that Time Extension #21-0007 for Conditional Use Permit #06-0010 is consistent with applicable zoning and building ordinances; and approve Time Extension #21-0007 for Conditional Use Permit #06-0010 for a new 15-year term, subject to the existing conditions..

Jim Minnick, Director stated that **Time Extension #21-0007/Conditional Use Permit #06-0010** project stands approved and adopted by the Planning Commission. If any interested party or member of the public wishing to appeal this decision to the Board of Supervisors, may do so within 10 days from today's hearing and submit the appropriate fee of \$650.00 to the Planning & Development Services Department.

Commissioner Bergh asked **Jim Minnick, Director,** when was the water tested last out there, I know it is supposed to be tested every year.

Jim Minnick, Director; asked Commissioner **Bergh,** tested or monitored? Then check with the applicant.

George Flannigan, Office Manager; asked if questions was about testing? Stated they perform a test in 2021 and provided to Planning Commission.

Commissioner Bergh, what was the water quality?

George Flannigan, Office Manager, I do not know what was the water quality off the top of my head it is on file.

Jim Minnick, Director, advised Commissioner **Bergh** copy of the report would be provided.

4A. Consideration of **Time Extension #21-0021/Conditional Use Permit #02-0030** as submitted by Ocotillo RV Resort, aka Blu-In RV Park, LLC, who is requesting a new 15-year term under the previously approved Conditional Use Permit #02-0030 for an existing recreational vehicle park. The permit allowed the applicant to construct a 188-space recreational vehicle park. The project site is located at 2189 Highway 78, Borrego Spring, CA, on property identified as Assessor Parcel Number 018-230-055-000 and 018-230-056-000; in a SW portion of Section 16, Township 12 South, Range 9 East, SBB&M., (Supervisorial District #4). The commission took the following action:

Jim Minnick, Director; gave a brief description of the project, and introduced **David Black,** Planner IV, to read the project into the record.

David Black, Planner IV; read the PowerPoint Presentation of the project into the record.

Chairman Schaffner asked if there were representatives for this project present to state their name and address for the record.

Garrett Manthei, representative introduced himself.

Chairman Schaffner, asked Mr. Manthei if he has read the entire project and agreed with everything in it? Any questions or comments;

Garrett Manthei, replied yes, stated he was excited to start the ownership of the park and work in Imperial County for the first time. Mentioned how his dad started back in 1970 digging ditches to build an RV and Mobile Home Park in the Coachella Valley and is so excited to work in the Imperial County for the first time and looking forward in helping families making life long memories together having fun on the desert.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), Pacheco (yes) and Schaffner (yes); to find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; to find that Time Extension #21-0021 for Conditional Use Permit #02-0030 is consistent with applicable zoning and building ordinances; and to approve Time Extension #21-0021 for Conditional Use Permit #02-0030 for a new 15-year term, subject to the existing conditions.

- 4B. Consideration of **Time Extension #21-0022/Conditional Use Permit #06-0024** as submitted by Ocotillo RV Resort, aka Blu-In RV Park, LLC, who is requesting a new 15-year term under the previously approved Conditional Use Permit #06-0024 for existing water wells. The permit allowed for an additional a water well; one for 10-acre feet per year and another for 2-acre feet per year. The project site is located at 2189 Highway 78, Borrego Spring, CA, on property identified as Assessor Parcel Number 018-230-055-000 and 018-230-056-000; in a SW portion of Section 16, Township 12 South, Range 9 East, SBB&M., (Supervisory District #4). The Commission took the following action:

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), Pacheco (yes) and Schaffner (yes); to find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; to find that Time Extension #21-0022 for Conditional Use Permit #06-0024 is consistent with applicable zoning and building ordinances; and to approve Time Extension #21-0022 for Conditional Use Permit #02-0024 for a new 15-year term, subject to the existing conditions.

Jim Minnick, Director stated that **Time Extension #21-0021/Conditional Use Permit #02-0030 & Time Extension #21-0022/Conditional Use Permit #06-0024** projects stand approved and adopted by the Planning Commission. If any interested party or member of the public wishing to appeal this decision to the Board of Supervisors, may do so within 10 days from today's hearing and submit the appropriate fee of \$650.00 to the Planning & Development Services Department.

5. Consideration of **Time Extension #21-0027/Conditional Use Permit #04-0032** as submitted by the Riverfront Mutual Water Company, who is requesting a new 15-year term under the previously approved Conditional Use Permit #04-0032 for two existing water wells. The permit allowed the applicant to convert two (2) test wells to water supply wells for up to 20-acre feet per year. The project site is located at 562 Rio Vista Way, Palo Verde, CA 92266, on property identified as Assessor Parcel Number 030-250-019-000 and 030-240-020-000; further described as Lot 19, of Tract 947 and Lot 20, of Tract 946, Township 11 South, Range 22 East, SBB&M., (Supervisory District #5). The Commission took the following actions:

Jim Minnick, Director; gave a brief description of the project, and introduced **David Black**, Planner IV, to read the project into the record.

David Black, Planner IV; read the PowerPoint Presentation of the project into the record.

Chairman Schaffner asked if there were representatives for this project present to state their name and address for the record.

Chairman Schaffner, asked **Jim Minnick**, Director, no applicant, no representative for this project, do you wanted to move forward with it.

Jim Minnick, Director; replied, yes, stated applicant requested the time extension and were not adding any differences, they provided their reports and last two numbers on their wells and they are out there off the river.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), Pacheco (yes) and Schaffner (yes) to find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; to find that Time Extension #21-0027 for Conditional Use Permit #04-0032 is consistent with applicable zoning and building ordinances; and to approve Time Extension #21-0027 for Conditional Use Permit #04-0032 for a new 15-year term, subject to the existing conditions..

Jim Minnick, Director stated that **Time Extension #21-0027/Conditional Use Permit #04-0032** projects stand approved and adopted by the Planning Commission. If any interested party or member of the public wishing to appeal this decision to the Board of Supervisors, may do so within 10 days from today's hearing and submit the appropriate fee of \$650.00 to the Planning & Development Services Department.

6. Consideration of **Time Extension #22-0008/Tract Map #00944** as submitted by HWP Heber, LLC (applicant) requesting the sixth and final one-year time extension for Tract Map #00944, as allowed by the Subdivision Map Act. The Board of Supervisors approved Tract Map #00944 (Major Subdivision) subject to conditions, on February 17, 1998. The sixth and final time extension would cover from May 14, 2022 to May 14, 2023 (end of map life). The property is legally described as the North Half, of Tract 49, Township 16 South, Range 14 East, SBB&M, in an unincorporated area of the County of Imperial, State of California. Assessor's Parcel Number (S) 054-654-017 and 054-471-001 (NW Corner of Hwy 86 and Dogwood Rd, Heber, CA), (Supervisory District #2). The Commission took the following actions:

Jim Minnick, Director; gave a brief description of the project, and read the PowerPoint Presentation of the project into the record.

John Gay, Director of Public Works, stated his department is reviewing all the maps at this time; they are in support of this extension. Their expectation is that the final map will be approve within a month, maybe a month in a half at the rate that they are going right now. COVID did slow them down, slowed out department down, affecting their ability to look at this map, but they have everything in place and plans ready to sign. Mr. Gay comment the reason he is excited about this other than the fact that they will be building homes in Heber is because if you go back and refer to the aerial map a portion of Highway 86 will completed, and that is going to cup up well with their project, as they have funding that they have collected to put a signal light on Dogwood Road and Highway 86; and actually have a consultant that is working on that right now to acquire the other pieces of property and once we do we will go ahead and get that signal light in.

Commissioner Cabañas, asked Mr. Gay if their repairing signals on Highway 86 and Dogwood Road where there are houses to the east and the County Fire Department to the south, right?

John Gay, Director of Public Works, comment that the signal light project is not part of this development, they may have paid a fair share back in the day, but the County obligated itself to install that through a tri-party agreement, which was back when the IV Mall was created and he was with the City of El Centro. Since he has come back to the County, he has collected the money through all those developments. Also mentioned there is a \$6 million sidewalk project in Heber, through AB617, which thinks there may be another agenda item that may be looking into signal lights on Pitzer Road and

Highway 86, therefore, that phase of Heber is really going to change for the better. Overall, there will be some significantly public improvements coming the next two (2) to three (3) years.

Chairman Schaffner asked if there were representatives for this project present to state their name and address for the record.

Tom Watson, introduced himself, stated he was a member of HWP Heber, LLC and really looking forward in getting this project moving forward.

Chairman Schaffner asked **Mr. Watson** if he has read the entire project and agreed with everything in it.

Tom Watson replied yes and that he agrees.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), Pacheco (yes) and Schaffner (yes) to approve Time Extension (EXT #22-0008) for Tract Map (TR #00944) for the sixth and final one-year time extension, subject to the conditions listed under said Tract Map.

Jim Minnick, Director stated that **Time Extension #22-0008/Tract Map 00944** projects stand approved and adopted by the Planning Commission. If any interested party or member of the public wishing to appeal this decision to the Board of Supervisors, may do so within 10 days from today's hearing and submit the appropriate fee of \$650.00 to the Planning & Development Services Department.

7. **Continued Item:** Consideration of **Tract Map (TR) #00992** Miraluz Affordable Housing / Initial Study #22-0002 as submitted by David Davis on behalf of Heber Meadows Land Holdings, LLC. Applicant proposes a major subdivision to create five lots for the purpose of constructing a phased affordable housing project. The project also anticipates improvements to the State Route-86/Pitzer Road intersection. The property is legally described as Lot "D" of the Heber Meadows Tract 956 Unit 1, Portion of Section 27, Township 16 South, Range 14 East, SBBM; Assessor's Parcel Numbers 054-601-016-000, (185 E. Willowbrook Way, in the town of Heber, unincorporated Imperial County, California, Supervisorial District #2). The Commission took the following action:

Jim Minnick, Director; gave a brief description of the project, and read the PowerPoint Presentation of the project into the record.

Jim Minnick, Director; called applicant to come forward and present their PowerPoint Presentation;

David Davis & Hyde Mather with Chelsea Investments Corporation introduced himself stated his name and address for the record;

Chairman Schaffner asked the applicant if he has read the project package and if he agreed with everything in it;

David Davis, replied yes, he agreed 100 % percent.

Chairman Schaffner then turned the Commission to Mr. Davis & Ms. Mather to present their Power Point Presentation. see attached.

Laura Fisher, Heber Public Utility District General Manager, stated there had been some community concerns and

thinks the Planning Commission; Supervisors Plancarte along with the developer had a meeting and answered a lot of those questions. She has not heard anything back from the community after that one meeting at the Heber Community Center. She mentioned her Board supports this project, they have the water and sewer available for this project and have reviewed the conditions of approval, have made some comments and those have been included in the conditions. This property is part of community facilities district so they will be working with the developer to determine any shared costs they may have to pay down that debt incurred for water, sewer and storm water improvements when that project was initially constructed back in 2005-2006.

Chairman Schaffner; opened/closed the public portion of the meeting, there were no public comment he then turned it over to the Commission for any questions and/or comments. He then entertained a motion.

Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present as follow Kalin (yes), Bergh (yes), Cabañas (yes), Wright (yes), Roben (yes), Medina (yes), Dunn (yes), Pacheco (yes) and Schaffner (yes) to the Recommend to Board of Supervisors to adopt the “Mitigated Negative Declaration, with Mitigations Monitoring and Reporting Program” by finding that the proposed project with the proposed Mitigation Measures will not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) meeting held on January 27, 2022; Make the De Minimus Finding as determined at the January 27, 2022 EEC hearing that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes; and to Recommend to Board of Supervisors to approve the Resolutions with Findings for Tract Map 00992, subject to all of the conditions.

Jim Minnick, Director stated Tract Map #00992 project stand approved and adopted for recommendation to the Board of Supervisors. This project will therefore move forward to the Board of Supervisors, there is no appeal and the next hearing will be scheduled within the month.

Chairman Schaffner; asked the Commission and the Director if there were any questions and/or comments.

Jim Minnick, Director stated County Counsel will be discussion an item.

Erick Havens, County Counsel came forward and introduced himself. Stated he was there to speak regarding the infra-Tower matter; it is really a request for a rehearing, which in the determination of County Counsel that would be “ok”. So, I would like to talk to you for a few minutes about conflicts just as a refresher. In general the decision to declare a conflict or biased or refuse ourselves from an item as a personal one for each commissioners. You are provided Conflict of Interest Forms, I think probably each hearing periodically you take AB1234 Ethics Training periodically, you fill out Form 700. As Secretary to the Planning Commission the Planning Director does not advise on conflict issues, so it appears that on this case the Director tried to assist the Commissioners at least think through these potential conflicts are biased. In addition, when there is no direct conflict of interest or financial interest in the case, it really can be difficult or nebulous to determine these issues of biased adjudicator or an appearance of impropriety. It is more of a personal decision in that case. Here it is uncertain what the Directors role was in the conflict decisions and what was said, whether he was overly exhausted perhaps or influencing or steering the declaration of conflict. The applicant has raised these issues and so if, the Commissioners would like to rehear the matter because the ones who declared a conflict feel that they can make a fare and biased decision then I have no problem with the rehearing, it would have to be up to the Commission. I would ask for direction, to the Director to bring this back to rehearing. It is not an item on the agenda; we can either vote at the next meeting or give the director direction to bring the item back. I make no determination about whether there is or is not biased.

Chairman Schaffner asked if the applicant want to bring the item back for rehearing.

Jim Minnick, Director, replied, they are giving us both options, but I think they much prefer to come back to your

Commission and they have also filed the appeal, it is up to you.

Vice-Chairman Kalin; asked if a motion was required.

Eric Havens, County Counsel stated a direction would be fine to bring it back.

Vice-Chairman Kalin, stated, personally I think it should be reheard; all Commissioners present were in agreeance.

VI. Public Comments, NONE.

VII. Commissioner Comments, NONE.

VIII. Director Comments, NONE.

IX. Adjournment: Meeting adjourned at 9:45 a.m.

Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:

Jim Minnick, Director of
Imperial County Planning Commission
Valerie Grijalva & Carina A. Gomez PC Recording Clerks
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