



# Imperial County Planning & Development Services

## Planning / Building

Jim Minnick  
DIRECTOR

TO:

Commissioner Mike Goodsell  
Commissioner Yvonne Cordero  
Commissioner Marlynn Lopez  
Commissioner Jerry Arguelles

FROM:

Jim Minnick, Secretary  
Planning & Development Services Director

SUBJECT:

Public hearing to consider the proposed project would be located on an 80.92-acre parcel currently zoned A-3-RE (Heavy Agriculture with Renewable Energy Overlay, the Applicant is proposing a Conditional Use Permit #24-0027, General Plan Amendment #25-0001, and a Conditional Zone Change #25-0001 to M-1-RE (Light Industrial with Renewable Energy Overlay) to operate a standalone battery storage facility. The project consists of two primary components: (1) a 75-megawatt (MW) Battery Energy Storage System (BESS); and (2) a gen-tie line that would connect to the Imperial Irrigation District's (IID) existing 92-kilovolt (kV) "P" Line. The property is identified under Assessor's Parcel Number (APN) 059-290-010-000. (ALUC 02-26) [Rocio Yee, Planner II, at 442-265-1736, extension 1750 or by email at [rocioyer@co.imperial.ca.us](mailto:rocioyer@co.imperial.ca.us)].

DATE OF REPORT: February 18, 2026

AGENDA ITEM NO: 2

HEARING DATE: February 18, 2026

HEARING TIME: 6:00 p.m.

HEARING LOCATION: County Administration Center  
Board of Supervisors Chambers  
940 Main Street  
El Centro, CA 92243

### STAFF RECOMMENDATION

It is Secretary's recommendation that the Airport Land Use Commission finds the proposed General Plan Amendment #25-0001, Conditional Zone Change #25-0001, and Conditional Use Permit #24-0027, with Initial Study (IS #24-0040) for the Border BESS Project be consistent with the 1996 Airport Land Use Compatibility Plan.

## **SECRETARY'S REPORT**

### **Project Location:**

The proposed Border BESS Project is located in unincorporated Imperial County, north of the United States (U.S.)/Mexico International border. The CEDAR 1 Project (previously known as VEGA SES 4 Solar Energy Project) is located to the east, and the All-American canal to the north, on the California side (Figure 2). The project site is approximately 10 miles east of the City of Calexico in Sections 10 and 15 within Township 17 South, and Range 16 East of the San Bernardino Base and Meridian of the Bonds Corner topographic 7.5-minute quadrangle. The project site is located on approximately 81 acres of privately-owned land on a single parcel (Assessor Parcel Number [APN] 059-290-010-000). Longitude -115° 19' 19.5996", Latitude 32° 40' 42.8262".

### **Project Description:**

The applicant, APEX Energy Solutions LLC is seeking approval of a General Plan Amendment #25-0001, Conditional Zone Change #25-0001 and a Conditional Use Permit #24-0027 associated with the construction and operation of a stand-alone battery energy storage system (BESS) facility.

The project site is currently characterized by flat and undeveloped land, portions of which have been disturbed associated with previous agricultural-related activities.

The proposed project consists of two primary components: 1) 75-megawatt (MW) Battery Energy Storage System (BESS); and 2) a 60-feet gen-tie line that would connect to the Imperial Irrigation District's (IID) existing 92-kilovolt (kV) "P" Line.

The proposed 60-feet gen-tie line would interconnect to the IID electrical grid via the existing 92 kV "P" Line and the existing Bonesteel Substation located north of the All-American Canal. The proposed gen-tie line would be constructed to connect from the project site, along the south side of the All-American Canal and then cross the canal at the same location where the previously-approved CEDAR 1 Project's gen-tie line crosses the canal. The gen-tie line would be located on the All-American Canal bank on land controlled by the Bureau of Reclamation (BOR). Approval of an easement by the BOR is required in order to accommodate the portion of the gen-tie that would be placed in BOR controlled land.

The dimensions of the proposed substation would be approximately 100 feet by 100 feet and would be located northwest of the BESS containers. The proposed substation would be unstaffed and automated.

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

The proposed project is currently zoned Heavy Agriculture with a Renewable Energy Zone Overlay (A-3-RE) to be changed to Light Industrial with Renewable Energy Zone Overlay (M-1-RE), conditional for BESS Facilities only.

An amendment to the County's General Plan (Land Use Element) is required to implement the proposed project. The project parcel currently has a General Plan land use designation of "Agriculture." The applicant is requesting a General Plan amendment to change the General Plan land use designation from "Agriculture" to "Industrial."

**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...”*

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))... For the purposes of this plan, the specific types or “actions, regulations, and permits” which the Commission shall review include:

*“Any Building permit application for project having a valuation greater than \$500,000.”*

*“Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.”*

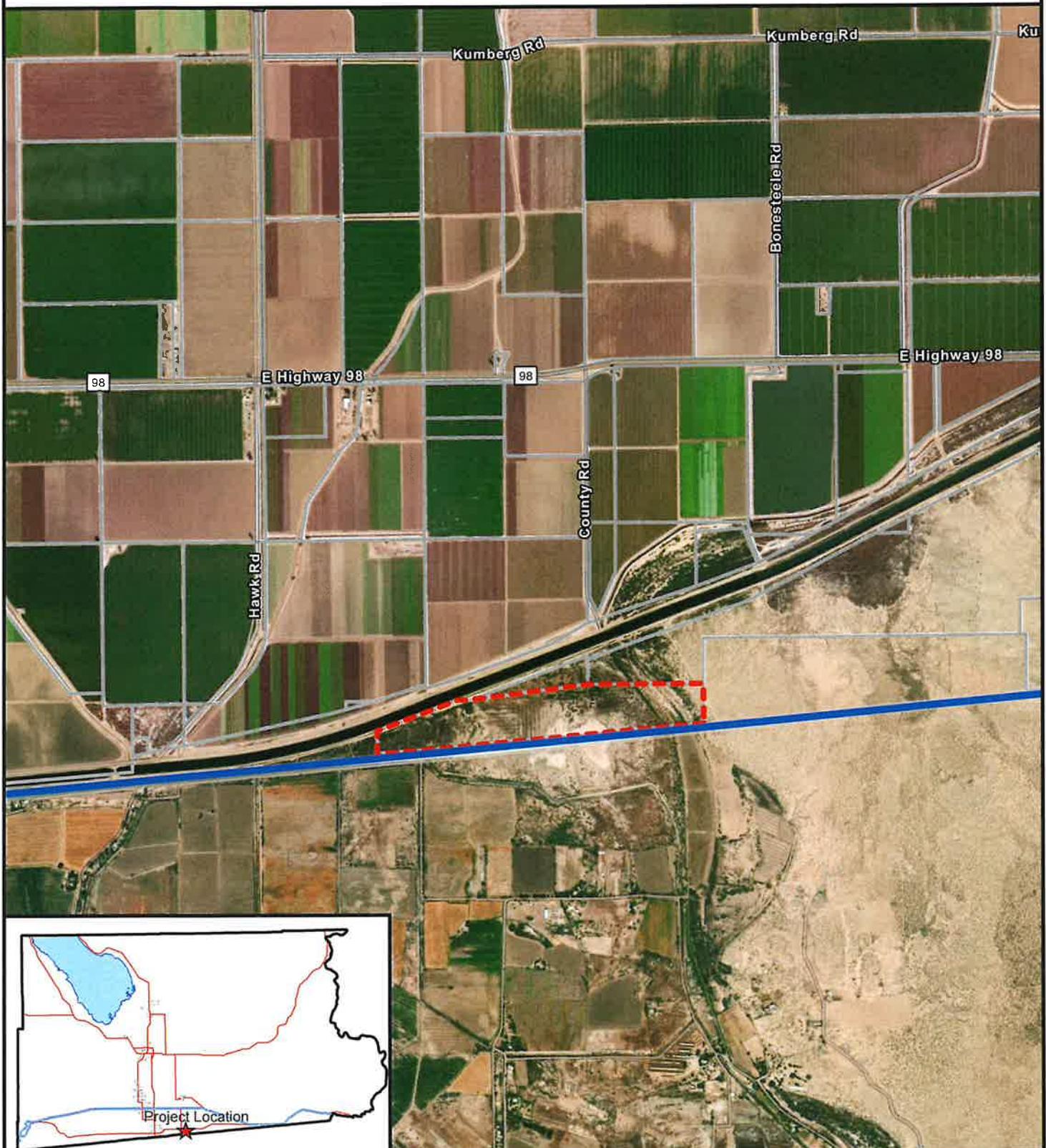
The proposed Battery Storage project has been submitted for the Airport Land Use Commission's review and determination of consistency with the 1996 Airport Land Use Compatibility Plan (ALUCP) due to the nature of the applications. After reviewing the Border BESS Project, it was found that the project is not near or within an airport or airport zone as shown in Attachment “B” ALUC Map; therefore, the proposed Border BESS project is consistent with the 1996 Airport Land Use Compatibility Plan (ALUCP).

**ATTACHMENTS:**

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

**ATTACHMENT "A"**  
**VICINITY MAP**

# PROJECT LOCATION MAP

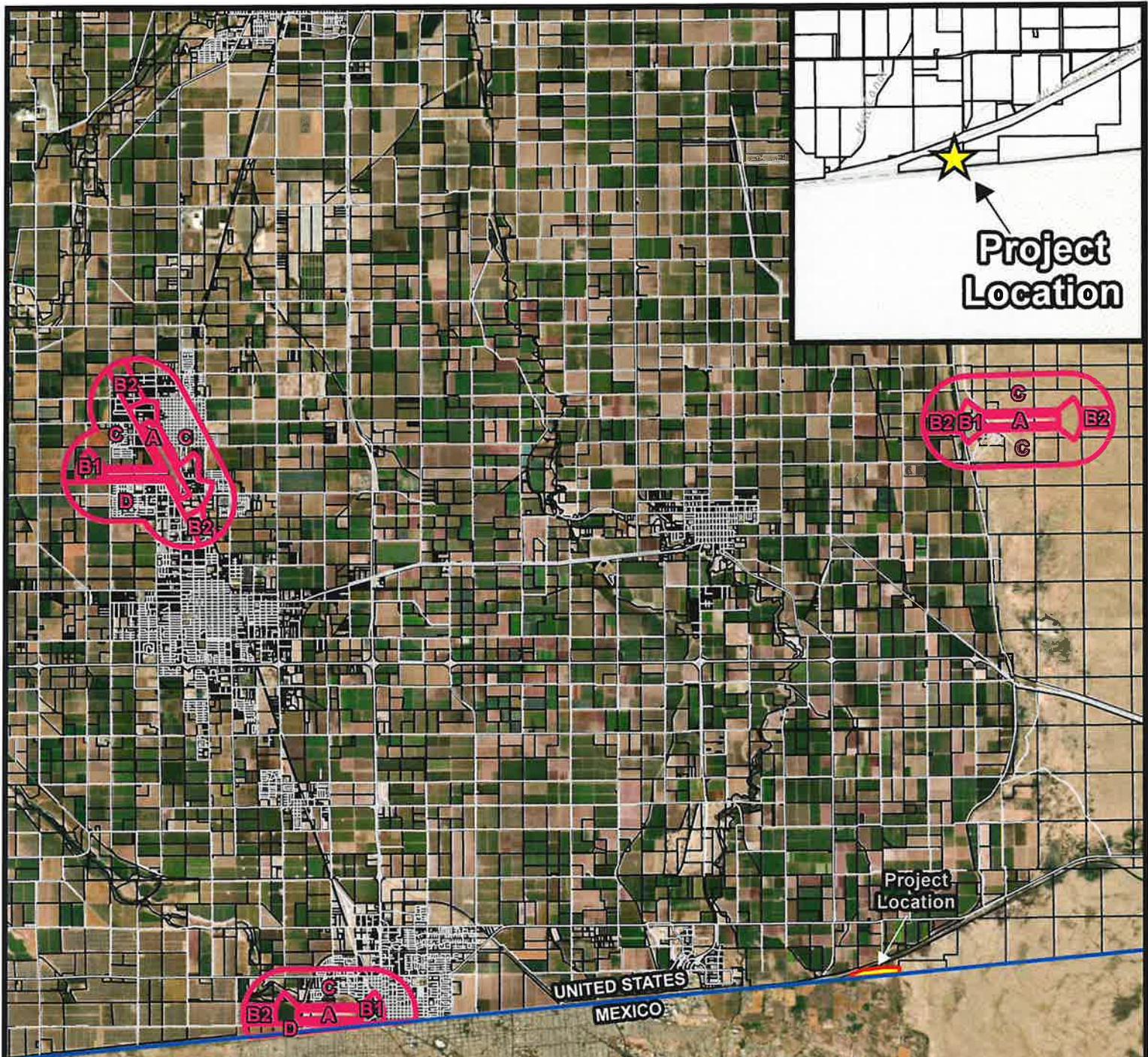


**BORDER BESS**  
**APEX ENERGY SOLUTIONS LLC**  
GPA25-0001 / ZC25-0001  
CUP24-0027 / IS24-0040  
APN: 059-290-010-000

Project Location  
 Parcels  
 Centerline  
 International Border



**ATTACHMENT “B”**  
**ALUC MAP**

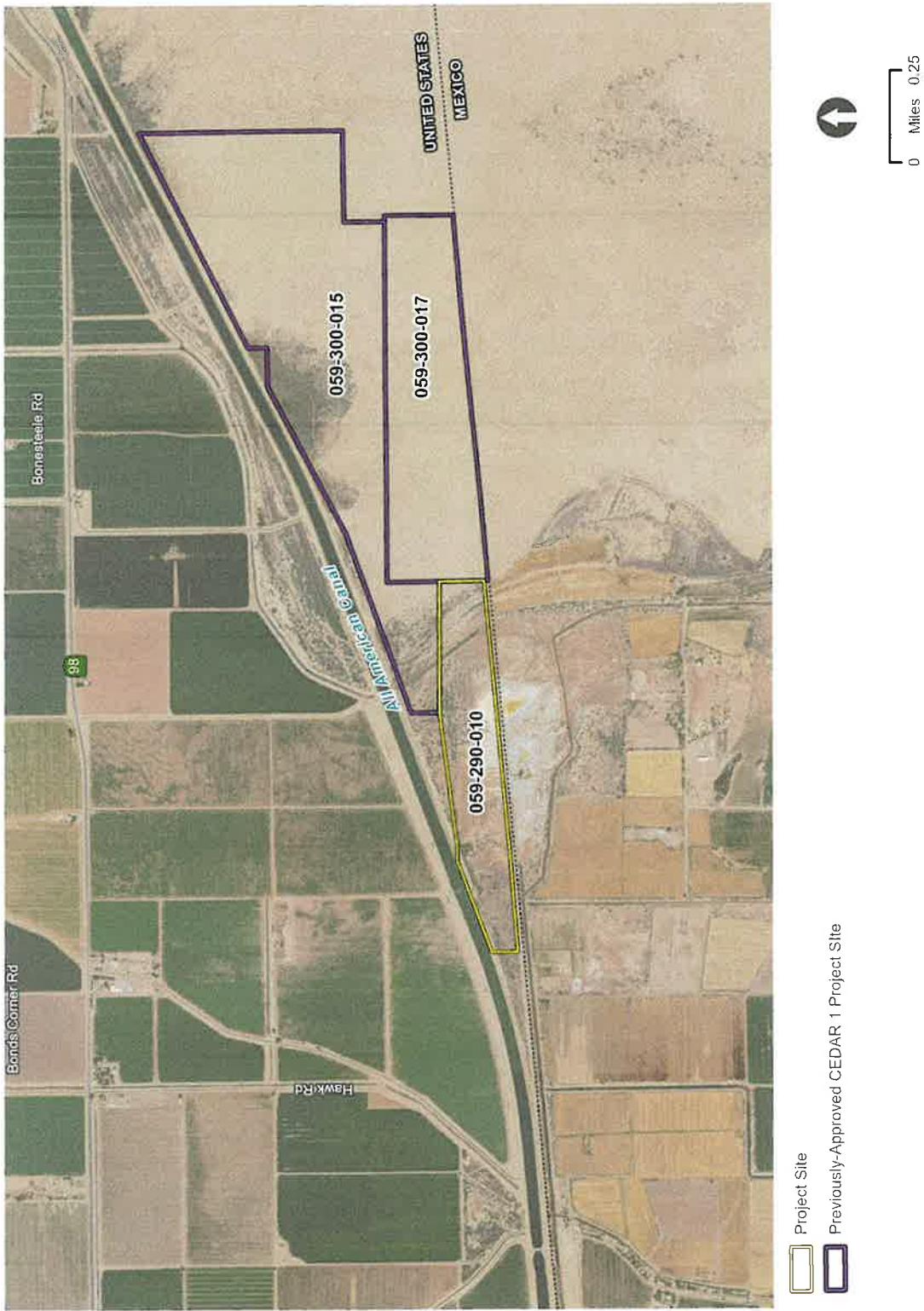


**BORDER BESS**  
**ALUC #02-26**  
**GPA25-0001 / ZC25-0001 / CUP24-0027 / IS24-0040**  
**APN: 059-290-010-000**

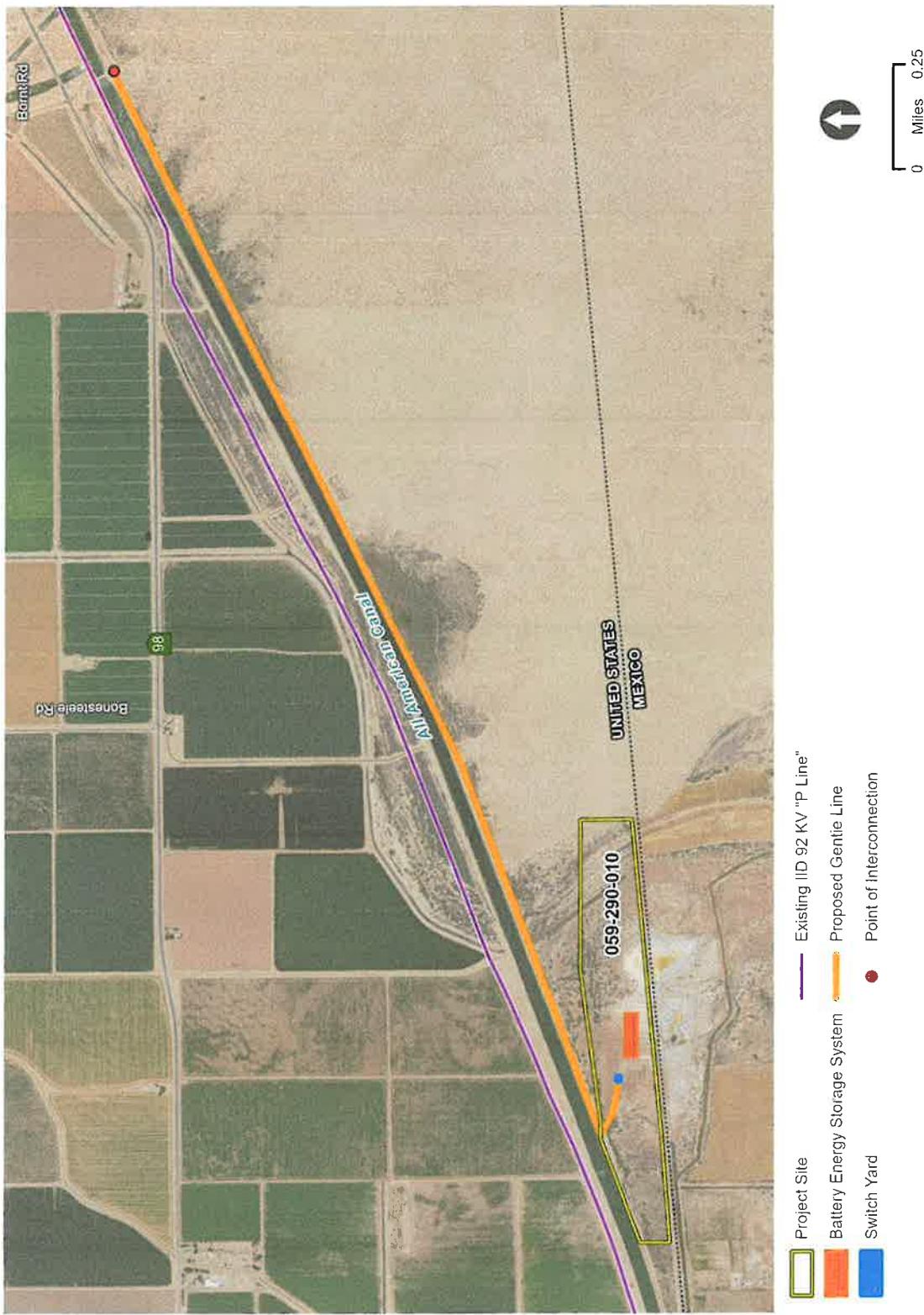


**ATTACHMENT "C"**  
**SITE PLAN(S)**

**Figure 2 Project Site**



**Figure 3 Proposed Site Plan**



**ATTACHMENT "D"**

**PROJECT DESCRIPTION**

# Project Description

## Border Battery Energy Storage System Project

### Project Title

Border Battery Energy Storage System Project

### Project Sponsor's Name and Address

Apex Energy Solutions, LLC, 604 Sutter Street, Suite 250, Folsom, CA 95630

### General Plan Designation

Agriculture

### Zoning

Heavy Agriculture with a Renewable Energy Zone Overlay (A-3-RE)

### Project Location

The project site is located on approximately 81 acres of privately-owned land on a single parcel (Assessor Parcel Number [APN] 059-290-010) in the southernmost portion of Imperial County, California (Figure 1). The project site is located north of the United States (U.S.)/Mexico international border, the CEDAR 1 Project (previously known as VEGA SES 4 Solar Energy Project) to the east, and the All-American canal to the north, on the California side (Figure 2). The project site is approximately 10 miles east of the City of Calexico in Sections 10 and 15 within Township 17 South, and Range 16 East of the San Bernardino Base and Meridian of the Bonds Corner topographic 7.5-minute quadrangle.

The project site is bound by undeveloped land and the previously-approved CEDAR 1 Project site to the east, undeveloped land which has been disturbed with previous agricultural-related activities to the west, the All-American Canal running southwest on the northern border of the project site, and the U.S./Mexico international border to the south. The project site is currently characterized by flat and undeveloped land, portions of which have been disturbed associated with previous agricultural-related activities.

### Renewable Energy Overlay Zone

In 2015, the County adopted the Imperial County Renewable Energy and Transmission Element, which includes an RE Zone (RE Overlay Map). This General Plan element was created as part of the California Energy Commission Renewable Energy Grant Program to amend and update the County's General Plan to facilitate future development of renewable energy projects.

The County Land Use Ordinance, Division 17, includes the RE Overlay Zone, which authorizes the development and operation of renewable energy projects with an approved conditional use permit (CUP). The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of

renewable energy facilities while minimizing the impact on other established uses. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone.

The entire project site is within the County's RE Overlay Zone.

## Environmental Setting

The project site is bound by undeveloped land and the previously-approved CEDAR 1 Project site to the east, undeveloped land which has been disturbed with previous agricultural-related activities to the west, the All-American Canal running southwest on the northern border of the project site, and the U.S./Mexico international border to the south. The project site is currently characterized by flat and undeveloped land, portions of which have been disturbed associated with previous agricultural-related activities.

## Project Components

The proposed project consists of two primary components: 1) 75-megawatt (MW) Battery Energy Storage System (BESS); and 2) gen-tie line that would connect to the Imperial Irrigation District's (IID) existing 92-kilovolt (kV) "P" Line. The BESS and gen-tie line are collectively referred to as the "proposed project." These project components are described in detail below and depicted on Figure 3.

### Battery Energy Storage System

As shown in Figure 3, the proposed BESS would be installed in the central portion of the project site. The BESS would have a storage capacity of 75 MW and would consist of lithium ion batteries. The batteries will either be housed in storage containers or buildings fitted with HVAC and fire suppression systems as necessary, depending on the final selection of battery technology. Inside the housing, the batteries would be placed on racks, the orientation of which depends on the type of housing.

### Gen-Tie Line

The proposed gen-tie line would interconnect to the IID electrical grid via the existing 92 kV "P" Line and the existing Bonesteel Substation located north of the All-American Canal. The proposed gen-tie line would be constructed to connect from the project site, along the south side of the All-American Canal and then cross the canal at the same location where the previously-approved CEDAR 1 Project's gen-tie line crosses the canal. The gen-tie line would be located on the All-American Canal bank on land controlled by the Bureau of Reclamation (BOR). Approval of an easement by the BOR is required in order to accommodate the portion of the gen-tie that would be placed in BOR controlled land.

### Substation

The dimensions of the proposed substation would be approximately 100 feet by 100 feet and would be located northwest of the BESS containers. The proposed substation would be unstaffed and automated. The California Building Code and the IEEE 693, Recommended Practices for Seismic Design of Substations, will be followed for the substation's design, structures, and equipment.

## Site Access

The project site would be accessed via the following:

- **Worker Access:** Construction worker access is proposed to be similar to that of the adjacent CEDAR 1 Solar project. Construction workers would be picked up at a designated shuttle pick-up area (approved under CUP#25-0011) and dropped off at an existing driveway off SR-98. The construction workers would then walk across the All-American Canal at an existing crossing. No vehicles or construction vehicles are allowed to travel across this existing crossing. Designated shuttles would pick up workers at the south end of the crossing and then travel along an existing dirt road to the project site, in the same manner as is proposed for construction of the CEDAR 1 Solar project.
- **Heavy Construction Equipment Access:** Vendors and heavy construction equipment will use one of the following options to access the project site, similar to how heavy construction equipment has been approved to access the adjacent CEDAR 1 Solar site:
  - Gordon Wells Road – Exit south from Interstate 8 onto Gordon Wells Road approximately 20 miles east of the Border BESS project site, then travel west along an existing dirt road (herein referred to as Border Road) paralleling the U.S./Mexico Border. The Border Road is a road that is maintained and operated by the U.S. Border Patrol. A right-of-way was obtained from the Bureau of Land Management for the adjacent CEDAR 1 Project in 2024.
  - Grays Wells Road – Exit Grays Wells Road from Interstate 8 approximately 24 miles east of the Border BESS project site, then travel west along the Border Road.
- **Emergency Access.** Emergency access to the site would be accommodated via the bridge for small (law enforcement, medical) vehicles. Larger fire trucks and apparatus are proposed to access the site from the west, initially from the paved Anza Road, then transitioning to the existing dirt road that parallels the border. Emergency response personnel would be provided with manual override capability in order to access the site facility.

## Security

Six-foot high security fencing would be installed around the perimeter of the project site at the commencement of construction and site access would be limited to authorized site workers. The project fence on the south would be setback a minimum of 180 feet from the U.S./Mexico international border. A motion detection system and closed-circuit camera system may also be installed. The site would be remotely monitored 24 hours per day, 7 days per week. In addition, routine unscheduled security rounds may be made by the security team monitoring the site security.

## Construction

Construction is anticipated to be completed in approximately eight months. The following provides the proposed project's construction phases and approximate duration of each phase:

- Site Preparation – 3 weeks
- Grading/Trenching – 10 weeks

- Foundations/Equipment Installation/Wiring/Commissioning – 19 weeks

## Operations

Once fully constructed, the project would be operated on an unstaffed basis and be monitored remotely, with periodic on-site personnel visitations for security, maintenance and system monitoring. The project applicant would install video and intrusion surveillance on the project site. Therefore, no full-time site personnel would be required on-site during operations. Any required planned maintenance activities would generally consist of equipment inspection and replacement and would be scheduled to avoid peak load periods. Any unplanned maintenance would be responded to as needed, depending on the event.

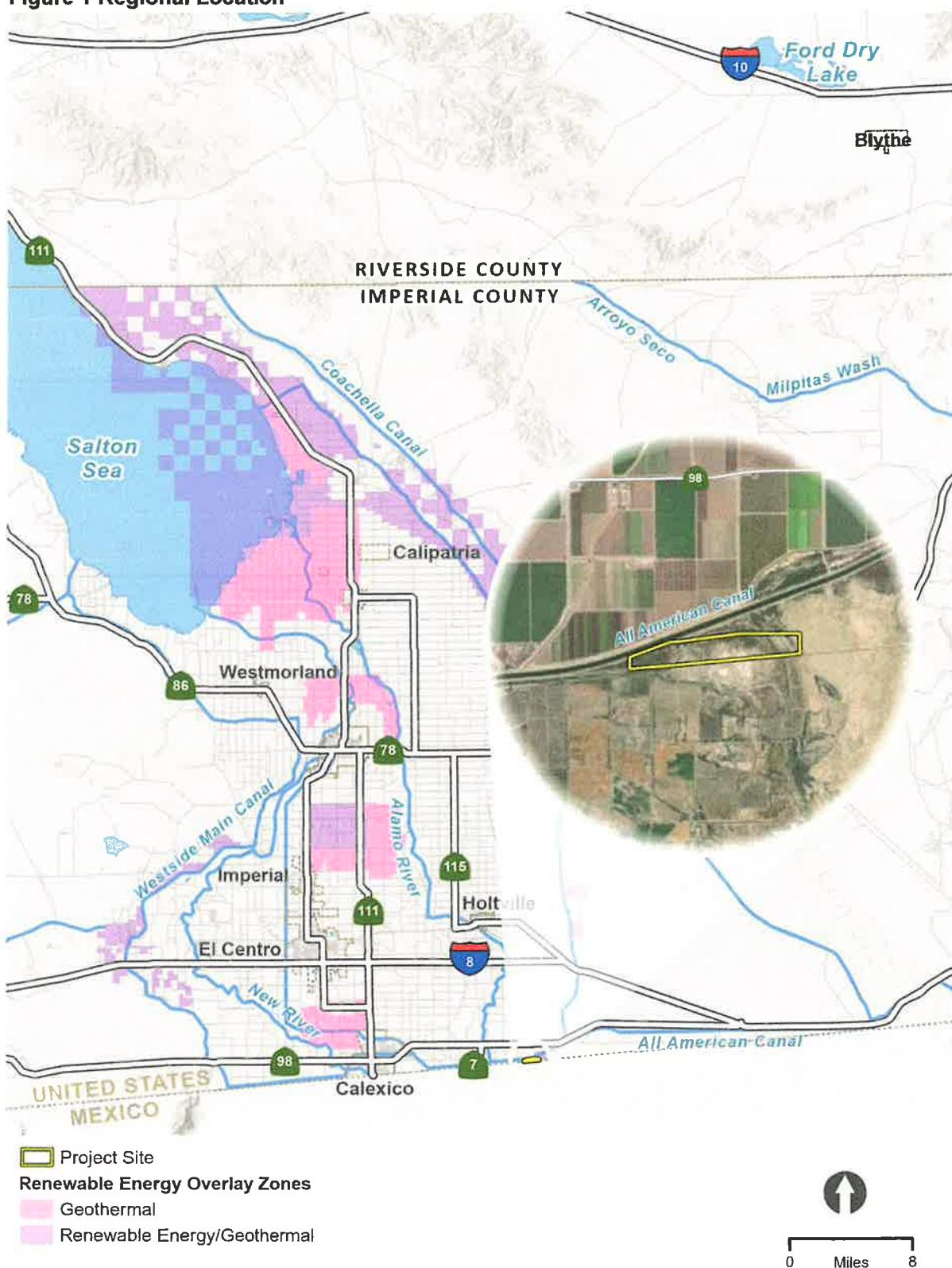
## Project Approvals

The following are the primary discretionary approvals required for implementation of the project:

1. **General Plan Amendment (#25-0001).** An amendment to the County's General Plan, Land Use Element is required to implement the proposed project. The project parcel currently has a General Plan land use designation of "Agriculture." The applicant is requesting a General Plan amendment to change the General Plan land use designation from "Agriculture" to "Industry."
2. **Zone Change (#25-0001).** The project parcel (APN 059-290-010) is currently zoned Heavy Agriculture with Renewable Energy Overlay (A-3-RE). The applicant is requesting a zone change from A-3-RE to Light Industrial with Renewable Energy Overlay (M-1-RE).
3. **Approval of Conditional Use Permit (CUP #24-0027).** Implementation of the project would require the approval of a conditional use permit (CUP) by the County to allow for the construction and operation of the proposed BESS. Pursuant to Title 9, Division 5, Chapter 15, the following uses are permitted in the M-1 zone subject to approval of a CUP from Imperial County:

- *Battery Storage*
- *Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under state or federal law, to be approved exclusively by an agency or agencies of the state and/or federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. Such uses shall include, but not be limited to, the following:*
  - *Electrical generation plants*
  - *Facilities for the transmission of electrical energy (100-200 kV)*
  - *Electrical substations in an electrical transmission system (500 kV/230 kV/161 kV)*

**Figure 1 Regional Location**



**ATTACHMENT "E"**

**APPLICATION PACKAGE**

# 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 EnergySolutions	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 Same	EMAIL ADDRESS c/o jurgheuberger@gmail.com	
4. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
4. ENGINEER'S NAME NA	CA. LICENSE NO. NA	
5. MAILING ADDRESS (Street / P O Box, City, State) NA	ZIP CODE NA	PHONE NUMBER NA
6. ASSESSOR'S PARCEL NO. 059-290-010	SIZE OF PROPERTY (in acres or square foot) approx. 81 acres	ZONING (existing) A-3
7. PROPERTY (site) ADDRESS pending by planning dept.		
8. GENERAL LOCATION (i.e. city, town, cross street) south of the All American Canal, west of Drop 4		
9. LEGAL DESCRIPTION see title report		

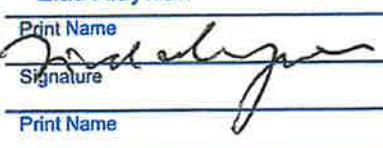
## PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) the project is to develop a 75 MW Battery Storage site	
11. DESCRIBE CURRENT USE OF PROPERTY vacant	
12. DESCRIBE PROPOSED SEWER SYSTEM none required	
13. DESCRIBE PROPOSED WATER SYSTEM none required	
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM per county standards	
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 0

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

Print Name

Nov 15  
Oct. 28, 2024

Date

Date

Signature

## REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN

B. FEE

C. OTHER

D. OTHER

APPLICATION RECEIVED BY:	DATE	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY:	DATE	<input type="checkbox"/> P. W. <input type="checkbox"/> E. H. S. <input type="checkbox"/> A. P. C. D. <input type="checkbox"/> O. E. S.
APPLICATION REJECTED BY:	DATE	<input type="checkbox"/>
TENTATIVE HEARING BY:	DATE	<input type="checkbox"/>
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	<input type="checkbox"/>

CUP #

24-0027  
1524-CD40

# CHANGE OF ZONE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.  
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black & blue) 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 c/o 760-998-0313
3. ENGINEER'S NAME N A	CA. LICENSE NO. N A	
4. MAILING ADDRESS (Street / P O Box, City, State) N A	ZIP CODE N A	PHONE NUMBER N A
5. ASSESSOR'S PARCEL NO. 059-290-010	ZONING (existing) A-3	ZONING (proposed) <i>M1 RC</i>
6. PROPERTY (site) ADDRESS pending	SIZE OF PROPERTY (in acres or square foot) 81 acres	
7. GENERAL LOCATION (i.e. city, town, cross street) south of the all american canal and norht of the international border west of drop 4		
8. LEGAL DESCRIPTION see PTR previously submitted with the CUP application		
9. DESCRIBE CURRENT USE ON / OF PROPERTY (list and describe in detail) vacant and unfarmed for over 10 years		
10. PLEASE STATE REASON FOR PROPOSED USE (be specific) develop a BESS tohelp balance the grid for solar and other renewable projects.		
11. DESCRIBE SURROUNDING PROPERTY USES Solar VEGA 4 to the east, Mexico to the south, the all american canal to the north.		

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 *Ziad Alaywan*  
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  
 *25-0001*

ZC #

Apex Energy Solutions, LLC  
750 W, Main St.  
El Centro, Ca. 92243

Dec. 10, 2024

Imperial County Planning/Development Service Dept.  
801 W. Main St.  
El Centro, Ca. 92243

RE: Request to amend General Plan for the Border Application

ATTN: Jim Minnick, Director

Mr. Minnick:

As requested it is our understanding that we are required to file a General Plan Amendment in order for us to file the applications for a Change of Zone and concurrent Conditional Use Permit(s) for the BORDER Bess project.

Please consider this letter as our request to amend the County's General Plan on the following APN (059-290-010) to have this parcel included in the Renewable Energy Overlay Zone.

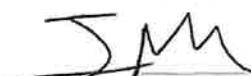
Concurrent with this request we have/are filing the applications as follows:

Change of Zone

CUP for Solar / BESS energy generation project

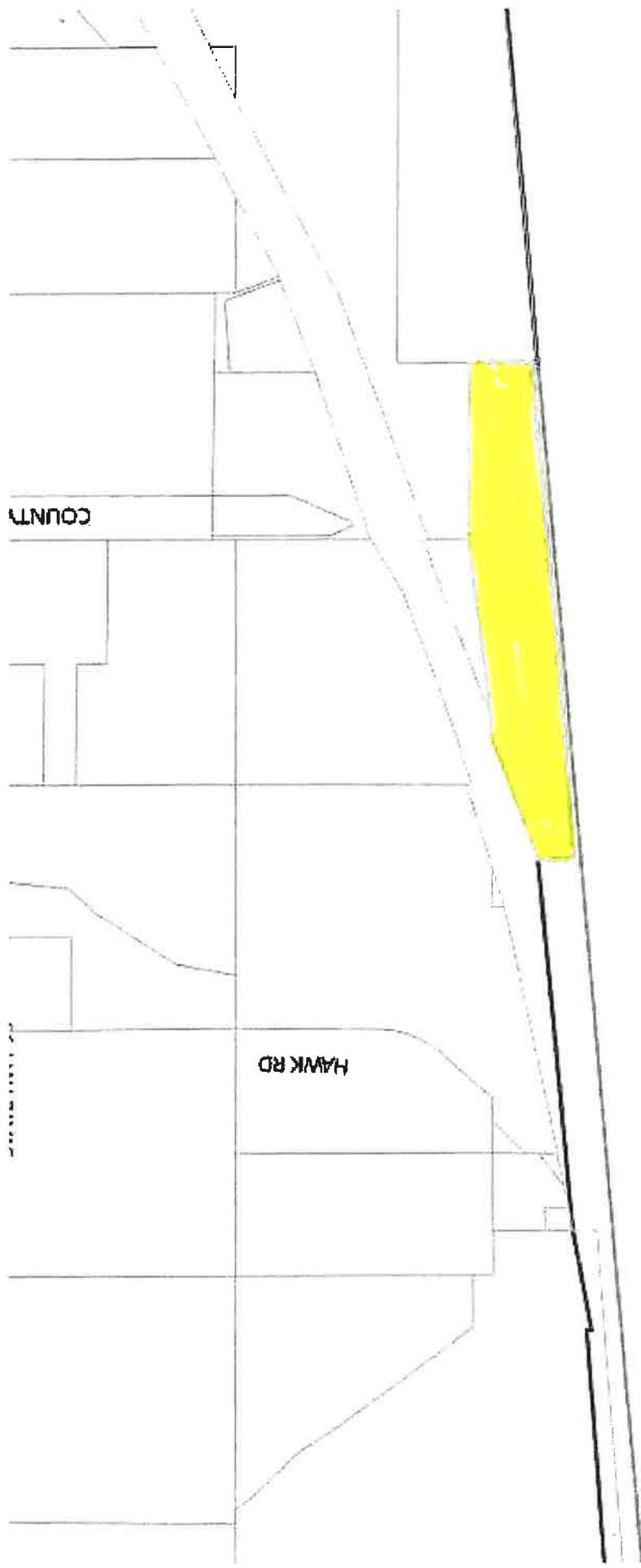
If you have any questions, please feel free to contact Jurg Heuberger at 7670-996-0313 or by email at [jurgheuberger@gmail.com](mailto:jurgheuberger@gmail.com). Also Mr. Heuberger represents us on this project so please direct all correspondence to him.

Thank you kindly

  
Jesse Montano  
VP ZGlobal Inc.

Cc: Ziad Alaywan  
Jurg Heuberger  
Ramon Gonzalez

Default Title



1" = 1610 ft

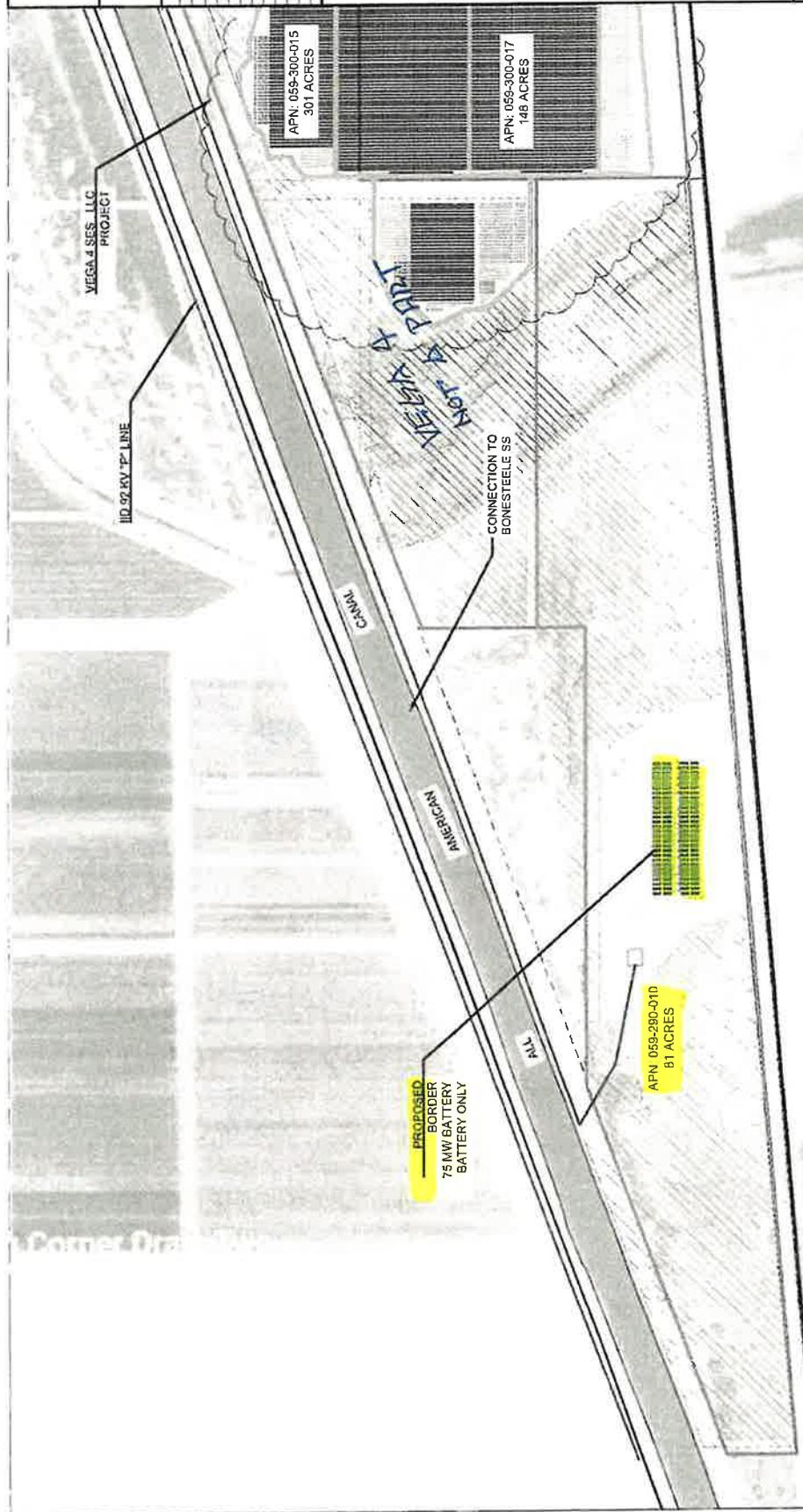
Sub Title

11/19/2024



This map may represent a visual display of related geographic information. Data provided hereon is not guaranteed of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

CONFIDENTIAL DOCUMENTS		DATE	FILE #
ITEM	DESCRIPTION	DATE	FILE #
1	Initial Project Plan	10/11/13	100
2	Initial Project Plan	10/11/13	100
3	Initial Project Plan	10/11/13	100



ZGLOBAL

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STATE OF

62

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HOLTVILLE PEAKER					
DC SYSTEM SIZE	NA	PITCH	NA	PV INVERTER	NA
AC SYSTEM SIZE	61.75 kVA	MODULE	NA	# OF PV INVERTER	NA
DC STORAGE SIZE	484.4 MWh	# OF MODULES	NA	BATT INVERTER	SUNGROW 2752 CONTAINERS
ARRAY TYPE	NA	STRING SIZE	#VALUE!	# OF BATT INVERTER	
UTILITY	1/D	# OF STRINGS	NA		

## OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to \_\_\_\_\_ to apply for this  
(Lessee, Tenant, Contractor-Specify)

\_\_\_\_\_  
(State permit type clearly i.e. building, land used)  
on the described property located at address

\_\_\_\_\_  
Further identified by Assessor's Parcel Number  
(APN) 059r 290 - 010 is hereby granted.

  
OWNER (SIGNATURE)

OWNER (TYPED OR PRINT)

604 Sutter st, suite 250, Folsom, CA a563D  
OWNER'S ADDRESS

10/31/2024  
DATE

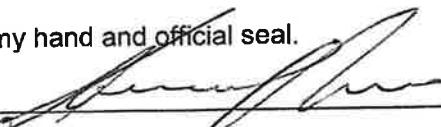
STATE OF CALIFORNIA  
COUNTY OF Imperial } S.S.

On 10/31/2024 before me,  
GLORIE TSORA NOTARY PUBLIC, personally appeared  
ZIAD ALAWAN, who proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and  
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

SEE ATTACHED  
NOTARY CERTIFICATE

Signature 

**ATTENTION NOTARY:** Although the information requested below is OPTIONAL, it could prevent  
fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document OWNER'S XPP1001  
Number of Pages 1 Date of Document 10/31/2024  
Signer(s) Other Than Named Above

# IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at EL CENTRO California on NOV 20, 2024

**APPLICANT****REAL PARTY IN INTEREST**

(If different from Applicant)

Name: APEX ENERGY SOLUTIONS <sup>LLC</sup> Name: \_\_\_\_\_

By ZIAZ ALAYMAN By: \_\_\_\_\_

Title PRESIDENT Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

604 SUTTER ST # 2507  
FRESNO, CA. 93630

ACCEPTED/RECEIVED BY \_\_\_\_\_ Date \_\_\_\_\_

PROJECT ID NO \_\_\_\_\_ APN \_\_\_\_\_

# **IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT**

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
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Executed at El Centro, California on January 21, 2025, 201

**APPLICANT**

Name: Angelina

By Ziad Alaywan

**Title** **Managing Member**

**Mailing Address:**

604 Sutter St. STE 250 Folsom, CA 95630

## **REAL PARTY IN INTEREST**

(If different from Applicant)

Name \_\_\_\_\_

By \_\_\_\_\_

**Title** \_\_\_\_\_

**Mailing Address:**

ACCEPTED/RECEIVED BY \_\_\_\_\_ Date \_\_\_\_\_



Jim Minnick  
DIRECTOR

## Imperial County Planning & Development Services Planning / Building / Parks & Recreation

### NOTICE TO APPLICANT

#### SUBJECT: PAYMENT OF FEES

Dear Applicant:

Pursuant to County Codified Ordinance Division 9, Chapter 1, Section 90901.02, all Land Use Applications must be submitted with their appropriate application fee. Failure to comply will cause application to be rejected.

Please note that once the Department application is received and accepted, a "time track" billing will commence immediately. Therefore, should you decide to cancel or withdraw your project at any time, the amount of time incurred against your project will be billed and deducted from your payment. As a consequence, if you request a refund pursuant to County Ordinance, your refund, if any, will be the actual amount paid minus all costs incurred against the project.

Please note there will be no exceptions to this policy. Thank you for your attention.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "JM".

Jim Minnick, Director  
Planning & Development Services

RECEIVED BY: A handwritten signature in blue ink, appearing to read "JM".

DATE: 12-12-2024

# CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of SAN DIEGO }

On 10/31/2024 before me, GLOIRE BORA, NOTARY PUBLIC  
(Here insert name and title of the officer)

personally appeared ZIAD ALAYWAN,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Public Signature

(Notary Public Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

#### OWNER'S AFFIDAVIT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 1 Document Date 10/31/24

#### CAPACITY CLAIMED BY THE SIGNER

Individual (s)  
 Corporate Officer

(Title)

Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other

## INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

**ATTACHMENT “F”**

**ALUC 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.