

**MINUTES OF THE
PLANING COMMISSION MEETING**

September 25, 2019

The Imperial County Planning Commission convened a Meeting on Wednesday, September 25, 2019 at 9:00 a.m in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director Jim Minnick, Assistant Director Michael Abraham, Planner II Isabel Patten, Clerk Michelle Garcia and GIS Tech Derek Newland.

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

I. Roll Call: Commissioners present: Schaffner, Kalin, Bergh, Cabañas, Castillo, Wright, Medina, Zendejas & Roben.

Absent: Zuno.

II. Pledge of Allegiance:

III. Approval of Minutes: Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for September 11, 2019 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 Schaffner (yes), Kalin (yes), Bergh (yes), Castillo (yes), Wright (yes), Medina (yes), Zendejas (yes), & Roben (yes).

1. Continued from September 11, 2019 Consideration of **Variance #19-0001** as submitted by Salton City Petroleum, Inc. to allow for an increase in height limitation of the C-2 Zone, from 75-feet to 201-feet for the installation of a flagpole. On property legally described as Parcel 3 of LLA #00221 (4.54 Acres), being a Portion of Sections 19 and 30, Township 10 South, Range 10 East. Assessor's Parcel Number(s) 014-178-016-000. (2084 S. Marina Dr. Salton City, CA.) (Supervisory District #4). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Isabel Patten, Planner II to read the project into the record.

Isabel Patten, Planner II, read the project into the record and was there to answer any questions from the Commission.

Jim Minnick, stated they continued this from the last hearing because they were struggling with the Variance findings. We have sent you a revised set of findings and they are still actually struggling with the Variance findings and so the Planning Department is not going to make a recommendation for approval or denial but they would like to have the applicant come up and talk and then after that he would like to point something out on the map.

Chairman Schaffner. Asked the representative to come forward to the podium, introduce themselves and state their name and address for the record.

Jas Singh, Salton City Petroleum, presented to the commission a PowerPoint presentation. He stated he wished to install 1 foot higher flag pole at 208 S. Marina Drive and are seeking a Variance for the height limitation of 75 feet to 201 feet. Stated he wanted to give a little bit of a background of the project that is going to be there. They are having 7 restaurants which will be inside (he showed an image of the inside) such as; Yogurtland, KFC, Pizzahut, Taco Bell, Cinnabon, Coffee Bean & Tea Leaf and convenient store. It's going to have a common food court with its own sitting space. This project is 95% complete and showed an image of how it is looking from the inside. The aim of this project is to honor all the men and women who served our country in the armed forces and they intend on having a small monument at the base; he then stated he would like to show a video of a flag pole and it will have almost a similar plate at the base of the flag that they are proposing. A few points for your consideration is there is nothing compromising on the aesthetic or on the environment in any manner, it is going to be a big boost for economic development and they will be providing jobs for more than 100 people inside the Salton City Travel Plaza, it does not affect the traffic safety, it will carry no commercial message whatsoever or anything around it and it will definitely instill a sense of pride within the community. Every year on Independence Day and Veterans Day they will dedicate the flag in a ceremonial carried by the Salton City school children and the Veterans (*Video started*).

The special considerations that are applicable to this property is the area is free from air traffic and other air restrictions which are not really unique in Imperial County but makes the site a perfect candidate for a 201 feet flag pole to fly the American flag. It allows for approval of this Variance due to the site being larger within the C2 zone; site is very accessible to the public and close to a major thoroughfare provides for special circumstances that do not generally apply to other sites within the same zone. The zoning laws pertain to building laws and deprive the subject property of privileges by other similar properties in the County such as this flag pole. Physical perimeters and certain aspects of safety that he would like to talk about. They are hiring the Simmons Flag and poles who is a professional company to install this flag and they will be doing all of this like shown in the video. The concrete base and the size of the pole, there will be a down light system a flat light as well as all the requirements. There will be a light on because the flag will be up 24/7 and so it will be lit at night and all the safety measures will be put into place. Due to the proximity of several air fields they have applied to the FAA and this application has been provided to them and they expect for them to reply by October and they will comply with all the requirements of FAA.

The flag is going to measure something like 100 feet by 50 feet and will fly 24/7 subject to the weather. Every 4 months the flag will retire and their intent is to have some sort of ceremony so that the community is always involved with school children and Veterans. As stated in the application the Veterans of the Shores have consented to take the retirement of the flag whenever it is time. He then concluded his presentation by stating he was available for any questions the Commissioners may have.

Chairman Schaffner, asked if he read and agreed with the project.

Jas Singh, stated yes.

Chairman Schaffner, opened/closed the public portion of the meeting, he then turned it over to the commission for any questions or comments.

Vice Chairman Kalin, stated when he first read this project he was conflicted in that this could set a precedent for heights and he didn't want to see a forest of flag poles out there however after speaking with the project proponent this morning and this is going to be a memorial to the soldiers and he thinks that is what makes it different and unique and gives the ability to go along with this Variance.

Commissioner Castillo, stated out of curiosity why 201 feet high and how did he end up with that figure.

Jas Singh, stated just to make it unique and for it to be some sort of attraction and mainly so that it could be known as the highest flag pole in the State. Salton City doesn't have much lake and they wanted to create something for the community and for others to take pride in this.

Chairman Schaffner, stated he's assuming there is a 200-foot flag pole somewhere and that is where the number came from

Jas Singh, stated yes.

Commissioner Castillo, asked how tall is the Calipatria flag pole.

Commissioner Zendejas, stated the flag pole in Calipatria was 184 feet. He then mentioned he was a Veteran and he was in favor of the project. Sounds like a good project and he doesn't feel this will harm anyone.

Jim Minnick, stated in the site plan shown closest to the intersection that is where their signage is and if you recall a couple of years ago, you permitted a sign for which also says "Welcome to Imperial County" and it is a really tall sign so the flag in relation to the sign isn't as out of place as one would think. So it is kind of a continuation of honoring the Imperial County.

Commissioner Castillo, asked Jim, if they had to get a building permit and engineering and all that.

Jim Minnick, stated yes they have to obtain a building permit and they will have to go through the 2019 building codes and wind loads will be a big factor if you looked at the video what kind of footings they put in there. It will be an effort to do that. Salton Sea does have significant winds and is probably why he is saying the flag will need to be retired every 4 months.

Commissioner Medina, asked if the American flag will be the only flag flying out there.

Jas Singh, stated yes sir, only the American flag.

Vice Chairman Kalin, asked Jim, how many towers do they have in the valley in excess of 200 feet or more.

Jim Minnick, stated cell towers are over 40 and radio towers pretty much between 350 or 400 feet. A radio tower is much taller than a cell phone tower.

Chairman Schaffner, entertained a motion.

Vice Chairman Kalin, asked if they needed to adjust findings.

Jim Minnick, stated yes, taking a look at our first set of findings the original findings that Diana prepared we need to modify the 1st finding to reflect special circumstances be established to allow this Variance.

Vice Chairman Kalin, stated the special circumstances being that this is a memorial to the Veterans of the United States.

Jim Minnick, stated specifically a memorial for the Salton Sea area.

Vice Chairman Kalin, stated okay.

Jim Minnick, stated and that a plaque will be mounted at the base honoring the Veterans

Commissioner Bergh, asked if they were motioning each one.

Jim Minnick, clarified one motion to reflect on finding #1 with everything they just said. He then went on to Finding #2 is the flag pole will not have any material that is detrimental to the public welfare which is what we put on there, which is fine. Item #3 special circumstances again this has to do with topography, shape size and things like that and rewriting this one by saying that it is a memorial as well as the fact that there is a large sign that will in a sense not depriving anyone, plus the sign itself and in location of where the flag is, if the flag was lower it might actually be impeding by the existing sign that was previously permitted on the property. Also, no commercialization of that flag pole in the terms of that there will be no other signage and that it is truly in dedication. #4 needs to be modified because staff used references to the County Ordinance and the actual question has to do with the adversely affects the comprehensive General Plan which is silent on flag poles and building heights so in this case they wouldn't have an effect on the General Plan.

Vice Chairman Kalin, stated so then finding #4 could be eliminated.

Jim Minnick, stated you still have to make the finding but he wanted to clarify the finding to make sure that they are addressing the actual document and the findings it is asking for. The answer to that in this case would be it does not have an adverse effect on the comprehensive General Plan.

- a. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zendejas (yes), & Roben (yes); to find that Variance #19-0001 is categorically exempt from CEQA per Article 18, Section 15268 (b) and Article 19, Section 15311 Class 11 Accessory Structures to Land Use Limitation of CEQA and that no further environmental documentation is necessary; and to Approve the Resolution(s), and the Findings for Variance #19-0001.

Jim Minnick, Director, stated that the project stands approved by this Commission if any member of the public wishes to appeal this decision, must do so within 10 days of approval with the Planning Department with a \$650.00 fee.

2. Consideration of **Lot Line Adjustment #00308** as submitted by Michael and Dierdre Morgan, who proposes a lot line adjustment to adjust the existing property line between Lots A and B. The property line between Lots A and B will be moved southerly to encompass the irrigation ditch and pump to the west and irrigation ditch on the south that will create a panhandle for Lot A. The proposed size for Lot A will be approximately 35.41 acres and Lot B will be approximately 203.56 acres. Lot A covers Assessor's Parcel Number(s) 020-150-036-000 & 020-180-018-000 and Lot B covers Assessor's Parcel Number(s) 020-180-002-000 & 020-180-027-000. Lot A, legally described as the

South ½ of Section 28, Township 12 South, Range 12 East, SBB&M & Lot B on property legally described as that Portion of the North ½ of Section 33, Township 12 South, Range 13 East, SBB&M. (Lot A is located on the Southwestern corner of Ruegger Road and Gentry Road and Lot B is located just North of the New River and approximately .62 miles West of Gentry Road, Calipatria, CA.), (Supervisory District #4). The Commission took the following actions;

Jim Minnick, Director of Planning, requested item #2 be continued for staff for more information in terms of legality of the Lot Line Adjustments and it will come back to you in a couple of weeks.

3. Consideration of **Conditional Use Permit #19-0008** as submitted by Paul Hokeness on behalf of AT&T, who proposes to build and maintain a 70-foot wireless telecommunication tower (mono-eucalyptus). The entire parcel is approximately 23.67 acres; however, AT&T will be leasing an area of 397 square feet. The tower is proposed on the southwest corner of the existing concrete slab located at the rear of the two Granite Construction buildings. On property legally described as Parcel 1 of Parcel Map 1312, lying within Tract 40, Township 15 South, Range 14 East, SBB&M. Assessor's Parcel Number(s) 044-460-032-000. (2095 Hwy 111, El Centro CA.), (Supervisory District #5). The Commission took the following actions; The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Isabel Patten Planner II to read the project into the record.

Isabel Patten, Planner II, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner. Asked the representative to come forward to the podium, introduce themselves and state their name and address for the record.

Paul Hokeness, representing De Pratti Inc., stated he read the project and agreed with the terms and conditions, however he had some questions regarding the lighting. They picked the location to be in the safest spot that it could with agriculture fields to the North and the intersection to the South it is commercial zoning but after looking at the photos this morning and thinking about it he thinks it would actually make it safe if anything should get through the corridor going North and that's what he was talking about the lighting to be recommended and no questions or concerns after the discussion.

Chairman Schaffner, opened the public portion of the meeting.

Avery Moler, Project Manager for Granite Construction, stated he came to speak in favor of the project and has worked for Granite for 12 years. Stated it is on a good location and they believe it to be a good fit. He then thanked the commission for their consideration.

Paul Hokeness, asked Mr. Moler if the power lines were lit by the IID.

Avery Moler, stated he didn't believe so.

Paul Hokeness, stated they are over 100 feet.

Chairman Schaffner, stated they don't light those.

Paul Hokeness, stated they would light those.

Jim Minnick, stated the IID doesn't they will put balls on them.

Avery Moler, stated there is a transmission line that comes from IID unit 3 power plant on Dogwood that runs across our yard, parallel to the North property line.

Paul Hokeness, stated he hasn't been there at night and the reason they picked it actually because they wanted to go on obviously the 3 surrounding towers and spent tons of money and time trying to collocate, and picked that spot because the aerial applicators and the way everything is situated so thank you for your information.

Chairman Schaffner, closed the public portion of the meeting, he then turned it over to the commission for any questions or comments.

Vice Chairman Kalin, stated so they will plant a tree on dirt that won't plant anything.

Paul Hokeness, stated it will make happy clients that intersection is dead.

Commissioner Castillo, asked if there was an existing tower.

Paul Hokeness, stated there is not an existing tower on the Granite yard, the closest tower to this project is to the North East and there is an AM tower that is exactly like an AM tower to the direct South. Those AM towers were built to be an antenna and we had climbers go up the tower and mic it and x-ray and they would basically have to rip up that entire tower, it is owned by Radio Billigue and they almost submitted but it failed so bad. The Verizon tower which is the orange and white one it is over stressed now and anyone that drives by it probably doesn't want to stand under it.

Commissioner Bergh, stated he would like to know why they picked a eucalyptus tree.

Paul Hokeness, stated because there is a few eucalyptus tree in the vicinity. It is actually the most expensive and it was studied that the palm tree you cannot have additional carriers on there so the eucalyptus tree provides other carriers to go on there and that would mean less towers for the aerial applicators and for the vicinity. It is about 3 times what a palm tree would cost.

Commissioner Bergh, stated he thinks if they just went with a plain tower like everyone has around there it would be a lot less expensive.

Paul Hokeness, stated you would have to direct it over to the planner Isabel.

Jim Minnick, stated from an environmental stand point and the aesthetics at that height we do try to conceal the towers. When you are getting 200-feet tall towers it is kind of hard to do but at 70 feet tall is what is recommended.

Commissioner Bergh, stated he was sorry for suggesting that.

Paul Hokeness, stated it was about 15 years he really can't remember the last tower to be honest.

Commissioner Bergh, stated maybe later you can call Imperial and maybe they can put a faux water tower that seems to be the deal now a day.

Paul Hokeness, stated there is a water tank but it is so old, others have approached them and that one is not in play and he did look into that as a collocation option. A faux 70-foot water tank only provides for one carrier and then everything else goes on the leg so in all honesty the eucalyptus tree is the best option.

Chairman Schaffner, stated he talked to an Ag pilot last night and he said that they consider that an antenna farm and that they don't go near it to have at it and to keep it over there.

Paul Hokeness, asked if this was IID.

Chairman Schaffner, stated air applicators.

Paul Hokeness, stated sorry he misunderstood.

Commissioner Castillo, asked if additional providers go on the tower and do they need a permit.

Jim Minnick, stated they need a building permit and that is it. It is co locatable, his bond will cover the co locatable up to the 3 that they have. They use to do a separate bond for each co locater but they changed that so that is all they would have to do. When he builds his structure he would have to show that it can handle all 3 and so that when new carriers come on we have that base engineering so it would just be a building permit.

Chairman Schaffner, entertained a motion.

Jim Minnick, stated you still have to make the finding but he wanted to clarify the finding to make sure that they are addressing the actual document and the findings it is asking for. The answer to that in this case would be it does not have an adverse effect on the comprehensive General Plan.

- b. Motion made by Commissioner **Kalin** and seconded by Commissioner **Bergh** on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zendejas (yes), & Roben (yes); to adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing held on August 29, 2019; and make the De Minimus findings as recommended at the August 29, 2019 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 adopt the Resolution(s) and supporting findings, approving Conditional Use Permit (CUP) #19-0008 subject to all the conditions, and authorize the Planning and Development Services Director to sign the CUP Contract upon receipt from the Permittee.

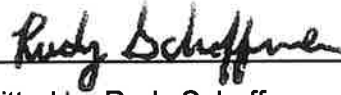
Jim Minnick, Director, stated that the project stands approved by this Commission if any member of the public wishes to appeal this decision, must do so within 10 days of approval with the Planning Department with a \$650.00 fee.

Public Comments: NONE

Commissioner Comments: NONE

Director Comments: NONE

Adjournment: Meeting adjourned at 9:32 a.m.



Submitted by Rudy Schaffner;
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Michelle Garcia PC Recording Clerk

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