

**MINUTES OF THE
PLANNING COMMISSION MEETING**

November 13, 2019

The Imperial County Planning Commission convened a Meeting on Wednesday, November 13, 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 IV Patricia Valenzuela, Planner IV Joe Hernandez, Planner II Mariela Moran, Clerk Michelle Garcia, Maria Scoville and GIS Tech Jorge Serrano.

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

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

Absent: None

- II. Pledge of Allegiance:**

- III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for October 23, 2019 meeting as submitted by staff. Motion was made by Commissioner Kalin seconded by Commissioner Bergh and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), Zendejas (yes), & Roben (yes).

1. Consideration of Similarity of Use as submitted by the Controlled Thermal Resources, requesting a "Similarity of Use" determination to allow "mineral extraction" in conjunction with a geothermal power plant in the S-1 (Open Space/Recreational) Zone with a Conditional Use Permit. Currently the S-1 Zone allows Geothermal Power Plants, which brine is a byproduct of geothermal power plants that will be utilized for the extraction of Lithium, Zinc, Manganese, Lead, Iron, Silica and other Minerals. This "Similarity of Use" will be applicable Countywide. (Supervisory District #1, #2, #3, #4 and #5). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Patricia Valenzuela, Planner IV to read the project into the record.

Patricia Valenzuela, Planner IV, read the project into the record and was there to answer any questions from the Commission.

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

Jim Turner, Chief operation officer for Controlled Thermal Resources, stated he read the project and agreed with the terms and conditions. Stated he was available to respond to any questions the commission may have. They are developing a very large geothermal project coupled with lithium extraction and as you know the Salton Sea resource, most recent projection is that it will

produce about 3 megawatts of electricity and today there is about 500-450 megawatts produced out there. We along with some others are working very diligently to develop lithium extraction from the brine that we have to take up from the geothermal generation, we actually have two technologies paths that have been proven to work and we are selecting one to move forward and we are excited about this project. The Salton Sea resource will produce probably an excess of 300,000 metric tons of lithium as lithium carbonate per year. When you look at the property taxes to the County, they are going to be substantial from this project and the development should take place probably over a 10-year period or so. From an employment stand point we will probably peak at each year at about 450 construction workers and the first project alone will have about 150 career full time jobs.

Chairman Schaffner, opened the public portion of the meeting.

Charleen Wardlow, California Division of Oil, Gas & Geothermal Resources, stated when she saw the item on the agenda she thought it was important for the commission to know statues under the public resources code. The division operates under concerning geothermal resources, and is thankful that someone had the foresight back in 1967 to realize the importance of this law in terms of our regulations and jurisdictions over geothermal resources here in California. Stated she would like to read it to put it in the record. *Section 69.03 under Article 5.5 titled Geothermal Resources states " For the purposes of this chapter, "geothermal resources "shall mean the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, such natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas or other hydrocarbon substances".*

Chairman Schaffner closed the public portion of the hearing then turned it over to the commission for any questions they may have.

Commissioner Castillo stated there was a similar project a few years back that was trying to extract lithium. Is your operation different that particular one?

Jim Turner stated he was very familiar with that project. His wife, a chemical engineer teaching at Southwest High School, was a part of that for a period so he has a lot of knowledge on that project. Stated they are similar in the sense that both operations were working hard to come up with a technology to extract lithium; the major difference is that group was looking to invent all their technology that they could. The difference that we chose is that first, we are no chemical engineers and they decided they are more of a resource company that can develop but they need technology. They went to Hatch Engineering in Toronto that and is known throughout the work for lithium and other minerals and asked them to be our scientist and engineers and ways to do this as opposed to vertical integration where everything was being invented out there like an R&D company. We asked Hatch to go out and find technologies that are commercially proven and similar type operations and to look at those see which ones might be viable for this. They went through thirteen technologies from around the world, selected two that had the highest chance of working out here and went to both companies under Hatch's guidance and they started doing their bench scale type work and both proved to be technically viable and the next step would be which one has the best economics around it. They have just completed that work and have probably spent about 7,000 man hours all together, Hatch is writing the final report on that. They have the chosen technology if they wish to move forward at least for the first couple of trains of lithium extraction, which will produce about 36-38,000 megatons a year of battery grade lithium

carbonate. The major difference was, while they were doing their work as if they were an R&D organization of some large company, since they are not an R&D corporation, they know how to develop but they want to go to scientist and engineers that know how to do this, so they enlisted Hatch.

Commissioner Castillo, asked what happens once you are in operation.

Jim Turner stated that for lithium carbonate that one is easy, there is an interest by the federal government for lithium. They will produce lithium 7, which is the common one, and lithium 6, is the one that has government interest. They do not have plans to produce lithium 6 at this point. Other companies from years ago was working along those lines, we will have our normal security for geothermal plants and to keep people safe so they don't wonder to the sides and end up getting hurt.

Commissioner Bergh asked Jim Minnick, Director, what is the reason for the exclusivity or the inclusive of the S zone? Why not do it on an individual basis, why are you including it all?

Jim Minnick stated No, it is not allowed currently in the S-1 zone it is allowed in the Ag zone.

Commissioner Bergh asked why it's not done on an individual basis. They come before us and they can do it each individual project.

Jim Minnick stated you will still do that, it will still require a Conditional Use Permit. Now you couldn't even hear a Conditional Use Permit from it based on that zoning, they would have to do a full on zone change and so they are looking at it as it is very similar to what they are doing in other zones or even uses allowed in this zone. What we are asking for is your direction on that. Any time they come in with a Similarity of Use request, if you say yes it will always require to coming back as a CUP.

- a. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), Zendejas (yes), & Roben (yes); to approve Similarity of Use, subject to a Conditional Use Permit to allow "mineral extraction" in conjunction with a Geothermal Power Plant in the S-1(Open Space/Recreational) Zone.

Jim Minnick, Director, stated that the project stands approved by the Commission. There is no appeal for this project.

2. Consideration of **Conditional Use Permit #19-0007** as submitted by Spreadco Inc., who proposes to expand 12.82 acres the existing composting facilities under Conditional Use Permit #12-0018 and increase the composting operations an additional 30,000 tons annually for a project totals of 60,000 tons annually. On property is legally described as a Portion of Tract 70-A, Township 13 South, Range 15 East, SBB&M. Assessor's Parcel Number(s) 038-170-017-000, (1450 E. Shank Road, Brawley CA 92227), (Supervisory District #4). The Commission took the following actions;

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

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

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

Anastasia Miki, WRA Consulting Engineers, stated she read the project and agreed with the terms and conditions.

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

Chairman Schaffner, entertained a motion.

- b. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** 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 October 10, 2019; to make the De Minimis findings as recommended at the October 10, 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) #19-0007 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.

3A. Consideration of **Zone Change #19-0002** as submitted by Brandt Family Trust, et al, for the proposed Zone Change #19-0002 and Parcel Map #02483 to rezone approximately 107-acres from A2 (General Agriculture) to A3 (Heavy Agriculture) with the balance of 158-acres to remain in cultivation, for the purpose of expanding the Brandt Cattle Feedyard to the East of the existing feedlot. The overlay designation of G&RG (Rural and Geothermal Overlay Zone) will remain in effect. The parcel Map will take the existing 266-acre parcel and divide into the 107-acres (A3) and 158-acres (A2) lots. The applicant estimates approximately 30,000 cattle for the proposed A3 zone. On property legally described as a Portion of Section 6, Township 12 South, Range 14 East, SBB&M. Assessor's Parcel Number(s) 022-160-001-000, (7015 Brandt Road, Calipatria, CA 92233), (Supervisory District #4);

3B. Consideration of **Parcel Map #02483** as submitted by Brandt Family Trust, et al, for the proposed Zone Change #19-0002 and Parcel Map #02483 to rezone approximately 107-acres from A2 (General Agriculture) to A3 (Heavy Agriculture) with the balance of 158-acres to remain in cultivation, for the purpose of expanding the Brandt Cattle Feedyard to the east of the existing feedlot. The overlay designation of G&RG (Rural and Geothermal Overlay Zone) will remain in effect. The Parcel Map will take the existing 266-acre parcel and divide into the 107-acres (A3) and 158-acres (A2) lots. The applicant estimates approximately 30,000 cattle for the proposed A3 zone. On property legally described as a Portion of Section 6, Township

12 South, Range 14 East, SBB&M. Assessor's Parcel Number(s) 022-160-001-000, (7015 Brandt Road, Calipatria, CA 92233), (Supervisory District #4); The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Joe Hernandez Planner IV to read the project into the record.

Joe Hernandez, Planner IV, read the project into the record and was there to answer any questions from the Commission.

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

Tom DuBose, DuBose Design Group, stated she read the project and agreed with the terms and conditions.

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

Chairman Schaffner entertained a motion.

- c. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** 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 recommend to the Board of Supervisors, to approve the Finding for Zone Change #19-0002; recommend the Board of Supervisors the approval of Zone Change #19-0002 and the Adoption of the Zone Change Ordinance 92506.02 (Map #6) and Ordinance #92548.02; recommend to the Board of Supervisors, to adopt the Mitigated Negative Declaration as recommended by the Environmental Evaluation Committee (EEC) on October 10, 2019; and to recommend to the Board of Supervisors, to make the findings as recommended by the EEC that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources as defined in Section 711 of the California Fish and Game Code.
- d. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** 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 recommend to the Board of Supervisors, to adopt the Resolution and supporting documents, approving Parcel Map #02483, subject to all the conditions.

Jim Minnick, Director, stated that the project stands approved by the Commission. There is no appeal for this project since it will be heard at the Board of Supervisors hearing in December.

Public Comments, Robert Menvielle, stated he would like to comment and Mr. Turners comment about this project generating a large amount of property taxes. He stated he did not want that comment to sway the commission to approve a project or not. Often times the amount of property taxes generated, depends on the assessment and that is always an opinion of that and there is always a difference between what the Assessor's office thinks the value is and what the developer thinks it is.

Commissioner Comments, Commissioner Castillo, asked about the Special Planning Commission Meeting.

Director Comments, stated they are requesting a special meeting on Thursday, November 21, 2019, stated he appreciates their cooperation. Also mentioned the Christmas luncheon for 12/11/19 at 10:00 a.m.

Adjournment:

Meeting adjourned at 9:30 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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