

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
June 24, 2020**

The Imperial County Planning Commission convened a Meeting on Wednesday, June 24, 2020 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, Joe Hernandez/Planner III, Diana Robinson/Planner II, Mariela Moran/Planner I, Jeanine Ramos/Clerk Maria Scoville and GIS Tech Derek Newland.

Chairman Rudy Schaffner called meeting to order at 9:05 a.m.

**I. Roll Call: Commissioners present:** Schaffner, Bergh, Wright, Cabanas, and Castillo in attendance.

**Conference Call:** Kalin, Medina, Roben and Zuno.

**Absent:** None

**II. Pledge of Allegiance:**

**III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for March 11, 2020 meeting as submitted by staff. Motion was made by Commissioner Kalin seconded by Commissioner Cabanas and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes), Roben (yes) and Zuno (yes).

- 1. Consideration of Time Extension #20-0001** as submitted by DuBose Design Group on behalf of Menvielle/Rice, LLC, requesting three (3) time extensions for Tract Map #00942, APN 059-210-003-000 (etal). Parcel is legally described as the a portion of Section 11 & 12 and Tract 186, Township 17 South, Range 15 East, SBB&M (1601 East Highway 98, Calexico, CA ), (Supervisory District #1). The Commission took the following actions:

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

**Joe Hernandez**, Planner IV read the project into the record and was there for any questions the Commission may have.

**Chairman Schaffner** asked if there were representatives for this project to come forward to the podium, state their name, and address for the record.

**Tom DeBose** representing the applicant introduced himself, and stated that they have read the entire project and agree with staff's recommendations.

**Chairman Schaffner** opened the public portion of the meeting.

**Chairman Schaffner** then closed the public comment portion of the meeting and then turned it over to the commission for any questions, comments and/or entertained a motion.

- A. Motion made by Commissioner Kalin and seconded by Commissioner Cabañas**, on the affirmative vote by the Commissioners present as follow; Schaffner (yes), Kalin (yes via-phone),

Bergh (yes), Cabanas (yes), Castillo (yes), Roben (yes via-phone), Wright (yes), Medina (yes via-phone), and Zuno (yes via-phone), to approve Time Extension #20-0001 will extend Tract Map #942 for three (3), one-year time extensions, subject to the conditions listed under said Tract Map.

**Jim Minnick**, Director stated that this 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.

2. Consideration of **Time Extension #20-0010** as submitted by Sharon Wilson on behalf of Mitchells Camp Family Association, requesting a fifteen (15) year time extensions for Conditional Use Permit #04-0001 for a storage area, APN 006-190-032-000. Parcel is legally described as a Portion of Section 23, Township 10 South, Range 21 East, SBB&M (87 Mitchell Camp Rd., Palo Verde CA 92266), (Supervisory District #5). The Commission took the following actions;

**Jim Minnick**, Director 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 if there were representatives for this project to come forward to the podium, state their name, and address for the record.

**Will Kane** resides at 87 Mitchell Camp Road space #4 of the park, stated that they have read the entire package and agree with staff's recommendations.

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

- A, Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabanas** on the affirmative vote by Commissioners present and by via-phone as follow; Schaffner (yes), Kalin (yes via-phone), Berg (yes), Cabanas (yes), Wright (yes), Medina (yes via-phone), Zuno (yes via-phone) and Roben (yes via-phone) to make the finding that the Project is categorically exempt from CEQA under Government Code Section 15301, Class 1, Existing Facilities and that no further environmental documentation is necessary, and approve Time Extension #20-0010 for Conditional Use Permit #04-0001 for a new 15-year term, subject to the existing conditions.

**Jim Minnick**, Director stated that this 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.

3. Consideration of **Time Extension #20-0019** as submitted by California Eastland Group, LP requesting three (3), one-year time extensions for Tract Map #00941, APN 059-210-045-000 (etal). Parcel is legally described as the a portion of Section 11 & 12 and Tract 148, Township 17 South, Range 15 East, SBB&M (1601 East Highway 98, Calexico, CA ), (Supervisory District #1). The Commission took the following actions:

**Jim Minnick**, Director 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 records and was there for any questions from the Commission.

**Chairman Schaffner** asked if there were representatives for this project to come forward to the podium, state their name, and address for the record.

**Jose Carlos Romero** representing Pro-Terra representing the property owner and stated they have read the entire project and agree with staff's recommendation.

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

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by the Commissioners present and by via-phone as follow, Schaffner (yes), Kalin (yes via-phone), Bergh (yes), Cabanas (yes), Castillo (yes), Wright (yes), Medina (yes via-phone), Zuno (yes via-phone), and Roben (was off line for this vote) to approve Time Extension #20-0019 will extend Tract Map #00941 for three (3), one-year time extensions, subject to the conditions listed under said Tract Map.

**Jim Minnick**, Director stated that this 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.

4. Consideration of **Time Extension #20-0020** as submitted by the Alphabet Farms, LLC, requesting a time extension for Tract Map #00958, APN 051-450-011, 012, 013 & 018-000. Parcel is legally described as the a portion of Tract 64, Township 16 South, Range 14 East, SBB&M (1700 Ross Road, Seeley, CA), (Supervisory District #4). The Commission took the following actions:

**Jim Minnick**, Director 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 question from the Commission.

There was no representative for this project so it was turned over to the Commission.

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

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by Commissioners present and by via-phone as follow; Schaffner (yes), Kalin (yes via-phone), Bergh (yes), Cabanas (yes), Wright (yes), Castillo (yes), Medina (yes via-phone), Zuno (yes via-phone) and Roben (yes via-phone) to approve Time Extension #20-0020 will extend Tract Map #958 for the fourth time extension, subject to the conditions listed under said Tract Map.

**Jim Minnick**, Director stated that this 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.

5. Consideration of **Parcel Map #2484** as submitted by Susan K. Casey proposing to subdivide an approximately 80-acre parcel into two lots, one being 2.87 acres and the other being 77.13 acres approximately, to separate the existing houses from farmland. The project site is located at 2040 Dunham Road, Brawley, further identified as Assessor's Parcel Number 039-020-031-000 and is legally described as Lots 22 and 23, Section 6, Township 13 South, Range 16 East, S.B.B & M. in an unincorporated area of the County of Imperial. (Supervisorial District #4). The Commission took the following action:

**Jim Minnick**, Director gave a brief description of the project, and introduced Diana Robinson, Planner III to read the project into the record.

**Diana Robinson**, Planner III read the project into the record and was there for any questions from the Commission.

**Chairman Schaffner** asked if there were representatives for this project to come forward to the podium, state their name, and address for the record.

**Taylor Preece**, Precision Engineering and Surveying representing applicant, stated they read the entire project and agree with staff recommendations.

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

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas**, on the affirmative vote by Commissioners present and by via-phone as follow; Schaffner (yes), Kalin (yes via-phone), Bergh (yes), Cabanas (yes), Wright (yes), Castillo (yes), Medina (yes via-phone), Zuno (yes via-phone) and Roben (yes via-phone), to adopt the Negative Declaration on the basis of the Initial Study #20-0006 and comments received will not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing held on May 28, 2020; to make the De Minimus findings as recommended at the May 28, 2020 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; make the findings for Parcel Map #02484; and approve Parcel Map #02484, subject to the conditions.

**Jim Minnick**, Director stated that this 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.

6. Consideration of **Zone Change #18-0006 (ETX)**, for a Planning Commission recommendation to the Board of Supervisors, as submitted by El Toro Exports., proposing an expansion of Cattle feed yard operations in two phases at the El Toro Exports Heber facility. The completion on both phases would increase the feeding capacity by approximately 17,000 head of cattle. This project is located at 96 E. Fawcett Road, Heber, California, lying west along Pitzer Road and Fawcett Road and bordering the east side & west side of the Railroad tracks. Additionally, the parcels are describe as LOT 29 OF TR 48 71.30 ACR M/L LY SWLY OF SPRR & LOT 28 82.20 ACRES

M/L LY NELY OF SPRR OF TR 48 T16S R14E. The parcels are also identified as APN's 054-250-012-000 and 054-250-014-000, for an approx. total of 160 acres. (Supervisorial District #2). 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 project into the record and was there to answer any questions the Commission may have.

**Chairman Schaffner** asked if there were representatives for this project to come forward to the podium, state their name, and address for the record.

**Tom DuBose** on behalf of the applicant El Toro Exports introduced himself and stated that he read the entire project and they agree with staff's recommendations.

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

**Commissioner Castillo** stated that he had a few questions for David Black Planner IV, asked if he received any comments from the public in the Heber area. David Black stated that they received a few letters. Castillo spoke to Laura Fisher she's with the Heber Public Utilities District and should have sent you a letter a couple of months back where they were in opposition to the expansion in Heber. The biggest one is his controller he lives on the north side of town, he tells him that there is a problem with dust and flies there. So the flies are also a problem and also talk to Mr. Romero from APCD and was asking him that such a large project effects, you know so many people are going to be affected in the Heber area, how did you come up with the Negative Declaration? And he doesn't know if could ask him about the Negative Declaration, you something like this affects, you know so many people and I look, at it is probably that's going to stop the growth of Heber. He was looking back a few years being probably being larger than Calxico and its little further out from Mexicali.

**Commissioner Castillo's** biggest question is how with all knowing all these factors, how they can come up with a negative. Well it is a mitigated do you think that is the biggest draw of the flies and it would not be just because it's a cooker sits in its own moister. Whatever you can answer my question or not, but that be bigger draw to that plan.

**Bill Plourd**, general manager for El Toro Land and Cattle as far as the manure and working with APCD and others is to reduce manure that odor and potential flies they see this as an improvement.

**Commissioner Bergh** asked about the dust studies and stated that at one of the meetings, it was in the package but APCD was not present.

**Jim Minnick**, Director stated that APCD is present and they may be able to answer those concerns for you.

**Reyes Romero**, APCD stated that this is a two phase project, phase (1) is go through the CEQA process and the other phase is going through the process of permitting, this facility will have to submit an application with APCD to expand, and within that they are going to make sure the facility operates fully in compliance with the rules and regulations of the department. Imperial County has Rule#20 which is dust abatement and that requires that any feedlot raising cattle have to

have the means to control dust from the plant. That rule gives them the authority to verify that the inspectors check the corrals for enough moisture down during the afternoon.

**Reyes Romero** stated that as regards to the M10 during the CEQA process there was a couple of residents that showed concern about the project. However, they reviewed the records of compliance of this facility and they can see that this facility has been shown to be in compliance with the rules and regulations.

**Commissioner Bergh**, asked how often is the facility inspected. Mr. Romero stated that they are being inspected every six months to make sure there is enough moisture in the manure and be in compliance.

**Monica Soucier** of APCD stated that feedlots in particular do need to be permitted and have to go through a rigorous review process, and when the inspectors go out not just for moisture content but also fugitive emissions that are not just dust related. Therefore, keeping logs of water trucks helps them determine whether or not they have to go in and put additional monitoring or require through the permit that the owner install monitoring devices to monitor anything that they believe may be an exceedance or causing an exceedance. Ms. Soucier stated that as Mr. Reyes mentioned they have not come across that yet, that has not been an issue neither verbally expressed to them or in writing nor otherwise.

**Monica Soucier** just wanted to add that they invite the public the Commission to see that they are moving into a new technology not just by compliance, they are actually looking at their cameras out in the mountains that are intentionally to monitor fires. They have been cooperating with the University of California in San Diego to start monitoring all of Imperial Valley all the way to Salton Sea to the Boarder of Mexicali. So she encourage them to go see the actual work, are they going to eliminate dust, as long as we walk, breath and drive cars is not going to happen.

**Reyes Romero** stated that he is making it clear that they are not there on behalf of the project; they are there to speak the truth about the reality on Rules and Regulations. The current facility has a permit with their office, for the expansion, they are going to have to review the project to accommodate with the expansion, and that is going to go through public review also.

**Reyes Romero** stated that they have two monitor stations are Community monitors and are being operated by the Comite dell Valle in the city of Heber, they are a non-profit organization and they post their reports online.

**Commissioner Cabanas** wanted to mention to this Committee Members of the public. That he is a very close receptor to this project and are again around the area for many years now and he can tell that every morning and during the day and in the evenings I can see the petitioner here watered interest mitigated us. I went and made a comment a few years ago that he had to change the way to his office because the water that water was so much irrelevant and I had a brand new truck in 91 to get it muddy but every day so I know what they put into their projects. It seems that every time there's a problem around those areas either both the feedlots and geothermal facilities get blamed for that, but he can assure you that they are doing the best in the valley they are in compliance with all the Rules and Regulations part that's controlled are some other entities. In this Valley, they make more tasks than either one of us. Could you speak a little bit towards?

**Jim Minnick**, Director stated that they came forward to the people that had been in the past because it was a change in the state requirements because El Toro was originally an A2 Zone. It has been there for so many years. They were not set up for us, so they needed to take care of

that immediate need now so they did that through a Zone Change condition that has not changed. Now how about we do composting is different than what we thought we were going to do it there been this operation needs to expand its cattle part of it. Therefore, they were doing this Zone Change to this body as well as the Board requesting to remove the condition so they can grow and it resolved the issue with your composting it since.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabanas** on the affirmative vote by Commissioners present and via-phone as follow; Schaffner (yes), Kalin (yes via-phone), Bergh (no), Cabanas (yes), Castillo (no), Wright (yes), Medina (yes via-phone), Zuno (yes via-phone) and Roben (yes via-phone) to recommend that the Board of Supervisors adopt the Mitigated Negative Declaration, with the "Mitigations, Monitoring and Reporting Program" on the basis of the Initial Study and any comments received showing no substantial evidence that the project will have a significant effect on the environment as determined by the Environmental Evaluation Committee on May 14, 2020; Recommend that the Board of Supervisors make the de Minimus Findings as recommended by the May 14, 2020 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 Recommend to the Board of Supervisors to adopt the Resolution with findings for Zone Change #18-0006.

**Jim Minnick**, Director stated that this project stands approved by this Commission. The project will proceed forward to the Board of Supervisors there is no Appeal for this project.

**VI. Public Comments, NONE**

**VII. Commissioner Comments, NONE**

**VIII. Director Comments, NONE**

**IX. Adjournment:** Meeting adjourned at 9:48 a.m.

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Submitted by Rudy Schaffner;  
Chairman of the Planning Commission

Attest:



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**Jim Minnick**, Director of  
**Imperial County Planning Commission**  
Maria Scoville/Kimberly Noriega PC Recording Clerk

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