

**MINUTES OF THE
PLANNING COMMISSION MEETING
September 23, 2020**

The Imperial County Planning Commission convened a Meeting on Wednesday, September 23, 2020 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Assistant Director, Michael Abraham/Planner IV, Joe Hernandez/Planner IV, David Black/Planner IV, Patricia Valenzuela/Planner III, Diana Robinson/Planner II, Mariela Moran/Planner I, Jeanine Ramos/Clerk, Maria Scoville/Office Assistant, Gabriela Robb/GIS Tech Derek Newland.

Chairman Rudy Schaffner called meeting to order at 9:00 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 the June 24, 2020 & July 22, 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 Initial Study #20-0009 as submitted by Imperial County Public Works Department. The proposed project includes final closure of the Imperial Solid Waste Site (ISWS) landfill pursuant to Title 27 CCR Section 21110. The closure will include waste relocation, cover soil import, engineered fill replacement and compaction, and installation of storm water management features. On property, Parcel is legally described as Parcel A per Lot Line Adjustment #132, Township 15 South, Range 12 East, SBB&M, Assessor Parcel Numbers 034-320-050-000, (1705 W. Worthington Road, Imperial, CA), (Supervisory District #3). The Commission took the following actions:

Michael Abraham, Assistant 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 on the phone to state their name and address for the record.

Jose Castaneda, representing Imperial County Public Works introduced himself and stated the solid waste site has been closed because they have reached permitted capacity. There is no intention of increasing the site footprint. Per regulations, they needed to close it.

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, asked if Public Works has another location to take the place of this dumpsite.

Jose Castaneda, stated there are nine other landfills. Two specific landfills are in operation. During the construction, Public Work's intent is to close the transfer station that is currently in the Imperial Solid

Waste Site and temporarily direct traffic to Calexico. Once the site has finished construction, the intent is to reopen the Imperial Transfer Station.

John Gay, Director of Public Works, added that Public Works is going through a restructure of landfill programs and they are considering a number of different scenarios that will be reported to the Board of Supervisors over the next month. There is a high possibility that the landfill will be closed and not have a transfer station in the next three years or so.

Commissioner Castillo, asked John Gay how much longer they will stay open.

John Gay, stated it will stay open for the time being. There is an agreement with the State of California CalRecycle that allows Public Works to run the transfer station. Preferably, Public Works can do that until they go into final closure and that time frame is highly dependent on their closure funds. The closure funds are dedicated funds with the County that get about one million dollars a year. When that amount reaches the construction estimate, Public Works will start moving to close. Realistically, it will close in a couple of years.

Commissioner Bergh, asked John Gay how long the County has controlled the landfill and what has gone into it.

John Gay, stated that its municipal solid waste. The landfills are classified where they are restricted from putting any type of hazardous material. As they go through and close the landfill, there will be monitoring. If they find something hazardous, they will have to adjust and react. The challenge on a project like this is relocating the waste near the river bottom and the drainage for the site. They need to make sure they are allowing adequate drainage on the site and that there are no bad ground water issues which can lead to methane gas.

Commissioner Bergh, asked John Gay if he knew where the water table was at.

John Gay, stated the water table is down in the river bottom. They have noticed seeping occurs through the side of the river bottom where there is farming, so they will have to account to that and make sure that is controlled.

Chairman Schaffner, asked John Gay if he was worried about New River Water seeping into his landfill.

John Gay, stated not yet.

- 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 Initial Study 20-0009.

Michael Abraham, Assistant 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 **Initial Study #20-0008** as submitted by Imperial County Public Works Department. The proposed project includes final closure of the Hot Spa Solid Waste Site (HSSWS) landfill pursuant to Title 27 CCR Section 21110. The closure will include waste relocation, borrow soil excavation and placement as cover soil, fill placement and compaction, and installation of storm water management

features. On a property legally described as the Southwest ¼ of the Southeast ¼ of Section 12, Township 9 South, Range 12 East, SBB&M, Assessor Parcel Numbers 002-040-078-000, (10466 Spa Rd., Niland, CA), (Supervisorial District #4). The Commission took the following actions:

Michael Abraham, Assistant Director, gave a brief description of the project, and introduced Jeanine Ramos, Planner I, to read the project into the record.

Jeanine Ramos, Planner I, read the project into the record and was there to answer any questions from 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.

Commissioner Castillo, asked John Gay about the plans for the relocation and timing.

John Gay, Director of Public Works, stated there is a transfer station right now. As they go through the reorganization of the landfills, they are looking at that as well as permanent closure. Burrtec has a ninety-nine year lease with the County. This is the only solid waste landfill they have in their system. It is a County landfill but it is privately operated, so they believe they will take any waste load within that area.

- 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), Berg (yes), Cabanas (yes), Wright (yes), Medina (yes via-phone), Zuno (yes via-phone) and Roben (yes via-phone) to approve Initial Study 20-0008.

Michael Abraham, Assistant 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 #20-0022** as submitted by Bill Coram, who proposes to renew entitlements for the previously approved Conditional Use Permit (CUP) #02-0018, since its time limit has reached expiration. The CUP is for an existing water well, which is located on a property legally described as a Portion of the West 396 feet of the Southwest ¼ of the Southwest ¼ of Section 23, Township 9 South, Range 21 East, SB&M, Assessor Parcel Number 006-120-071-000, (800 Stallard Rd., Palo Verde, CA), (Supervisorial District #5). The Commission took the following actions:

Michael Abraham, Assistant Director, gave a brief description of the project, and introduced Jeanine Ramos, Planner I, to read the project into the record.

Jeanine Ramos, Planner I, read the project into the records and was there for any questions 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 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 (yes via-phone) to approve Time Extension #20-0022 will extend Conditional Use Permit #02-0018, subject to the conditions listed under said Conditional Use Permit .

Michael Abraham, Assistant 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 **Conditional Use Permit #19-0033** as submitted by Ian Dibelka is requesting Conditional Use Permit #19-0033 for a residential water well to pump up to one (1) acre foot of water per year for his existing residence. On property legally identified as a Portion of the South ½ of the Southwest ¼, Northerly of Highway 98, Tract 70, Township 9 South, Range 21 East, in the County of Imperial. Also identified by Assessor's Parcel Number (APN) 033-360-038-000, (132 West Highway 98, Ocotillo, CA.), (Supervisorial District #4). The Commission took the following actions:

Michael Abraham, Assistant Director, 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 for any questions 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 Conditional Use Permit #19-0033.

Michael Abraham, Assistant 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 **Conditional Use Permit #20-0003** as submitted by William Kane on behalf of Mitchell's Camp Family Association. Applicant is proposing to drill and operate a water well to serve as the primary well for Mitchell's Camp and maintain the existing well as a backup well. The proposed water well could be asked to produce the 14 acre-foot of water a year allotted by the City of Needles under subcontract No. 16. The property is legally described as a Portion of Section 23, Township 23, Township 10 South, Range 21 East, SBB&M; Assessor's Parcel Numbers 006-190-032-000, (87 Mitchell Camp Rd., Palo Verde CA 92266), (Supervisorial District #5). The Commission took the following action:

Michael Abraham, Assistant 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 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.

William Kane, resides at 87 Mitchells Camp Road Space #4 and is the Secretary of the Board. Mr. Kane submitted the application; read the entire project, and agrees 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 approve Conditional Use Permit #20-0003.

Michael Abraham, Assistant 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 **Conditional Use Permit #20-0004 (Valencia 3)** for a recommendation to the Board of Supervisors, as submitted by applicant IGS, LLC. The applicant is requesting a Conditional Use Permit #20-0004 proposing to develop the Valencia 3 Solar Project & (1.5) mile transmission line. When completed, Project will be a nominal 3-megawatt alternating current (MW_{AC}) solar photovoltaic (PV) energy generation facility on a portion (19 acres) of a forty (40) acre property in Imperial County. The Valencia 3 solar project was previously approved under CUP #19-0018 and currently the project is finishing up construction, however, a change requiring the construction & upgrade of transmissions line along Harris Road is needed. The property is legally described as Tract 265, Township 14 South, Range 14 East. Assessor's Parcel Number 040-360-034-000, (20 W. Harris Road, Imperial). (Supervisorial District #5). The Commission took the following action:

Michael Abraham, Assistant 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 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.

Jurg Heuberger, representing the applicant 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.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present and 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 (yes via-phone) to approve Conditional Use Permit #20-0004.

Michael Abraham, Assistant Director, stated that this project's recommendation stands approved by the Planning Commission. No appeal is necessary, as this project will move forward to the Board of Supervisors for final action.

7. Consideration of **Similarity of Use** as submitted by Diamond Environmental Services proposing an equipment rental business, which includes renting portable restrooms (various types), shower trailers, fencing, barricades, and temporary power. On property identified as Assessor Parcel Number(s) 051-420-101 & 102-000, this proposed site is zoned M-1 (Light Industrial) (1702 W. Evan Hewes Highway, Seeley, CA). (Supervisorial District #1). The commission took the following actions:

Michael Abraham, Assistant 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 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.

Adam Stone, Land Use & Real Estate Attorney, representing the applicant introduced himself and stated that he read the entire project and they agree with staff's recommendations. Clarified that the only reason they are coming forward to Planning Commission was to remove the Conditional Use Permit requirement because the uses proposed fall under M1 zoning for permitted uses by right that do not require Conditional Use Permits. Although the similarity of use is using portable toilets, they are cleaned out, pre-pumped, and they do not cause any nuisances that are commonly associated with these types of situations. Mr. Stone gave a short PowerPoint presentation.

Chairman Schaffner, opened the public portion of the meeting.

Eric De Jong, Applicant and owner of Diamond Environmental, reiterated that the services and rental equipment they provide is at seven other locations in Southern California. The property is long time owned that he and his wife take pride in and would like to seek approval as is without a Conditional Use Permit. The day-to-day operations include the rental equipment on property, a truck dispatcher, service and maintain any equipment that needs repair or cleaning.

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

Commissioner Castillo, asked Michael if the applicant was asking to eliminate the need of a Conditional Use Permit and asked if they can approve that.

Michael Abraham, Assistant Director, confirmed that the applicant is asking to eliminate the need of a Conditional Use Permit and said that the commission should not move forward without the Conditional Use Permit because the Similarity of Use is in the Conditional Use section of Title 9. If the commission feels that there is no Conditional Use Permit needed, he would recommend that the Planning Commission send this project back to the Planning Department to reassess and reevaluate this item versus approving this item without a Conditional Use Permit. Otherwise, you are going from a use that is not identified in Title 9 to a permitted use. The in between is the Conditional Use Permit and that is what has always been done.

Commissioner Castillo, asked if there was only the one issue with the portable toilets.

Michael Abraham, Assistant Director, confirmed.

Chairman Schaffner, asked the applicant if he was okay with sending the item back to the Planning Department.

Eric De Jong, agreed to sending the item back to the Planning Department for reassessment.

Adam Stone, stated that washing stations and equipment rental facilities are spelled out as permitted under M1.

Michael Abraham, Assistant Director, stated they will use that information as they reassess the project.

Commissioner Castillo, asked if there was any cost involved.

Michael Abraham, Assistant Director, stated that if the Planning Department determines the item should be permitted, there will be no cost. There is only a cost for the Similarity of Use, which is \$500.00.

Commissioner Castillo, asked about the cost of a Conditional Use Permit.

Michael Abraham, Assistant Director, stated the Conditional Use Permit cost is \$5,500.00. Mr. Abraham asked the Planning Commission to send the project back to the Planning Department to reassess the project.

- A. Motion made by Commissioner **Castillo** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present and 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 (yes via-phone) for this Similarity of Use to be sent back to the Planning Department for additional information and reassessment.

8. Consideration of **Conditional Use Permit #20-0001** as submitted by Agess, Inc., project applicant proposes the development of a three (3) phased new cannabis Industrial Facility for on-site cultivation, harvesting, curing, packaging and sale. Property is identified as Lot 11, Block 6, Tract 570, of Final Map Book 5, Page 24; Assessor Parcel Number 014-014-005-000 (2263 Pasadena Avenue, Salton City, CA), (Supervisorial District #4). The commission took the following actions:

Michael Abraham, Assistant 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 for any questions from the Commission.

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

Nathan White, representing Agess, Inc, introduced himself, stated he read the entire project, and agrees 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 Kalin, asked what the source of water supply is.

Nathan White, stated the water supply is serviced by Coachella Valley Water District and is well water within the regions of Salton City.

Commissioner Kalin, asked if there was any Colorado River water included.

Nathan White, said no. Added that the water was going to be recycled on site and reused so there would not be any water waste.

- A. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by Commissioners present and 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 (yes via-phone) to approve Conditional Use Permit #20-0001.

Michael Abraham, Assistant 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.

9. Consideration of **Conditional Use Permit #19-0012** as submitted by Tectonic Engineering for Eco-Site, project applicant, proposing the installation of a new 90-foot telecommunication tower and unmanned equipment, on property described as Lot 1, Block 14, Tract 712 as shown on Map on file in Book 9, Page 25 of Final Maps, Assessor Parcel Number 007-620-002-000. (2761 Gram Drive, Thermal, CA), (Supervisorial District #4). The commission took the following actions:

Michael Abraham, Assistant 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 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.

Emmanuel Higgins, representing Tectonic Engineering introduced himself, stated he read the entire project, and agrees 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 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 (yes via-phone) to approve Conditional Use Permit #19-0012.

Michael Abraham, Assistant 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.

VI. Public Comments, NONE

VII. Commissioner Comments, NONE

VIII. Director Comments, NONE

IX. Adjournment: Meeting adjourned at 9:59 a.m.



Submitted by Rudy Schaffner;
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission
Maria Scoville/Gabriela Robb PC Recording Clerk

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