

**MINUTES OF THE
PLANNING COMMISSION MEETING
November 16, 2023**

The Imperial County Planning Commission convened a Meeting on Wednesday, November 16, 2023, at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick; Assistant Director, Michael Abraham; Planning Division Manager, Diana Robinson; Planner II Evelia Jimenez; Clerks- Laryssa Alvarado & Aimee Trujillo.

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

- I. **Roll Call: Commissioners present:** Schaffner, Kalin, Cabañas, Bergh, Medina, Wright, and Pacheco
 - II. **Pledge of Allegiance:**
 - III. **Public Hearings**
 1. **Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **October 25, 2023** meeting as submitted by staff; **Commissioner Kalin** made motion to approve minutes seconded by **Commissioner Bergh** and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes) Pacheco (yes) to approve minutes as they stand.
 2. **Consideration of CUP #23-0014** as submitted by DBO Investments SC, LLC dba From The Earth is requesting approval for Conditional Use Permit #23-0014 to allow for the operation of an Adult Use & Medicinal Cannabis retail facility with delivery at 2084 S. Marina Dr., Salton City California on APN# 014-178-016-000. The legal description for this parcel is "PAR 3 OF LLA #00221 4.54AC", on the unincorporated town of Salton City of the County of Imperial. State of California. (Supervisory District #4) [Evelia Jimenez, Planner II at 442-265-1736, extension 1747 or by email at ejimenez@co.imperial.ca.us]
- Jim Minnick, Director;** Gave a brief description of the project, and introduced **Evelia Jimenez**, Planner II, to read the project into the record.
- Evelia Jimenez, Planner II;** Read the PowerPoint Presentation of the project into the record.
- Chairman Schaffner;** Asked if there was a representative for the project to approach the podium.
- Dan Zaharoni, Applicant;** Introduced himself.
- Chairman Schaffner;** Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.
- Carlos Gomez, Applicant;** Stated that they read and did agree with everything on the project.
- Chairman Schaffner;** Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.
- Commissioner Kalin:** I have a couple questions for Deputy Kelley, in reference to your letter.
- Deputy Kelley:** Yes sir
- Commissioner Kalin:** It says that you are requesting to put certain language into the Conditional Use Permit?

Deputy Kelley: Yes sir

Commissioner Kalin: And does that include everything below this A?

Deputy Kelley: No, it does not. I modified that. Those conditions are actually taken out of a previous permit.

Commissioner Kalin: Good.

Deputy Kelley: And we modified it and I submitted it to the planner yesterday or the day before

Commissioner Kalin: Great thank you.

Jim Minnick, Director: We should've handed out a revised CUP

Commissioner Kalin: Yes I was just wanting to verify.

Deputy Kelley: Yes sir but there are other conditions that we would still like to see

Commissioner Kalin: Sure, they are in the conditional use permit.

Deputy Kelley: Yes sir

Commissioner Kalin: Okay thank you.

Deputy Kelley: Any other questions?

Commissioner Pacheco: The issue about having this near a taco bell or drive thru, how close is this business?

Deputy Kelley: you know I am not exactly sure I think that'd be a question better directed to Jim but I would think that its in an allowable distance.

Jim Minnick, Director: It's in the same building but it's at an exterior door out towards the truck component of the travel center. We don't have a restriction with regards to the proximity, the only restriction under the cannabis regulations is proximity to elementary schools and schools.

Chairman Schaffner: So if someone gets the munchies they got to go outside the building to get the munchies or they can just go right inside?

Jim Minnick, Director: No, they have to go outside the way I was looking at the floor plan

Commissioner Pacheco: Brownies.

Dan Zaharoni, Applicant: They would have to go outside the building, there is no entrance from inside of the building. It is just one single entrance from the outside.

Commissioner Cabanas: Chairman the petitioner has the latest?

Jim Minnick, Director: Yes I believe so

Dan Zaharoni, Applicant: We did speak to Deputy Kelley about modifying the original requests and so I believe what he is asking of us to have submitted is in concert with what we have already discussed.

Deputy Kelley: Yes correct I've been in contact with David Moss, executive director for From the Earth and he works with Dan. They've been very good about working with us with these terms that we'd like to see in there.

Commissioner Pacheco: Where does the waste go? Where do they pick up and deliver this waste if there is waste?

Jim Minnick, Director: It's all regulated by the State of California.

Dan Zaharoni, Applicant: I can address that. There is a company called Gaiaca. They are the #1 cannabis waste disposal company in California. We use them at other projects. They're scheduled stops and they come

in and they take it and do legally what they're supposed to, turning it into mulch and doing all the environmental work with it. Then they take it and dispose of it legally and properly.

Commissioner Kalin: Made a motion to approve Agenda Item #2 seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (no), Medina (no), Wright (no), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Item #2** stands denied by this Commission. Motion didn't carry.

3. **Consideration of Final Supplemental Environmental Impact Report (SCH #2001121133) and Findings**, as submitted by United State Gypsum (USG) Company, proposing the development of a new production well, Well No. 3, and an associated pipeline to provide water to the USG Quarry as part of the previously approved Quarry expansion project. Well No. 3 would be located east of the existing Quarry on a USG-owned parcel (Assessor's Parcel Number [APN] 033-020-009 et al). The proposed pipeline would be approximately 3.5 miles in length and would be developed within an existing right-of-way over an additional 12.7 acres (30 foot wide by 3.5 miles) of land, most of which (7.25 acres) is managed by the BLM. A portion of the right-of-way (3.75 acres) is located within the Anza-Borrego Desert State Park. The location is legally described as the N1/2 of the SW1/4 of the SW1/4 of Tract 49, Section 16, 17, 18, 19, T13S, R9E, SBBM; Supervisorial District #3), [Diana Robinson at (442) 265-1736 or by email at dianarobinson@co.imperial.ca.us].
4. **Consideration of Mitigation Monitoring and Reporting Program**, as submitted by United State Gypsum (USG) Company, which includes mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment pursuant to CCR §15097. The program will be designed to ensure that these measures are carried out during project construction and operation of the proposed new water well as part of the previously approved Quarry expansion. (Assessor's Parcel Number [APN] 033-020-009 et al). The location is legally described as the N1/2 of the SW1/4 of the SW1/4 of Tract 49, Section 16, 17, 18, 19, T13S, R9E, SBBM; Supervisorial District #3), [Diana Robinson at (442) 265-1736 or by email at dianarobinson@co.imperial.ca.us].
5. **Consideration of Conditional Use Permit #20-0016** as submitted by United State Gypsum (USG) Company. The applicant is proposing a Conditional Use Permit for the development of a new production well, Well No. 3, and an associated pipeline to provide water to the USG Quarry. Well No. 3 would be located east of the existing Quarry on a USG-owned parcel (Assessor's Parcel Number [APN] 033-020-009 et al). The proposed pipeline would be approximately 3.5 miles in length and would be developed within an existing right-of-way over an additional 12.7 acres (30 foot wide by 3.5 miles) of land, most of which (7.25 acres) is managed by the BLM. A portion of the right-of-way (3.75 acres) is located within the Anza-Borrego Desert State Park. The location is legally described as the N1/2 of the SW1/4 of the SW1/4 of Tract 49, Section 16, 17, 18, 19, T13S, R9E, SBBM; Supervisorial District #3), [Diana Robinson at (442) 265-1736 or by email at dianarobinson@co.imperial.ca.us].

Jim Minnick, Director; Gave a brief description of the project, and introduced Diana Robinson, Planning Division Manager, to read the project into the record.

Diana Robinson, Planning Division Manager; Read the PowerPoint Presentation of the project into the record.

Bruce Steubing, I am with Benchmark Resources, we're the consultant that prepared the Final Subsequent Environmental Impact Report. Our firm also does your annual mining inspections, and we help with other staff services related to mining operations. I do have a PowerPoint presentation if someone could call that up. I provided it to Michael and Diana.

Michael Abraham; We didn't bring the presentation.

Bruce Steubing, I can solve that problem with my phone which I turned off so it wouldn't beep. One second, please thank you for your patience. Diana is there any way you can forward to Staff the email that I sent to

you last night so that the rest of the commissioners can see it. Is that possible? May I request a 5-minute break to allow them because I think it'll be helpful for you to see some of the graphics and some of the pictures that I took of the restoration site. So, if that can be done, if not I can email it if I get an email address.

Chairman Schaffner; I have a question while we are waiting. How did all that gypsum end up in the same spot was it really all from shells originally?

Bruce Steubing, I don't know the historical geography of it.

Chairman Schaffner; Anybody know? The shells all ended up in one spot, it was a hole. There we go. I knew somebody would know.

John Bowsher; I'm the quarry manager. To answer your question, it was created from water draining into the area and that water was laden with calcium and other materials and what it does is over millions of years it just kind of precipitates there and just kind of builds up. Like in places in Nevada and California, you get like those big salt beds, its kind of the same principal. Water goes in, the sun it dries out and continues to pile up. Some of our gypsum it's like 200/300 feet thick. It happened over a long period of time accumulation of water minerals from drainage.

Chairman Schaffner; It has nothing to do with the shells you have out there?

John Bowsher; You know I've never found any shells in the gypsum. I've worked there for about 18 years, but I've never seen any shells in the gypsum. Now what I have seen is where the water comes in and makes it like you see that kind of ripple effect like you see in the shores, I've seen that. But I've never seen any fossils and other materials.

Chairman Schaffner; One more question this one is more important to me than the first one. What ever happened to the was it the blue goose or the purple goose car?

John Bowsher; You know what, I'm not exactly sure about that. I couldn't answer that.

Chairman Schaffner; Think you can track it down and let the museum know out here. If that car is still around, we want it.

John Bowsher; You know what we get a lot of interest in our locomotive. As I've worked there, we got people from all over the world come by and they are very interested in the locomotive. A lot of people are shocked that its narrow gauged.

Chairman Schaffner; Those of you that don't know it was like 2 limos cut in half back to back and sitting on the track. It would drive people out and drive people back. You have to see a picture on Facebook. It's a really cool looking car just sitting on the end of the track with nowhere else to go it has to go back.

John Bowsher; I have seen a book where someone did a history on it and there's pictures there of exactly what you are saying.

Chairman Schaffner; We need a copy of that at the museum too, the book. The historical society needs to be kept there forever we'll digitize it.

Chairman Schaffner; Do I need to stall the meeting a little more or are we good?

Bruce Steubing, No we're good. I'd like to reconvene the meeting please.

Bruce Steubing, read his PowerPoint presentation into the record.

Bruce Steubing, Before I turn it back to Diana, I'd like to ask the commission if they have any questions

Commissioner Cabanas; What were the concerns of the lady

Bruce Steubing, Most of her concerns were more regional concerns but she was concerned about border environmental impacts on border control but most of it had to do with impacts to peninsula big horn sheep to the habitat out there and reclamation success. During our coordination with her basically she said I think the

CDFW will probably address most of my concerns so I'm not going to really pound on those. It's primarily just re-vegetation.

Chairman Schaffner; Asked if there was a representative for the project to approach the podium.

John Bowsher, Representative; Introduced himself

Chairman Schaffner; Asked if he had any questions or comments regarding the project, and if he read and agreed with everything.

John Bowsher, Representative; Stated that he read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting. There were no public comments; he then closed the public portion of the meeting and turned it over to the Commission for any questions and/or comments.

Commissioner Kalin: Do they need license plate readers? Yes, they do

Commissioner Kalin: Made a motion in favor of **Agenda Item #3** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #4** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Commissioner Kalin: Made a motion in favor of **Agenda Item #5** seconded by Commissioner Cabanas and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabañas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes).

Jim Minnick, Director; Stated **Agenda Items #3-5** stands approved by this Commission. In which the applicant or any member from the public want to appeal must be done by filing the appropriate appeal in the next ten (10) days.

IV. Public Comments, NONE

V. Planning Commissioner Comments,

VI. Director Comments,

Jim Minnick, Director; They did meet. You requested the consultation. That was done.

Commissioner Cabanas; So they just met? Okay

Jim Minnick, Director; They did meet.

Chairman Schaffner; Did they call by its right name? So, we're okay?

Jim Minnick, Director; So, we're looking at moving the project back to you in December. And ultimately again the issue is about us reclaiming the site after they are done not approving the project. That's BLM Job. That part is over, our job is to make sure it's put back together.

Chairman Schaffner; adjourned meeting.

IX. Adjournment: Meeting adjourned at 9:33 a.m.

Rudy Schaffner

Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:

Jim Minnick

Jim Minnick, Director of
Imperial County Planning Commission

Laryssa Alvarado & Aimee Trujillo-PC Recording Clerks
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