

**MINUTES OF THE
PLANNING COMMISSION MEETING
July 10, 2024**

The Imperial County Planning Commission convened a Meeting on Wednesday, July 10, 2024, at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director, Jim Minnick; Assistant Director, Michael Abraham; Planner III, Derek Newland; Planner II, Gerardo Quero; Intern, Benjamin Arroyave; Clerks- Laryssa Alvarado & Aimee Trujillo.

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

I. Roll Call: Commissioners present: Schaffner, Cabanas, Kalin, Bergh, Medina, Wright, Pacheco, Hinojosa

II. Pledge of Allegiance:

III. Public Hearings

1. Approval of Minutes: Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for the **June 12, 2024** meeting as submitted by staff; Commissioner Kalin made motion to approve minutes seconded by Commissioner Cabanas and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Cabanas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes)

2. Consideration of Zone Change #23-0007 and Conditional Use Permit #23-0027 as submitted by Cal 98 Holdings, proposes to change the current land use zone from A-2-U (General Agriculture within Urban Area) to M-1-U (Light Industrial within Urban Area) and Conditional Use Permit #23-0027 for a trucking and warehouse facility with 832 trailer parking spaces, 20 truck parking spaces, and 42 car parking spaces along with a +/- 120,245 square feet warehouse. The project consists of one parcel legally described as a Portion of the West Half of the Northwest Quarter of Section 15, T17S, R14E, S.B.B.M. (058-180-001-000) (15 E Hwy 89 (SR-98), Calexico, CA, and; Supervisorial District #2), [Derek Newland, Planner III at 442-265-1736 or by email at dereknewland@co.imperial.ca.us]

Jim Minnick, Director: Gave a brief description of the project, and introduced Derek Newland, Planner III, to read the project into the record.

Derek Newland, Planner III: 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.

Tom Dubose, Applicant: Introduced himself.

Tom Dubose, Applicant: Representing Cal98 Holdings which is really going to be the owner of the facility, but the operations will be Charger Logistics. My client Lovepreet Kaur is online, she's currently on maternity leave but she is here today online.

Lovepreet Kaur, Client: Hi everyone.

Chairman Schaffner: Hello.

Tom Dubose, Applicant: I just want to talk generally here for just a moment and really talk to you about the process that we've been through and what your Planning Department requires all applicants to do. After

Tom Dubose, Applicant: Yes, I'll comment on that. John Boarman of Linscott, Law & Greenspan, who does many traffic studies here. He's recognized by the County Public Works as a trustful, worthy. In fact, they hire them to do a lot of their work, the early analysis didn't call for that but your Public Works suggested that long term that would be a better idea so we're agreeing to that.

Commissioner Cabanas: I'm very familiar with those roads so I know that Cole Road is very narrow. When that ends at Dogwood, the traffic on Dogwood is tremendous. Now I'm going to change hats from Planning Commission to the AB-617 Corridor which covers Calexico, Heber, and El Centro. It'll be very beneficial for that group if you guys approach that through the APCD and make a presentation because there are a lot of concerns in that group about traffic in Calexico. Pollution, as it is we have a very hotspot in Calexico as well as Heber and I was not aware, I'm part of that AB-617, of the magnitude of the project. Maybe, if you can go to APCD and talk to them. We have a meeting tonight but maybe for the next meeting it will be very beneficial for us to understand this project, the magnitude and the impact it will have to the air pollution.

Tom Dubose, Applicant: So, I'm glad you brought that up Sergio. Early on in our work in correspondence and discussions with Monica and the staff at APCD because of what you just mentioned it was also recommended that we do a health risk assessment document which we did. I'm happy to share that with the group. APCD staff are here today they can comment on that, but we've done our homework on that but happy to make a presentation.

Commissioner Cabanas: I understand that, but this is a totally different group. There's a lot of community members in Calexico, Heber and El Centro that were involved in that, that are trying to benefit the community. There is a new group in the north end too but the one in the south end, we have been working for almost 7 years on that, okay?

Tom Dubose, Applicant: Right. Happy to do that.

Commissioner Cabanas: Thank you.

Chairman Schaffner: Do we have anything else to present from your side before we go to public?

Tom Dubose, Applicant: Only to respond to comments please.

Chairman Schaffner: Okay. At this time, we will open this up to the public. We have one person who has signed the card.

Richard Drewery: This is Richard Drewery on the Zoom. Good morning commissioners. My name is Richard Drewery. I'm representing the supporter's alliance for environmental responsibilities we have submitted fairly extensive written comments which I assume have been provided to you along with expert support. First, I'd like to point out we are not opposed to the project; we think the project can be a good project if done properly, but it does have significant environmental impacts that we believe should be analyzed and mitigated in an environmental impact report rather than mitigated negative declaration that has been provided thus far. In particular, we have submitted comments from Dr. Shawn Smallwood, a wildlife ecologist with 30 years of experience and a PhD from UC Davis. He did a site survey on 04/28 and identified (9) nine special status species on the project site. The negative declaration only identifies (2) two of these species. The species that Doctor Smallwood identified include the monarch butterfly, which is a threatened species, costa's hummingbird, double crested cormorant, grapeworm owl, and (5) five others. Dr. Smallwood that the project will adversely affect these species due to habitat loss, interference with wildlife movement, vehicle collision and other cumulative impacts. We believe these impacts should be analyzed in the environmental impact reports that they are properly mitigated. We have also submitted comments from Dr. James Clark who has a PhD in atmospheric science, he believes that air ignition analysis was done improperly and underestimates project admissions, primarily because the analysis does not assume Mexican trucks; about 65% of the trucks for this project are

experience both with the agriculture and wildlife communities in Imperial County. The Smartwoods indicate that the level of concern should be upgraded to an EIR level, as CEQA states the lead agency, in this case Imperial County Planning and Development Services may use an environmental assessment or a similar analysis based on expert opinion supported by technical studies to document findings in the initial study; an initial study is neither intended nor required to include the level of detail included in an EIR. CEQA requires that the environmental setting needed is defined as the physical conditions which exist within the area that might be affected by the proposed project. The Smartwoods indicate that probably there would be over 120 species that could be observed based on Noriko's survey, and I believe it was (2) two hours or so. That number is based on one survey using a statistical base from the Altamonte pass wind resource area. The Altamonte pass wind resource area has no relevance to this project, totally different environment there. The project owner was not contacted by Smartwoods to access the site. The only public access since they did not obtain permission to be on-site would-be Kemp Road. So, they only surveyed the area from the east side; with binoculars they did not use spotting scopes, so their relevance is limited. We surveyed the whole area; we walked it; pedestrian surveys with 3 surveyors. So, it is very difficult to judge distance using your binoculars. They actually observed 43 species. Smallwood stated, "we record all species of vertebrae wildlife we detected including those who's members flew over the site or seen nearby." There were very few wildlife critters that they saw onsite and the ones they did that I could see from the report are very common and they are not endangered, threatened, or species of concern. The photos indicate birds flying but did not indicate if they were near the site, landed on the site, or where they were going. The Smallwood's would like to present the project site as a biologically diverse habitat that would support all types of wildlife; they did not indicate many species using the site just flying by and the pictures are hard to determine where they were taken. This area is not biologically diverse. It is surrounded by industrial zones with industry within the area. The site itself is a permitted agriculture crop area and that's not favorable to wildlife for the following reasons: it's currently planted with alfalfa which is a highly equipment intensive crop. Alfalfa is harvested every 4-6 weeks which involves cutting, racking, windrowing, bailing, and bail removal. Pesticides are applied generally by ground. Literature indicates that once a bird has a nest failure in an agricultural crop, they are not likely to return to re-nest. Prey opportunities such as mice and insects are not reliable due to constant disruption of the site. These agricultural areas can be actually detrimental to wildlife. A recent study indicates that birds found in agricultural land are more vulnerable to extreme heat and also states that intense commercial farming is known to harm birds. Field completely clear of trees and other natural barricades or barriers lack shelter for wildlife, and pesticide chemicals can hurt birds. This is not a biologically favorable, beautiful, area. The Smallwoods also indicate that worker training is not necessary stating "importantly aware workers would have no control over impacts related to habitat loss, wildlife movement or vehicle collisions". Education is very important in training workers that are on site is necessary so that they can notify the onsite biologist or the foreman, and it is important that you convey any speed limits onsite. Smallwoods is also concern about any wildlife traffic collisions and included pictures Highway 505 somewhere and another California road, that observed nothing as they observed around the site they didn't see any carcasses they saw no evidence of what we call "roadkill". So that would indicate that there is not a significant issue with collisions in this area. We monitored several solar sites in that area, and we did not see evidence of a lot of roadkill and if you don't have a baseline, it is hard to tell if there have been any increases, so they did not present any baseline to work with. Smallwoods discussed that the utility scale solar project west of the site, opposed considerable collision hazard to these birds, whereas the movement corridor where the project is situated continues to provide these birds safe passage and the called-out pelicans. What pelicans and others need during their passage from Baja to Salton Sea is shade, to recover from the heat you may recall several years ago when we had extreme heat they were falling out of the air. It is because they overheated, they need shade, not open spaces. This project does not offer any shade. In personal experience I have observed a pelican landing in a solar field resting in the shade of the solar panel, recovering and flying off. This project is not utility scale; its small and therefore the information regarding species found, species expected, and avoidance, minimization and mitigation is presented in the technical report provided is sufficient for the Planning Department to proceed with permitting the project. Thank you for your attention. (Letter Submitted)

Commissioner Cabanas: Mrs. Barrett before you leave; when you conducted the survey, you mentioned of the entire site correct?

Commissioner Medina: Mexican trucks load the merchandise, cross the Charger logistics trucks.

Commissioner Kalin: Certified California cargo compliant.

Commissioner Bergh: You had mentioned earlier you didn't have compliance as far as the Mexican trucks coming across, you said 60% of the trucks are Mexican trucks that do not comply with California.

Lovepreet Kaur, Applicant: We are buying our trucks from Freightline, the trucks that are going into Mexico they are dual plater; they have US plates as well as Mexican plates in them, so those are called [Binational] Trucks. So, everything is compliant based on the US standards, as Mexico doesn't have that much standards over the vehicles but our vehicles are certified to run in the US because we are buying them from Freightline.

Commissioner Bergh: So, your Mexican trucks, any existing Mexican trucks aren't going much beyond our borders is that correct?

Lovepreet Kaur, Applicant: Yes, that is correct.

Chairman Schaffner: Do we have any more questions from the public? If not, we will close the public portion of the hearing. I just had one comment I wanted to make. I was always told that when they do the study for the birds, the birds that they would find, usually came from the back of their trunk, just kidding. Any other comments?

Commissioner Medina: Yes, are there any hazardous materials being transported by these vehicles?

Lovepreet Kaur, Applicant: No sir, mostly we haul produce from Mexico.

Commissioner Medina: Produce?

Lovepreet Kaur, Applicant; Perishables, fruit, vegetables, water.

Commissioner Medina: Is there any reason why this company cannot locate to gateway and use [Highway] 7 directly onto [Interstate] 8 and bypass Calexico.

Lovepreet Kaur, Applicant: Yes Sir, we have been trying to build a home in Calexico for over 3 years now, I would say 4 years, but the problem is the Gateway site by the Port is 1, very costly it is very hard to build a place there the only option that we have over there is lease a place from the owner, which is not something that we do in our business, we would like to acquire a land and then build on it so that we are the owner of the land and we don't want to lease a project per say. So, it's not consistent with our business plan the gateway site, so that is why we opted for this land.

Commissioner Medina: Cole road is one of the most trafficked roads in the City of Calexico; I am a Calexico resident and I live not far from Cole Road. Along Cole Road one of the major companies Walmart; is one of the most visited Walmart's in the US and the traffic to and out of Cole Road and Rockwood is tremendous. Not just by local traffic, local citizens moving from one part of the city in and out, but the commercial trucks. The way that those truck have that road with potholes every few feet because of the weight of these vehicles. The maintenance of Cole Road is far and in-between. The City of Calexico their budget has not taken them to repair Cole Road, now to begin Gateway was established to eliminate just this. The traffic and Highway 7 were the main purpose for routes, Mexico directly to Interstate 8 and go East to West. So, my concern is the traffic on Cole Road the major congestion even though Cole Road is a designated truck route. It is a truck route that is far and above its capacity, so I am for a program like this because it does bring employment and it does bring revenue and everybody benefits, but the congestion and the flow of traffic and the flow of emergency vehicles

Alfredo Levas, Applicant: 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: Made a motion to approve **Agenda Item #3** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabanas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

Jim Minnick, Director: Stated **Agenda Item #3** 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.

4. **Consideration of Time Extension #24-0009 for CUP#964-90** as submitted by A & A Auto Dismantlers, LLC. The applicant is requesting a time extension for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #964-90 to bring into compliance an existing auto dismantling facility with storage yard. The property is located at 30 West U.S. Highway 98, Calexico, CA, with Assessor's Parcel Number 059-070-009-000 and legally described as Parcel 1 of Certificate of Compliance for Parcel Map #2237 of the West Half of Section 7, T17S, R14E, S.B.B.M. in the unincorporated area of the County of Imperial. (Supervisory District #2), [Gerardo A. Quero, Planner II at 442-265-1736 extension 1748 or via email at gerardoquero@co.imperial.ca.us].

Jim Minnick, Director: Gave a brief description of the project, and introduced Gerardo Quero, Planner II, to read the project into the record.

Gerardo Quero, 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.

Javier Antunes, Applicant: Introduced himself. I have been in business since 91' my father made the dismantler yard; we have been doing business for over 30 years. My father passed away in 2021 due to Covid complications, since that happened, I came down and took over. Since 2021 I have been cleaning it up and been bringing it back to life, just trying to back up to running speed and be a successful business and caring in on.

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

Javier Antunes, Applicant: 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: Made a motion to approve **Agenda Item #4** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabanas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

at one lane right there after all industrial area which it a 4 lane which that's what it should be all the way from Bowker to dogwood so it's going to be really difficult.

Jim Minnick, Director: All the more reason why Calexico should collectively be looking at Jasper Road as well as the county as the next east-west because you get past Jasper Road if Calexico continues to grow as in the way it has been growing and utilizing the same tactics its done for the last 60 years you are going to gobble up Jaspers Road the same like you did Cole right. And then what is next McCabe and then after McCabe is the highway, so you are not helping yourself move people around your city.

Commissioner Medina: I feel really strongly that the county should direct business of this nature to Gateway; Gateway is designed for such a business.

Jim Minnick, Director: We do, it doesn't stop people.

Commissioner Medina: It goes contrary to Calexico to either way shuffle traffic down the center of Calexico

Jim Minnick, Director: We do, we have invested millions of dollars into Gateway

Chairman Schaffner; Commissioners let's let city council handle this.

Commissioner Cabanas: My only concern Jim on Jasper is that Jasper dead ends on Ware Road and then you have to make a left to go onto that bridge and then make a right.

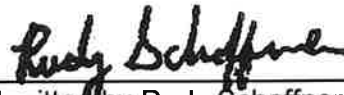
Jim Minnick, Director: Yes, I understand both the East part of it can go quite a long way you can terminate out there onto Anderholt, or one of the other ones you can bring your load up or Barbworth either one. Real quick the way it works with your voting is it's the seated member, so we need a 6 vote to pass anything so if you fail to make the motion then you have to make a counter motion or another motion if 2 motions failed then by default it is denied; in a case like this it's a little different because it's not a denial its more of you made no decision with the board of supervisors but if it was a hearing project say a parcel map or something you have authority over it would be considered a denial but you have to go through both motions so I appreciate you guys doing that today. Thank you.

IV. Public Comments: NONE

V. Planning Commissioner Comments:

VI. Director Comments:

IX. Adjournment: Chairman Schaffner: Adjourned meeting. Meeting adjourned at 10:03 a.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Laryssa Alvarado & Aimee Trujillo-PC Recording Clerks
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