

**MINUTES OF THE
PLANNING COMMISSION MEETING
June 26, 2024**

The Imperial County Planning Commission convened a Meeting on Wednesday, June 26, 2024, 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 I Rocio Yee; 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, Cabanas, Kalin, 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), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes)

2. Consideration of Lot Merger #00159 as submitted by John Pierre Menvielle, who is proposing to combine nine (9) parcels for construction of seven (7) industrial buildings. The project site is located west of State Hwy 7 and adjacent to State Hwy 98, within the Gateway of the Americas Specific Plan Area. The Lot Merger would create a single +/- 56.90-acre parcel. These existing parcels are further identified as Assessor's Parcel Numbers 059-210-065-000, 059-210-066-000, 059-210-067-000, 059-210-068-000, 059-210-069-000, 059-210-070-000, 059-210-071-000, 059-210-072-000 and 059-210-073-000; legally described as Lots 14, 15, 18, 19, 20, 21, 22, 23 and 24 of Tract 940 Menvielle Plaza Business Park Subdivision Unit no.1 phase 2 in an unincorporated area of the County of Imperial, State of California. (1754 Gateway Rd., Calexico, CA; Supervisorial District #5). [Rocio Yee, Planner I at (442) 265-1736, extension 1750 or via email at rociyee@co.imperial.ca.us]

Jim Minnick, Director; Gave a brief description of the project, and introduced Rocio Yee, Planner I, to read the project into the record.

Rocio Yee, Planner I; 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.

John Pierre Menvielle, Applicant; Introduced himself and his brother, sister-in-law as applicants of the project and also introduced the developer for the project.

Mike Vogt, Developer; Introduced himself via Zoom

Mike Vogt, Developer; Good morning. Thank you for your consideration of this Lot Merger. We have started developing on the south side of this parcel and 13 lots of which 8 are commercial. We have 4 industrial buildings that total 355,000 square feet. We would like to continue our development in the Gateway within the North which would consist of 7 buildings and just under 800,000 square feet. For the record, this is our sixth business park at the Gateway spot and we are quite confident that this area is going to do very well primarily because of the

near shoring and the growth in Mexicali. I'm happy to answer any questions that the Commissioners may have regarding our project.

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

Mike Vogt, 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; So we are going to have multiple zones in one parcel?

Jim Minnick, Director; No we are not. The Gateway is a little bit different. The Gateway is in a Specific Plan. The Specific Plan allows for zones to be moved around as long as the original tract maps stay within the ratio of 80-20. So the overall Tract Map 940 has 2 components to it. There is a north & south part. We are merging the north part into one lot. We are going to shift the zones that are commercial in that area down to the south part to make more sense for them but it's a 1:1 trade administrative action. Prior to recordation, should the Planning Commission approve the lot merger prior to recordation of the lot merger we will have made that adjustment.

Commissioner Kalin; Okay thank you.

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), Cabanas (yes), Medina (yes),Wright(yes),Pacheco(yes),Hinojosa(yes).

Jim Minnick, Director; Stated **Agenda Item #2** 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.

3a. Consideration of Parcel Map #02506 as submitted by Shine Investments LLC., proposes a minor subdivision application proposing to divide one (1) 4.25 acres parcel into three (3) 1.42-acre parcels. The parcel is legally described as the E 295.05 Ft, of Blk 10, Imperial Sub 1, T15S, R13/14E, S.B.B.M., located in the unincorporated area of the County of Imperial (Supervisorial District #3), [Evelia Jimenez, Planner II at 442-265-1736, or by email at ejimenez@co.imperial.ca.us].

3b. Consideration of Variance #23-0008 as submitted by Shine Investments LLC., proposes a variance to exceed the length to width ratio of more than four (4) to one (1). The parcel is legally described as the E 295.05 Ft, of Blk 10, Imperial Sub 1, T15S, R13/14E, S.B.B.M., located in the unincorporated area of the County of Imperial (Supervisorial District #3), [Evelia Jimenez, Planner II at 442-265-1736, 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.

Ray Roben, Applicant; Introduced himself.

Ray Roben, Applicant; I'm here and happy to answer any questions about the project. It's rather simple, I've grown up in this area. This is about the 5th time we've done something similar to this where you're taking these humongous 5 acre lots that are just a lot of extra space. You know the people can't really use them or take care of them. You know in this case if they have enough road frontage we're able to split a couple more lots off. We did five of these probably like 3 or 4 years back and ended up putting really nice custom homes on them and people are enjoying them now. That's just what we are trying to do, create a couple lots. It has all the water, we've done all the percolation tests and we have a lot of redundancy area for extra septic if needed or maybe a shop in the back or something like that. We think they turn out pretty nice.

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

Ray Roben, 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; We need to consider the Variance. It's not in compliance but there are lots in the immediate area that are consistent with what you are asking for.

Ray Roben, Applicant; We actually use the same Variance. What happens is how these lots are chopped up, I think you can kind of see there, they are really long. The frontage is still more than enough, you have 20–30-foot access on both sides of the house to the backyard. So you can have one like with grass, one with semi-truck to the back so it's not a matter of having enough width. What's happening is there so long that it just throws off that ratio a little bit but what we found is that the people actually enjoy that because you know they can put a shop way far back from their wife. You know a little mancave. I'm just joking but they work out. They work out very good.

Commissioner Cabanas; Not in the plot in there, the mancave.

Commissioner Kalin; So I think we can definitely make a finding that there are lots in the immediate area that are similar and we have approved in the past so I don't have any problem with accepting the Variance.

Commissioner Cabanas; So we approve the Variance first?

Commissioner Kalin; I think we probably should.

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

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

Jim Minnick, Director; Stated **Agenda Item #3b** 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.

Jim Minnick, Director; Stated **Agenda Item #3a** 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 #23-0022** as submitted by CalEnergy Operating Corporation, requesting for the re-entitlement of the previously approved Conditional Use Permit #05-0051 to continue with the existing

geothermal facility operations. The parcel is legally described as a POR PAR 1 LLA 00141 of SE4 of SEC 33, Township 11 South, Range 13 East, S.B.M. in an unincorporated Area of the County of Imperial, State of California; and is identified as Assessor's Parcel Number (APN) 020-110-042-000. (Supervisorial District # 4), [Diana Robinson at (442) 265-1736, extension 1751 or via-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.

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

Mark Gran, Applicant; Introduced himself and introduced Oswaldo Flores, Environmentalist.

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

Mark Gran, Applicant; Stated that he read and did agree with everything on the project.

Commissioner Cabanas; Mark, which plant is this?

Mark Gran, Applicant; This is Vulcan.

Commissioner Cabanas; Thank you, so as we go we get a better idea.

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; We recently approved CTR's conditional use permit for 30 years. This is for 15?

Jim Minnick, Director; That is correct. We did CTR's for 30 years that's been the standard since 2007 so we also did Hudson Ranch for 30 years. We started doing the solar projects for 30 years. These CUP's date back to the early 80's and 90's. Back then, the standard was 3 year increments up to 15 years and a renewal every 15 years through the Planning Commission but that hasn't been the industry standard since the early 2000's.

Commissioner Kalin; Sure. Mr. Gran, would you have any objection to having this be a 30 year extension rather than 15 year extension?

Mark Gran, Applicant; No objection

Commissioner Kalin; Wouldn't think you would? Can we make that change?

Jim Minnick, Director; The Commission can recommend a change or make a change to general condition G-10.

Commissioner Kalin; G-10, okay.

Jim Minnick, Director; Right now the way that G-10 is written is such that every 3 years it comes back to our office we do a renewal and every 15 years it goes to your commission to do a renewal. The standard today is if the language is changed to 30 years with a renewal of 30 years at your commission. So do you want to just make minor changes replace that particular condition with the more current conditions?

Commissioner Kalin; I think probably if we change that condition to the current condition; 30 year plus a 30 year. Correct?

Commissioner Cabanas; Are they going to have to come back every 3 years?

Commissioner Kalin; Every 30 years.

Jim Minnick, Director; The standard right now ever since Hudson Ranch One has been 30 years. All of the solar projects that we've permitted are 30 years with a 10-year renewal. When we were doing the ethanol plants in the early 2000s had it switched to essentially, CUP's have been around since the early 60s and each one of them has a different time set. Original CUPs didn't have a time limit then CUP's had time limits for with an automatic kind of renewal thing, no sundown no coming back to the Planning Commission. Then when I got here in 97' the standard had been for the majority of CUPs 3-year intervals up to 15 years come back to the Planning Commission. That happened until the mid-2000s when larger projects due to financing requested longer terms and so we've shifted to that. What you're having is a time capsule of projects that are going back before you that are asking for these 15-year renewals. If you remember our cell towers changed, cell towers were standard 3-year renewals state law changed that said you can't realistically permit a cell tower without a 10-year automatic start point. That's why you're seeing the cell towers over the last 5-6 years getting renewed with a 10-year initial renewal and then a 5-year renewal after that. This is not uncommon for the large-scale ones to be 30 years. Staff doesn't have an issue with that.

Commissioner Pacheco; Do we need to restate that Jim make them 30 now or just what we agree too?

Jim Minnick, Director; You would make a motion to amend general condition 10 (G-10) time limits instead of a 15-year renewal to renew it for 30 years requesting us then to change the language and re-record the CUP with the new language, should the applicant agree as well.

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), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

Rosa Lopez, County Executive Office; I have one, I think it was overlooked. We did provide our comment letters to these particular projects. We do require a sales tax condition while this facility is existing any new improvements on this facility will be subject to a sales tax condition. What that means is the point of sale comes back to the County of Imperial so we can capture those sales tax and this is standard language for pretty much all renewable energy projects or major projects within the County of Imperial. I've spoken to Mr. Gran and it is not a new tax it's just wherever the materials are purchased the sales tax comes back to the County of Imperial. We would request that. I don't have a copy of that letter but that was forwarded to the Planning Department back in January I'd be happy to make a couple copies if need be but I request that all these would be applicable to all the projects proposed today by CalEnergy. That's what I would ask for the sales tax language is traditional and I'd be happy to forward it back to Diana.

Commissioner Kalin; So currently that condition is not in -?

Jim Minnick, Director; It's not a condition in the current renewal, the current CUP but renewals can be amended which is what we are trying to do right now with the time. So should the commission agree to that and the applicant agree to that on the record in front of a mic then the commission can consider adding the condition

Rosa Lopez, County Executive Office; Just for history, the earlier projects were not subject to this but when we had that boom with the solar stuff that's when we started incorporating. Now that it is up for renewal we'd like to, again it is not a new tax to the project, it's just any new developments or additions to that existing site would be subject.

Mark Gran, Applicant; Yeah it is for the benefit of the County and we agree to the condition.

Commissioner Kalin: Made a motion to approve **Agenda Item #4 with the change in condition G-10 and the addition of the request from CEO office** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabanas (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

Jim Minnick, Director; Stated **Agenda Item #4** 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.

5. **Consideration of Time Extension #23-0023** as submitted by CalEnergy Operating Corporation, requesting for the re-entitlement of the previously approved Conditional Use Permit #05-0052 to continue with the existing geothermal facility operations. The parcel is legally described as PAR 1 PM1901 of SE4 SEC 25, Township 11 South, Range 13 East, S.B.M. in an unincorporated Area of the County of Imperial, State of California; and is identified as Assessor's Parcel Number (APN) 020-100-040-000. (Supervisorial District # 4), [Diana Robinson at (442) 265-1736, extension 1751 or via-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.

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

Mark Gran, Applicant; Introduced himself

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

Mark Gran, Applicant; Stated that he read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting.

Rosa Lopez, County Executive Office; Same as before, I think you now have the language before you. I would request to include the sales tax condition language onto the renewal of the CUP

Mark Gran, Applicant; And officially since it wasn't on the original one we agree to that condition.

Chairman Schaffner; 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 #5 with the change in condition G-10 and the addition of specific condition of the sale tax as requested from CEO office** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabanas (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

Jim Minnick, Director; Stated **Agenda Item #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.

6. **Consideration of Time Extension #23-0024** as submitted by CalEnergy Operating Corporation, requesting for the re-entitlement of the previously approved Conditional Use Permit #05-0054 to continue with the existing geothermal facility operations. The parcel is legally described as PAR 1 PM 2281 of SE1/4 of SEC 5, Township 12 South, Range 13 East, S.B.M. in an unincorporated Area of the County of Imperial, State of California; and is identified as Assessor's Parcel Number (APN) 020-110-049-000. (Supervisorial District # 4), [Diana Robinson at (442) 265-1736, extension 1751 or via-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.

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

Mark Gran, Applicant; Introduced himself

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

Mark Gran, Applicant; Stated that he read and did agree with everything on the project.

Chairman Schaffner; Opened the public portion of the meeting.

Rosa Lopez, County Executive Office; I'd like to incorporate the sales tax condition as mentioned before you. Thank you.

Mark Gran, Applicant; We agree to the condition of the sales tax.

Chairman Schaffner; 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 #6 with the change in condition G-10 and the addition of specific condition of the sale tax as requested from CEO office** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabanas (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

Jim Minnick, Director; Stated **Agenda Item #6** 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.

7. **Consideration of Time Extension #23-0025** as submitted by CalEnergy Operating Corporation, requesting for the re-entitlement of the previously approved Conditional Use Permit #9013A-94 to continue with the geothermal facility operations. The parcel is legally described as COC 130 of Lots 5 & 6 & SW4 of NW4 SEC 5, Township 12 South, Range 13 East, S.B.M. in an unincorporated Area of the County of Imperial, State of California; and is identified as Assessor's Parcel Number (APN) 020-110-019-000. (Supervisory District # 4), [Diana Robinson at (442) 265-1736, extension 1751 or via-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.

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

Mark Gran, Applicant; Introduced himself

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

Mark Gran, 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 #7 with the change in condition G-10 and the addition of specific condition of the sale tax as requested from CEO office** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follow Schaffner (yes), Kalin (yes), Cabanas (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes).

Jim Minnick, Director; Stated **Agenda Item #7** 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,

Chairman Schaffner; adjourned meeting.

IX. Adjournment: Meeting adjourned at 9:40 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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