

**MINUTES OF THE
PLANNING COMMISSION MEETING
November 13, 2024**

The Imperial County Planning Commission convened a Meeting on Wednesday, November 13, 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; Planner II, Rocio Yee; Planner I, Luis Bejarano; Clerks - Marsha Torres & Olivia Lopez

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

I. **Roll Call: Commissioners present:** Schaffner, Kalin, Medina, Cabanas, Bergh, 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 **October 9, 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), Medina (yes), Cabanas (yes), Bergh (yes), Wright (yes), Pacheco (yes), Hinojosa (yes)

2. **Consideration of Time Extension #24-0024 for CUP#07-0022** as submitted by Lyudmila Garcia. The applicant is requesting a time extension for a new (15) fifteen-year term for previously approved Conditional Use Permit (CUP) #07-0022 for the existing Secondary Dwelling Unit of approximately 1,680 ft². The property is located at 2251 McConnel Road, El Centro, CA, property further identified as S 300 FT OF E 287 FT LOT 29 SEC 25 15-14 1.98 AC, of the San Bernardino Base and Meridian (S.B.B.M.) with Assessor's Parcel Number 044-240-016-000 located in the unincorporated townsite of El Centro (Supervisorial District #5) of the County of Imperial, State of California. [Luis Bejarano, Planner I at 442-265-1736 extension 1745 or via email at luisbejarano@co.imperial.ca.us].

Jim Minnick, Director: Gave a brief description of the project, and introduced Luis Bejarano, Planner I, to read the project into the record.

Luis Bejarano, 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.

Lyudmila Garcia, Applicant: Introduced herself.

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

Lyudmila Garcia, Applicant: Stated that she 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 #2** 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 #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.

3. **Consideration of Lot Merger #00158** as submitted by Juan C. Santoyo Bastida, proposes to merge 2 legal lots to allow for a larger single lot for more space to build a home and garage. The project consists of two (2) parcels legally described as LOT 3 BLK 10 TRACT 760 S.B.B.M. (APN 001-812-007-000) and LOT 2 BLK 10 TRACT 760 S.B.B.M (APN 001-812-008-000) (1490 Perth Amboy Ave, Salton City, CA 92274, and; Supervisorial District #4), [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.

Cecilia Vogel, Representative for Applicant: Introduced herself.

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

Cecilia Vogel, Representative for Applicant: Yes, I agree however the only thing is that sewer is not served by the Coachella Sup, we will have a septic tank.

Derek Newland, Planner III: So, the Vista del Mar area, part of it is and part of it isn't.

Cecilia Vogel, Representative for Applicant: Yes, this one isn't.

Chairman Schaffner: Asked if she had any additional questions or comments regarding the project.

Cecilia Vogel, Representative for Applicant: No more questions or comments.

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 Lot Merger #00162** as submitted by Courtney Ludwin, who are proposing to combine three (3) continuous parcels to create a larger lot with approximately 0.41 acres. This newly consolidated lot is intended for a future residential unit. The three (3) subject parcels are further identified as Assessor's Parcel Number(s) 033-321-006-000, 033-321-007-000, and 033-321-008-000; legally described as Lots 24, 23 and 22 from Block 6 Ocotillo Unit No. 3, Tract 539. FM 6 12, respectively, in an unincorporated area of the County of Imperial, State of California; Supervisorial District #2. [Rocio Yee, Planner II at (442) 265-1736, extension 1750 or via email at rocioyee@co.imperial.ca.us].

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

Rocio Yee, 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.

Courtney Ludwin, Applicant: Introduced himself.

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

Courtney Ludwin, 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)

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 Conditional Use Permit #23-0019** as submitted by Brian Welsh, proposes a Recreation and Off-Road Vehicles Storage (with maintenance and repair), Shade Structures, and Waste Dump to be pumped and hauled (no leach line system). The project parcel is legally described as a PORTION OF TRACT 37, T13S, R14E/R15E 25.35 ACRES NORTH OF HWY 78 & EAST OF ALAMO RIVER S.B.B.M. (APN 049-310-002-000) (760 Hwy 78, Brawley, CA 92227, and; Supervisorial District #4), [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.

Cecilia Vogel, Representative for Applicant: Introduced herself.

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

Cecilia Vogel, Representative for Applicant: Stated that she read and did agree with everything on the project and stated that the owner was present on Zoom.

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

Brian Welsh, Owner: I have read and agree with agree with everything on the project and have no questions or comments.

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.

Jim Minnick, Director: Stated he reviewed the conditions and S-5 which requires fencing, has no mention of screening. In the past, the Planning Commission has required screening for all RV Storage facilities, slats or walls, and wanted to ensure Commissioners were aware of this and would recommend modifying S-5.

Commissioner Kalin: Asked representative if she agreed with slats.

Cecilia Vogel, Representative for Applicant: Yes, they were going to be doing that.

Jim Minnick, Director: It's just that it is not referenced in M-1 zone that outside storage has to be screened, so.

Chairman Kalin: Ok, I will make my motion to include slats in the fence or whatever way they would like to screen their property.

Chairman Schaffner: I have one question, on the paving is there a schedule for that or will it all be paved at once?

Jim Minnick, Director: Well, they are breaking it into two phases, and that is on purpose so that they only pave one half of it. We would require ballers and cables or some type of separation for the unpaved area to make sure that no vehicles will go onto the unpaved area. They control how much they want to pave based on how much they want to store. At no point should they be storing their vehicles or equipment on the dirt.

Commissioner Cabañas: Do you want to make a recommendation.

Chairman Schaffner: Well, we ran into a problem when we were out there at Glamis.

Jim Minnick, Director: Well, the guy at Glamis, he got permission to do the whole property and then he fenced off a smaller portion which he screened and paved. Where he got into problems, he never went beyond his original phase. Where he got into trouble was with the storage tanks and utilizing old leech fields behind the fence instead of pumping the tanks. So, he ended up going to jail; but we never had a problem with the paving or the screening.

Commissioner Kalin: Made an amended motion to include slats in the fence to screen the property and approve **Agenda Item #5** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follows; Schaffner (yes), Kalin (yes), Cabanas (yes), Bergh (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. **6a. Consideration of Water Supply Assessment (WSA)** as submitted by Apex Energy Solutions, LLC, proposing a water well for the construction and operations for the proposed NorthStar 1 Solar Energy Generation and Battery Storage project. This Water Supply Assessment has determined that adequate supply is currently available during normal water years. The foreseeable planned demands for the sources of water for the Project have been noted in this Water Supply Assessment. The proposed project would be located on two privately owned parcels encompassing approximately 288 acres in the eastern portion of the County. The proposed project site is located at 8997 Wilkins Road, Calipatria, CA, on properties identified as Assessor's Parcel Numbers 003-110-005-000 and 003-110-007-000; and further described as Lot 5 & Portion of Lots 6, 7, 8 and 13 of Section 1; Lots 9, 10, 11 & Portion of Lot 12 and the Southeast Quarter of Section 1, respectively; Township 10 South, Range 13 East of the San Bernardino Base and Meridian (S.B.B.M.), County of Imperial; State of California (Supervisory District #4).

6b. Consideration of the Mitigated Negative Declaration for the NorthStar 1 Solar Energy Generation and Battery Storage project. The Mitigated Negative Declaration includes reviews of WSA, General Plan Amendment #23-0001, Zone Change #23-0001, CUP #23-0005 & CUP#23-0006. The proposed project would be located on two privately owned parcels encompassing approximately 288 acres in the eastern portion of the County. The proposed project site is located at 8997 Wilkins Road, Calipatria, CA, on properties identified as Assessor's Parcel Numbers 003-110-005-000 and 003-110-007-000; and further described as Lot 5 & Portion of Lots 6, 7, 8 and 13 of Section 1; Lots 9, 10, 11 & Portion of Lot 12 and the Southeast Quarter of Section 1, respectively; Township 10 South, Range 13 East of the San Bernardino Base and Meridian (S.B.B.M.), County of Imperial; State of California (Supervisory District #4).

6c. Consideration of General Plan Amendment #23-0001 for the NorthStar 1 Solar Energy and Battery Storage project. This action would add a renewable energy overlay designation (RE) to the project site area. The General Plan Amendment (map and text revision) for the NorthStar 1 Solar Energy Generation and Battery Storage project is consistent with the Imperial County General Plan's Renewable Energy & Transmission Element and allows for inclusion into the Renewable Energy Overlay Zone.

6d. Consideration of Zone Change #23-0001. The Zone Change is consistent with the General Plan's underlying land use overlay designation of Renewable Energy (RE). The Zone Change would allow development of the proposed NorthStar 1 Solar Energy Generation and Battery Storage project which consists of the construction and operation of a 50-megawatt (MW) solar photovoltaic (PV) energy generation facility with up to a 75- megawatt (MW) battery storage (BESS) component, an on-site substation, and an off-site transmission line to connect to the Imperial Irrigation District's existing 161kV "N" Line. The proposed project would be located on two privately owned parcels encompassing approximately 288 acres in the eastern portion of the County. The proposed project site is located at 8997 Wilkins Road, Calipatria, CA, on properties identified as Assessor's Parcel Numbers 003-110-005-000 and 003-110-007-000; and further described as Lot 5 & Portion of Lots 6, 7, 8 and 13 of Section 1; Lots 9, 10, 11 & Portion of Lot 12 and the Southeast Quarter of Section 1, respectively; Township 10 South, Range 13 East of the San Bernardino Base and Meridian (S.B.B.M.), County of Imperial; State of California (Supervisory District #4).

6e. Consideration of Conditional Use Permit #23-0005 which would permit the development of a nominal 50-megawatt (MW) solar photovoltaic (PV) energy generation project with an integrated battery storage system not to exceed 75-megawatt (MW). The project includes a solar energy generation facility, battery storage system, an on-site substation, and an off-site transmission line to connect to the Imperial Irrigation District's existing 161kV "N" Line. The proposed project would be located on two privately owned parcels encompassing approximately 288 acres in the eastern portion of the County. The proposed project site is located at 8997 Wilkins Road, Calipatria, CA, on properties identified as Assessor's Parcel Numbers 003-110-005-000 and

003-110-007-000; and further described as Lot 5 & Portion of Lots 6, 7, 8 and 13 of Section 1; Lots 9, 10, 11 & Portion of Lot 12 and the Southeast Quarter of Section 1, respectively; Township 10 South, Range 13 East of the San Bernardino Base and Meridian (S.B.B.M.), County of Imperial; State of California (Supervisory District #4).

6f. Consideration of Conditional Use Permit # 23-0006 which consists of the construction and operation of a groundwater well for the NorthStar 1 Solar Energy Generation and Battery Storage project. This water well will be permitted for up to 12.5-acre-feet per year of water usage for the solar and battery storage operations and 145-acre-feet during the construction phase of solar and battery storage. The proposed project site is located at 8997 Wilkins Road, Calipatria, CA, on properties identified as Assessor's Parcel Numbers 003-110-005-000 and 003-110-007-000; and further described as Lot 5 & Portion of Lots 6, 7, 8 and 13 of Section 1; Lots 9, 10, 11 & Portion of Lot 12 and the Southeast Quarter of Section 1, respectively; Township 10 South, Range 13 East of the San Bernardino Base and Meridian (S.B.B.M.), County of Imperial; State of California (Supervisory District #4).

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

Tim Gnibus, Consultant: Read PowerPoint presentation of the project into the record.

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

Jurg Heuberger, Representative for Applicant: Introduced himself.

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

Jurg Heuberger, Representative for Applicant: I read the whole project and agree with it; however, I would like to make note that there are a couple of conditions that are duplicated in the CUP; however, this can be cleaned up by staff. Also, S-26 #3 is a condition that is a carry over from another project that has to do with Bureau of Reclamation and this project has nothing to do with Bureau of Reclamation so will want to make sure this gets deleted. Other than that, we are ok.

Commissioner Bergh: Asked if the battery storage would be enclosed in a building or out in the open and asked what kind of battery.

Jurg Hueberger, Representative for Applicant: Stated that they're in modules; they're open & not in an enclosed building. Answered that the batteries would probably be lithium, potentially Tesla, depending on who offers the best price at the time of construction.

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 and recommend project to be forwarded to Board of Supervisors **Agenda Item #6a-6f** seconded by **Commissioner Cabanas** and the affirmative vote by the Commissioners present as follows; Schaffner (yes), Kalin (yes), Cabanas (yes), Bergh (yes), Medina (yes), Wright (yes), Pacheco (yes), Hinojosa (yes)

Jim Minnick, Director: Stated **Agenda Item #6a-6f** stands to be forwarded to the Board of Supervisors by this Commission; there is no appeal.

IV. **Public Comments:** NONE

V. **Planning Commissioner Comments:** NONE

VI. **Director Comments:** NONE

IX. **Adjournment: Chairman Schaffner:** Adjourned meeting. Meeting adjourned at 9:36 a.m.



Submitted by Rudy Schaffner
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Marsha Torres & Olivia Lopez- PC Recording Clerks
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