

**MINUTES OF THE
PLANNING COMMISSION MEETING
JANUARY 09, 2019**

The Imperial County Planning Commission convened a Meeting on Wednesday, January 09, 2019 at 9:00 a.m. in the Board of Supervisors Chambers, El Centro, California.

Staff present: Director Jim Minnick; Assistant Director, Michael Abraham, Planner IV, Joe Hernandez, Planner III, Diana Robinson, Planner I, Mariela Moran, Planner I, Isabel Patten, Clerk Michelle Garcia and GIS Tech Derek Newland.

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

I. Roll Call: Commissioners present: Schaffner, Kalin, Bergh, Cabañas, Castillo, Wright, Zuno, Zendejas and Roben.

Medina, not present for Roll Call

II. Pledge of Allegiance:

III. Approval of Minutes: Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for **December 12, 2018** meeting as submitted by staff. Motion was made by Vice Chairman Kalin seconded by Commissioner Cabañas and carried on the affirmative vote by the Commissioners present Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Zuno (yes), Zendejas (yes), & Roben (yes).

IV. Election of Officers- Chairman & Vice Chairman

A. Adopted the motion made by Commissioner **Kalin** and seconded by Commissioner **Roben** to re-elect Commissioner **Schaffner as Chairman** for 2019 and carried on the unanimous vote of all Commissioners.

B. Adopted the motion made by Commissioner **Roben** and seconded by Commissioner **Bergh** to re-elect Commissioner **Kalin as Vice-Chairman** for 2019 and carried on the unanimous vote of all Commissioners.

Election of Officers Closed.

Jim Minnick, stated that Item #6-Conditional Use Permit #18-0029 & Item #7 Conditional Use Permit #18-0030 for Verizon Wireless were continued as per the applicant's request for February 13, 2019 meeting with no notification.

Items #10-General Plan Amendment #18-0002, #11-Conditional Zone Change #18-0003, #12-Tract Map #00991 & #13-Conditional Use Permit #18-0016 for Solana Energy Farms 1, LLC., were continued as per the applicants request for the January 23, 2019 with no notification.

Motion made by commissioner **Kalin** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Zuno (yes), Zendejas (yes) & Roben (yes). to continue items #10, #11, #12, & #13 for Solana Energy Farms 1, LLC. January 23 ,2019; and to continue

Item #6-Conditional Use Permit #18-0029 & Item #7 Conditional Use Permit #18-0030 for Verizon Wireless for February 13, 2019.

Jim Minnick, gave a brief description of the project, and introduced Planner IV, Joe Hernandez to read the project into the record.

Joe Hernandez, Planner IV, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked the representative to come forward to the podium and introduce themselves and state their name and address to the record.

Dana Wood, stated he read the project and agreed with all the terms and conditions of approval.

Chairman Schaffner, opened up the public portion of the meeting.

Chairman Schaffner, closed the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Chairman Schaffner, entertained a motion

- a. Motion made by commissioner **Kalin** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Zuno (yes), Zendejas (yes), and Roben (yes); to make the finding that the project is categorically exempt from CEQA under Government Code Section 15301 and that no further documentation is necessary; and approve Time Extension #18-0026 for Conditional Use Permit #1176-98 for a new 15 year term, subject to the existing conditions.

Jim Minnick, Director, stated that the project stands approved by this Commission if any member from the public wishes to appeal this decision, must do so within 10 days of approval with the Planning Department with a \$650.00 filing fee.

Commissioner Medina, arrives at 9:07 A.M

2. Consideration of **Time Extension #18-0028** as submitted by All American Grain Company, LLC requesting Time Extension #18-0028 for Conditional Use Permit #02-0036 for the existing grain facility. Parcel is legally described those Portion of the Southeast ¼ of Section 21 and the Southwest ¼ of Section 22, Township South, Range 14 East SBB&M, Assessor's Parcel Number 024-260-032-000, (Supervisory District # 4). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Planner IV, Joe Hernandez to read the project into the record.

Joe Hernandez, Planner IV, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked the representative to come forward to the podium and introduce themselves and state their name and address to the record.

Cecil Baker, representing All American Grain, stated he read the project and agreed with all the terms and conditions of approval

Chairman Schaffner, opened/closed the public portion of the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Chairman Schaffner, entertained a motion

- b. Motion made by commissioner **Kalin** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), Zendejas (yes), and Roben (yes); to make the finding that the Project is categorically exempt from CEQA under Government Code Section 15301 and that no further environmental documentation is necessary; and approve Time Extension #18-0028 for Conditional Use Permit #02-0036 for a new 15-year term, subject to the existing conditions.

Jim Minnick, Director, stated that the project stands approved by this Commission if any member from the public wishes to appeal this decision, must do so within 10 days of approval with the Planning Department with a \$650.00 filing fee.

3. Consideration of **Lot Line Adjustment #00304** as submitted by Stephen & Ramona Holtz, proposing to adjust the boundary of two fields with Assessor's Parcel Number (s) 054-250-027-000 to separate the residence and shop from the farmable land. On property legally described as the West ½ of the East ½ of Tract 45, Township 16 South, Range 14 East, SBB&M. Assessor's Parcel Number 054-250-027-000. (104 E. Jasper Rd., Heber, CA), (Supervisory District # 2). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Planner I, Mairela Moran to read the project into the record.

Mariela Moran, Planner I, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked the representative to come forward to the podium and introduce themselves and state their name and address to the record.

Harvey Jernigan, representing the applicants, stated he read the project and agreed with all the terms and conditions of approval

Chairman Schaffner, opened/closed the public portion of the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Commissioner Castillo, asked if it was assessed as one parcel.

Harvey Jernigan, stated it was two parcels.

Commissioner Castillo, asked if the County had designated a future right of way.

Harvey Jernigan, stated yes it is in the Conditions.

Jim Minnick, stated it was a request for a Lot Line Adjustment, on another land division would be a requirement.

Chairman Schaffner, entertained a motion

Andrea Urbas, stated that as soon as she was informed by staff that the light was not working an inspector was sent out there and it was taken care of. Replacement lights were ordered and they were restored.

Chairman Schaffner, asked her which tower she was referring to.

Andrea Urbas, stated CUP#18-0028.

Chairman Schaffner, stated he was referring to towers in general. He followed up by saying that he knew most of the pilots and their families and he feels it's not right that they are put in that type of danger. He thanked her for having hers up and running but thought this was something that needed to be brought up.

Jim Minnick, thanked Chairman Schaffner for bringing it to the attention of the board, stated he would review with County Counsel and get back to them regarding this issue.

Chairman Schaffner, stated if it was possible to make an ordinance change.

Jim Minnick, stated yes.

Commissioner Bergh, asked who determined the 72 hours.

Jim Minnick, stated it is 72 hours from the time they are made aware of it.

Chairman Schaffner, stated in the opposing defense. The light is a special light that strobes and he believes it has to be ordered so he understands that but he suggested maybe buying more ahead of time and having a backup at the site. He also stated he would like to see a telephone number posted onsite to call it in.

Andrea Urbas, stated they are required to have the emergency contacts listed.

Jim Minnick, stated he would take a look at it and report back.

Chairman Schaffner, opened/closed the public portion of the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Chairman Schaffner, entertained a motion

- d. Motion made by commissioner **Kalin** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), Zendejas (yes), and Roben (yes); to find that Conditional Use Permit #18-0028 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and that no further environmental documentation is necessary; and to approve the Resolution(s), supporting findings and Conditional Use Permit #18-0028 (subject to all the conditions), and authorize the Planning and Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director, stated that the project stands approved by this Commission if any member from the public wishes to appeal this decision, must do so within 10 days of approval with the Planning Department with a \$650.00 filing fee.

5. Consideration of **Conditional Use Permit #18-0017** as submitted by Verizon Wireless, who proposes to renew entitlements for previously approved Conditional Use Permit #02-

0020 for an existing 270-foot telecommunications tower with ancillary equipment. The proposed CUP #18-0017 would supersede the previously approved CUP#02-0020 since its 15-year time limit has reached expiration. On property legally described as Portion of the West 446.85 Feet of Tract 92, Township 13 South, Range 14 East, San Bernardino Base & Meridian, filed in the Office of the County Recorder of Imperial. County Assessor's Parcel Number 037-160-036-000 (4890 Highway 111, Brawley CA), (Supervisorial District #4). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Planner I, Isabel Patten to read the project into the record.

Isabel Patten, Planner I, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked the representative to come forward to the podium and introduce themselves and state their name and address to the record.

Jo Ann Stoddard, on behalf of Verizon Wireless, stated she read the project and agreed with all the terms and conditions of approval

Chairman Schaffner, opened/closed the public portion of the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Chairman Schaffner, entertained a motion

- e. Motion made by commissioner **Kalin** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), Zendejas (yes), and Roben (yes); to find that Conditional Use Permit #18-0017 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines and that no further environmental documentation is necessary; and approve the Resolution(s), supporting findings and Conditional Use Permit #18-0017 (subject to all the conditions), and authorize the Planning and Development Services Director to sign the CUP contract upon receipt from the permittee.

Jim Minnick, Director, stated that the project stands approved by this Commission if any member from the public wishes to appeal this decision, must do so within 10 days of approval with the Planning Department with a \$650.00 filing fee.

6. Consideration of **Conditional Use Permit #18-0029** as submitted by Jacobs on behalf of Verizon Wireless, who proposes to renew entitlements for previously approved Conditional Use Permit #02-0025 for an existing 255-foot telecommunications tower with ancillary equipment. The proposed CUP #18-0029 would supersede the previously approved CUP #02-0025 since its 15-year time limit has reached expiration. On property legally described as Parcel 1 of Parcel Map 1995 of Tract 38, Township 15 South, Range 14 East, San Bernardino Base & Meridian, filed in the Office of the County Recorder of Imperial. County Assessor's Parcel Number 044-460-040-000 (1990 Hwy 111, El Centro, CA 92243), (Supervisorial District #5). **CONTINUED for February 13, 2019.**
7. Consideration of **Conditional Use Permit #18-0030** as submitted by Jacobs on behalf of Verizon Wireless, for the renewal of land use entitlement for previously approved Conditional Use Permit #02-0021 to continue operating the existing 64 foot communication tower, APN 034-170-010-000. Parcel is legally described as Section 9, Township 14

South, Range 11 East, SBB&M (3000 Imler Road, Brawley, CA 92227), (Supervisory District #3). **CONTINUED for February 13, 2019.**

8. Consideration of **Conditional Use Permit #18-0027** as submitted by Crown Castle, who proposes to renew entitlements for previously approved Conditional Use Permit #02-0013 for an existing 100-foot telecommunications tower with ancillary equipment. The proposed CUP #18-0027 would supersede the previously approved CUP#02-0013 since its 15-year time limit has reached expiration. On property legally described as Portion of Lot 10 Section 10 & Lot 3 Section 11, Township 16 South, Range 14 East, San Bernardino Base & Meridian, filed in the Office of the County Recorder of Imperial. County Assessor's Parcel Number 054-080-043-000 (375 Ross Ave., El Centro CA 92243), (Supervisory District #5). The commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Planner I, Isabel Patten to read the project into the record.

Isabel Patten, Planner I, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked the representative to come forward to the podium and introduce themselves and state their name and address to the record.

Andrea Urbas, on behalf of Crown Castle, stated she read the project and agreed with all the terms and conditions of approval

Chairman Schaffner, opened/closed the public portion of the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Chairman Schaffner, entertained a motion

9. Consideration of **Conditional Use Permit #18-0011** as submitted by Sportsman's Paradise Inc., who proposes to drill and operate a new water well and restore an existing domestic water well which will supply water to 45 single-family homes. The water wells will extract up to 4 acre foot of water per year. Once the proposed new water well is constructed and operating, the existing (restored) well would then become a stand-by well. On property legally described as Lot 12, Section 9, Township 9 South, Range 22 East, San Bernardino Base & Meridian, filed in the Office of the County Recorder of Imperial. County Assessor's Parcel Number 006-100-020-000 (1901 Neighbor Blvd., Palo Verde CA), (Supervisory District #5). The Commission took the following.

Jim Minnick, gave a brief description of the project, and introduced Planner I, Isabel Patten to read the project into the record.

Isabel Patten, Planner I, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked the representative to come forward to the podium and introduce themselves and state their name and address to the record.

Vice Chairman Kalin, brought up the applicants requested that the reporting from every 30 days to annually.

Isabel Patten, stated correct.

Commissioner Bergh, asked why.

Vice Chairman Kalin, asked how they would if the water meter fails.

Jim Minnick, stated typically it is only asked for on an annual basis.

Commissioner Bergh, stated that on other projects like Gordon Wells they have requested every 6 months, stated there will be two wells, who is monitoring it? He stated he assumes this water is from the river itself and not the aquifer.

Jim Minnick, stated he believed so, he stated that if they wanted 6 months it is ultimately up to them.

Vice Chairman Kalin & Commissioner Bergh, both stated they were good with 6 months.

Patrick Finley, applicant, stated she read the project and agreed with all the terms and conditions of approval, he stated he had no issue with the 6 months as requested by the commission.

Chairman Schaffner, opened/closed the public portion of the public portion of the meeting, he then turned it over to the Commission for any questions or comments.

Chairman Schaffner, entertained a motion

- f. Motion made by commissioner **Kalin** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Wright (yes), Medina (yes), Zuno (yes), Zendejas (yes), and Roben (yes); to adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environmental Evaluation Committee on November 15, 2018; and make the De Minimis finding as recommended at the November 15, 2018 EEC hearing, that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the California Fish and Game Code; and to adopt the attached resolution and supporting findings, approving Conditional Use Permit #18-0011, subject to all conditions, and authorize the Planning & Development Services Department to sign the conditional use permit upon receipt from the permittee.

10. Consideration of **General Plan Amendment #18-0002** as submitted by Solana Energy Farms 1, LLC proposing to change the land use designation of an approximately 320 acre parcel from "Agriculture" to "Industrial" for the purpose of cannabis cultivation. On property legally described as Lot 7 of FM 27-8, also being the Southeast ¼ and a Portion of the Northeast ¼ of Section 22, Township 12 South, Range 9 East, in an unincorporated area of the County of Imperial. Assessor's Parcel Number 018-170-049-000, (Supervisory District #3). **CONTINUED for January 23, 2019.**

11. Consideration of **Conditional Zone Change #18-0003** as submitted by Solana Energy Farms 1, LLC proposing to conditionally rezone approximately 320 acres from A-2 (General Agriculture) to M-1 (Light Industrial) for cannabis related activities only. On property legally described as Lot 7 of FM 27-8, also being the Southeast ¼ and a Portion of the Northeast ¼ of Section 22, Township 12 South, Range 9 East, in an unincorporated area of the County of Imperial. Assessor's Parcel Number 018-170-049-000, (Supervisory District #3). **CONTINUED for January 23, 2019.**

12. Consideration of **Tract Map #00991** as submitted by Solana Energy Farms 1, LLC proposing to subdivide an approximately 320 acre parcel into eight +/-42 acre lots for the purpose of cultivating cannabis on one of the proposed lots. On property legally described as Lot 7 of FM 27-8, also being the Southeast ¼ and a Portion of the Northeast ¼ of Section 22, Township 12 South, Range 9 East, in an unincorporated area of the County of Imperial. Assessor's Parcel Number 018-170-049-000, (Supervisory District #3). **CONTINUED for January 23, 2019.**
13. Consideration of **Conditional Use Permit #18-0016** as submitted by Solana Energy Farms 1, LLC for the cultivation of cannabis, as required per Title 9 Land Use Ordinance, Division 4 Chapter 6. On property legally described as Lot 7 of FM 27-8, also being the Southeast ¼ and a Portion of the Northeast ¼ of Section 22, Township 12 South, Range 9 East, in an unincorporated area of the County of Imperial. Assessor's Parcel Number 018-170-049-000, (Supervisory District #3). **CONTINUED for January 23, 2019.**

- I. **Public Comments:** NONE
- II. **Commissioner Comments:** NONE
- III. **Planning Directors Comments:** Reminder that items 10-13 for Desert Highway Farms have been continued to January 23, 2019 meeting

Adjournment: Meeting was adjourned at 9:42 AM



Submitted by Rudy Schaffner;
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission