

**MINUTES OF THE
PLANNING COMMISSION MEETING
FEBRUARY 13, 2019**

The Imperial County Planning Commission convened a Meeting on Wednesday, February 13, 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, Medina, Zuno, Zendejas and Roben.

II. Pledge of Allegiance:

III. Approval of Minutes: Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for **January 23, 2019** 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), Medina (yes), Zuno (yes), Zendejas (yes), & Roben (yes).

1. 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.), (Supervisory District #5).
2. 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. On property legally described as Section 9, Township 14 South, Range 11 East, SBB&M. Assessor's Parcel Number 034-170-010-000, (3000 Imler Road, Brawley, CA.), (Supervisory District #3).

Jim Minnick, stated items #1 & #2 have been continued until further notice as per the applicants request received via email yesterday.

3. Consideration of **Code Enforcement** for Tony Hart as submitted by the County of Imperial County Counsel's Office regarding the accumulation of miscellaneous items and creating a public nuisance. On property legally described as LOT 8 BLOCK 8 TRACT 682. Assessor's Parcel Number 007-072-005-001, (1501 N. Marina Drive, Salton City, CA.), (Supervisory District #4).

Jim Minnick, gave a brief description of the project, and introduced Deputy County Counsel, Jason Folker to read the project into the record.

Jason Folker, Deputy County Counsel, read the project into the record and was there to answer any questions from the Commission.

Chairman Schaffner, asked if Tony Hart had any physical reasons why he couldn't fix the issues presented.

Jason Folker, stated he wasn't aware of any physical conditions however stated he didn't know him personally. Stated based on inspection reports submitted to the Planning Commission various individuals from Planning have had contact with him although isn't sure how recent, and perhaps can inquire with Mr. Thomas who has done a number of inspections onsite.

David Thomas, Building Inspector ICPDS, stated he has no physical conditions that he knows of, and stated he would walk all over Salton City.

Chairman Schaffner, stated Mr. Tyler Hart was not present and would move forward with the process.

Jim Minnick, stated that Linda Hunt sent a text message stating no, he has no reason why he can't do it.

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

Commissioner Castillo, asked how long the trailer has been gone.

Jason Folker, stated that was removed after County Counsel's first letter demanding compliance sent in mid-July and it was removed somewhere in between then and August 14th.

Commissioner Castillo, asked if he lived there.

Jason Folker, stated he didn't know if he was living there full time or not.

Jim Minnick, stated it was actually never installed and had issues with the building permits and stated the department re-issued a building permit and never finished the installation.

Commissioner Castillo, stated he noticed there were some steps there which led him to assume for the trailer and asked if he had been physically notified.

Jason Folker, stated he knows Dave Thomas has had contact with him in the past as far as him getting notice of this particular hearing the final notice from County Counsel was posted onsite on or about January 8th or 9th, again it was posted on the site which is in substantial compliance with the statue and has also been attempted to be mailed to his last known address, that may or may not have been returned. Stated he doesn't know when Mr. Hart was last at the property but what he can say is that based on the inspection photo and the reports is that all the notices have remained posted on the site. He can't speak if whether Mr. Hart knows of the proceeding at the time but he believes they have done everything the statue requires to provide notice by posting and attempting to mail.

Chairman Schaffner, stated he was curious at how this would worked. Asked if they would pay someone to clean it up which he believes would cost more than what that lot is worth.

Jason Folker, stated they are requesting that they adopt some proposed findings and to make some orders on this but it won't be the end of it. There is a mechanism by which abatement costs can be passed to the land owner in a form of a lien but it's not that simple. If you look at the way the code is laid out if the commission is inclined to adopt the findings and orders him to abate the nuisance within 45 days and he fails to do that, there is a statutory mechanism for us to recover costs based on a lien on that property but he has to be given at least a 10 day period of time to pay that before seeking that relief and prior to abating anything, prudence and the code of civil procedure require that they seek an abatement warrant from the Superior Court in order to actually enter the premises and abate the nuisance.

Jim Minnick, stated they are committed to go all the way through with this.

Commissioner Bergh, stated so if you have to give him by law the 45 days you're talking about 6 months from now.

Jason Folker, if they talk about the most accelerated time frame a 45 day window, the abatement warrant with the supporting documentation can be submitted to the court there is not really a necessity to go through a formal hearing process the other party will be notified and that can happen rather quickly. He stated 6 months could be rather long but not outside the realm but it won't happen immediately

Commissioner Bergh, stated they have been too good to him, and asked what has taken them so long.

Jim Minnick, stated that would be his office.

Commissioner Castillo, asked what they estimate the value of the property to be.

Jim Minnick, stated \$5,000-\$10,000.

Commissioner Castillo, asked how much it would cost to clean up.

Jim Minnick, stated based on the photos he believes probably under \$5,000.

Commissioner Castillo, asked if the County would possibly want to buy it instead if they're going to spend that money to clean up.

Jim Minnick, stated it wouldn't be proper.

Commissioner Roben, stated conflict of interest.

Vice Chairman Kalin, asked if his property taxes were current.

Jim Minnick, stated he's not sure he has to check.

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), Medina (yes), Zuno (yes), Zendejas (yes) and Roben (yes); to declare the conditions on the property to be in violation of the above cited code sections and a public nuisance; to direct the property owner(s) to abate the conditions on the property within forty-five (45) days of the planning commission's decision; and if the property owner(s) fails to abate the conditions within

the specified forty-five (45) days after the Planning Commission's decision, grant permission to the enforcement officer to have conditions abated and place a lien on the property for costs incurred pursuant Government Code Sections 54988 & 25845 and County Land Use Ordinance Title 9 Section 91302.01.

Jim Minnick, Director, stated that they will proceed forward with the recommended actions and move forward with the 45 day notice.

Jim Minnick, stated Linda Hunt texted Tony Hart is 2 years behind on his taxes.

Public Comments: *After the hearing two gentlemen walked in wishing to speak regarding Item #3 Code Enforcement for Tony Hart. Chairman Schaffner stated they may speak during the Public portion of the hearing to be on the record.*

Michael Freeze, stated there has been an effort to deal with this property in 2005 that is when it was first red tagged when they were attempting to install a mobile home without a permit and never resolved. There was a major change on July 22, 2018 when he did remove the mobile home but before he did that he took all the stuff he was storing and dumped it on the lot and that was the last day that we saw him. The material has been picked up by scavengers and rained on and it's really of no value. One thing he had been hoping given the fact that he had been given numerous final notices and actually stated that one he found stated this will be your final notice was in 2014, and now giving him another 45 days he was hoping they could just proceed with the cleaning of the property.

Jason Folker, stated statutorily 45 days are required by law.

Michael Freeze, stated how long they can expect before this is effective after the 45 days is expired.

Jason Folker, answered as Mr. Minnick stated there is a number of legal steps that they have to follow like getting the abatement warrant there really is no way around the 45 days just hope that Mr. Hart complies.

Jim Minnick, stated they need a judge to say they can enter the property.

Michael Freeze, stated that there is a lot of community energy that if they were allowed to they would clean up the property at no cost to Mr. Hart, but he understands that may not be legal for them to do that.

Chairman Schaffner, stated maybe once they are allowed to they can provide a dumpster.

Jim Minnick, stated we would be more than happy for you to help us.

Michael Freeze, stated there is a lot of enthusiasm in the community

Commissioner Castillo, asked if anyone had spoken to Mr. Hart

Michael Freeze, stated when he removed the mobile home he contacted him with the last email that he had and offered to purchase his property and he stated sure \$41,000. Stated he bluffed a little and said sure lets open escrow and never heard from him again. He then tracked his number

in Paris with the same offer and finally when the County put out the notice he thought well he probably didn't get that so he actually mailed him the notice so he is quite sure he is aware of this hearing, and no response.

Commissioner Castillo, stated that since you have his address why doesn't he write to him and offer to clean his property

Michael Freeze, stated that would be a good idea and he could think of a way to phrase it where he could offer since there will be a lien on your property, we can clean it up for you. Maybe if he receives written letter from him they can start.

Chairman Schaffner, stated they just found out he owes 2 years back taxes.

Michael Freeze, stated last time he checked it was over \$1,000 in back taxes which he thought would be more than 2 years. He thanked the Commission for taking this matter seriously.

John Connelly, stated that Mr. Hart has done nothing but thumb his nose at the County, every time you posted at the property or gave him a final notice he ignores it. He has ignored his taxes, fees, obtaining building permits and you're going to give him another 45 days. His suggestion would be during those 45 days you do everything you can to proceed so that at the end of the 45 days you can start cleaning it up. The services district at Salton City have thought of cleaning it up but they can't go on there either since it isn't legal or have permission. So he would suggest to get a head start. He has totally ignored you he will continue to ignore you. He doesn't care

Chairman Schaffner, stated they are following up with it legally.

John Connelly, stated he won't do anything and they need to start now, not 45 days from now. He guarantees you won't have any response from him. The only time he has ever complied was when he had to get another building permit and the County gave him a discount.

Jim Minnick, stated that was correct to try and help to get it resolved,

John Connelly, asked did it get resolved, if they gave him 50% off then they should have given it to everyone.

Chairman Schaffner, asked so then why doesn't the service district go clean it?

John Connelly, stated because it's illegal and they need permission to do so.

Chairman Schaffner, stated same here, they need permission too.

Jason Folker, stated that the 45 day period is mandated under the Imperial County Ordinance once that period elapses we will move a little more quickly.

John Connelly, the last time he was given a last warning to clean his property, why didn't they give him 45 days from then in 2014.

Planning Commissioner Comments: NONE

Planning Directors Comments: Clarification regarding the building permit discount. That is a reactivation fee of a permit you have issued and that is standard. The plan check has been done, and that discount can be given to everyone.

Thanked the Commissioners who helped and contributed to the 2019 Rib Cook Off. County booth came in 2nd place under the categories; booth, ribs & side dish.

Adjournment: Meeting was adjourned at 9:30 A.M



Submitted by Rudy Schaffner;
Chairman of the Planning Commission

Attest:



Jim Minnick, Director of
Imperial County Planning Commission

Michelle Garcia PC Recording Clerk
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