

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

The Imperial County Planning Commission convened a Meeting on Wednesday, March 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 IV, David Black, 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.

Absent: Kalin, Castillo & Zuno

II. Pledge of Allegiance:

III. Approval of Minutes: Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for **February 13, 2019** meeting as submitted by staff. Motion was made by Commissioner Roben seconded by Commissioner Cabañas and carried on the affirmative vote by the Commissioners present Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (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.), (Supervisorial District #5). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Mariela Moran, Planner I 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 if the representative to come forward to the podium, introduce themselves and state their name and address for the record.

Tracy Thomas, representing the applicant, stated she agreed with the project and the conditions of approval.

Chairman Schaffner, asked why there was so many antennas on one pole.

Tracy Thomas, stated that in most cases they are bound to put them where there is existing sites.

Chairman Schaffner, asked if it was engineered for that.

Tracy Thomas, stated yes.

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

Commissioner Bergh, asked if every time one is added it is re-engineered and submitted to the County. He then mentioned a similar tower falling over because there were one too many antennas on it.

Jim Minnick, stated the County can't control what somebody does without a building permit but when they do submit building permits, and add any additional equipment to it has to show that tower will sustain.

Chairman Schaffner, entertained a motion.

- a. Motion made by commissioner **Cabañas** and seconded by Commissioner **Roben** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to find that Conditional Use Permit #18-0029 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 #18-0029 (subject to all the conditions), and authorize the Planning and Development Services Director to sign the CUP contract upon receipt from the permittee.

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). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Joe Hernandez, Planner IV 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 if the representative to come forward to the podium, introduce themselves and state their name and address for the record.

Tracy Thomas, representing the applicant, stated she agreed with the project and the conditions of approval.

Commissioner Medina, asked besides cell phone, what other services this tower provides.

Tracy Thomas, stated Emergency Services.

Chairman Schaffner, opened/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.

- b. Motion made by commissioner **Cabañas** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to make the findings that the project is categorically exempt from CEQA (Class 1 – Existing Facility) and that no further documentation is necessary; and adopt the Resolution(s) and supporting findings, approving Conditional Use Permit (CUP) #18-0030 subject to the conditions and authorize the Planning & Development Services Director to sign the CUP contract upon receipt from the Permittee.
3. Consideration of **Variance #18-0007** as submitted by Heber Public Utility District, to allow for a deviation of 15 feet to the rear yard setback in an R-1 zone, totaling to a 10 foot rear yard setback and to allow for a deviation of 18 parking spaces, totaling to 5 parking spaces within the proposed project site. The applicant is requesting a variance to install a 2,250 square-foot recreation center that will provide recreational amenities for the residents of the Heber Meadow Subdivision. On property legally described as Lot 1 Heber Meadows Tract 956 Unit 1, SBB&M. Assessor's Parcel Number 054-601-001-000, (156 Littlefield Way, Heber CA), (Supervisory District #2). The Commission took the following actions;

Jim Minnick, gave a brief description of the project, and introduced Isabel Patten, Planner I 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 if the representative to come forward to the podium, introduce themselves and state their name and address for the record.

George Galvan, Holt Group, representing the Heber Utility Public District, stated he agreed with the project and the conditions of approval.

Chairman Schaffner, asked if that was enough parking for the facility.

George Galvan, stated that yes there is street parking, the main thing with that project is that it is meant to serve that neighborhood so a lot of them will be walking, he then mentioned that the facility is targeted for the youth and a lot of them will be dropped off.

Commissioner Bergh, asked how many total parking spots will there be.

George Galvan, stated a total of 5 spaces.

Commissioner Bergh, asked if that was for the whole project.

George Galvan, stated with street parking they can probably have another 30 cars on the street. He pointed at the map and stated there was no development to the north of the facility, therefore leaving plenty of parking available.

Commissioner Bergh, stated he's assuming there will be a handicap parking.

George Galvan, stated yes, onsite.

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

Mercedes Rubio, 158 Littlefield Way, Heber, stated she believes there is a lot of activity going on for people to park on Bloomfield Street. Stated there is a park west of Bloomfield and it gets pretty hectic as far as being able to have parking spaces for that facility. She believes this will cause more traffic, and mentioned that people already park in front of her house even on Sundays because there is a lot of activities going on at the park. Stated she believes that 30 more parking spaces isn't possible. She then stated her concerns about how this excessive amount of traffic can cause an accident.

Chairman Schaffner, stated he understood this could be a problem, and it is either 5 parking spaces or they get nothing, however would hate to kill the whole project because of this issue.

Jim Minnick, agreed with Chairman Schaffner.

Mercedes Rubio, stated she didn't mind the project as a whole.

Chairman Schaffner, stated that this was part of the setback they are requesting. They are already giving them some leeway there to try and give them 5 parking spots. Stated he didn't have a problem with the Variance but he does understand Miss Rubio's concerns.

Mercedes Rubio, stated that when she drives out of her driveway she has to really make sure that there is no one behind her because of all the people going to the park. She mentioned there is a stop sign there, but to be realistic people are in a hurry and some don't stop and cars do block visibility.

Chairman Schaffner, stated he doesn't see a crosswalk and asked if that would help.

Jim Minnick, stated yes, he then stated he talked to Laura Fischer but doesn't see it in the language.

Mercedes Rubio, stated there was only one stop on Little Field Way.

Laura Fischer, Heber Public Utility District, stated that was correct there is only one stop sign on Little Field Way, stated they would put a crosswalk in from the project site directly across to the park so that is part of the project plan.

Chairman Schaffner, asked what she thought about the parking and if she believed that was going to be a problem.

Laura Fischer, stated the park doesn't have a real parking area so the only parking they have is in the neighborhood area straight down north next to the retention basin. They do have practice there however they don't have restrooms there so there isn't a lot of activities in that park that are meant for long term moves people in and out. Stated that there is parking all the way down the retention basin on the west side of Bloom Field and that will never be developed because it is already a retention basin. On the eastside of Bloom Field it is not developed but that could be in the future, it is not being used at the moment so there is parking on the eastside as well. Stated she understood the concerns of the neighborhood it is a wide street so it promotes a little more of a fast traffic pattern down Bloom Field but they would like to get their Variance so they can put the center in to incorporate some crosswalks and hopefully slows traffic down.

Chairman Schaffner, asked if she thought that was viable.

Laura Fischer, stated she does especially in that area. Part of their plan and their project will be to outreach to the community to get their input. They want to get a viable project before them and certainly parking and traffic is a key concern for the neighborhood there. Regarding the 5 parking spaces and the street parking, their activities right now are youth focused and she believes that will cause more traffic than it will parking issues, and stated there are somethings they might have to mitigate in their planning project.

Chairman Schaffner, stated he sees some undeveloped land and if she believed that there could be a possibility of a parking structure if it does become a problem.

Laura Fischer, stated that its one lot which they call "Lot D" in the Heber sub division map as far as she knows there is no tract map on it just a big lot.

Jim Minnick, stated the lot is a multi-zone family lot, it could be apartments, to the west is a retention basin with proper engineering it could also be a parking lot.

Commissioner Cabanas, asked if they would consider a 3 way stop sign.

Commissioner Bergh, asked if they could do a traffic study. Stated he was down there Thursday or Friday and someone was actually parked on the corner which is illegal. He stated to put a crosswalk through there a 3 way stop and police that one corner, if they don't they are just asking for an accident. People go through stop signs as it is now, he then asked if they would object to something like that.

Laura Fischer, stated they do not object to any safety measures and if a traffic study determines a need for a cross work then it would certainly be something they would work with the County to get done.

Chairman Schaffner, asked if Mr. Minnick was good with all of this.

Jim Minnick, stated yes he was.

Chairman Schaffer, stated he wouldn't want to create problems or make them worse than they are.

Jim Minnick, stated that they had received an email from Public Works and it did not indicate anything about a 3 way stop sign but he will talk to the Director and also bring up the crosswalk.

George Galvan, asked if a stop sign is required would that go through another approval process or would that be done in house.

Jim Minnick, stated that would be done with Public Works.

Chairman Schaffner, closed the pubic portion, and then turned it over to the commission for any questions/comments, hearing none he entertained a motion.

- c. Motion made by commissioner **Cabañas** and seconded by Commissioner **Roben** and carried on the affirmative vote by the-Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to find that Variance #18-0007 is categorically exempt from CEQA per Article 19, Section 15305 (a) Minor Alterations to Land Use Limitation of CEQA and that no further environmental documentation is necessary; and to approve the Resolutions and Findings for Variance #18-0007.

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.

4A. Consideration of **Water Supply Assessment (WSA)** as submitted by Vega SES, LLC proposing a Water Supply Assessment for the Vega SES Solar Energy project. This Water Supply Assessment has determined that IID has adequate polices, programs and project in place to provide water to agricultural, commercial, industrial and municipal users in the Imperial Unit. Adequate supply is currently available during normal water years. IID's Equitable Distribution Plan ("EDP") is sufficient to manage water supply during

multiple dry water years. Conservation plans and measures are available to reduce the probability of Supply Demand Imbalance (“SDI”) from occurring. Adequate agreements, plans and policies are in place that enable the Imperial Unit water supply to be considered reliable for 20 years. The foreseeable planned demands for the sources of water for the Project have been noted in this Water Supply Assessment. . The project is generally located south of I-8, west of Drew Road, Wixom Road, Lyons, and Mandrapa Road totaling approximately 574 total acres. Assessor Parcel Numbers: 051-360-021-000, 051-360-031-000, 051-390-004-000, 051-390-012-000, 051-390-013-000, (Supervisory District #2).

4B. Consideration of Final Environmental Impact (FEIR SCH2017081019), as submitted for the Vega SES Solar Energy project that includes a General Plan Amendment, a Zone Change, a Conditional Use Permit, a Battery Storage Facility and a Water Supply Assessment (collectively the “Projects” generating approximately 100 MW’s). The project is generally located south of I-8, west of Drew Road, north of Mandrapa Road, and south of Wixom Road totaling approximately 574 total acres. Assessor Parcel Numbers: 051-360-021-000, 051-360-031-000, 051-390-004-000, 051-390-012-000, 051-390-013-000, (Supervisory District #2).

4C. Consideration of Mitigation Monitoring & Reporting Program (MM&RP) for the Vega SES Solar Energy project. A mitigation monitoring and reporting program will be required pre-construction, during construction and during operational phases of Vega SES Solar Energy project to ensure that the mitigation measures identified in the EIR are implemented. The project is generally located south of I-8, west of Drew Road, north of Mandrapa Road, and south of Wixom Road totaling approximately 574 total acres. Assessor Parcel Numbers: 051-360-021-000, 051-360-031-000, 051-390-004-000, 051-390-012-000, 051-390-013-000, (Supervisory District #2).

4D. Consideration of General Plan Amendment (GPA #17-0001) as submitted by Vega SES, LLC, proposing a General Plan Amendment for the Vega SES Solar Energy project. The proposed amendment to the County’s General Plan Renewable Energy and Transmission Element is required to include the proposed project within the RE Overlay zone. No change in the underlying general plan land designation “Agriculture” is proposed. The project is generally located south of I-8, west of Drew Road, north of Mandrapa Road, and south of Wixom Road totaling approximately 574 total acres. Assessor Parcel Numbers: 051-360-021-000, 051-360-031-000, 051-390-004-000, 051-390-012-000, 051-390-013-000, (Supervisory District #2).

4E. Consideration of Zone Change (ZC #17-0005) as submitted by Vega SES, LLC, proposing a Zone Change for the Vega SES Solar Energy project. The proposed zone change the County’s Zone Maps is required to include the proposed project within the Renewable Energy (RE) Overlay Zone Map #71 and add RE to Zone Map #40. The project is generally located south of I-8, west of Drew Road, north of Mandrapa Road, and south of Wixom Road totaling approximately 574 total acres. Assessor Parcel Numbers: 051-360-021-000, 051-360-031-000, 051-390-004-000, 051-390-012-000, 051-390-013-000, (Supervisory District #2).

4F. Consideration of Conditional Use Permit (CUP #17-0001) as submitted by Vega SES, LLC, proposing the Vega SES Solar Energy project, which is a nominal 100-

megawatt alternating current, solar photovoltaic (PV) energy generation facility. The project is generally located south of I-8, west of Drew Road, north of Mandrapa Road, and south of Wixom Road totaling approximately 574 total acres. Assessor Parcel Numbers: 051-360-021-000, 051-360-031-000, 051-390-004-000, 051-390-012-000, 051-390-013-000, (Supervisory District #2). The Commission took the following actions;

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

David Black, Planner IV, read the project into the record and was there to answer any questions from the Commission may have.

Tim Gribus, HDR, gave a brief presentation of the project and was available to answer any questions the Commission may have.

David Black, mentioned there were some changes made and presented regarding the Public Benefit Agreement.

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

Jurg Heuberger, representing the applicant, stated he read the project and agreed with all the terms and conditions of approval.

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

Andy Horne, County Deputy CEO, thanked David Black for acknowledging that they would like that language added to the Public Benefit Agreement which is standard language as the Commission is aware being it is Board policy that solar projects enter into a Public Benefit Agreement. There is one other area that he would like to ask to be considered for inclusion in that same section (S10) to maximize the collection of sales tax with these projects as it has paid off with past projects. The idea is to get the developer, permittee or contractors to file the appropriate paper work to make sure that the sales taxes for the purchase of equipment gets paid to Imperial County and there are mechanisms and regulations in the State of California that has allowed the developer to do that and it has worked very well. To date they have collected 25 million in sales tax revenue and about another 13 to 14 million dollars to our local transportation authority under Measure D has sent sales tax override. Most of the developers have been very good at doing that, however as Mr. Heuberger should know from recent experience there have been some that have not been as diligent. He stated he met with HDL, the County's sales tax consultant and have been using a handbook that they have put together several years ago in terms of this language, it came from them that we put in the Conditional Use Permits in the past and have since updated that language and they are actually recommending to ask if that language can be included in the entitlement documents read that all qualifying general contractors and sub- contractors to submit evidence that they have taken out a sellers sub permit for the project. That is the mechanism that is the most effective method of capturing these dollars for Imperial County. They take out a sub-permit for that site and all the money that gets collected through sales tax on that project automatically goes to the county if the project is located in the unincorporated areas which most of these projects are. This is important to be done prior to beginning the work.

Chairman Schaffner, stated that he would assume the supervisors are on board no matter how they vote.

Andy Horne, stated that would be up to them, he will not answer that question. The supervisors are very interested in the public benefit agreement that there is a back stop to the collection of sales tax, if the money that the project does get generated the developer has to make that up to the County in terms of a cash payment of the short fall. Mr. Heuberger's client had the unfortunate experience of having that happen on one of the projects they developed and he would like to make sure that doesn't happen again.

Chairman Schaffner, stated that he would like to see some of that money go to County Parks, because they are so underfunded it's shameful.

Andy Horne, stated the other elements of the public benefit agreement are agriculture and the community benefit program and one of the categories for funding under the community benefit program is for wild life and habitat for a small amount of 10%. He also mentioned they have funded several other programs like the Holtville Wetlands and up around the Salton Sea for some projects there that have to do with some recreational areas, but that could certainly be considered to the Board.

Chairman Schaffner, stated he would like to see that money benefit the people.

Andy Horne, stated that there were a few in Holtville that included picnic tables and walking paths, that was directed to more public use than wildlife.

George Khan, 1220 Drew Road, stated he was concerned of the long term health issues this project can cause and asked if there had ever been studies that showed if it was safe to put near homes.

Tim Gnibus, stated it has been studied with no conclusions as to detrimental health effects he believes what he is referring to is electric magnetic fields (EMF) and stated there was no correlation known in the industry in the solar facilities and health effects

Chairman Schaffner, asked if it would be somewhat like powerlines.

Tim Gnibus, stated that was correct, he then stated there was no conclusion of any health effects to EMF on way or another.

Commissioner Bergh, stated it was his understanding that solar fields do not give out EMF.

Tim Gnibus, stated that was correct, there is a lot of modeling to calculate EMF emission depending on the size of the line, length and close residence. There is actually no model for solar panels themselves because they are not known to emit EMF.

Chairman Schaffner, asked if that answered his question.

George Khan, stated not really, he then mentioned his neighbor on the North had some issues and he doesn't know the details but there was a settlement and the solar company bought his land. If there isn't a health issue why would the solar company buy his land?

Commissioner Roben, stated that he would probably have to ask his neighbor because they aren't aware of it.

Chairman Schaffner, stated if it made him feel better he has solar panels on his house and he sleeps under them.

Commissioner Medina, asked how many families will be affected by this.

George Khan, stated about 3 houses that are right across the street and we are all concerned about it.

Commissioner Medina, stated it was a legitimate concern.

George Khan, stated that there is always a set back and if there wasn't an issue there wouldn't be a setback.

Chairman Schaffner, stated he didn't believe there was going to be a health effect with solar panels.

Commissioner Bergh, stated setbacks are just land planning, moving it back.

Jim Minnick, stated there is no environmental cause for a setback other than aesthetics. He then asked Mr. Khan if he had any adverse effects from the existing Campo Verde Solar Farm to the North of you.

George Khan, stated no.

Chairman Schaffner, closed the public portion of the hearing and turned it over to the commission for any comments.

Commissioner Zendejas, stated regarding the Public Benefit Agreement, he would like to see the money go back to the environment and the cleanup of certain areas in the County. He mentioned Calipatria, Bombay Beach & Niland. There is a lot of trash out there that is toxic.

Andy Horne, stated there was an advisory committee that makes recommendations to the Board of Supervisors that they have to approve, however, he believes that any comments from the Planning Commission would certainly be taken into consideration if they would like to add that to their agenda to discuss and make recommendations to the Board.

- d. Motion made by commissioner **Cabañas** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to Recommend to Board of Supervisors to approve the Resolutions with findings for Water Supply Assessment (WSA).
- e. Motion made by commissioner **Cabañas** and seconded by Commissioner **Roben** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to Recommend to Board of Supervisors to approve the Resolutions with findings for Final Environmental Impact Report (SCH 2017081019); and Recommend to the Board of Supervisors to approve the Findings for (SCH 2017081019).
- f. Motion made by commissioner **Cabañas** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to recommend to Board of Supervisors to

- approve the Resolutions with findings for approval of Mitigation Monitoring & Reporting Program (MM&RP).
- g. Motion made by commissioner **Cabañas** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to recommend to Board of Supervisors to approve the Resolutions with findings for General Plan Amendment (GPA)#17-0001.
 - h. Motion made by commissioner **Cabañas** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to recommend to Board of Supervisors to approve the Resolutions with findings for Zone Change (ZC) #17-0005.
 - i. Motion made by commissioner **Cabañas** and seconded by Commissioner **Bergh** and carried on the affirmative vote by the Commissioners present; Schaffner (yes), Bergh (yes), Cabañas (yes), Wright (yes), Medina (yes), Zendejas (yes) and Roben (yes); to recommend to Board of Supervisors to approve the Resolutions with findings for Conditional Use Permit #17-0001; and recommend to Board of Supervisors to approve the Conditional Use Permit #17-0001, subject to all the conditions of approval.

Jim Minnick, Director, stated that the project is recommended to the Board and there is no appeal for this project.

Jurg Heuberger, stated he agreed with the Public Benefit Agreement and believes the commission had a great idea of suggesting where the funds go.

Public Comments:

Planning Directors Comments:

Director Comments:

Adjournment: Meeting was adjourned at 9:58 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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