

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
JUNE 12, 2019**

The Imperial County Planning Commission convened a Meeting on Wednesday, June 12, 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 I Isabel Patten, Planner III Diana Robinson, 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, Medina, Zuno, Zendejas, & Roben

**Absent:** Wright

**II. Pledge of Allegiance:**

**III. Approval of Minutes:** Chairman Schaffner entertained a motion to approve the Planning Commission Minutes for May 8, 2019 & May 22, 2019 meeting as submitted by staff. Motion was made by Commissioner 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), Medina (yes), Zuno (yes), Zendejas (yes), & Roben (yes).

1. Consideration of **Lot Line Adjustment #00307** as submitted by Cattle Equipment Land, LLC, who proposes to adjust existing property lines on two (2) parcels to the existing physical features in order to eliminate physical use of land across property lines. The proposed size for Parcel 1 (038-170-014) will be approximately 13.64 acres and Parcel 2 (038-170-015) will be approximately 80.29 acres. On property legally described as Portion of Tract 70A, Township 13 South, Range 15 East, SBB&M. Assessor's Parcel Number(s) 038-170-014-000 & 038-170-015-000, (1450 E. Shank Road, Brawley, CA), (Supervisorial District #4). 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 the representative to come forward to the podium, introduce themselves and state their name and address for the record.

**Taylor Preece**, Precision Engineering, representing Thomas Moiola., stated he read and agreed with the project and the conditions of approval.

**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.

- a. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Medina (yes), Zuno (yes), Zendejas (yes), & Roben (yes); to find that Lot Line Adjustment #00307 is categorically exempt from CEQA pursuant to Article 19, Section 15305 (a) and that no further environmental documentation is necessary; and find that Lot Line Adjustment #00307 is consistent with applicable Zoning, State laws, and County Building Ordinances; and to make the findings and Approve Lot Line Adjustment #00307; subject to the conditions.

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

2. Consideration of **Parcel Map #02480** as submitted by Nevada New Builds, LLC, who proposes to merge twelve (12) existing individual lots into one (1) legal lot to accommodate a future business (Family Dollar Store). The proposed parcel map would create one (1) 0.88 acre lot. On property legally described as Lots 10 through 21 of Block 77, Townsite of Heber, SBB&M. Assessor's Parcel Number(s) 054-187-008-000, (86 E. Main Street, 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 the representative to come forward to the podium, introduce themselves and state their name and address for the record.

**Lerik Silva**, US New Builds, stated he read and agreed with the project and the conditions of approval.

**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**, stated a 6 foot fence but their request was for an 8 foot fence.

**Isabel Patten**, stated they felt 6 feet to be enough.

**Commissioner Zendejas**, stated he had an issue with this project, people come in and put local businesses out of business, they open a lot of stores and then if it is not profitable they close it. Heber is within an 8 mile radius of Walmart and all the discount stores. He stated he believes it won't make any money and the only full time employees will be the managers, everyone will be working under 30 hours a week, so they really don't offer any benefit to the employees, they just want to put Kennedy's Market out of business.

**Commissioner Cabañas**, asked if the 12 lots belong to the same owner.

**Lerik Silva**, stated he believes so.

**Commissioner Cabañas**, asked if they bought the surface rights.

**Lerik Silva**, stated he was not aware of that he would have to ask the client.

**Commissioner Cabañas**, stated he would like to talk to Mr. Silva at the end.

**Commissioner Bergh**, asked if the meeting had anything to do with the ingress/egress issue or would they have to get a permit from Caltrans.

**Jim Minnick**, stated they would require a permit from Caltrans.

**Commissioner Bergh**, asked if what they are adopting is only the map even if Caltrans disagrees.

**Jim Minnick**, stated they are merging the lots into one, public works would issue and access point off of Heffernan and get an encroachment from Caltrans. Technically if they didn't merge the lots, Caltrans would have to provide 12 access points for every lot that blocks that road, Caltrans would have to allow a driveway so in a sense they are reducing the impact to the road. It is all commercial ready.

**Commissioner Cabañas**, stated he asked that question because Heber is part of the unit program for royalties so if there is any transfer of ownership and the existing owners of those 12 lots are going to keep the mineral rights they need to be notified.

**Jim Minnick**, stated he understands, they would have to take a look at the deeds and if they reserve the rights to the minerals.

**Commissioner Cabañas**, stated most people do.

**Jim Minnick**, stated yes he knows how that works.

**Commissioner Castillo**, asked if that would be a lease hold interest only.

**Jim Minnick**, stated you can sell your land with or without mineral rights.

**Commissioner Cabañas**, stated there are 250 people who get a monthly check and about 475 people who get a yearly check.

**Chairman Schaffner**, entertained a motion.

- b. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Medina (yes), Zuno (yes), Zendejas (yes), & 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 February 14, 2019; and make the De Minimus Findings, as recommended at the February 14, 2019 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 Fish and Game Code; and to adopt the resolution(s) and supporting findings, approving Parcel Map #02480, subject to all the conditions, and authorize the Planning &

Development Services Department to sign the Parcel Map upon the receipt of the permittee.

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

3. Consideration of **Initial Study #19-0004** as submitted by Imperial County Public Works Department (PWD) who proposes to improve the existing Coyote Wash Bridge (No. 58C-0051), which is a simply supported timber bridge (306' long x 28'-8" wide), that has been rated as structurally deficient. This triggered the shutdown of the bridge until safe passage for the public could be guaranteed through the improvements project, which includes the repair or replacement of the following: crushed pier caps and column/pile #6 from pier 6, and concrete pedestals at abutment 17; it also includes the replacement or supplementation of damaged stinger, removal of asphalt (~10") and replacement with new 3" max layer from the entire length of the bridge, and the adjustment of the approach roadway profile in accordance with standards. On property legally described as a portion of Tract 37, 38, 39 and 59 as well as a portion of Section 20 and 21 Township 16 South, Range 10 East; SBB&M. (Approximately 3.35 miles northeast of Ocotillo, and approximately 2-miles northeast of the junction of Interstate 8 (I-8) and Evan Hewes Highway, in the unincorporated area of Imperial County), (Supervisorial District #2). The Commission took the following actions;

**Jim Minnick**, gave a brief description of the project, and introduced Diana Robinson, Planner III to read the project into the record.

**Diana Robinson** Planner III, 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, introduce themselves and state their name and address for the record.

*(Imperial County Public Works, was not present.)*

**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.

- c. Motion made by Commissioner **Kalin** and seconded by Commissioner **Cabañas** on the affirmative vote by the Commissioners present; Schaffner (yes), Kalin (yes), Bergh (yes), Cabañas (yes), Castillo (yes), Medina (yes), Zuno (yes), Zendejas (yes), & Roben (yes); to adopt the Mitigated Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environment Evaluation Committee on April 25, 2019; and make the De Minimis finding as recommended at the April 25, 2019 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 resolution(s) and Mitigated Negative Declaration for Initial Study #19-0004.

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

Public Comments: NONE  
Commissioner Comments: Happy Birthday to Leticia Zuno  
Director Comments: NONE  
Adjournment: Meeting adjourned at 9:19 a.m.

  
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Submitted by Rudy Schaffner;  
Chairman of the Planning Commission

Attest:

  
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Jim Minnick, Director of

Imperial County Planning Commission

Michelle Garcia PC Recording Clerk

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