

PROJECT REPORT

TO: **PLANNING COMMISSION**

AGENDA DATE: September 13, 2023

FROM: **PLANNING & DEVELOPMENTS SERVICES DEPT.**

AGENDA TIME: 9:00 A.M./No. 2

PROJECT TYPE: Duggins Construction Inc. (CUP#23-0023) SUPERVISOR DIST. 3

LOCATION: 2769 La Brucherie Road APN: 063-270-053 & 054-000
Imperial, CA 92251 PARCEL SIZE: -053 +/- 27,269 SF
-054 +/- 26,799 SF

GENERAL PLAN (existing) Urban Area (City of Imperial) GENERAL PLAN (proposed) N/A

ZONE (existing) A-1-U (Limited Agriculture) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 09/13/2023

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE:

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A
INITIAL STUDY: N/A

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER				

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE CUP #23-0023 BY TAKING THE FOLLOWING ACTIONS:

1. FIND THAT CUP #23-0023 IS CATEGORICALLY EXEMPT FROM CEQA PER ARTICLE 19, SECTION 15304 (MINOR TEMPORARY USE OF LAND) AND THAT NO FURTHER ENVIRONMENTAL DOCUMENTATION IS NECESSARY; AND,
2. FIND THAT CUP #23-0023 IS CONSISTENT WITH APPLICABLE ZONING AND BUILDING ORDINANCES; AND
3. APPROVE CUP #23-0023, SUBJECT TO THE CONDITIONS.

Imperial County Planning & Development Services Department

801 MAIN ST., EL CENTRO, CA, 92243 442-265-1736,

Jim Minnick, Director of ICPDS

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STAFF REPORT
Planning Commission
September 13, 2023
Conditional Use Permit #23-0023

Applicant: **Duggins Construction Inc.**
341 W. Crown Court
Imperial, CA 92251

Project Location:

The proposed project site consists of two (2) parcels located at 2769 La Brucherie Rd, Imperial, CA 92251. These parcels are further identified as Assessor's Parcel Numbers 063-270-053-000 and 063-270-054-000; legally described as PAR 1 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14 and PAR 2 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14 recorded in Book 63, Page 27 of the Final Maps in the office of the County Recorder of Imperial County, State of California, (See Attachment "A" Site Vicinity Map).

Project Summary:

The applicant is proposing a temporary construction office and construction material yard on two (2) parcels; Assessor's Parcel Numbers 063-270-053 and 063-270-054 for a multi-family construction project (Apartments) located east of the project site. The materials that are going to be stored are: lumber, fire sprinkles pipes, lath and plaster, electrical conduit and roof tile. The construction office and construction materials will be removed once Duggins Construction completes the multi-family construction project in December 2024.

Land Use Analysis:

Under the Imperial County General Plan, the land use designation for all parcels is Urban Area and the project site is currently zoned as "A-1-U" (Limited Agriculture) per Zoning Map #5. The Imperial County Title 9 Division 5, Chapter 7 (i) allows for a temporary construction office/yard with an approved Conditional Use Permit. The proposed project is consistent with the County's Ordinance Title 9, Division 5, Chapter 7.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Vacant land	A-1-U	Urban Area
North	Developed	A-1-U	Urban Area
South	Developed	A-1-U	Urban Area

East	La Brucherie Rd		
West	Vacant land	A-1-U	Urban Area

Environmental Determination:

After review of the CEQA Guidelines, it has been determined that CUP #23-0023 is categorically exempt from CEQA per Article 19, Section 15304, Class 4 (Minor temporary use of land); therefore, no further environmental documentation is required by State law.

Staff Recommendation:

Staff recommends that the Planning Commission hold a public hearing, hear all the proponents and opponents of the proposed project, and then take the following actions:

1. Find that CUP #23-0023 is categorically exempt from CEQA per Article 19, Section 15304 (Minor temporary use of land) and that no further environmental documentation is necessary;
2. Find that CUP #23-0023 is consistent with applicable Zoning and Building Ordinances; and
3. Approve CUP #23-0023, subject to the attached conditions.

PREPARED BY: Luis Valenzuela, Planner I
Planning & Development Services



REVIEWED BY: Michael Abraham, AICP, Assistant Director of
Planning & Development Services



APPROVED BY: Jim Minnick, Director of
Planning & Development Services

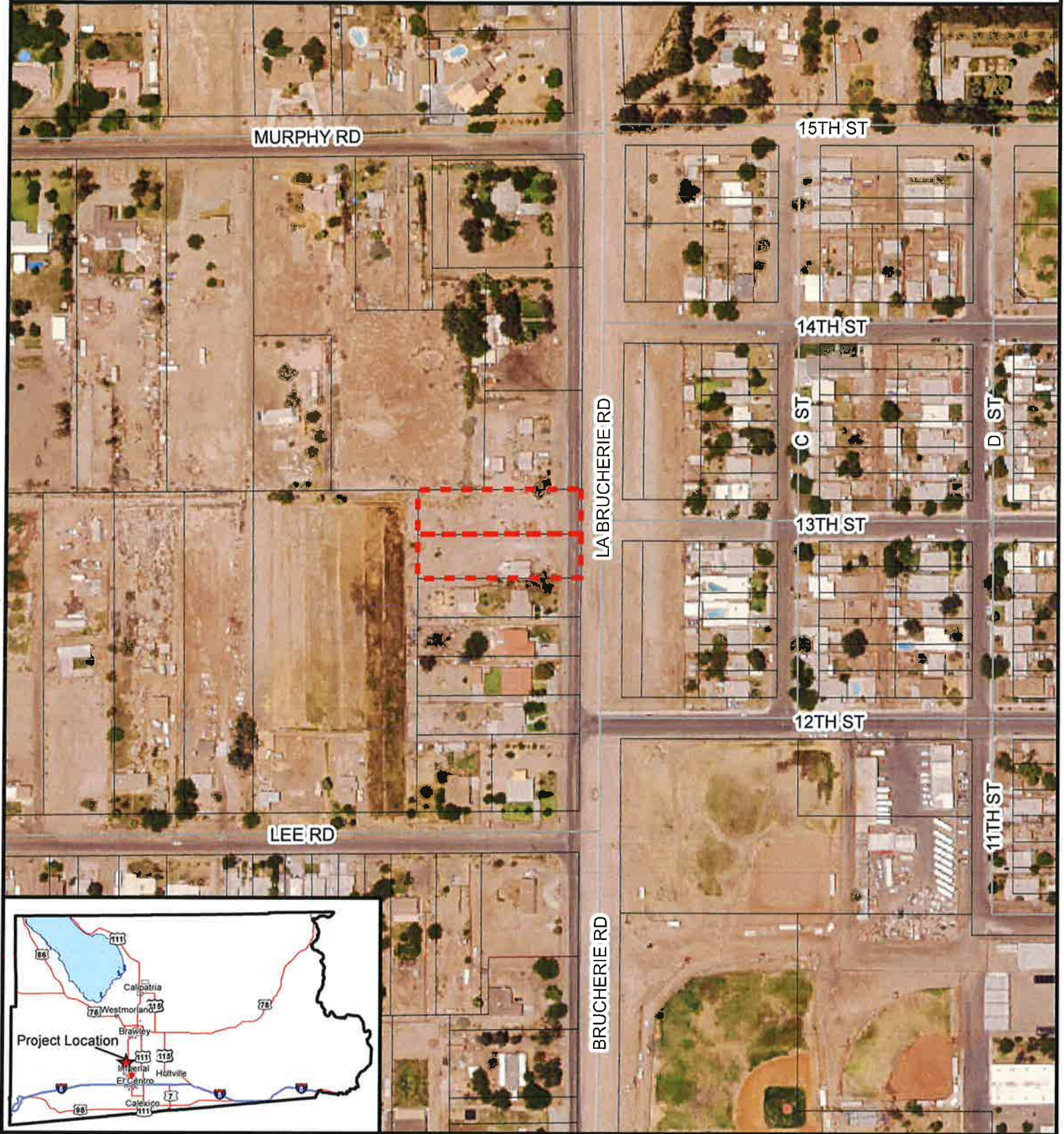


- ATTACHMENTS:**
- A. Vicinity Map
 - B. Site Plan
 - C. Resolution & Findings
 - D. Conditions of Approval
 - E. Application & Supporting Documentation
 - F. Comment letters

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**ATTACHMENT A.
VICINITY MAP**

PROJECT LOCATION MAP



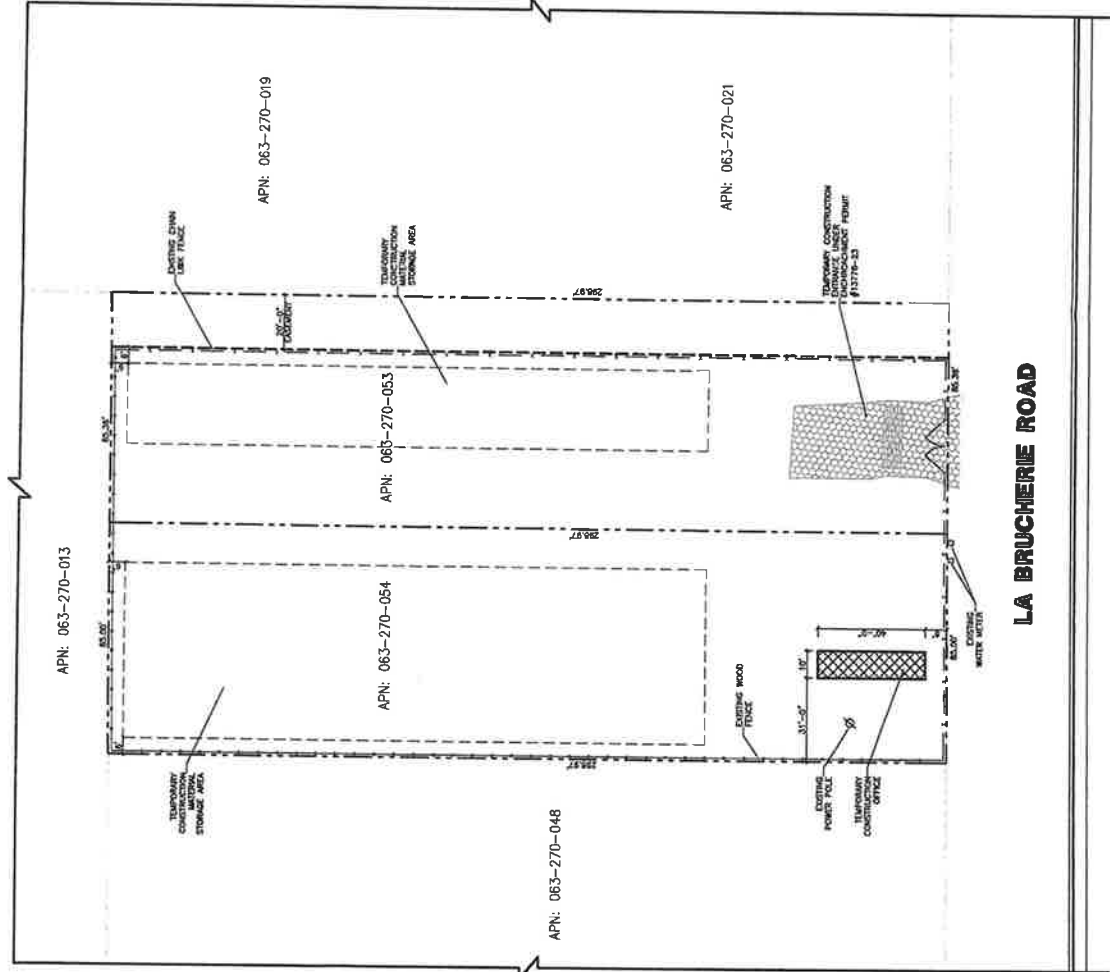
DUGGINS CONSTRUCTION INC.
CUP# 23-0023
APN 063-270-054 and 063-270-053-000



Project Location



**ATTACHMENT B.
SITE PLAN**



PROJECT DATA

PROPERTY OWNER:
 JAI W. CHOW
 IMPERIAL, CA 92521

PROPERTY ADDRESS:
 11111 BRUCHERIE RD.
 IMPERIAL, CA 92521

CONTRACTOR/AGILENT:
 DUGGINS CONSTRUCTION, INC.
 11111 BRUCHERIE RD.
 IMPERIAL, CA 92521

BUILDING DATA

ASSESSOR'S PARCEL NO: 063-270-003
 063-270-004

SITE AREA:
 0.60 (26,138 SQ. FT.)
 0.60 (26,138 SQ. FT.)

LEGAL DESCRIPTION:
 PAR 1 PARCEL ALSO BEING PAR E2 OF
 SEA 64 IMPERIAL SUB 1 13-13/14
 PAR 2 PARCEL ALSO BEING PAR E2 OF
 SEA 64 IMPERIAL SUB 1 13-13/14

ZONING: A-U

MATCH LEGEND

- TEMPORARY CONSTRUCTION OFFICE
- EXISTING CHAIN LINK FENCE
- EXISTING WOOD FENCE
- ELEMENT LINE
- PROPERTY LINE
- EXISTING POWER POLE

PROPERTY BOUNDARY NOTE:
 THIS PROJECT CONSTRUCTION UNDER EXISTING PROPERTY LINE
 SHALL BE FOR INFORMATIONAL PURPOSES ONLY. THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE PROPERTY BOUNDARY SHALL BE DETERMINED BY A LICENSED SURVEYOR. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE BOUNDARY INFORMATION PROVIDED HEREIN.

DUGGINS CONSTRUCTION
 11111 BRUCHERIE RD.
 IMPERIAL, CA 92521
 TEL: 760-932-1111
 FAX: 760-932-1112
 WWW.DUGGINS-CA.COM

LA BRUCHERIE ROAD
 11111 BRUCHERIE RD.
 IMPERIAL, CA 92521
 TEL: 760-932-1111
 FAX: 760-932-1112
 WWW.DUGGINS-CA.COM

TEMPORARY CONSTRUCTION OFFICE AND MATERIAL STORAGE
 11111 BRUCHERIE RD.
 IMPERIAL, CA 92521
 TEL: 760-932-1111
 FAX: 760-932-1112
 WWW.DUGGINS-CA.COM

SITE PLAN
 SCALE: N.T.S.

ATTACHMENT C.
PLANNING COMMISSION RESOLUTION &
FINDINGS

RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA TO APPROVE CONDITIONAL USE PERMIT #23-0023 FOR DUGGINS CONSTRUCTION, INC. TEMPORARY CONSTRUCTION OFFICE/YARD.

WHEREAS, Duggins Construction, Inc. has submitted an application for Conditional Use Permit #23-0023 proposing to develop a temporary construction office/yard for a multi-family construction project located east of the project site; and,

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA), per government code 15304 (Minor Temporary Use of Land); and,

WHEREAS, public notice of said application has been given, and the Planning Commission has considered the recommendation for approval at a publically noticed hearing on September 13, 2023, has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on September 13, 2023; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered Conditional Use Permit #23-0023 and the Conditions of Approval prior to making a decision to approve the proposed project; the Planning Commission finds and determines that the Conditional Use Permit and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA) which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial Land Use Ordinance, the following findings for the approval of Conditional Use Permit #23-0023 have been made as follows:

A. The proposed use is consistent with the goals and policies of the adopted County General Plan.

The County's General Plan Land Use Map designates the project site as "Agriculture". The project is consistent with the goals and policies of the General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone which the use will be used.

The proposed project is consistent with the A-1 zoning district with an approved conditional use permit for a temporary construction yard.

- C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.**

The proposed application is for a temporary construction yard up to 2 years. The project is listed as allowed with a Conditional Use Permit under the Imperial County Land Use Ordinance Title 9 Section 90507.02 (i).

- D. The proposed use meets the minimum requirements of Title 9 applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.**

The conditions of approval will ensure that CUP #23-0023 meets all the applicable minimum requirements of Title 9, and it complies with CEQA and other state laws.

- E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.**

The proposed project (CUP #23-0023) is for a temporary construction yard project, which is not expected to be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

- F. The proposed use does not violate any other law or ordinance.**

CUP #23-0023 which is temporary construction yard project, does not violate any other law or ordinance because it will be required to be consistent with the County of Imperial Land Use Ordinance (Title 9), CEQA, and any other local, state and federal law.

- G. The proposed use is not granting a special privilege.**

The proposed project is for a temporary construction yard which will be allowed with an approved Conditional Use Permit #23-0023, therefore, allowing the construction yard is not granting a special privilege.

NOW, THEREFORE, based on the above findings, the Planning Commission of the County of Imperial **DOES HEREBY APPROVE** the proposed Conditional Use Permit #23-0023, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Imperial County Planning Commission at a meeting conducted on September 13, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT D.
CONDITIONAL USE PERMIT #23-0023

Recorded Requested by and
When Recorded Return To:

Imperial County
Planning & Development Services Department
801 Main Street
El Centro, California 92243

**AGREEMENT FOR
DUGGINS CONSTRUCTION, INC.
CONDITIONAL USE PERMIT (CUP) #23-0023
TEMPORARY CONSTRUCTION OFFICE/YARD
ASSESSOR’S PARCEL 063-270-054 and 053-000**

This Agreement is made and entered into on this _____ day of _____ 2023, by and between Duggins Construction, Inc. (hereinafter referred to as the “Permittee”), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY") related to the temporary construction yard,

RECITALS

WHEREAS, Permittee is the owner/lessee or successor-in-interest in certain land (project site) in County of Imperial that is legally known as described as PAR 2 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14; located at **2769 La Brucherie Rd** , Imperial, CA); further identified as Assessor’s Parcel Number (APN) 063-270-054-000, 53-000; in the County of Imperial, State of California, according to map recorded in Book 63, Page 27 of Official maps in the Office of the County Recorder of Imperial County.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit (#23-0023) for the development of a temporary construction office/yard for the construction project site located across the street. (the “Project”).

WHEREAS, The Permittee for project shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this Conditional Use Permit.

1 GENERAL CONDITIONS:

2
3 *The "GENERAL CONDITIONS" are shown by the letter "G". These are conditions that are*
4 *either routinely and commonly included in all Conditional Use Permits as "standardized*
5 *conditions" and/or are conditions that the Imperial County Planning Commission has*
6 *established as a requirement on all CUP's for consistent application and enforcement. The*
7 *Permittee is hereby advised that the General Conditions are as applicable as the SITE*
8 *SPECIFIC conditions.*

10 G-1 GENERAL LAW:

11
12 The Permittee shall comply with all local, state and/or federal laws, ordinances, regulations,
13 and/or standards (LORS) as they may pertain to the Project whether specified herein or not.

15 G-2 PERMITS/LICENSES:

16
17 The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or
18 other approvals for the construction and/or operation of the Project. This shall include, but
19 not be limited to, local requirements by the Imperial County Public Health Department-
20 Division of Environmental Health (DEH), Imperial County Planning and Development
21 Services Department (ICPDS), Imperial County Air Pollution Control District (ICAPCD),
22 Imperial County Department of Public Works (ICDPW), Imperial County Sheriff/Coroner's
23 office, Imperial County Fire Protection/Office of Emergency Services, and the Imperial
24 Irrigation District (IID) among others. Permittee shall likewise comply with all such permit
25 requirements. Additionally, Permittee shall submit a copy of such additional permits and/or
26 licenses to the Imperial County Planning & Development Services Department within thirty
27 (30) days of receipt, including amendments or alternatives thereto, when requested.

29 G-3 RECORDATION:

30
31 This permit shall not be effective until it is recorded at the Imperial County Recorder's
32 Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the
33 Permittee fails to pay the recordation fee within six (6) months from the date of approval
34 and/or this permit is not recorded within 180 days from the date of approval, this permit
35 shall be deemed null and void, without notice having to be provided to Permittee. Permittee
36 may request in writing an extension by filing such a request with the Imperial County
37 Planning & Development Services Department Director at least thirty (30) days prior to the
38 original 180 day expiration. The Director may approve an extension for a period not to
39 exceed 180 days. An extension may not be granted if the request for an extension is filed
40 after the expiration date.

42 G-4 CONDITION PRIORITY:

43
44 The Project shall be constructed and operated as described in this Conditional Use Permit,
45 the CUP application, the environmental assessment (Mitigated Negative Declaration/Initial
46 Study), the project description, and as specified in these conditions. Where a conflict
47 occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-5 INDEMNIFICATION:

As a condition of this permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the entitlements permit, approvals or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this permit, whether there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees. This indemnification shall include Permittee's actions involved in drilling, grading, construction, operation or abandonment of the permitted activities. Permittee further agrees to comply with the terms of the indemnification agreement incorporated by this reference. This indemnification agreement shall be on file with the Imperial County Planning & Development Services Department prior to the recordation of this CUP. Failure to have the agreement on file within sixty (60) days from the date of approval by the Imperial County Planning Commission shall terminate the approval of this CUP. Additionally, failure to provide payment of any fees shall cause Permittee to be in non-compliance with this permit. Upon notification of non-compliance, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with this project.

G-6 INSURANCE:

The Permittee and/or Permittee's prime contractor assigned site control during construction, shall secure and maintain liability in tort and property damage, insurance at a minimum of **\$1,000,000** or proof of financial responsibility to protect persons or property from injury or damage caused in any way by construction and/or operation of permitted facilities. The Permittee shall require that proper Workers' Compensation insurance cover all laborers working on such facilities as required by the State of California. The Permittee and/or Permittee's prime contractor assigned site control during construction, shall also secure liability insurance and such other insurance as may be required by the State and/or Federal Law. Evidence of such insurance shall be provided as applicable to the County prior to commencement of any activities authorized by this permit, e.g. a Certificate of Insurance is to be provided to the Imperial County Planning & Development Services Department by the insurance carrier and said insurance and certificate shall be kept current for the life of the permitted Project. Certificate(s) of Insurance shall be sent directly to the Imperial County Planning & Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

G-7 INSPECTION AND RIGHT OF ENTRY:

The County reserves the right to enter the premises to make appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. The owner or operator shall allow an authorized County representative access into the site upon the presentation of credentials and other documents as may be required by law to:

1 1) Enter at reasonable times upon the owner's or operator's premises where a
2 permitted facility or activity is located or conducted, or where records must be kept
3 under the conditions of the permit.
4

5 2) Have access to and copy, at reasonable times, any records that must be kept
6 under the conditions of the permit.
7

8 3) Inspect at reasonable times any facilities, equipment (including monitoring and
9 control equipment), practices, or operations regulated or required under the permit.
10

11 4) Sample or monitor, at reasonable times, for the purpose of assuring permit
12 compliance or, otherwise authorized by law, any substances or parameters at any
13 location.
14

15 **G-8 SEVERABILITY:**
16

17 Should any condition(s) of this permit be determined by a Court or other agency with proper
18 jurisdiction to be invalid for any reason, such determination shall not invalidate the
19 remaining provision(s) of this permit.
20

21 **G-9 PROVISION TO RUN WITH THE LAND/PROJECT:**
22

23 The provisions of this Permit are to run with the land/project and shall bind the current and
24 future owner(s), successor(s)-in-interest, assignee(s) and/or transferee(s) of said Project
25 pursuant to the recordation required by Condition G-3. Permittee shall not without prior
26 notification to the Imperial County Planning & Development Services Department assign,
27 sell or transfer, or grant control of Project or any right or privilege therein granted by this
28 permit. The Permittee shall provide a minimum of thirty (30) days written notice prior to any
29 proposed transfer becoming effective. The permitted use identified herein is limited for use
30 upon the permitted property(-ies) described herein and may not be transferred to any
31 another other parcel(s) without prior approval.
32

33 **G-10 TIME LIMIT:**
34

35 Unless otherwise specified within the specific conditions, this permit shall be limited to a
36 maximum of two (2) years from the recordation of the CUP. If an extension is necessary,
37 the Permittee shall file a written extension request with the Imperial County Planning &
38 Development Services Department Director at least sixty (60) days prior to the expiration
39 date of the permit, and the extension request shall include the appropriate extension fee.
40 Extension request shall only be considered by the approving body, after a noticed public
41 hearing. Nothing stated or implied within this permit shall constitute a guarantee that an
42 extension will be granted. An extension may not be granted if the Project is in violation of
43 any one or all of the conditions or if there is a history of non-compliance with the permit
44 conditions.
45

46 **G-11 COST:**
47

48 The Permittee shall pay any and all amounts determined by the County of Imperial to defray
any and all cost(s) for the review of reports, field investigations, monitoring, and other

1 activities directly related to the enforcement/monitoring for compliance of this Conditional
2 Use Permit, County Ordinance or any other applicable law. All County Departments, directly
3 involved in the monitoring/enforcement of this permit may bill Permittee under this provision;
4 however, said billing shall only be through and with the approval of the Imperial County
5 Planning & Development Services Department. All County staff time will be billed on a time
6 and materials basis. Failure by Permittee to provide any payment required of Permittee to
7 the County in the CUP shall cause Permittee to be in non-compliance of the CUP. Upon
8 Permittee being in such noncompliance, County may, at its sole discretion, cease
9 processing, defending any lawsuit or paying for costs associated with the Project.

10
11 **G-12 REPORTS/INFORMATION:**

12
13 If requested by the Imperial County Planning & Development Services Department Director,
14 Permittee shall provide any such documentation/report as necessary to ascertain
15 compliance with the Conditional Use Permit. The format, content and supporting
16 documentation shall be as required by the Imperial County Planning & Development
17 Services Director.

18
19 **G-13 DEFINITIONS:**

20
21 In the event of a dispute over the meaning(s) or intent of any word(s), phrase(s) and/or
22 conditions or sections herein, the correct meaning(s) or intent shall be determined by the
23 Planning Director of the County of Imperial. His determination shall be final unless an
24 appeal is made to the Planning Commission ten (10) days from the date of his decision.

25
26 **G-14 SPECIFICITY:**

27
28 The issuance of this permit does not authorize the Permittee to construct or operate the
29 Project in violation of any state, federal, or local law nor beyond the specified boundaries of
30 the Project as shown the application/project description/permit, nor shall this permit allow
31 any accessory or ancillary use not specified herein. This permit does not provide any
32 prescriptive right or use to the Permittee for future addition and or modifications to the
33 Project.

34
35 **G-15 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):**

36
37 Should the Permittee violate any condition herein, the County shall give written notice of
38 such violation and actions required of Permittee to correct such violation. If Permittee does
39 not act to correct the identified violation within sixty (60) days after written notice, County
40 may revoke the CUP. If Permittee pursues correction of such violation with reasonable
41 diligence, the County may extend the cure period. Upon any such revocation, County may,
42 at its sole discretion, cease processing, defending any lawsuit or paying for costs
43 associated with the Project.

44
45 **G-16 PERMITS OF OTHER AGENCIES INCORPORATED:**

46
47 Permits granted by other governmental agencies in connection with the Project are
48 incorporated herein by reference. The County reserves the right to apply conditions of those

1 permits, as the County deems appropriate and subject to its having jurisdiction; provided
 2 however, that enforcement of a permit granted by another governmental agency shall
 3 require written concurrence by the respective agency. Permittee shall provide to the County,
 4 upon request, copies and amendments of all such permits.

5
 6 **G-17 HEALTH HAZARD:**
 7

8 The Permittee shall not knowingly construct, operate, remove, or dispose of any materials
 9 that have been determined to be unsafe, contaminated or dangerous to the public by the
 10 Federal, State or Local governments of the United States. If Federal, State, and or County
 11 Health Officer reasonably determines that a significant health hazard exists to the public,
 12 the Health Officer may require appropriate measures and the Permittee shall implement
 13 such measures to mitigate the health hazard. If the hazard to the public is determined to be
 14 imminent, such measures may be imposed immediately and may include temporary
 15 suspension of permitted activities. The measures imposed by the County Health Officer
 16 shall not prohibit the Permittee from requesting a special Imperial County Planning
 17 Commission hearing, provided the Permittee bears all related costs.

18
 19 **G-18 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**
 20

21 Permittee's acceptance of this permit shall be deemed to constitute agreement with the
 22 terms and conditions contained herein. Where a requirement is imposed in this permit that
 23 Permittee conduct a monitoring program, and where the County has reserved the right to
 24 impose or modify conditions with which the Permittee must comply based on data obtained
 25 there from, or where the Permittee is required to obtain additional conditional use permits
 26 for County approval for subsequent activities, and disagreement arises, the Permittee,
 27 operator and/or agent, the Imperial County Planning & Development Services Department
 28 Director or other affected party, as determined by the Imperial County Planning &
 29 Development Services Department Director, may request a hearing before the Imperial
 30 County Planning Commission. Upon receipt of a request, the Imperial County Planning
 31 Commission shall conduct a hearing and make a written determination. The Imperial
 32 County Planning Commission may request support and advice from a technical advisory
 33 committee. Failure of the Imperial County Planning Commission to act shall constitute
 34 endorsement of staff's determination with respect to implementation.

35
 36 (TOTAL "G" CONDITIONS IS 18)
 37

38 **SITE SPECIFIC CONDITIONS:**
 39

40
 41 **S-1 PROJECT DESCRIPTION:**
 42

43 The permittee shall only install and operate the temporary construction office/yard for the
 44 construction project site across the street, up to 24 months in compliance with the Imperial
 45 County General Plan, Land Use Ordinance and all other applicable local, state, and federal
 46 laws, ordinances, regulations, and standards.
 47

1 The project includes the following actions:
2

- 3 1) Installation of one (1) Office Trailer for Contractor's administration
- 4
- 5 2) Installation of three (3) Cargo containers to be used as storage.
- 6
- 7 3) An equipment area for secure storage and parking for employees.
- 8

9 **S-2 AESTHETICS:**

10
11 The applicant shall comply with the Imperial County Title 9 Land Use Ordinance Section
12 90301.02k, which states "...all exterior lighting shall be shielded and directed away from
13 adjacent properties and away from or shielded from public roads..."

14 **S-3 COMMENCEMENT OF WORK:**

15
16 Permittee shall commence construction of the permitted activities or provide substantial
17 evidence of substantial progress within twenty-four (24) months from the effective date of
18 this permit, i.e. recordation date. Permittee may request an extension not to exceed twelve
19 (12) months, which may be granted by the Imperial County Planning & Development
20 Services Department Director if permittee can show necessity.
21

22 **S-4 PERMITS:**

23
24 The Permittee shall secure all necessary building permits and other required permits from
25 the Planning & Development Services Department and other applicable
26 Departments/Agencies for utilities and installation of the additional structures.
27

28 **S-5 ENVIRONMENTAL HEALTH:**

- 29
30 1. The Permittee shall obtain a permit for a wastewater holding tank from the Imperial
31 County Office of Environmental Health.
32
- 33 2. The Permittee shall contact the local Certified Unified Program Agency (CUPA) to verify
34 if a hazardous materials business plan will need to be filed with them for the site.
35

36 **S-6 CONSTRUCTION STANDARDS:**

37
38 The any structures shall be built in accordance with the California Building Code
39 requirements applicable to "Seismic Category D". All structures and facilities shall be
40 designed in accordance with the publication entitled "Recommended Lateral Force
41 Requirements and Commentary by the Structural Engineers Association of California". The
42 structural components of the permitted facilities shall be reviewed by the Imperial County
43 Building Official/Planning & Development Services Department Director. Applicable building
44 permits shall be procured from the County for facilities prior to commencement of
45 construction of such facilities.
46
47

S-7 EMERGENCY RESPONSE/ACTION PLAN:

The Permittee shall prepare an Emergency Response/Action Plan that has been approved by the Imperial County Fire/OES Department, and the Local Enforcement Agency. Any hazardous materials storage areas shall be designed with curbs or other containment measures, e.g. double-walled storage tanks, to contain spills and leaks and if on-site hazardous materials exceed 55 gallons, a "Hazardous Material Management Plan" shall be prepared and approved by the County LEA and CUPA.

S-8 ODOR CONTROL:

The Permittee shall control all odor-causing, harmful, noxious emissions to insure that quantities or air contaminants released as a result of the permitted facilities do not exceed County, State or Federal standards, nor constitute a public nuisance, per the Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through 91301.02.

S-9 PLAN APPROVALS:

Permittee shall submit to the Imperial County Planning & Development Services Department, architectural, landscaping and lighting plans prior to construction of any applicable facilities to include painting of structures, planting of trees and/or vegetation, and the Permittee shall receive all approvals prior to commencing construction of the applicable permitted facilities. Approval shall not be unreasonably withheld so long as the plans are consistent with applicable Land Use Ordinance requirements.

S-10 PROJECT DESIGN:

All facility access and parking areas shall be constructed to the standards of the Imperial County Land Use Ordinance.

S-11 REPORTING AND MONITORING:

The Permittee shall furnish to the County, yearly, any relevant reports/information which the County requires for monitoring purposes to determine whether cause exists for revoking this permit, or to determine compliance with this permit. The Permittee shall submit all required reports to the Imperial County Planning & Development Services Department Director at 801 Main Street, El Centro, CA 92243.

S-12 MAINTENANCE:

The premises shall be maintained in a good, clean, orderly manner, free of any debris, junk materials, or unsightly plant material, such as weeds, fallen branches, wood pilings or overgrown grass. All walls, fences, and landscaping shall be maintained in a clean, safe and sound condition at all times.

S-13 SPILLS AND RUNOFF:

1
2 The Permittee shall design and construct the permitted facilities to prevent spills off- site to
3 adjacent properties and to prevent runoff from any source being channeled or directed in an
4 unnatural way so as to cause erosion, siltation, or other detriments pursuant to the
5 approved SWPP.
6

7 **S-14 ACCEPTANCE:**
8

9 Acceptance of this permit shall be deemed to constitute agreement by Permittee with all
10 terms and conditions herein contained.
11

12 (TOTAL "S" CONDITIONS ARE 14)
13

14 **NOW THEREFORE**, County hereby issues the Conditional Use Permit #23-0023 and
15 Permittee hereby accepts such permit upon the terms and conditions set forth herein.
16

17 **IN WITNESS THEREOF**, the parties hereto have executed this Agreement the day
18 and year first written.
19

20
21 **PERMITTEE:**

22 Duggins Construction, INC.
23
24
25

26 BY: _____

DATE

27
28
29
30
31 **COUNTY OF IMPERIAL**, a political subdivision of the STATE OF CALIFORNIA:
32
33
34
35

36 BY: _____

37 JAMES A. MINNICK, Director
38 Planning & Development Services
39 Department
40

DATE

1 **FOR PERMITTEES NOTARIZATION**

2 A notary public or other officer completing this certificate verifies only the identity of
3 the individual who signed the document to which this certificate is attached, and not
4 the truthfulness, accuracy, or validity of that document.

5
6 **STATE OF CALIFORNIA**

7 **COUNTY OF IMPERIAL} S.S.**

8
9 On _____ before me, _____, a Notary
10 Public in and for said County and State, personally appeared _____
11 proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
12 is/are subscribed to the within instrument and acknowledged to me that he/she/they
13 executed the same in his/her/their authorized capacity(ies), and that by his/her/their
14 signature(s) on the instrument the person(s), or the entity upon behalf of which the
15 person(s) acted, executed the instrument.

16
17 I certify under PENALTY OF PERJURY under the laws of the State of California that the
18 foregoing paragraph is true and correct.

19
20 WITNESS my hand and official seal

21
22 Signature _____

23
24 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could
25 prevent fraudulent attachment of this certificate to unauthorized document.

26
27 **Title or Type of Document** _____

28 Number of Pages _____ Date of Document _____

29 Signer(s) Other Than Named Above _____

30

FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

ATTACHMENT E.
APPLICANT SUBMITTAL

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES -- Please type or print -

1. PROPERTY OWNER'S NAME Jim Duggins	EMAIL ADDRESS iris@dugginsconstruction.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 341 W. Crown Court, Imperial, CA.	ZIP CODE 92251	PHONE NUMBER (760) 355-5600
3. APPLICANT'S NAME Duggins Construction Inc.	EMAIL ADDRESS melissa@dugginsconstruction.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 341 W. Crown Court, Imperial, CA.	ZIP CODE 92251	PHONE NUMBER (760) 355-5600
4. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 063-270-053, 063-270-054	SIZE OF PROPERTY (in acres or square foot) 0.60 Acres, 0.60 Acres	ZONING (existing) AI-U
7. PROPERTY (site) ADDRESS 2769 La Brucherie Rd, Imperial, CA.		
8. GENERAL LOCATION (i.e. city, town, cross street) Imperial, CA		
9. LEGAL DESCRIPTION PAR-1 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14. PAR-2 PM2461 ALSO BEING POR E2 OF BLK 64 IMPERIAL SUB 1 15-13/14.		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Temporary construction office and construction material storage
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant
12. DESCRIBE PROPOSED SEWER SYSTEM	N/A
13. DESCRIBE PROPOSED WATER SYSTEM	N/A
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	N/A
15. IS PROPOSED USE A BUSINESS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE?

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Jim Duggins 08/08/2023
 Print Name Date
 Signature
 Print Name Date
 Signature

REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN
- B. FEE
- C. OTHER
- D. OTHER

APPLICATION RECEIVED BY:	LV	DATE	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY:		DATE	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY:		DATE	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY:		DATE	<input type="checkbox"/> A. P. C. D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED		DATE	<input type="checkbox"/> O. E. S.
		DATE	<input type="checkbox"/>
		DATE	<input type="checkbox"/>

CUP #
23-002B

DESCRIPTION LETTER

TO: COUNTY OF IMPERIAL PLANNING DEPARTMENT – LUIS VALENZUELA
FROM: DUGGINS CONSTRUCTION – MELISSA GOMEZ
SUBJECT: MORNING STAR – CONDITIONAL USE PERMIT
DATE: 08/10/2023
CC:

We are submitting this description letter for a Conditional Use Permit for a temporary construction office and storage material area located at 2769 La Brucherie Road, under APN: 063-270-053 and 063-270-054.

A project is currently being developed across the street and there is no room to locate the temporary construction office or the material required for the construction of the project.

The installation of a temporary construction office will provide us with the space for: project management, meetings, reviewing plans and a small break area. The temporary construction office and material will be removed from the property once Duggins Construction Inc. completes the project located across the street.

If there are any questions or concerns, please feel free to call me at 760-355-5600 or email at melissa@dugginsconstruction.com

**ATTACHMENT F.
COMMENT LETTERS**

Luis Valenzuela

From: Carlos Yee
Sent: Tuesday, August 22, 2023 1:39 PM
To: ICPDSComentLetters
Cc: Luis Valenzuela
Subject: CUP 23-0023 - Duggins Construction, Inc. | Temporary construction office and storage

Good afternoon,

Based on the information provided our Department has no comments on this permit.

Regards.

Carlos Yee | Permit Specialist

ICDPW - Engineering Division | 155 S. 11th Street. El Centro, CA 92243

Phone: (442)265-1818 x1838 | Fax: (442)265-1858 | Email: CarlosYee@co.imperial.ca.us

RE: CUP23-0023 Request for Comments

Antonio Venegas <AntonioVenegas@co.imperial.ca.us>

Thu 8/17/2023 10:40 AM

To:Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>

Cc:Margo Sanchez <MargoSanchez@co.imperial.ca.us>

📎 1 attachments (609 KB)

CUP23-0023 Request for Comments 08.16.23.pdf;

Good morning,

Attached is the response from the Office of the Ag. Commissioner for CUP23-0023 (No comments)

Best,

Antonio Venegas

Ag. Biologist / Standards Spec. IV

Weights & Measures / Special Projects

Phone: (442) 265-1500

<https://agcom.imperialcounty.org>



Agricultural Commissioner

Sealer of Weights

& Measures

COUNTY OF IMPERIAL

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From: Margo Sanchez <MargoSanchez@co.imperial.ca.us>

Sent: Wednesday, August 16, 2023 1:53 PM

To: Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>

Cc: Antonio Venegas <AntonioVenegas@co.imperial.ca.us>; Ashley Jauregui <AshleyJauregui@co.imperial.ca.us>

Subject: New Ag Commissioner Contacts - RE: CUP23-0023 Request for Comments

Hello Aimee,

Please make the following changes to you project notification lists.

Thank you!

From: Margo Sanchez

Sent: Thursday, August 10, 2023 9:02 AM

To: Kamika Mitchell <kamikamitchell@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>;

Laryssa Alvarado <laryssaalvarado@co.imperial.ca.us>; Kassandra Castaneda

<kassandrastaneda@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>; Aimee Trujillo

<aimeetrujillo@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Diana Robinson

<DianaRobinson@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>

Cc: 'Antonio Venegas' <AntonioVenegas@co.imperial.ca.us>; 'Ashley Romero

CUP 23-0023 Request for Comments

Monica Soucier <MonicaSoucier@co.imperial.ca.us>

Wed 8/30/2023 3:28 PM

To:ICPDSCCommentLetters <ICPDSCCommentLetters@co.imperial.ca.us>

Cc:Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>;Ismael Garcia <ismaelgarcia@co.imperial.ca.us>

📎 1 attachments (110 KB)

2023-08-30 ICAPCD Rspns to CUP 23 0023.pdf;

Luis

I wanted to send this formal NO Comment response for your files

Thanks,



Monica N. Soucier, MSL

APC Division Manager

Planning and Monitoring

150 S 9th Street

El Centro, CA 92243

P. 442.265.1800

F. 442.265.1799

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