

PROJECT REPORT

TO: Planning Commission

AGENDA DATE: April 13, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 a.m./No. 4A/4B

PROJECT TYPE: EXT #21-0021/CUP #02-0030 Water Wells
EXT #21-0022/CUP #06-0024 Blu-In RV Park SUPERVISOR DIST: #3
LOCATION: 2189 Highway 78, APN: 018-230-055-000 & 018-230-056-000

Borrego Springs, CA

PARCEL SIZE: 57.30 AC

GENERAL PLAN (existing) Recreation

GENERAL PLAN (proposed) N/A

ZONE (existing) S-2 (Open Space/Preservation)

ZONE (proposed) N/A

GENERAL PLAN FINDINGS

CONSISTENT

INCONSISTENT

MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 04/13/2022

APPROVED

DENIED

OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: N/A

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
AG
APCD
E.H.S.
FIRE / OES
OTHER

NONE
 NONE
 NONE
 NONE
 NONE
 NONE

ATTACHED
 ATTACHED
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REQUESTED ACTION:

It is recommended that you conduct a public hearing and that you hear all opponents and proponents of the proposed project. Staff would then recommend that you take the following actions:

1. Find that the project is categorically exempt from CEQA under the Government Code, Section 15301 (Existing Facilities) and that no further environmental documentation is necessary; and
2. Find that both Time Extension #21-0021 and Time Extension #21-0022 for Conditional Use Permit #02-0030 and Conditional Use Permit #06-0024 are consistent with applicable zoning and building ordinances; and
3. Approve both Time Extension #21-0021 and Time Extension #21-0022 for Conditional Use Permit #02-0030 and Conditional Use Permit #06-0024 new 15-year terms, subject to the existing conditions.

STAFF REPORT
PLANNING COMMISSION MEETING
April 13, 2022

Project Name: **Time Extension (EXT) #21-0021 for
Conditional Use Permit (CUP) 02-0030**

**Time Extension (EXT) #21-0022 for
Conditional Use Permit (CUP) 06-0024**

Applicant: **Ocotillo RV Resort, LLC aka Blu-In RV Park**

Project Location:

The project is located at 2189 Highway 78, Borrego Springs, CA, Assessor Parcel Numbers 018-230-055-000 & 018-230-056-000, further described as the SW portion of Section 16, Township 12 South, Range 9 East, SBB&M.

Project Summary:

On April 23, 2003, the Planning Commission approved CUP #02-0030 for a Recreation Vehicle Park and a Water Well, and on June 27, 2007, the Planning Commission approved CUP #06-0024 for an additional Water Well and the modification of the water well conditions. The project is a 188 space Recreational Vehicle Park, with amenities such as swimming pool, restrooms showers open landscape areas and a dump station, along with a water wells serving as a mutual water company.

On June 10, 2021, the Imperial County Planning and Development Services (ICPDS) Department received a notification letter from the permittee giving notice to the County that they are in escrow to transfer ownership. In reviewing the project files, it was found that both CUPs where not in good standing, as no compliance report were submitted or time extension requested. On June 15, 2021, ICPDS received an Extension Request/Compliance Report for both CUPs for new 15-year terms on the previous approved CUPs.

Land Use Analysis:

The project site is designated "Recreation" under the Imperial County General Plan (Land Use Element), and is zoned S-2 (Open Space/Preservation) under the Imperial County Land Use Ordinance, Title 9. The project is consistent with the County's General Plan and Land Use Ordinance, Division 2, Chapter 3, Section 90203.01, B. Intermediate Conditional Use Permit; therefore, the projects are consistent with the General Plan.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	RV Park/Water Well	S-2	Recreational
North	Vacant	S-2	Recreational
South	Vacant	S-2	Recreational
East	Vacant	S-2	Recreational
West	Vacant	S-2	Recreational

Environmental Determination:

The previously approved Conditional Use Permit CUP #02-0030 and CUP #06-0024 was environmentally assessed and reviewed by the Environmental Evaluation Committee on March 12, 2003 and May 24, 2007, respectively. It was found that the projects would not have a significant effect on the environment and received a Negative Declaration.

Time Extension #21-0021/22 are categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

It is recommended that you conduct a public hearing and that you hear all opponents and proponents of the proposed project. Staff would then recommend that you take the following actions:

1. Find that the project is categorically exempt from CEQA under the Government Code, Section 15301 (Existing Facilities) and that no further environmental documentation is necessary; and
2. Find that both Time Extension #21-0021 and Time Extension #21-0022 for Conditional Use Permit #02-0030 and Conditional Use Permit #06-0024 are consistent with applicable zoning and building ordinances; and
3. Approve both Time Extension #21-0021 and Time Extension #21-0022 for Conditional Use Permit #02-0030 and Conditional Use Permit #06-0024 new 15-year terms, subject to the existing conditions.

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



APPROVED BY: Jim Minnick, Director
Planning & Development Services



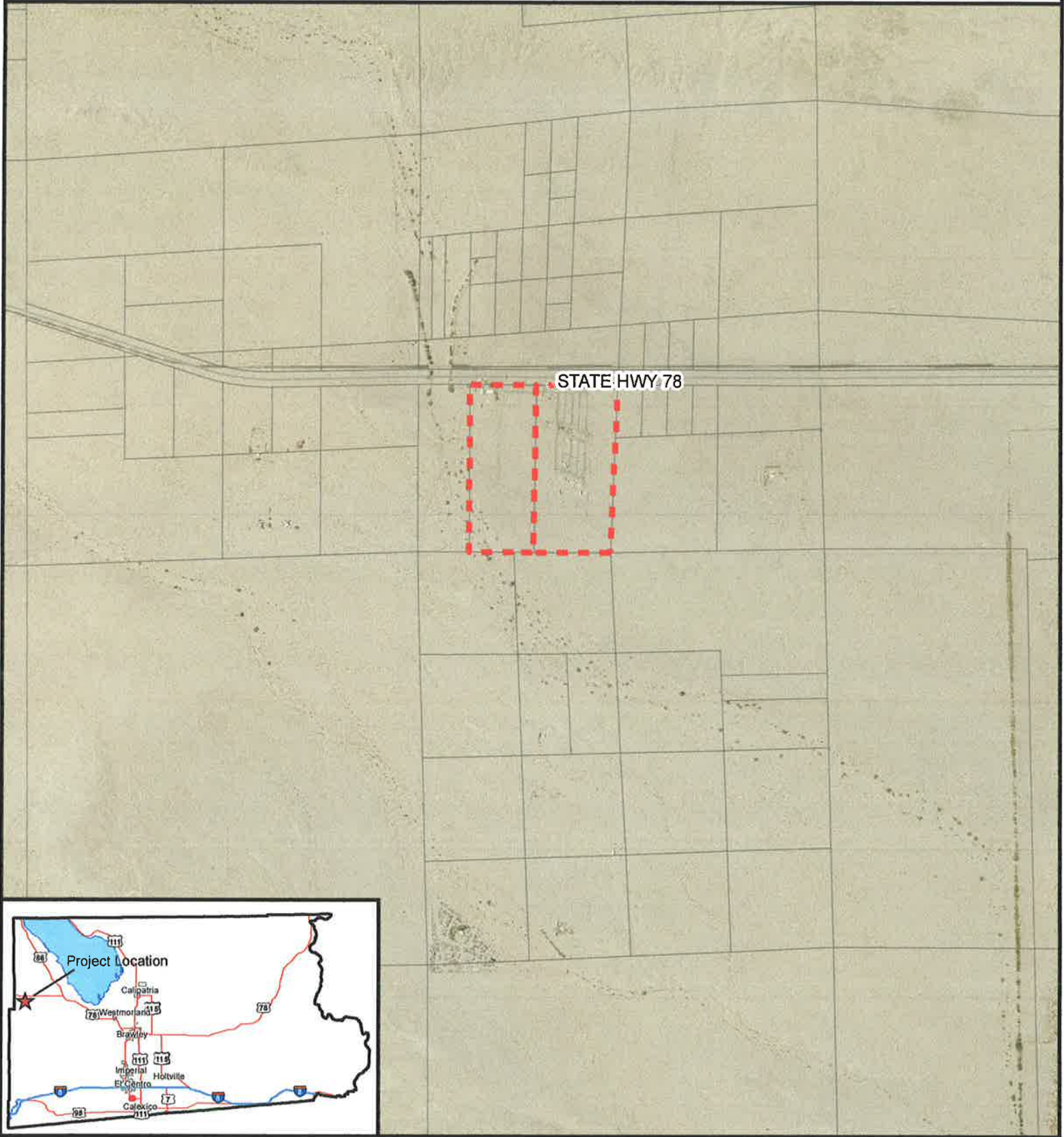
ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan
- C. Time Extension Request Letter
- D. Recorded Conditional Use Permit #02-0030
- E. Recorded Conditional Use Permit #06-0024
- F. Planning Commission Resolution(s)
- G. Comment Letters




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**Attachment A
Vicinity Map**

PROJECT LOCATION MAP



**OCOTILLO RV RESORT, LLC
AKA BLU-IN RV PARK
TIME EXTENSION EXT #21-0022
CUP #02-0030
APN 018-230-055 AND 018-230-056-000**

	Project Location
	Centerline
	Parcels



**Attachment B
Site Plan**

Attachment C
Time Extension Request Letter



June 10, 2021

Attn: Mr. Jim Minnick
c/o Ms. Patricia Valenzuela
Imperial County Planning/Building Department
939 Main Street
El Centro, CA 92243

Sent Via: Email
PatriciaValenzuela@co.imperial.ca.us

RE: CUP 02-0030 Recreation Vehicle Park
CUP 06-0024 Commercial Water Well

Dear Mr. Minnick & Ms. Valenzuela:

In accordance with your request and paragraph G-8 and G-5 respectively of the above referenced CUP's, we are giving notice to the County of Imperial that we are in escrow to transfer ownership of the subject property commonly known as the Blu-In RV Park, Assessor's Parcel # 018-230-056.

We are in escrow now and do anticipate the escrow will close within 60 days. The new owner of the property is Arizona Oasis Resort, Manager Garrett Manthei. They may take title in a different entity than the referenced. Mr. Manthei will provide the statement required by paragraph G-16 and send it in the manner specified.

In addition to this notice, the Operator, Blu-In RV Park has, and is, in full compliance with all General Conditions and Specific Conditions of the CUP's referenced above, except the Water Well Specific Conditions of CUP 02-0030. CUP 06-0024 supersedes the CUP Water Well Conditions of 02-0030.

Thank you,
BLU-IN RV PARK, LLC

A handwritten signature in black ink, appearing to read "J. Jester", is written over a circular stamp or seal. The signature is fluid and cursive.

Jeff Jester
Managing Member

Cc: Garrett Manthei-Arizona Oasis Resort
Adam Manthei-Arizona Oasis Resort
Chris Craighead-CBRE

June 15,2021

Attn: Mr. Jim Minnick
c/o Ms. Patricia Valenzuela
Imperial County Planning/Building Department
939 Main Street
El Centro, CA92243

Sent Via: Email
Patricia Valenzuela@co.imperial.ca.us

**RE: CUP 02-0030 Recreational Vehicle Park
CUP 06-0024 Commercial Water Well**

Dear Mr. Minnick & Ms. Valenzuela:

Pursuant to your request, please consider this letter to be our formal request for an extension of the CUP's referenced above. Please forgive our tardiness in requesting the extensions as we were unaware of their expirations.

As required, we have prepared this statement of compliance to the best of our knowledge and ability. Please let us know asap if this does not meet your approval. Please see our responses below:

02-0030 Recreational Vehicle Park & Expansion of Existing Water Well

General Conditions:

G-1 through G-19 Permittee has complied as evidenced by conforming with all laws, securing the appropriate permits, paying all required fees, signing the County's indemnification agreement, granting access, maintaining adequate fire protection, and maintaining proper insurances. The exception to the General Conditions is G-10. Permittee was unaware of the CUP expirations.

Project Specific Conditions:

S-1 The specified project was completed in April 2009. At this time, the project was inspected by the Imperial County Planning & Building Department, Imperial County Health Department, Imperial County Fire Marshal, Imperial County Public Works and the project was deemed to be in compliance with the CUP and was approved for occupancy.

S-2 This requirement was superseded by CUP 06-0024 (see below).

S-3 Ingress/egress to the project is accessed through the adjacent parcel as approved by Cal Trans, Imperial County Planning & Building Department and Imperial County Public Works, and as documented on the approved civil engineering plans for the project.

S-4 Emergency access to the site was constructed in accordance with this requirement as documented on the approved civil engineering plans for the project.

S-5 Access driveways are constructed of three inches of asphaltic concrete paving over four inches of Cal Trans Class II approved base material in accordance with the approved civil engineering plans for the project.

S-6 All on-site roads are constructed of three inches of asphaltic concrete paving over four inches of Cal Tans Class II approved base material in accordance with the approved civil engineering plans for the project.

S-7 Recreational Vehicle space parking is constructed in accordance with CCR Title 25.

S-8 The RV Park was constructed in accordance with the approved Grading and Drainage Plan as documented on the approved civil engineering plans for the project.

S-9 There have been no hazardous waste issues or spills on the project to date. In the event of a hazardous material spill permittee shall immediately notify and work in conjunction with Imperial County Environmental Health Services.

S-10 Permittee was not aware of this specific requirement. Please consider this as our statement of compliance to date. In the future permittee will provide annual reports as required.

S-11 Permittee did, and does, maintain the Responsible Agent for the project as Mr. Jeff Jester and alternative Responsible Agent Mrs. Patricia Jester with emergency phone number as 760-747-1207.

S-12 The entire perimeter of the project has a 6 feet high chain link fence as required by the approved civil engineering plans for the project.

S-13 All lighting was constructed in accordance with the approved civil engineering, Imperial County Building Department requirements, and all applicable codes as documented on the approved plans for the project.

S-14 All landscaping was constructed in accordance with the approved civil engineering, Imperial County Building Department requirements, and all applicable codes as documented on the approved plans for the project.

S-15 Signage for the project was constructed at the highway entrance under a separate approved building permit in January 2010.

S-16 The projects typical operation is 24/7.

S-17 Permittee did obtain building permits and other authorizations as indicated in the Imperial County Planning & Building Department records.

S-18 During construction of the project permittee did not encounter any sensitive or historic cultural resources.

S-19 To date the project is an ongoing concern and continues to operate as specified.

S-20 All information provided is deemed to be accurate to the best of our knowledge.

S-21 Permittee maintains the specified use of the property exclusively as an RV Park.

Water Well Specific Conditions:

WS-1 through WS-9 are not applicable to this CUP. Please see Water Well Specific Conditions under CUP 06-0024 Commercial Water Well.

06-0024 Commercial Water Well

General Conditions:

G-1 through G-12 Permittee has complied as evidenced by conforming with all laws, securing the appropriate permits, paying all required fees, signing the County's indemnification agreement, granting access. The exception to the General Conditions is G-8. Permittee was unaware of the CUP expirations.

Project Specific Conditions:

S-1 Our well has a flow meter and the current reading is 8,920,600 gallons on the completion of our 11th year open. We are allowed 10-acre feet per year. 1 acre foot equals 325,851 gallons. $8,920,600 \text{ total gallons} / 325,851 \text{ gallons per acre foot} = 27.37 \text{ total acre feet}$. According to the CUP we are allowed 10-acre feet per year, and we are averaging 2.73 per year.

S-2 Water is included in the cost of reservations for the exclusive use of our customers.

S-3 Water is used on-site only.

S-4 To date there have not been any determinations as noted. Our water use as stated in S-1 is far below the allowed usage as not to require ground water resources.

S-5 A flow meter was installed by a registered well drilling contractor when the well was constructed and was inspected by Imperial County Planning & Building Department. Please see the attached photograph with the total gallons extracted since the well was installed. There have been no failures of the flow meter to date. Annual water usage is reported to the Imperial County Health Department through the EARS (Electronic Annual Reporting System) of the California State Water Boards.

S-6 Not applicable. Water well has not been abandoned and is still in use.

S-7 The well is registered with the Imperial County Public Health Department as water system WA0000075 with Facility ID FA0004614 in accordance with the Groundwater Ordinance Title 9 Div 22. The permittee signed the registration form upon application.

S-8 Permittee provided the applicable deposit.

S-9 Not applicable. Well has not been replaced.

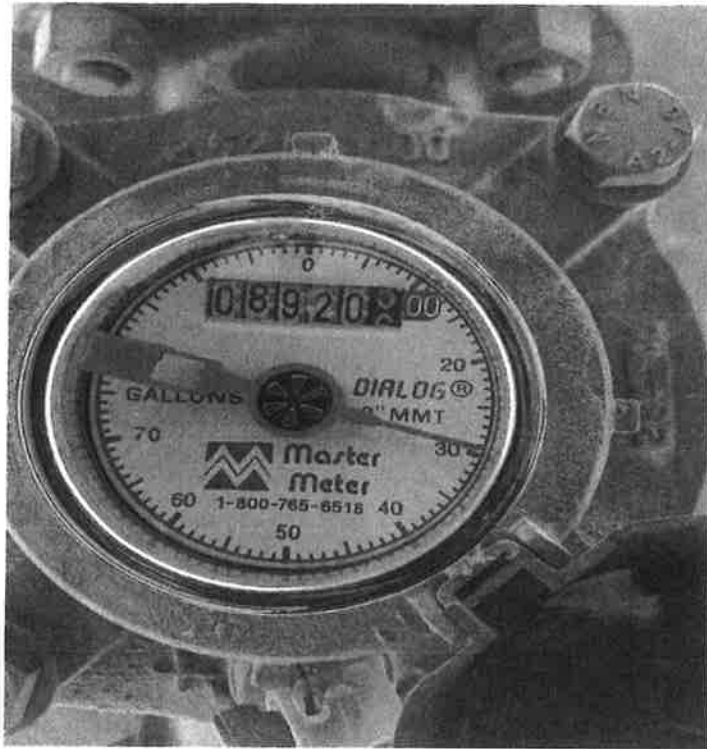
S-10 Permittee has complied with this condition under more stringent Imperial County Health Department Requirements for the well.

S-11 Permittee has complied with this condition under more stringent Imperial County Health Department Requirements for the well.

Respectfully Submitted:
BLU-IN RV PARK, LLC



Jeff Jester
Managing Member



RV Park Water Well Meter reading - May 12, 2021

Attachment D
Recorded Conditional Use Permit # 02-0030

When Recorded Return To:

Imperial County Planning/Building Department
939 Main Street
El Centro, California 92243

RECORDED
OFFICIAL RECORDS
IMPERIAL COUNTY, CA
BOOK 2216 PAGE 873
2003 JUL 3 PM 12 45

TL	S-
RG	18
RF	16
MC	1
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HOLD

DOLORES PROVENCIO
COUNTY RECORDER

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**AGREEMENT FOR CONDITIONAL USE PERMIT #02-0030
FOR A
RECREATIONAL VEHICLE PARK AND EXPANSION OF EXISTING WATER WELL
(Farrar and Smith)**

This Agreement is made and entered into on this 26th day of June, 2003, by and between **Randal Farrar, and Michael and Lonnie Smith**, hereinafter referred to as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County located at 2189 Highway 78, approximately 2 miles east of the Imperial/San Diego County Line, Assessor's Parcel Numbers 018-230-55-01 & 018-230-56-01. Legally described as Parcel 2 and Parcel 3 of PM 2309, in a portion of the southwest Section 16, T12S, R9E, SBBM and lying South of State Highway 78.

WHEREAS, Permittee has applied to the County to construct and operate a 188 space Recreation Vehicle Park on Parcel 3 and modify the existing water well permit on Parcel 2. The RV Park will include amenities such as a swimming pool, restrooms, showers, open landscaped areas and a dump station. The water well currently serves

only Parcel 2, a mutual water company and water line easements will be formed to allow water from the existing well to be transported to Parcel 3, for use at the RV Park.

WHEREAS, the County, after a noticed public hearing, agreed to issue Conditional Use Permit #02-0030 to Permittee, and/or his or her successor in interest subject to the following conditions:

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

GENERAL CONDITIONS:

G-1 GENERAL LAWS:

The Permittee shall comply with any and all local, state, and/or federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 PERMIT/LICENSE:

Permittee shall obtain any and all permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall not be limited to, County Division of Environmental Health Services (EHS), Planning/Building Department, Office of Emergency Services (OES), and Public Works Department. Permittee shall likewise comply with all such permit requirements for the life of the project. Additionally, Permittee shall submit a copy of such additional permit and/or licenses to the Planning/Building Department within 30-days of receipt, including amendments or alternatives thereto.

G-3 RECORDATION:

This permit shall not be effective until it is recorded at the Imperial County Records Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least 30 days prior to the original 180-day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

1
2 **G-4 CONDITION PRIORITY:**

3 This project shall be constructed/operated as described in the Conditional Use
4 Permit application, the Environmental Assessment, the project description, and
5 as specified in these conditions. Where a conflict occurs, the Conditional Use
6 Permit conditions shall govern and take precedence.

7
8 **G-5 INDEMNIFICATION:**

9 As a condition of this Permit, Permittee agrees to defend, indemnify, hold
10 harmless, and release the County, its agents, officers, attorneys, and employees
11 from any claim, action, or proceeding brought against any of them, the purpose
12 of which is to attack, set aside, void, or annul the Permit or adoption of the
13 environmental document which accompanies it. This indemnification obligation
14 shall include, but not be limited to, damages, costs, expenses, attorneys fees, or
15 expert witness fees that may be asserted by any person or entity, including the
16 Permittee, arising out of or in connection with the approval of this Permit, whether
17 or not there is concurrent, passive or active negligence on the part of the County,
18 its agents, officers, attorneys, or employees.

19
20 **G-6 RIGHT OF ENTRY:**

21 The County reserves the right to enter the premises at any time, announced or
22 unannounced, in order to make the appropriate inspection(s) and to determine if
23 the condition(s) of this permit are complied with. Access to authorized
24 enforcement agency personnel shall not be denied.

25
26 **G-7 SEVERABILITY:**

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

G-8 PROVISION TO RUN WITH LAND:

The provisions of this project are to run with the land/project and shall bind the
current and future owner(s) successor(s) of interest; assignee(s) and/or
transferee(s) of said project. **Permittee shall not without prior notification to
the Planning/Building Department assign, sell, or transfer, or grant control
of project or any right or privilege therein.** The Permittee shall provide a
minimum of 60 days written notice prior to such proposed transfer becoming
effective. The permitted use identified herein is limited for use upon this parcel
described herein and may not be transferred to another parcel.

G-9 COMPLIANCE/REVOCATION:

Upon the determination by the Planning/Building Department that the project is or
may not be in full compliance with any one or all of the conditions of this
Conditional Use Permit, or upon the finding that the project is creating a nuisance
as defined by law, the issue shall be brought immediately to the appropriate
enforcement agency or to the Planning Commission for hearing to consider

1 appropriate response including but not limited to the revocation of the CUP or to
 2 consider possible amendments to the CUP. The hearing shall be held upon due
 3 notice having been provided to the Permittee and to the public in accordance
 4 with established ordinance/policy.

5 **G-10 TIME LIMIT:**

6 Unless otherwise specified within the project's specific conditions this permit
 7 shall be limited to a maximum of (3) three years from the recordation of the
 8 CUP. The CUP may be extended for successive three (3) year(s) by the
 9 Planning Director upon a finding by the Planning/Building Department that the
 10 project is in full and complete compliance with all conditions of the CUP and any
 11 applicable land use regulation(s) and extension fees of the County of Imperial.
 12 Unless specified otherwise herein no conditional use permit shall be
 13 extended for more than four consecutive periods. If an extension is
 14 necessary or requested beyond fifteen years, Permittee shall file a written
 15 request with the Planning Director for a hearing before the Planning Commission.
 16 Such request shall include the appropriate extension fee. An extension shall not
 17 be granted if the project is in violation of any one or all of the conditions or if there
 18 is a history of non-compliance with the project conditions.

19 **G-11 COSTS:**

20 Permittee shall pay any and all amounts determined by the County to defray any
 21 and all cost(s) for the review of reports, field investigations, monitoring, and other
 22 activities directly related to the enforcement/monitoring for compliance of this
 23 Conditional Use Permit, County Ordinance or any other applicable law. Any
 24 billing against this project, now or in the future, by the Planning/Building
 25 Department or any County Department for costs incurred as a result of this
 26 Permit, shall be billed through the Planning/Building Department.

27 **G-12 WATER AND SEWER:**

28 Permittee shall provide water and sewer to Federal, State and County standards.
 Water and sewer systems shall be approved by the Environmental Health
 Services and the Planning/Building Department. Permittee shall hook up to a
 public water system or supplier if and when available.

G-13 DEFINITIONS:

In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s)
 and/or conditions or sections herein shall be determined by the Planning
 Commission of the County of Imperial. Their determination shall be final unless
 an appeal is made to the Board of Supervisors 10 days from the date of their
 decision.

G-14 SPECIFICITY:

The issuance of this permit does not authorize the Permittee to construct or
 operate this project in violation of any state, federal, local law nor beyond the
 specified boundaries of the project as shown the application/project

1 description/permit, nor shall this permit allow any accessory or ancillary use not
2 specified herein. This permit does not provide any prescriptive right or use to the
3 Permittee for future addition and/or modification to this project.

4 **G-15 HEALTH HAZARD:**

5 If the County Health Officer determines that a significant health hazard exists to
6 the public, the County Health Officer may require appropriate measures and the
7 Permittee shall implement such measures to mitigate the health hazard. If the
8 hazard to the public is determined to be imminent, such measures may be
9 imposed immediately and may include temporary suspension of the subject
10 operations. However, within 45 days of any such suspension of operations, the
11 measures imposed by the County Health Officer must be submitted to the
12 Planning Commission for review and approval. Nothing shall prohibit Permittee
13 from requesting a special Planning Commission meeting provided Permittee
14 bears all costs.

15 **G-16 CHANGE OF OWNER/OPERATOR:**

16 In the event the ownership of the site or the operation of the site transfers from
17 the current Permittee to a new successor Permittee, the successor Permittee
18 shall be bound by all terms and conditions of this Permit as if said successor was
19 the original Permittee. Current Permittee shall inform the County
20 Planning/Building Department in writing at least 60 days prior to any such
21 transfer. Failure of a notice of change of ownership or change of operator shall
22 be grounds for the immediate revocation of the CUP. In the event of a change,
23 the new Owner/Operator shall file with the Department, via certified mail, a letter
24 stating that they are fully aware of all conditions and acknowledge that they will
25 adhere to all. If this Permit or any subservient or associated permit requires
26 financial surety, the transfer of this Permit shall not be effective until the new
27 Permittee has requisite surety on file. Furthermore, existing surety shall not be
28 released until replacement surety is accepted by Imperial County. Failure to
provide timely notice of transfer by Permittee shall forfeit current surety.

19 **G-17 COMMENCEMENT OF WORK:**

20 No commencement of work until all conditions pursuant to the CUP has been
21 satisfied. Evidence that all conditions pursuant to the CUP have been satisfied
22 shall be provided to the Planning Director prior to commencement.

23 **G-18 FIRE PROTECTION:**

24 Permittee shall provide an adequate fire protection system and accessibility to
25 the site in accordance with the National Fire Protection Act (NFPA), Uniform Fire
26 Code, and County Fire Department standards. This shall include all
27 requirements by the Imperial County Fire Department regarding fire protection
28 water storage and access roads. Additionally, Permittee shall provide to Imperial
County Fire Department a plot plan, drawn to scale, indicating the exact location
and size of the water storage tanks and the access roads.

G-19 INSURANCE:

The Permittee shall take out and maintain Workers Compensation Insurance as required by the State of California. The Permittee shall also secure liability insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning/Building Department by the insurance carrier, and said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning/Building Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

PROJECT SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION:**

to construct and operate a 188 space Recreation Vehicle Park on Parcel 3 (approximately 57,3 acre) and modify the existing water well permit on Parcel 2. The RV Park will include amenities such as a swimming pool, restrooms, showers, open landscaped areas and a dump station. Each RV space will be approximately 30 X 40 (up to 70) with gravel drives and 8X20 concrete slabs at awnings, potable water, waste, and electrical hookups. Between each RV space will be a 4 foot landscaped strip. The project will also include a RV storage area, both the RV Park and Storage are will be fenced (6 foot chainlink). The applications project the Park to operate 24 hours a day, 7 days a week, year round. The water well currently serves only Parcel 2, a mutual water company and water line easements will be formed to allow water from the existing well to be transported to Parcel 3, for use at the RV Park.

S-2 MUTUAL WATER COMPANY:

Prior to issuance of a certificate of occupancy for the RV Park, permittee shall establish a mutual water company in compliance with all Federal, State and Local regulations.

S-3 ACCESS TO SITE:

For safety reasons, only one ingress/egress driveway, 50 feet in width, will be allowed for this project. The developer shall construct the driveway to meet Topic 205 – Road Connections and Driveways of the Highway Design Manual (HDM).¹

S-4 EMERGENCY ACCESS TO SITE:

The 20-foot wide gate in the northeast corner of the RV park is for emergency access only, and not to be used for special occasions or overflow access. The process to legally clear title to use the restricted opening is called a remandment. The County "acquired" the relinquishment of abutters rights of access via the subdivision map process (PM 2309), therefore in order to use the emergency access permittee must file a remandment of the relinquishment of abutters rights.¹

1 **S-5 DRIVEWAY(S) IMPROVEMENTS:**

2 All access driveways and other required parking is to be surfaced with a
3 minimum of three (3) inches of asphaltic concrete paving or higher quality. Upon
4 approval of Air Pollution Control District (APCD) and Caltrans. Permittee shall
implement required improvements.

5 **S-6 ON-SITE ROADS:**

6 All on-site roads/driveways or parking areas shall be constructed with a minimum
7 of two inch (2") of asphaltic concrete or three and one-half inch (3 1/2") portland
8 cement concrete acceptable to the Public Works and Planning/Building
Department, and shall be maintained in a dust-free manner.

9 **S-7 PARKING:**

10 Recreational Vehicle space parking shall be constructed in accordance to
11 Building Codes and California Code of Regulations (CCR), Title 25 Title 25.

12 **S-8 GRADING & DRAINAGE PLAN:**

13 The permittee shall furnish a Grading and Drainage Study/Plan to provide for
14 property grading and erosion control, which shall include prevention of
15 sedimentation of damage to off-site properties. The study/plan shall be submitted
16 to the Department of Public Works for review and approval. The applicant shall
17 implement the approved plans.³

18 **S-9 HAZARDOUS MATERIALS DISPOSAL:**

19 Any spills shall meet all applicable County, State and Federal regulations for the
20 disposal of hazardous materials. The Permittee shall work with Environmental
21 Health Services to ensure proper safeguards are in place to prevent hazardous
22 waste such as motor oil, grease, lubricants, fuels, etc., from being released into
23 the environment. Permittee shall, additionally development EHS approved
24 procedures for the cleanup, notification, and disposal of hazardous material. All
25 spills of hazardous or non-hazardous materials shall be cleaned up immediately.
26 There shall remain on-site sufficient tools and materials to clean up spills on
27 permeable surfaces.

28 All spills of hazardous materials shall be reported, with "major" spills defined as
more than five (5) gallons of fuel or lubricants, and less than one (1) gallon for
coolant, solvents, and brake fluid. Said "major" spills shall further be defined as
spills meeting the above quantities at any one time or cumulative over the life of
the project. All spills shall be documented and reported to Environmental Health
Services Department. All hazardous waste including used oil and used oil filters
shall be kept within fully contained areas proper disposal.

S-10 REPORTING:

Permittee shall provide an annual report or statement to the Planning/Building
Department to show compliance with the conditions herein.

1 **S-11 RESPONSIBLE AGENT:**

2 Permittee shall maintain on file with the Planning/Building Department the name
3 and phone number of the responsible agent for the site. A backup name shall
4 also be provided, and a phone number for 24 hour emergency contact shall also
5 be on file.

6 **S-12 FENCING:**

7 In order to minimize exposure of sensitive habitat and damage to the surrounding
8 public lands, by off-road vehicles. A fence shall be constructed along the
9 boarders of the project development (RV Park) preventing off-road vehicle traffic
10 from entering these areas. ⁴

11 **S-13 LIGHTING:**

12 On-site lighting shall be shielded and/or directed in such a way as to eliminate
13 and reduce off-site glare particularly towards roadways. The shielding shall
14 confine the direct rays to the site. Lighting shall be installed to provide a safe
15 working environment in and around the facility and/or equipment meeting OSHA
16 standards.

17 **S-14 LANDSCAPING:**

18 In accordance with the Imperial County Land Use Ordinance a landscaping plan
19 shall be submitted to the Planning/Building Department for approval.
20 Landscaping shall be installed and maintained along Bannister Roads as well as
21 the south and west property lines.

22 **S-15 SIGNAGE:**

23 Permittee shall be allowed to install a "business sign" as permitted by the
24 Imperial County Land Use Ordinance and Caltrans. This permit **does not** does
25 not authorize installation of any variance of the sign requirements within the
26 County Ordinance. Additionally, **no** off-site advertisement signage is permitted.
27 to minimize the generation of noise to both on and off-site sensitive receptors.

28 **S-16 PERIOD OF OPERATION:**

 The facility is typically in operation 24 hours a day, 7 days a week, year round.

S-17. BUILDING PERMITS:

 Permittee shall secure all necessary building permits and other required permits
 from the Planning/Building Department and other applicable
 Departments/Agencies for utilities and other construction.

S-18. CULTURAL RESOURCES:

 During any construction, if any cultural resources are found (e.g., pottery, bone,
 stone tools, fire hearth, burials, and wooden posts), Permittee shall stop all work
 and contact IVC Museum to have a qualified specialist inspect the site. Work
 shall not resume until a representative from IVC Museum has determined their

1 concerns pertaining to cultural resources on-site has been adequately
2 addressed.

3 **S-19. RECLAMATION SITE ABANDONMENT:**

4 When the operation of the facility herein authorized has ceased, or is suspended
5 at any time for a period of two (2) years, all the facilities shall be dismantled, and
6 removed. The land involved in the operation (all aspects, including roads,
7 structures, parking, etc...) of the facility shall be restored to its condition prior to
8 development. The land shall be restored in accordance with a plan approved by
9 the Planning Director and owner.

10 **S-20. PERMIT TERMINATION:**

11 This permit shall be null and void if any information submitted by the Permittee is
12 found false.⁴

13 **S-21 PERMITTED USE OF PROPERTY:**

14 This Permit authorizes the use of the identified project site a 188 RV Park on
15 Parcel 3 and the permitted uses existing on Parcel 2 at the time of recordation of
16 this CUP #02-0030. No other use not specifically authorized, within this permit or
17 permitted as an outright use within the zoning classification of the S-2 "Open
18 Space/Preservation" (County Ordinance Section 90519), shall be allowed on this
19 project site.

20 **WATER WELL SPECIFIC CONDITIONS**

21 **WS-1 WATER USAGE:**

22 Allows the Permittee to pump a maximum of 10.5 acre feet per year for use at
23 the Proposed Recreational Vehicle Park On Parcel 3 of PM2309 (APN 018-
24 230-56-01) and the existing Blu-in facility (store/restaurant and gas station),
25 and residential units on Parcel 2 of PM 2309 (APN 018-230-55-01) only.
26 Exceeding the amount of water specified herein will result in the
27 Planning/Building Department taking action to rescind the CUP for non-
28 compliance.

21 **WS-2 OFF SITE WATER SALES:**

22 Water from the well shall not be used, sold, given, exported, or transported off
23 the site identified herein.

23 **WS-3 WATER WELL MONITORING:**

24 A flow meter shall be installed and sealed by a California State Licensed
25 Water Well Drilling Contractor. Permittee shall submit an annual report to the
26 Department of Public Works and the Planning/Building Department indicating
27 the yearly amount of water extracted from the well. A photograph (dated and
28 signed) of the flow meter readings shall be included in the annual report. The
report shall be received within thirty (30) days following the anniversary date of

1 the issuance of the Conditional Use Permit. In the event of a flow meter
 2 failure, the Permittee shall be required to cease the water well operation and
 3 notify the Planning/Building Department. The Permittee may be allowed to
 4 temporarily substitute the flow meter for an alternative measuring device, at
 the approval of the Planning/Building Department. In this case two (2)
 separate reports shall be submitted as stipulated herein.

5 **WS-4 WELL REPLACEMENT:**

6 Any replacement water well shall be constructed by a California Licensed
 7 Driller in accordance with California Department of Water Resources Bulletin
 74-81 and 74-90 (including any subsequent revisions), and with the Imperial
 8 County Water Well Ordinance, Section 92101.00, et seq.

9 Permittee shall submit copies of the "Report of Completion" (as required by
 10 California Water Code, Section 13751), by a California Licensed Driller on the
 11 construction of any water well replaced. Copies of this report shall be
 submitted to Environmental Health Services, Planning/Building Department,
 and Public Works within thirty (30) days of the construction or destruction of
 the well. This report shall include:

- 12 1. A description of the exact location of the well;
- 13 2. A detailed log of the well;
- 14 3. A description of the type and depth of casings;
- 15 4. Details of perforation;
- 16 5. The methods used for sealing off surface or contaminated
 waters;
- 17 6. Methods for preventing contaminated waters from one
 aquifer to mix with another aquifer;
- 18 7. Name of person who constructed the well.

19 **WS-5 NO SLANT DRILLING:**

20 This permit does not authorize Permittee to "slant drill" under adjoining
 property.

21 **WS-6 WELL ABANDONMENT:**

22 Should the water well be "abandoned" at any time for more than 360
 23 consecutive days, Permittee shall seal/cap the well according to standards set
 by the State and in a manner acceptable to the County Building Official.
 (Abandonment shall mean as follows:)

24 **ABANDONMENT:** A well is deemed "abandoned" when it has not been
 25 used for one (1) year. An owner may have the well deemed "inactive" by filling
 26 a written notice with the Department stating his/her intentions to use the well
 27 under specific conditions and/or time frames. As evidence of his/her
 28 intentions, the conditions contained in Bulletin 74-81 (Sec. 21) shall be met.

1 Any well that is open or whose services/operating equipment (e.g.
2 pumps/motors/pipes, etc.) has been removed shall be deemed abandoned.

3 **WS-7 WELL REMOVAL:**

4 Permittee shall properly destroy any well on the property if replaced or
5 abandoned. The well shall be destroyed according to State standards and in a
6 manner acceptable to the County Building Official. A copy of the well driller's
7 report by a California State Licensed Water Well Drilling Contractor shall be
8 sent to the Department of Public Works and the Planning/Building Department
9 within thirty days following the destruction of the water well.

10 **WS-8 POTABLE WATER:**

11 Permittee will provide a potable water source that both meets all requirements
12 of a Public Water System, and has the capacity to serve both the proposed
13 Recreational Vehicle Park and its amenities located on Parcel 3 and all the
14 existing uses at the Blu-in, amenities, current residential structures on located
15 Parcel 2. The Public Water System will be subject approval and permitting by
16 the County Environmental Health Services Division, and applicable State and
17 Federal agencies.

18 **WS-9 WELL REGISTRATION:**

19 The existing or replacement water well shall be registered with the Department
20 of Public Works to comply with the new Groundwater Ordinance. This
21 Ordinance was enacted by the Board of Supervisors on August 6, 1996 for the
22 purpose of preserving and managing groundwater resources in Imperial
23 County.³

24 The Permittee shall obtain all required permits from the Department of Public Works,
25 APCD, Imperial Irrigation District and other applicable agency(s).
26
27
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1 *Caltrans Letter Dated March 5, 2003*

2 *Environmental Evaluation Committee Hearing January 23, 2003 Mitigation Measures*

3 *Public Works Letter Dated February 25, 2003*


4. *Planning Commission April 23, 2003, modification to Condition #S-12 &
removal of original Condition #S-20.*

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NOW THEREFORE, County hereby issues Conditional Use Permit # 02-0030 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

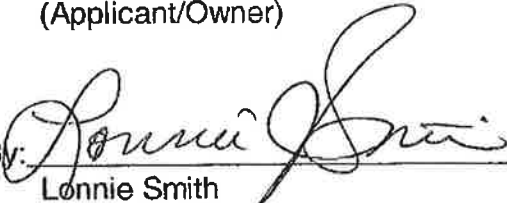
PERMITTEE :

By: 
Randal Farrar
(Applicant/Owner)

5/29/03
Date

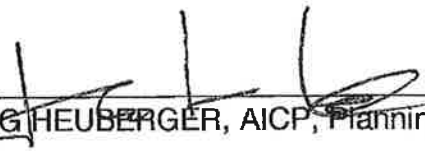
By: 
Michael Smith
(Applicant/Owner)

6/2/03
Date

By: 
Lonnie Smith
(Applicant/Owner)

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: 
JURG HEUBERGER, AICP, Planning Director

6/26/03
Date

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FOR PERMITTEE NOTARIZATION

STATE OF CALIFORNIA
COUNTY OF San Diego } S.S.

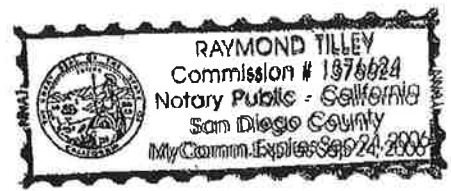
On May 29, 2003 before me, Raymond Tilley,
a Notary Public in and for said County and State, personally appeared
Randall Ferrar, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged 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.

WITNESS my hand and official seal

Signature Raymond Tilley

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 Conditional Use Permit
Number of Pages 16 Date of Document _____
Signer(s) Other Than Named Above _____



FOR PERMITTEE NOTARIZATION

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO) S.S.

On June 2, 2005 before me, RANDALL D. SMITH,
a Notary Public in and for said County and State, personally appeared
MICHAEL SMITH & LORRAINE SMITH, personally known to me
(or 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.

WITNESS my hand and official seal



Signature [Handwritten 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 AGREEMENT FOR CONSTITUTIONAL USE PERMIT

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

FOR PERMITTEE NOTARIZATION

STATE OF CALIFORNIA
COUNTY OF _____ } S.S.

On _____ before me, _____,
a Notary Public in and for said County and State, personally appeared
_____, personally known to me
(or 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.

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 _____

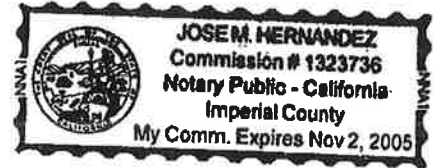
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FOR COUNTY NOTARIZATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On JUNE 26, 2003 before me, JOSE M. HERNANDEZ,
a Notary Public in and for said County and State, personally appeared
JURG HEUBERGER, personally known to me
(~~or 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.

WITNESS my hand and official seal



Signature Jose M. Hernandez

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 AGREEMENT FOR CONDITIONAL USE PERMIT # 02-0030

Number of Pages 16 Date of Document JUNE 26, 2003

Signer(s) Other Than Named Above RANDAL FARRAR, MICHAEL SMITH, LOWDIE SMITH

Attachment E
Recorded Conditional Use Permit # 06-0024

RECORDING REQUESTED BY & RETURN TO

Recorded in Official Records, IMPERIAL COUNTY

10/31/2014
02:01 PM
IsabelVargas

When Recorded Return To:

CHUCK STOREY
COUNTY CLERK/RECORDER

IMP County of Imperial

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

DEPARTMENT

Doc#: **2014021907**

Titles: 1	Pages: 12
Fees	48.00
Taxes	0.00
Other	0.00
PAID	48.00



**AGREEMENT FOR CONDITIONAL USE PERMIT #06-0024
FOR A COMMERCIAL WATER WELL
Jeff Jester, JP Associates LP
(APN 018-230-55 & 56)**

This Agreement is made and entered into on this 27th day of June, 2007, by and between JP Associates LP, (hereinafter referred to as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, and/or operator and/or successor-in-interest in certain land in Imperial County known as "Assessors Parcels 018-230-55 & 56, further described as a portion of Section 16, Township 12 South, Range 9 East, S.BM, approximately 57-acre parcel, and,

WHEREAS, Permittee has applied to the County for permission to construct, operate and maintain one new commercial water well, at the above site, and;

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1 **WHEREAS**, Permittee has applied to the County to be allowed to pump
2 up to 10 acre feet per year from the new commercial water well to provide water to
3 a 187-space RV Park (the Blu-In RV Park), and;

4 **WHEREAS**, Permittee has applied to the County to be allowed to
5 continue to pump up to 2 acre feet per year from the existing well at the above site,
6 and;
7

8 **WHEREAS**, Permittee and/or any subsequent owner(s) would be
9 required to and intend to fully comply with all of the terms and conditions of the
10 project as specified in this Conditional Use Permit.

11 **WHEREAS**, County, after a noticed public hearing, agreed to issue
12 Conditional Use Permit #06-0024 to Permittee, and/or his or her successor in
13 interest subject to the following conditions:
14

15 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are*
16 *conditions that are either routinely and commonly included in all Conditional Use Permits*
17 *as "standardized" conditions and/or are conditions that the Imperial County Planning*
18 *Commission has established as a requirement on all CUP's for consistent application*
19 *and enforcement. The Permittee is advised that the General Conditions are as*
20 *applicable as the SITE SPECIFIC conditions!*

21 **GENERAL CONDITIONS:**

22 **G-1 ACQUISITION OF PERMITS/LICENSES AND COMPLIANCE WITH**
23 **GENERAL LAWS:**

24 The Permittee shall obtain, comply with, and maintain all applicable
25 County, State, and Federal permits, licenses, and/or approvals,
26 including, but not limited to those required by Imperial County Planning &
27 Development Services Department, Air Pollution Control District (APCD),
28 County Division of Environmental Health Services (EHS), and Public
Works Department. Additionally, Permittee agrees to comply with all
applicable laws, ordinances, and/or regulations promulgated by County,
State, and Federal jurisdictions whether specified herein or not.
Furthermore, Permittee shall submit a copy of such additional
permit(s)/license(s) to the Planning & Development Services Department

1 within thirty (30) days of receipt, including amendments or alterations
2 thereto.

3 **G-2 RECORDATION:**

4 This permit shall not be effective until it is recorded at the Imperial
5 County Recorders Office, and payment of the recordation fee shall be
6 the responsibility of the Permittee. If the Permittee fails to pay the
7 recordation fee within six (6) months of the approval date, this permit
8 shall be deemed null and void.

9 **G-3 INDEMNIFICATION:**

10 Permittee shall defend, indemnify and hold harmless County and its
11 agents, including consultants, officers and employees from any claim,
12 action or proceeding against the County or its agents, including
13 consultants, officers or employees to attack, set aside, void, or annul the
14 approval of this application or adoption of the environmental documents
15 which accompanies it. This indemnification obligation shall include, but
16 not be limited to, damages, costs, expenses, attorneys fees, or expert
17 witness costs that may be asserted by any person or entity, including the
18 Permittee arising out of or in connection with the approval of this
19 application, including any claim for private attorney general fees claimed
20 by or awarded to any party from the County.

21 **G-4 RIGHT OF ENTRY:**

22 The County reserves the right to enter the premises to make the
23 appropriate inspection(s) and to determine if the condition(s) of this
24 permit are complied with and access to authorized enforcement agency
25 personnel shall not be denied.

26 **G-5 PROVISION TO RUN WITH THE LAND/PROJECT:**

27 The provisions of this permit are to run with the land/project and shall
28 bind the current and future owner(s) successor(s) of interest, assignee(s)
and/or transferor(s) of said project. Permittee shall not without prior
notification to the Planning & Development Services Department assign,
sell, or transfer, or grant control of project or any right or privilege therein.
The Permittee shall provide a minimum of 60 days written notice prior to
such proposed transfer becoming effective. In the event that the new
owner or assignee or transferor has a history of non-compliance with
environmental laws or is not of substantial equivalent or superior
financial capability and/or responsibility or is not willing to or has not
agreed to in writing to abide by the terms or conditions of this permit, the
Planning & Development Services Department shall bring this matter to
the Planning Commission for either revocation or modification to the
permit.

G-6 CONDITION PRIORITY:

1 This project shall be constructed/operated as described in the
2 Conditional Use Permit application, site plan, support documentation, the
3 Environmental Assessment, the project description, and as specified in
4 these conditions. Where a conflict occurs, the Conditional Use Permit
5 conditions shall govern and take precedence.

6 **G-7 INVALID CONDITIONS/SEVERABILITY:**

7 Should any condition(s) of this permit be determined by a Court or other
8 agency with property jurisdiction to be invalid for any reason, such
9 determination shall not invalidate the remaining provision(s) of this
10 permit.

11 **G-8 TIME LIMIT:**

12 Unless otherwise specified within the project's specific conditions this
13 permit/project shall be limited to a maximum of (3) three years from the
14 recordation of the CUP. The CUP may be extended for successive (3)
15 three year period by the Planning & Development Services Director upon
16 a finding by the Planning & Development Services Department that the
17 project is in compliance with all conditions of the CUP as stated herein
18 and any applicable Land Use regulation of the County of Imperial.
19 Unless otherwise specified herein, no Conditional Use Permit(s) shall be
20 extended for more than (4) four consecutive periods by the Planning &
21 Development Services Department. If an extension is necessary or is
22 requested beyond (15) fifteen years the Permittee shall file a written
23 extension request with the Planning Director at least (60) sixty days
24 prior to the expiration date of the Permit. Such an extension request shall
25 include the appropriate extension fee. If the original approval was
26 granted by the Planning Commission and/or the Board of Supervisors,
27 such an extension shall only be considered by the Planning Commission
28 and/or the Board of Supervisors, after a noticed Public Hearing. Nothing
stated or implied within this permit shall constitute a guarantee that an
extension shall be granted. An extension may not be granted if the
project is in violation of any one or all of the conditions or if there is a
history of non-compliance with the permit conditions.

G-9 PERMIT/MONITORING-RELATED FEES:

The Permittee shall pay any and all amounts determined by the County
Planning & Development Services Department to defray any and all
cost(s) for the review of reports, field investigations, monitoring, and
other activities directly related to the enforcement/monitoring for
compliance of this Conditional Use Permit, County Ordinance or any
other applicable law. All County Departments, directly involved in the
monitoring/enforcement of this project may bill Permittee under this
provision, however said billing shall only be through and with the
approval of the Planning & Development Services Department.

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G-10 DEFINITIONS:

In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within ten (10) days from the date of the Commission's decision.

G-11 REVOCATION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-12 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of operations; the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

1 **PROJECT SPECIFIC CONDITIONS:**

2 **S-1** The Conditional Use Permit (CUP) allows the Permittee to draw a
3 maximum of **10 acre** feet of groundwater per year from the new well and
4 **2 acre** feet of groundwater per year from the existing well for in-basin
5 use only, for a total of **12 acre feet**. Exceeding the amount of water
6 specified herein will result in the Planning & Development Services
7 Department taking action to rescind the CUP for non-compliance.

8 **S-2** Water from the well shall not be used, sold, given, exported, or
9 transported from the immediate site area.

10 **S-3** The water shall be used for on-site use(s) at the subject property only.

11 **S-4** If the Planning Commission determines that groundwater management
12 activities may be necessary to improve and preserve the quality or
13 quantity of groundwater resources or prevent other environmental
14 damage, the Commission may recommend to the Board of Supervisors,
15 after notice to the public and a public hearing, limitations or
16 suspension of extractions from this well. Title 9: Division 22: Ground
17 Water Ordinance, Chapter 2: 92202.00 (E).

18 **S-5** A flow meter shall be installed and sealed by a California State Licensed
19 Water Well Drilling Contractor. Registered user shall submit an annual
20 report to the Planning & Development Services Department indicating
21 the yearly amount of water extracted from the well. A photograph (dated
22 and signed) of the flow meter readings shall be included in the annual
23 report. The report shall be received within thirty (30) days following the
24 anniversary date of the issuance of this registration. In the event of a
25 flow meter failure, the registered user shall be required to cease the
26 water well operation and notify the Planning & Development Services
27 Department. The registered user may be allowed to temporarily
28 substitute the flow meter for an alternative measuring device, at the
approval of the Planning & Development Services Department. In this
case two (2) separate reports shall be submitted as stipulated herein.
Title 9, Division 22: Groundwater Ordinance 92202.04 Extraction Facility Water
Flow Measurements.

S-6 Should the water well be "abandoned" at any time for more than 360
consecutive days, Permittee shall seal/cap the well according to
standards set by the State and in a manner acceptable to the County
Building Official. Abandonment shall mean as follows:

ABANDONMENT: A well is deemed "abandoned" when it has not been
used for one (1) year. An owner may have the well deemed "inactive" by
filling a written notice with the Department stating his/her intentions to
use the well under specific conditions and/or time frames. As evidence

1 of his/her intentions, the conditions contained in Bulletin 74-81 (Sec. 21)
 2 shall be met. Any well that is open or whose services/operating
 3 equipment (e.g. pumps/motors/pipes, etc.) has been removed shall be
 deemed abandoned.

4 **S-7** The water well shall be registered with the Planning & Development
 5 Services Department to comply with the Imperial County's Groundwater
 6 Ordinance (Title 9, Division 22) and Water Well Regulations (Title 9,
 7 Division 21). The applicant is required to sign the registration form prior
 8 to recordation of the CUP.

9 **S-8** Permittee shall provide a bond, letter of credit, cash deposit or other
 10 surety acceptable to County Counsel in the amount of \$5,000 to the
 11 County to assure for proper closure and/or transfer of permit.

12 **S-9** Water Well Replacement: In the event the proposed water well under this
 13 CUP requires replacement, and the CUP is still active and in compliance,
 14 said replacement water well shall be constructed by a California
 15 Licensed Driller in accordance with California Department of Water
 16 Resources Bulletin 74-81 and 74-90 (including any subsequent
 17 revisions), and with the Imperial County Water Well Ordinance, Section
 18 92101.00 et seq

19 Permittee shall submit copies of the "Report of Completion" (as required
 20 by the California Water Code, Section 13751), by the California Licensed
 21 Driller on the construction of any water well replaced. Copies shall be
 22 submitted to the Environmental Health Services, Planning &
 23 Development Services Department, and Public Works within thirty (30)
 24 days of the construction or destruction of the well, this report shall
 25 include:

- 26 1. A description of the exact location of the well'
- 27 2. A detailed log of the well
- 28 3. A description of the type and depth of casings
4. Details of perforation
5. The methods used for sealing off surface or contaminated
waters.
6. Methods for preventing contaminated waters from one
aquifer to mix with another aquifer.
7. Name of person who constructed the well.

29 **S-10** On a bi-annual basis, the Permittee shall provide chemical analysis of
 30 the well to the Departments of Planning, Public Works, and Health
 31 Services. The analysis shall include but not be limited to all General
 32 Mineral and Inorganic Chemical Analysis for chemicals listed in Section
 33 64433, Article 4, Title 22, California Code of Regulations. All sampling

1 and analysis shall be performed by a laboratory licensed by the State of
2 California to perform drinking water analysis. The reported analysis
3 results shall be provided to the Planning Commission during the second
year report, and all subsequent bi-annual reports.

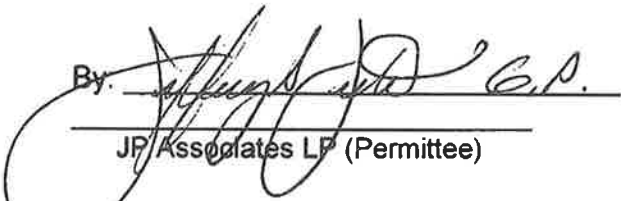
4 **S-11** On bi-annual basis, the Permittee shall provide a chemical analysis of
5 the wells to the Planning Department, Public Works, and Environmental
6 Health Department. This test shall include all perimeters specified herein.
7 This report shall be provided to the Planning Commission during the
second year report indicated above and subsequent three year reports.
8 At a minimum groundwater testing and monitoring shall include the
following general parameters.

- 9 ○ Well number
- 10 ○ Date of Test
- 11 ○ Time of Test
- 12 ○ Specific conductance (US/CM)
- 13 ○ PH (standard units)
- 14 ○ Temperature of water
- 15 ○ Hardness Total (MG/L as CACOS)
- 16 ○ Hardness Non-CARB WH WAT TOT FID MG/L AS CAC03
- 17 ○ Calcium Dissolved (MG/L as CAC03)
- 18 ○ Magnesium dissolved)MG/L as MG
- 19 ○ Sodium Dissolved (MG/L as NA
- 20 ○ Sodium percentage
- 21 ○ Sodium absorption ratio
- 22 ○ Potassium dissolved (MG/L as K
- 23 ○ Alkalinity Wat WH Tot Fet Field MG/L as COC03
- 24 ○ Alkalinity Lab (MG/L as CAC03)
- 25 ○ Sulfate Dissolved (MG/L as S04)
- 26 ○ Chloride dissolved (MG/L as CL)
- 27 ○ Fluoride dissolved (MG/L as F)
- 28 ○ Silica Dissolved (MG/L as SI02
- Solid Residues at 180 DEG Ca Dissolved (MG/L)
- Solids, Sum of Constituents dissolved (MG/L)
- Nitrogen, Nitrate dissolved (MG/L as N03)
- Nitrogen N02 + N03 Dissolved (MG/L as N)
- Phosphorous, Ortho dissolved (MG/L as P04
- Phosphorous, Ortho dissolved (MG/L as P
- Boran Dissolved (UG/L as FE)
- Iron Dissolved (UG/L as MN)
- Agency collecting sample (code number)
- Agency Analyzing Sample (code number)
- Original water level
- Current water level

1 NOW THEREFORE, County hereby issues Conditional Use Permit #06-0024
2 and Permittee hereby accepts such permit upon the terms and conditions set
3 forth herein.

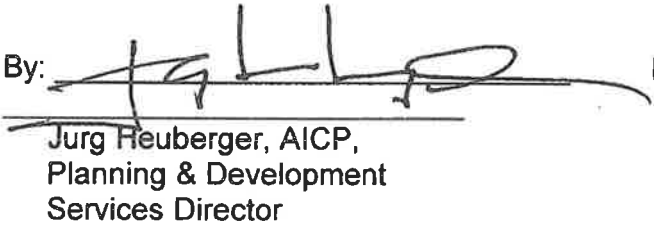
4 IN WITNESS THEREOF, the parties hereto have executed this
5 Agreement the day and year first written.

6 PERMITTEE

7
8 By: 
9 JP Associates LP (Permittee)

Dated: 6/27/08

10 COUNTY OF IMPERIAL, a political Subdivision of the STATE OF CALIFORNIA

11
12
13 By: 
14 Jurg Heuberger, AICP,
15 Planning & Development
16 Services Director

Dated: 6/27/07

STATE OF CALIFORNIA
COUNTY OF Imperial } S.S.

On June 27 2007 before me,
Mary M. Cole a Notary Public in
and for said County and State, personally appeared
Jeffrey S. Jester, personally known
to me (or 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.

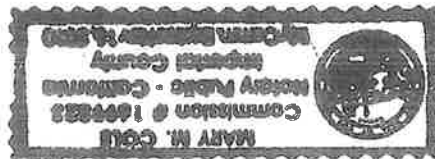
WITNESS my hand and official seal

Signature Mary M. Cole

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 _____

Dated _____



STATE OF CALIFORNIA
COUNTY OF Imperial } S.S.

On June 27, 2007 before me,
Mary M. Cole a Notary Public in
and for said County and State, personally appeared
Jeffrey S. Jester, personally known
to me (~~or 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.

WITNESS my hand and official seal

Signature Mary M. Cole

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

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STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On JUNE 27, 2007 before me,
PATRICIA A. VALENZUELA a Notary Public in
and for said County and State, personally appeared
JURG HEUBERGER, personally known
to me (~~or 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/har/their~~
authorized capacity(ies), and that by ~~his/har/their~~ signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

WITNESS my hand and official seal

Signature Patricia A. Valenzuela

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 F
Planning Commission Resolution(s)

RESOLUTION NO. 2022-00

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING "TIME EXTENSION #21-0021" FOR A NEW 15-YEAR TERM UNDER CONDITIONAL USE PERMIT #02-0030 FOR A RECREATIONAL VEHICLE PARK AT THE OCOTILLO RV RESORT LLC, AKA BLU IN RV PARK

WHEREAS, Ocotillo RV Resort LLC, aka Blu-In RV Park has submitted Time Extension #21-0021 requesting a new 15-year term for the existing recreational vehicle park; and,

WHEREAS, this existing recreational vehicle park was previously approved under Conditional Use Permit #02-0030; and,

WHEREAS, the project is categorically exempt in accordance with section 15301 of the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended";

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of CEQA determinations, and adoptions and certifications of CEQA documents;

WHEREAS, public notice of said application has been given, and the Planning Commission 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 April 13, 2022;

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

SECTION 1. The Planning Commission has considered Time Extension #21-0021 request for Conditional Use Permit #02-0030 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #02-0030 is adequate and prepared in accordance with the requirements of the Imperial County General Plan, 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 regulations, the following findings for approving Time Extension #21-0021 have been made as follows:

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

The General Plan designates the subject site as "Recreational". This site is zoned S-2 (Open Space Preservation) pursuant to Title 9, Division 5, Section 90519.02. The Time Extension request is found consistent with the approved Conditional Use Permit #02-0030 and also with the goals/policies of the General Plan.

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

The purpose of the project is to renew the time limit for the use of an existing recreational vehicle park. The project is zoned S-2 (Open Space/Preservation). Pursuant to Title 9, Division 5, Section 90519.00 (Conditional Use Permit); the proposed use is consistent with the purpose of the S-2 zone uses.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

The purpose of the project is to renew the time limit for the use of an existing recreational vehicle park. The project is zoned S-2 (Open Space/Preservation). Pursuant to Title 9, Division 5, Section 90519.00 (Conditional Use Permit); the proposed use is consistent with the purpose of the S-2 zone uses.

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

The Project complies with the minimum requirements of this Title. The project complies with the applicable laws by obtaining a CUP pursuant to Title 9, Division 5, and Section 90519.00. The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project meets the minimum requirements of the Land Use Ordinance, Section 90519.00.

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 project is zoned S-2 (Open Space/Preservation). The project site is surrounded in its majority by vacant land; however, this existing commercial water well does not appear to create potential impacts near or around the project site. The existing commercial water well appears not 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.

The project will be subject to the Conditional Use Permit and current Federal, State, and Local regulations; the subject use does not violate any law or ordinance.

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

The project is a permitted use subject to approval of Conditional Use Permit #02-0030 under Land Use Ordinance, Section 90519.00 *et. seq.* and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #21-0021 for a new 15-year term under Conditional Use Permit #02-0030, subject to the existing Conditions of Approval.

Rudy Schaeffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on April 13, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

RESOLUTION NO. 2022-00

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING "TIME EXTENSION #21-0022" FOR A NEW 15-YEAR TERM UNDER CONDITIONAL USE PERMIT #06-0024 FOR A WATER WELL AT THE OCOTILLO RV RESORT LLC, AKA BLU IN RV PARK

WHEREAS, Ocotillo RV Resort LLC, aka Blu-In RV Park has submitted Time Extension #21-0022 requesting a new 15-year term for the existing commercial water wells; and,

WHEREAS, this existing commercial water wells was previously approved under Conditional Use Permit #06-0024; and,

WHEREAS, the project is categorically exempt in accordance with section 15301 of the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended";

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of CEQA determinations, and adoptions and certifications of CEQA documents;

WHEREAS, public notice of said application has been given, and the Planning Commission 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 April 13, 2022;

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

SECTION 1. The Planning Commission has considered Time Extension #21-0022 request for Conditional Use Permit #06-0024 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #06-0024 is adequate and prepared in accordance with the requirements of the Imperial County General Plan, 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 regulations, the following findings for approving Time Extension #21-0022 have been made as follows:

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

The General Plan designates the subject site as "Recreational". This site is zoned S-2 (Open Space Preservation) pursuant to Title 9, Division 5, Section 90519.02. The Time Extension request is found

consistent with the approved Conditional Use Permit #06-0024 and also with the goals/policies of the General Plan.

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

The purpose of the project is to renew the time limit for the use of an existing commercial water wells. The project is zoned S-2 (Open Space/Preservation). Pursuant to Title 9, Division 5, Section 90519.00 (Conditional Use Permit); the proposed use is consistent with the purpose of the S-2 zone uses.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

The existing commercial water well is listed as a use subject to a Conditional Use Permit in Land Use Ordinance, Title 9, Division 2, and Section 90203.01.

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

The Project complies with the minimum requirements of this Title. The project complies with the applicable laws by obtaining a CUP pursuant to Title 9, Division 21, and Section 92102.00. The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project meets the minimum requirements of the Land Use Ordinance, Section 92102.00.

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 project is zoned S-2 (Open Space/Preservation). The project site is surrounded in its majority by vacant land; however, this existing commercial water well does not appear to create potential impacts near or around the project site. The existing commercial water well appears not 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.

The project will be subject to the Conditional Use Permit and current Federal, State, and Local regulations; the subject use does not violate any law or ordinance.

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

The project is a permitted use subject to approval of Conditional Use Permit #06-0024 under Land Use Ordinance, Section 92102.00 *et. seq.* and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #21-0022 for a new 15-year term under Conditional Use Permit #06-0024, subject to the existing Conditions of Approval.

Rudy Schaeffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on April 13, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

An Intermediate Conditional Use Permit shall be a permit issued for a project whose total developed value is greater than \$100,001, but less than \$1,000,000, including land cost.

In addition, the following specific projects shall also be considered as Intermediate Conditional Use Permit.

1. Churches or other places dedicated exclusively to religious worship
2. Educational Institutions, including schools (except preschools under "A")
3. Hospitals, sanitariums and rest homes, including limited care facilities for handicapped or elderly with a capacity in excess of 5 people
4. Facilities for abused men/women/children in excess of 5 users
5. Facilities owned or operated by non-profit service organizations for their own use.

C. Major Conditional Use Permit: (CUP-3)

A Major Conditional Use Permit shall be a permit for a project whose total developed value is greater than \$1,000,000.00.

It further includes any project that does not fall within Section 90203.01 A. or B.

- D. Each Conditional Use Permit listed within the specified zone indicates the level, (i.e. CUP-1 (minor); CUP-2 (intermediate) and CUP-3 (major)).

§ 90203.02 CONDITIONAL USE PERMIT LIMITATIONS

A Conditional Use Permit may only be processed for a use specifically identified within each zone or sub-zone, and only if the proposed use conforms to the General Plan.

Where a specific use is not listed as an outright use or a use that could be allowed by the Conditional Use Permit, within a zone, that use shall be strictly prohibited except as provided by Section 90203.10. Where a proposed use is in conflict with, or does not conform to the County's General Plan, it shall be denied.

If in the determination of staff a proposed use is not consistent with the General Plan, staff shall inform the applicant prior to an application being deemed complete. If the applicant withdraws the application at this point (prior to the hearing), the applicant shall be entitled to a full refund of all application fees paid to the Department, less the actual cost to notice, advertise and staff costs incurred up to the time a withdrawal request is made.

If the applicant does not withdraw and the project proceeds to the Commission, the applicant shall not be entitled to any refund.

§ 90203.03 APPLICATION

A written application (form provided by the Planning & Development Services Department) for a Conditional Use Permit shall be filed with the Planning & Development Services Department, accompanied by all information identified under Section 90104.00, along with requisite fee(s) and any other information the Department deems necessary.

§ 90203.04 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to investigate, consider, approve and/or deny any Minor Conditional Use Permit application. The Director acting as a hearing officer shall conduct a duly noticed public hearing and consider all relevant facts, and hear all proponents and opponents. Notice for said hearing shall be provided in accordance with Section 90104.03 A.

The Planning Director may administratively, without holding a public hearing, forward a Conditional Use Permit application to the Planning Commission for hearing.

**Attachment G
Comment Letters**

AIR POLLUTION CONTROL DISTRICT



November 1, 2021

Mr. Jim Minnick
Planning & Development Services Director
801 Main St.
El Centro, CA 92243

RECEIVED

NOV 01 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Time Extension 21-0021—Ocotillo RV Resort

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") thanks you for the opportunity to review Time Extension 21-0021 regarding Conditional Use Permit 02-0030 ("Project") which will allow the continued use of a recreational vehicle park on over 57 acres located at 2189 Highway 78 in Borrego Springs, California, also identified as Assessor's Parcel Number 018-230-056-000.

The Air District has no comment.

The Air District's rule book can be accessed via the internet at <https://apcd.imperialcounty.org>. Click on "Rules & Regulations" on the top of the page. Should you have questions, please call our office at (442) 265-1800.

Sincerely,

Curtis Blondell
APC Environmental Coordinator

Reviewed by,
MNBS
Monica N. Soucier
APC Division Manager