

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE November 13, 2024

FROM: PLANNING AND DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/NO.5

PROJECT TYPE: Brian Welsh
(CUP #23-0019) SUPERVISOR DIST: #4

LOCATION: 760 E. Hwy 78 APN: 049-310-002-000
Brawley, CA 92227 PARCEL SIZE: +/- 23.35 Acres

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A

ZONE (existing) M-1-N (Light Industrial-No Residential) ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 11/13/2024

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 05/23/2024

INITIAL STUDY: #23-0024

☐ NEGATIVE DECLARATION ☒ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input 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 checked="" type="checkbox"/>	ATTACHED
SHERIFF	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER		<u>Caltrans, IID</u>		

REQUESTED ACTION:

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. ADOPT THE MITIGATED NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; AND
2. APPROVE THE ATTACHED RESOLUTION AND SUPPORTING FINDINGS, FOR CONDITIONAL USE PERMIT (CUP) #23-0019 SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CONDITIONAL USE PERMIT UPON RECEIPT FROM THE PERMITTEE.

Planning & Development Services

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

JIM MINNICK, DIRECTOR

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STAFF REPORT
Planning Commission Meeting
November 13, 2024

Project Name: **Conditional Use Permit #23-0019**

Applicant: **Brian Welsh**
 1950 N. Logan Street 1202
 Denver, CO 80203

Project Location:

The project site is located at 760 E. Hwy 78, Brawley, CA 92227, and is identified as Assessor Parcel Number 049-310-002-000 and is further described as a PORTION OF TRACT 37, T13S, R14E/R15E 25.35 ACRES NORTH OF HWY 78 & EAST OF ALAMO RIVER S.B.B.M., in an unincorporated area of the County of Imperial.

Project Summary:

The project proposes a recreational vehicle (RV) and off-road vehicle storage, maintenance, and repair business to be built in two potential phases. The property is divided by the Imperial Irrigation District's Osage Drain with an existing structure (shop) on the southern portion of the property and drain. The portion of the property north of the drain is currently vacant. The first phase of the project is the southern portion of the property south of the drain and would include 150 parking spaces total with the second phase being on the vacant northern portion of the property with an additional 150 proposed parking spaces. The project will be required to grade and pave the project site; per Title 9, Division 3, Chapter 1, § 90301.02 (E), all access driveways, parking areas and vehicular maneuvering areas shall be surfaced with a minimum of three (3) inches of asphaltic concrete paving or higher quality material. The driveway will be required to comply with Caltrans rules, regulations, and specifications as it lies within Caltrans' right-of-way and jurisdiction along Hwy 78.

The proposed project will consist of covered and uncovered RV and off-road vehicle parking with onsite maintenance and repair services to be conducted in the existing structures onsite. There are 6 proposed dump stations for the emptying of RV waste tanks. The project proposed and was environmentally assessed for an Onsite Wastewater Treatment System (OWTS) for the handling of this waste but will not be permitted by the Regional Water Quality Board, thus the project will utilize two hold tanks, one 20,000 gallons and one 15,000 gallons, for storing waste from the dump stations. These tanks will be permitted through the Division of Environmental Health and will be required to be pumped out by a licensed septage hauler. There will be no new leach line system installed as a result of this project.

There will be 3 to 5 employees depending on the season with the busy season expected to be between October to May. Office hours are proposed as 8 am – 5 pm with access hours for storage being 24 hours a day seven days a week.

Security for the site will be done with fencing, lighting, gating, and a manager who will be residing in a proposed caretaker residence onsite.

Land Use Analysis:

The project site is designated as M-1-N (Light Industrial – No Residential) under Imperial County’s Title 9 Land Use Ordinance Zone Map #35. The proposed RV and off-road vehicle storage, maintenance and repair business are an allowed use under Title 9, Division 5 Section 90515.02 “Uses permitted only with a conditional use permit” rr) Recreational Vehicle Storage Facilities.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Mostly vacant with existing shop	M-1-N	Agriculture
North	River/IID Drain and apparent ag storage yard	A-2-R / A-2-R-G	Agriculture
South	Ag field / Hwy 78 / Ag equipment yard	M-1-N / A-2-R	Agriculture
East	Ag fields	A-2 / A-2-R	Agriculture
West	Ag field	A-2 / A-2-R	Agriculture

Environmental Review:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee. The Committee consists of a seven (7)-member panel, which are the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works,

Imperial County Sheriff, and Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. The EEC reviewed the project on May 23, 2024, and recommended a Negative Declaration.

The Negative Declaration was publicly circulated from June 4, 2024, to July 01, 2024, where a comment letter was received from the California Department of Fish and Wildlife recommending mitigation measures that were accepted and added to the environmental document. The revised Mitigated Negative Declaration was then publicly circulated from September 12, 2024, to October 17, 2024.

Staff Recommendation:

It is recommended that the Planning Commission conduct a public hearing, that you hear all the opponents and proponents of the proposed project. Staff would then recommend that the Planning Commission approve Conditional Use Permit #23-0019, by taking the following actions:

1. Adopt the Mitigated Negative Declaration by finding that the proposed project would not have a significant effect on the environment; and
2. Approve the attached Resolution and supporting findings, for Conditional Use Permit (CUP) #23-0019 subject to all the conditions and authorize the Planning & Development Services Director to sign the Conditional Use Permit upon receipt from the Permittee.

Prepared By: Derek Newland, Planner III

A handwritten signature in blue ink, appearing to read "Dor Newland", is written over a horizontal line.

Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director

A handwritten signature in blue ink, appearing to read "Michael Abraham", is written over a horizontal line.

Approved By: Jim Minnick, Planning & Development Services Director



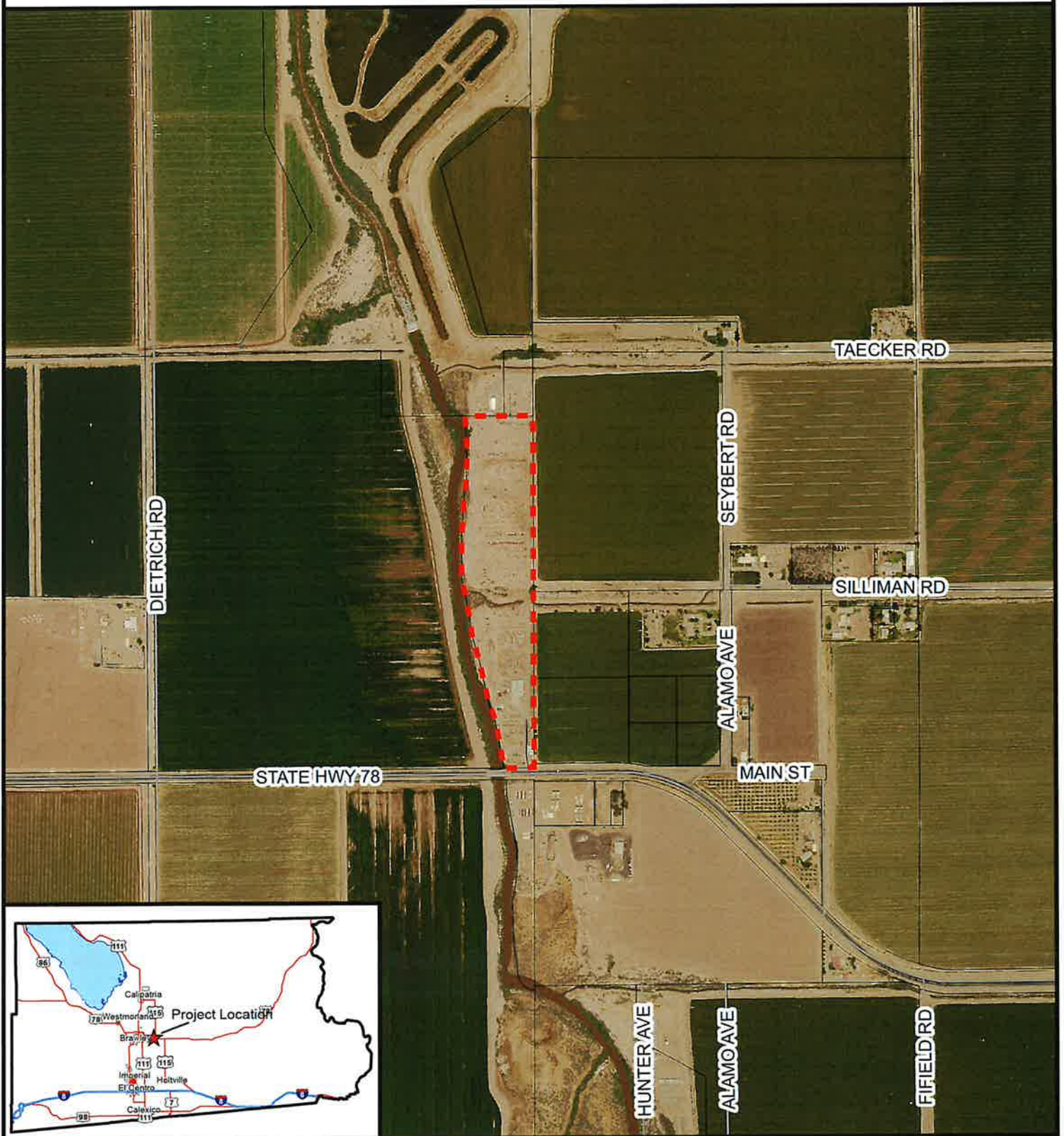
Attachments:

- A. Vicinity Map
- B. Site Plan
- C. CEQA Resolution and MM&RP
- D. Planning Commission Resolution
- E. Conditional Use Permit #23-0019 Agreement
- F. Comment Letters
- G. Environmental Evaluation Committee package

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ATTACHMENT "A"
Vicinity Map

PROJECT LOCATION MAP



BRIAN WELSH
CUP# 23-0019
APN 049-310-002-000

 Project Location



ATTACHMENT “B”
Site Plan

TITLE SHEET
SITE PLAN

IMPERIAL R.V. STORAGE
NEW SHADED PARKING SPACES
APN: 049-310-002-000
760 HWY. 78, BRAWLEY, CALIFORNIA 92222

PLANS PREPARED UNDER TITLE 4, CHAPTER 408
 JUNE 5, SECTION _____
 DATE _____



PROJECT INFORMATION

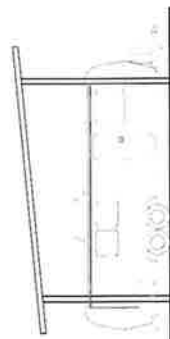
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VICINITY MAP

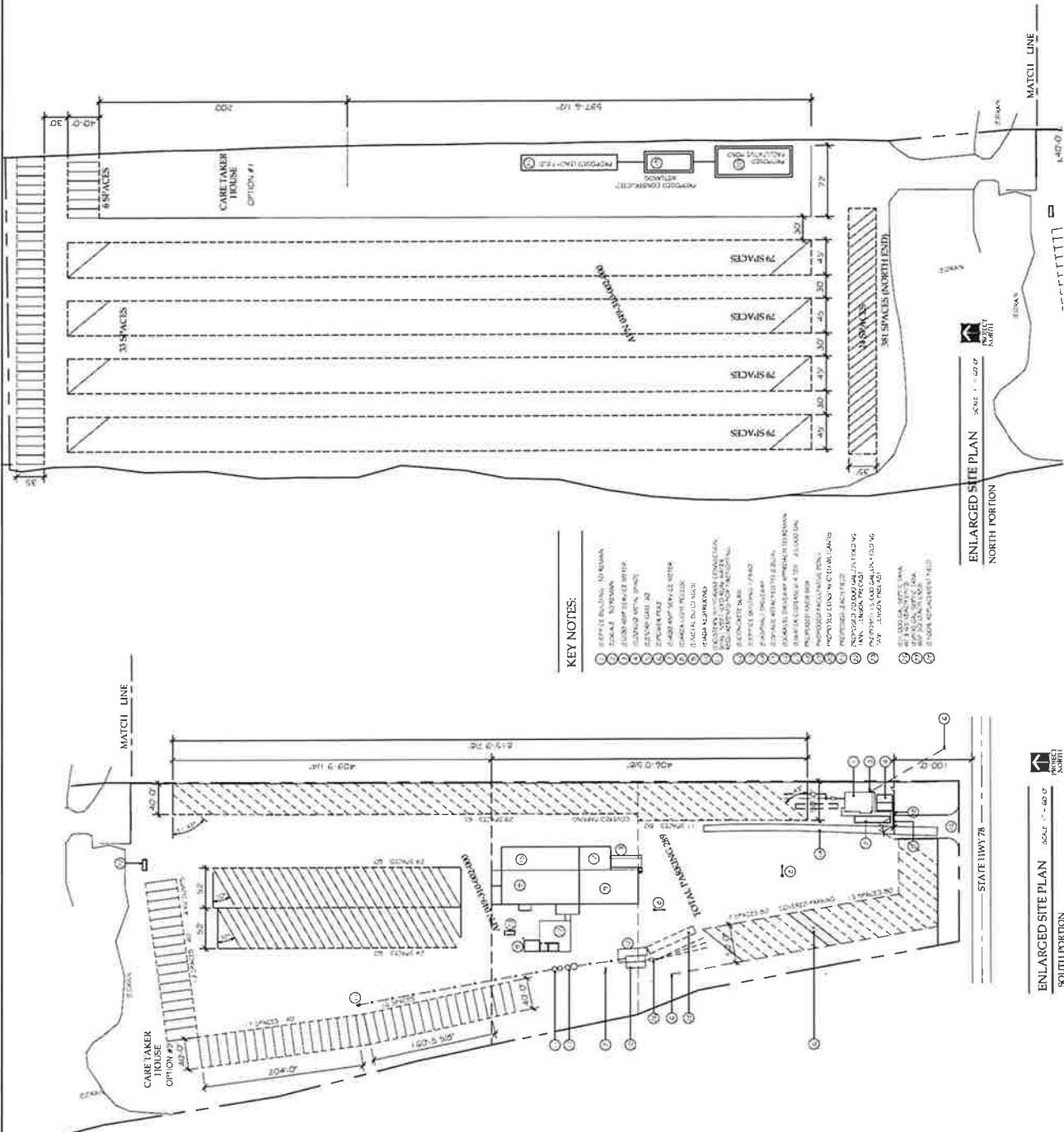


BIDDING CODE

THIS PROJECT SHALL COMPLY WITH:



TYPICAL SLIDE SCALE 316119



ENLARGED SITE PLAN

SOUTH PORTION

ENLARGED SITE PLAN

KEY NOTES:

- [illegible]

ATTACHMENT “C”
CEQA Resolution
MM&RP

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “MITIGATED NEGATIVE DECLARATION” (INITIAL STUDY #23-0024) FOR CONDITIONAL USE PERMIT #23-0019 (BRIAN WELSH).

WHEREAS, on May 10, 2024, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for May 23, 2024; and,

WHEREAS, a Negative Declaration and CEQA Findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and,

WHEREAS, on May 23, 2024, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit #23-0019; and

WHEREAS, the Negative Declaration was circulated for 25 days from June 04, 2024, to July 1, 2024; and,

WHEREAS, on July 1, 2024, a comment letter from the California Department of Fish and Wildlife was received recommending mitigation measures; and,

WHEREAS, the revised **Mitigated Negative Declaration** was circulated for 35 days from September 12, 2024, to October 17, 2024; and,

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and,

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

The Planning Commission has reviewed the attached Mitigated Negative Declaration (MND) prior to approval of Conditional Use Permit #23-0019. The Planning Commission finds and determines that the Mitigated Negative Declaration is adequate and was 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:

1. That the recital set forth herein are true, correct and valid; and,

2. That the Planning Commission has reviewed the attached Mitigated Negative Declaration (MND) for Conditional Use Permit #23-0019 and considered the information contained in the Mitigated Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit; and,
3. That the Mitigated Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Mitigated Negative Declaration for Conditional Use Permit #23-0019.

Rudy Schaffner, Commissioner
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on **November 13, 2024**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

MITIGATION, MONITORING AND REPORTING PROGRAM

**MITIGATION MEASURES
PURSUANT TO THE ENVIRONMENTAL EVALUATION COMMITTEE**

November 13, 2024

**Brian Welsh
[CUP #23-0019]**

(APN 049-310-002-000)

(CEQA – Mitigated Negative Declaration)

MITIGATION MEASURE 1 BIOLOGICAL (a)¹

MM BIO-[A]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: During project construction and operation.)

BIO-[B]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: Prior to Project construction activities.)

MM BIO-[C]: Nesting Birds

¹ E & F - California Department of Fish and Wild MND comment letter dated: July 01, 2024

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: No more than 3 days prior to vegetation clearing or ground-disturbing activities)

MM BIO-[D]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall

coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: Focused surveys: Prior to the start of Project-related activities Preconstruction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.)

MM BIO-[E]: CDFW's Lake and Stream Alteration (LSA) Program

Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: Prior to Project activities and issuance of any grading permit.)

MM BIO-[F]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

(Monitoring Agency: Imperial County Planning & Development Services Department; Timing: During all project construction.)

ATTACHMENT “D”
Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, TO APPROVE CONDITIONAL USE PERMIT #23-0019 FOR BRIAN WELSH.

WHEREAS, Brian Welsh. has submitted an application for Conditional Use Permit #23-0019 for an RV and Off-Road Vehicle storage, maintenance and repair business; and,

WHEREAS, a Negative Declaration and Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and,

WHEREAS, on July 1, 2024, a comment letter from the California Department of Fish and Wildlife was received recommending mitigation measures; and,

WHEREAS, the revised **Mitigated Negative Declaration** was circulated for 35 days from September 12, 2024, to October 17, 2024; and,

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

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 November 13, 2024; 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 #23-0019 and Conditions of Approval prior to approval; 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 analyzes 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, the following findings for the approval of Conditional Use Permit #23-0019 have been made:

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

The project is located on property that is designated as "Agriculture" per Imperial County's General Plan, Land Use Element, and it is currently zoned

M-1-N (Light Industrial – No Residential) by the Imperial County Land Use Ordinance. The proposed project is, therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01 “Conditional Use Permit” which authorizes a Conditional Use Permit when approved by the County. The proposed RV and off-road vehicle storage, maintenance and repair business are a conditionally permitted use pursuant to County’s Land Use Ordinance (Section 90203.01).

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

The Project could be found consistent with the General Plan as proposed RV and off-road vehicle storage, maintenance and repair business is an allowed use within the M-1-N (Light Industrial – No Residential) zone designation with an approved Conditional Use Permit per the Imperial County Land Use Ordinance, Division 5 §90515.02 “Uses permitted only with a conditional use permit” rr) Recreational Vehicle Storage Facilities.

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 90203.09.

The proposed RV and off-road vehicle storage, maintenance and repair business could be found consistent with the Imperial County Land Use Ordinance as it is an allowed use within the M-1-N (Light Industrial – No Residential) zone with an approved Conditional Use Permit per §90515.02 of Title 9, Division 5.

D. The proposed use meets the minimum requirements of this Title 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 the project complies with all applicable regulations of the County of Imperial and State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

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 proposed RV and off-road vehicle storage, maintenance and repair business would not result in significant impacts to surrounding properties or residents due to the conditions of approval.

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

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA. The proposed project will

be subject to Conditions of Conditional Use Permit #23-0019 and current Federal, State, and Local regulations.

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

The proposed RV and off-road vehicle storage, maintenance and repair business are permitted use subject to the conditions of approval of CUP #23-0019 (Land Use Ordinance, Section 90203.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #23-0019, subject to the Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on **November 13, 2024**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT “E”
Conditional Use Permit
#23-0019 Agreement

Recorded Requested by and
When Recorded Return To:

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

**AGREEMENT FOR CONDITIONAL USE PERMIT #23-0019
FOR
BRIAN WESLSH
RECREATIONAL VEHICLE (RV) AND OFF-ROAD VEHICLE STORAGE,
MAINTENANCE, AND REPAIR BUSINESS
Planning Commission Approved Conditions (MM/DD/YY)
Effective Date (MM/DD/YY)**

Conditional Use Permit #23-0019 was approved by the Imperial County ☐ Planning
Commission ☐ Board of Supervisors and has the Effective Date of (Month Day, Year).

This Conditional Use Permit is by and between Brian Welsh. – (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 760 E. Hwy 78, Brawly, CA 92227, a PORTION OF TRACT 37,
T13S, R14E/R15E 25.35 ACRES NORTH OF HWY 78 & EAST OF ALAMO RIVER
S.B.B.M. in an unincorporated area of the County of Imperial. The Assessor’s Parcel
Number is 049-310-002-000; and,

WHEREAS, Permittee has applied to the County for permission to operate a
recreational vehicle (RV) and off-road vehicle storage, maintenance, and repair business;
and,

1 **WHEREAS**, the County, after a noticed public hearing, agreed to issue
2 Conditional Use Permit #23-0019 to Permittee, and/or his or her successor in interest
3 subject to the following conditions:
4

5
6 **GENERAL CONDITIONS:**

7
8 **G-1 GENERAL LAWS:**

9 The Permittee shall obtain, comply with and maintain all applicable County, State,
10 and federal laws, rules, regulations, ordinances, and/or standards as they may
11 pertain to this project whether specified herein or not.

12
13 **G-2 EFFECTIVE DATE:**

14 The Approved Conditional Use Permit shall not become effective until all of the
15 following occurs: (a.) The passage of ten (10) Calendar days after the decision of
16 Planning Director or Commission; and, (b.) the applicable Conditional Use Permit
17 conditions have been met; and, (c.) the Conditional Use Permit is recorded by the
18 Permittee or its agent with the County Recorder, with the payment of recording fees
19 by applicant or its agent; and, (d.) In the case of a decision by the Board of
20 Supervisors there is no 10-day appeal.

21
22 **G-3 RECORDATION:**

23 CUP #23-0019 shall as set forth in General Condition "G-2", **not be effective** until it
24 complies with General Condition "G-2," including being recorded by Permittee or its
25 agent at the Imperial County Recorder's Office conditioned on there not being an
26 appeal having been filed after the approval from the hearing body. Payment of the
27 recordation fee shall be the responsibility of the Permittee. If this CUP is not
28 recorded within one hundred eighty (180) days from the date of approval the CUP
shall be deemed null and void, without notice having to be provided to Permittee.
The permittee may submit a written request for a recordation extension for this CUP
by filing such a request with the Planning Director at least sixty (60) days prior to the
one hundred eighty 180-day expiration. The Director may approve one (1) extension
for a period not to exceed one hundred eighty (180) days. An extension may not be
granted if the request for an extension is filed after the expiration date. Failure to
record this CUP within one (1) year including the granted extension period shall
deem this CUP null and void.

26
27 **G-4 COMMENCEMENT OF WORK:**

If the project for which a CUP has been approved has not commenced, or permits for said project have not been issued, within one (1) year from effective date, the CUP shall be null and void. If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, the applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty days prior to the end of the extended one (1) year period. The Director shall have the authority to extend the initial start-up period, or commencement of work, of a CUP up to two (2) times for a maximum of two (2) years. Should the Permittee desire to continue with the project, a new application shall be submitted, and the entire process would have to begin anew.

G-5 TIME LIMIT:

Unless otherwise specified within the project's specific conditions **this CUP shall be limited to a maximum of five (5) years from the Effective Date of the CUP.** The CUP may be administratively extended for successive five (5) years by the Planning Director upon a finding by the Planning & development Services Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) and extension fees of the County of Imperial. Unless specified otherwise herein no CUP shall be extended for more than two (2) consecutive periods. If an extension is necessary or requested beyond fifteen (15) years, Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. **An extension of this CUP shall 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 project conditions.**

G-6 ABANDONMENT:

If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year, the CUP shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by the Department.

G-7 PERMIT/LICENSE:

Permittee shall obtain and comply with any and all required permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall NOT be limited to, permits from the County Division of Environmental Health Services (EHS), Planning & Development Services Department, Office of Emergency Services (OES), Imperial County Air Pollution Control District (ICAPCD) and Public Works Department. The permittee shall likewise comply with all such permit requirements for the life of the project. **Additionally, the Permittee shall submit a copy of such additional permit(s) and/or license(s) to the Planning & Development Services Department within 60-days of receipt, including amendments or alternatives thereto.**

G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:

Permittee acceptance of this CUP shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this CUP that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom, or where the Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning and Development Services Director or other affected party, to be determined by the Planning and Development Services Director, may request that a hearing be conducted before the Imperial County Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of the staff's determination with respect to implementation.

G-9 CONDITION PRIORITY:

This project shall be constructed/operated as described in the CUP application, the environmental documents, the project description, and as specified in these conditions. Where a conflict occurs, the CUP conditions shall govern.

G-10 INDEMNIFICATION:

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's

1 action. The County, its agents, attorneys and employees (including consultants)
2 shall fully cooperate in the defense of that action.

- 3 2. The County shall have the final determination on how to best defend the case
4 and will consult with applicant regularly regarding status and the plan for defense.
5 The County will also consult and discuss with applicant the counsel to be used by
6 County to defend it, either with in-house counsel, or by retaining outside counsel
7 provided that the County shall have the final decision on the counsel retained to
8 defend it. The applicant shall be fully responsible for all costs incurred. The
9 applicant shall be entitled to provide his or her own counsel to defend the case
10 and said independent counsel shall work with County Counsel to provide a joint
11 defense.

12 **G-11 INSURANCE:**

13 The Permittee shall take out and maintain workers compensation insurance as
14 required by the State of California. The Permittee shall also secure liability
15 insurance and such other insurance as required by state and/or federal law. A
16 Certificate of Insurance is to be provided to the Planning and Development Services
17 Department by the insurance carrier and said insurance and certificate shall be kept
18 current for the life of the project. Certificates of Insurance shall be sent directly to
19 the Planning and Development Services Department by the insurance carrier and
20 shall name the Department as a recipient of both renewal and cancellation notices.

21 **G-12 RIGHT OF ENTRY:**

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

26 **G-13 SEVERABILITY:**

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

G-14 PROVISION TO RUN WITH LAND:

The provisions of this CUP 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 CUP. **The permittee shall not without prior notification to the Planning &
Development Services Department assign, sell, or transfer, or grant control of
CUP 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-15 COMPLIANCE/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 CUP, 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-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):

Should the Permittee violate any condition herein, the County shall give written notice of such violation and actions required of Permittee to correct such violation. If the Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

G-17 COSTS:

Permittee shall pay any and all amounts determined by the County 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 CUP, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County Department for costs incurred as a result of this CUP, shall be billed through the Planning & Development Services Department.

G-18 REPORT(S)

The Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this CUP. The report shall be filed at least fifteen (15) days prior to the anniversary (recording date) of this CUP. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-19 RESPONSIBLE AGENT

The Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-20 WATER AND SEWER:

The 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 & Development Services Department. Permittee shall hook up to a public water system or supplier if and when available.

G-21 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 ten (10) days from the date of their decision.

G-22 SPECIFICITY:

The issuance of this CUP 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 in the application/project description/ CUP, nor shall this CUP allow any accessory or ancillary use not specified herein. This CUP does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

G-23 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County 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 the subject operations. However, within forty-five (45) days of any such 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.

G-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. The current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference. The County reserves the right to apply conditions of those permits, as the County deems appropriate; provided, however, that enforcement of a permit granted by another governmental agency shall require concurrence by the respective agency. The permittee shall provide the County, upon request, copies and amendments of all such permits.

G-26 MINOR AMENDMENTS:

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

(TOTAL "G" CONDITIONS are 26)

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PROJECT SPECIFIC CONDITIONS:

S-1 PROJECT DESCRIPTION:

This permit authorizes the Permittee to operate a 300 open and covered spaces recreational vehicle (RV) and off-road vehicle storage facility with maintenance and repair conducted in the existing onsite structure on +/- 23.35 acres. The 300 spaces may be built in phases with the proposed phasing at the time of approval and recordation of this permit to be:

Phase 1 – 150 spaces

Phase 2 – 150 spaces

Sewer facilities will include 6 dumping stations which will empty into the proposed 20,000 gallons and 15,000 gallons holding tank to be permitted by the Division of Environmental Health Services (DEH). There will be no new leach line system installed as a result of this project.

Office hours are expected to be from Monday through Sunday from 8:00 a.m. to 5 p.m. with 24 hour a day access to storage customers.

Security for the site will be done with fencing, lighting, gating, and an onsite manager residing in a proposed caretaker residence.

S-2 PAVING AND PARKING:

All access driveways, parking areas (all vehicles and trailers), and vehicular maneuvering areas shall be surfaced with a minimum of three (3) inches of asphaltic concrete paving or higher quality material, per Title 9, Division 3, Chapter 1, § 90301.02 (E). Parking of any vehicle or trailer will not be permitted off-site or on any unpaved portion of the property.

S-3 ACCESS TO SITE:

Access to the site shall be from Hwy 78 (SR-78).

S-4 LIGHT & GLARE:

The Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-5 FENCING:

Security fencing shall be required to conform to Imperial County Land Use Ordinance requirements.

S-6 MAINTENANCE OF YARD:

The recreational vehicle (RV) and off-road vehicle storage facility shall be kept free of rubbish, vehicles will be in an organized manner, with all internal roadways and site access maintained free of rubbish and debris.

S-7 LATEST CODES GOVERN:

All on-site structures shall be designed and built to comply with the latest edition of the applicable codes.

S-8 CALTRANS:1

- A. Permittee will obtain all required Caltrans encroachment permit(s).
- B. All driveway/roadway connections shall comply with the latest Caltrans Highway Design standards. Driveways shall be paved according to Caltrans latest standard plans and specifications. See Highway Design Manual (HDM) Topic 205.4 for additional information.
- C. Sight distance exhibits will be required to submit for review for driveways and minor street connections inside Caltrans' Right-of-Way (R/W). Provide sight distance exhibits for the driveway connection for review.
- D. Permittee will provide a Hydrology and Hydraulics study for any work done within the Caltrans right-of-way.

S-9 PUBLIC WORKS:2

- A. Developer (Permittee) shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to offsite properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to the Imperial County Department of Public Works (ICDPW) for review and approval. The developer shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).

1 Caltrans comment letter dated June 11, 2024

2 Imperial County Department of Public Works comment letter dated September 07, 2023

B. Monument preservation efforts are necessary. MPR-01 Pre-Construction and MPR-02 Post-Construction are required and filled out by a person authorized to practice land surveying.

S-10 AIR POLLUTION CONTROL DISTRICT:3

A. The Permittee will comply with all Air District rules and regulations and would emphasize Regulation VIII – Fugitive Dust Rules.

B. The Permittee shall contact the Air District to obtain required Air Permits.

S-11 IMPERIAL COUNTY DIVISION OF ENVIRONMENTAL HEALTH (DEH):

A. Septic holding tanks will be routinely serviced by a locally licensed septage hauler.

B. Permittee will submit all records of holding tank pumping receipts to the Imperial County Division of Environmental Health at the time of Time Extension or CUP renewal requests.

S-12 IMPERIAL COUNTY FIRE DEPARTMENT:4

A. An approved water supply connected to a Draft Hydrant(s) connection as required by "Imperial County Fire Department Fire Fighting Water Supply Specification and requirements for Rural Applications". Water capacity amount will be determined by Imperial County Fire Department base on final design and project review. Water supply and draft hydrant connections shall be accessible, and supply of water shall be maintained at all times.

B. Fire Department access roads shall be installed and maintained in accordance with the California Fire Code. Roadways within the project will be provided with all-weather surface and capable of supporting imposed loads of fire apparatus. Secondary access will be required for the project. Roadway width will be determined upon further review of the site plan. Knox box (locks) will be required for the project. All locks and gates shall be installed in accordance with the California Fire Code.

C. Secondary access shall be required and shall be kept clear of vehicle congestion and other factors that could limit access.

3 Air Pollution Control District comment letters dated: September 01, 2023 and June 21, 2024

4 Imperial County Fire Department comment letter dated: May 14, 2024

1 **D.** Flammable and combustible liquids storage and handling shall be in accordance
2 with the California Fire Code and all federal, state, and local regulations, codes, and
3 ordinances.

4 **E.** Adequate supplies or equipment capable of mitigating leaks of motor vehicle
5 fluids shall be kept available on site. Single use plugging, diking, and absorbent
6 materials shall be disposed of as hazardous waste and removed from the site in a
7 manner approved by local, state, and federal regulations and requirements.

8 **F.** A Hazardous Waste Material Plan (HWMP) shall be submitted to Certified
9 Unified Program Agency (CUPA) for their review and approval. All spills shall be
10 documented and reported to Imperial County Fire Department and CUPA as
11 required by the Hazardous Waste Material Plan. Hazardous Material Management
12 Plan (HMMP) shall be required for all hazardous materials on site.

13 **G.** Compliance with all required sections of the fire code.

14 **H.** require an approved pressurized water supply capable of meeting required fire
15 flows to be installed and maintained in accordance with the California Fire Code.

16 **I.** A pre-incident plan shall be developed and approved by the Imperial County
17 Fire/OES Department in a format and using a platform determined by ICFD.

18 **S-13 IMPERIAL IRRIGATION DISTRICT:5**

19 **A.** The project's Imperial County-approved grading/drainage and fencing plans
20 along with a copy of the project's Storm Water Pollution Prevention Plan, are to be
21 submitted to IID Water Department Engineering Services Section for review prior to
22 final project design.

23 **B.** Applicant shall provide a surveyed legal description, and an associated exhibit
24 certified by a licensed surveyor for all rights of way deemed by IID's necessary to
25 accommodate the project electrical infrastructure. Rights-of-Way and easements
26 shall be in a form acceptable to and at no cost to IID for installation, operation, and
27 maintenance of all electrical facilities.

28 **C.** The existing crossing over the Osage Drain needs to be upgraded/enlarged due
to the proposed increase in traffic with the proposed expansion.

D. Any construction or operation on IID property or within its existing and proposed
right of way or easements including but not limited to surface improvements such as
proposed new streets, driveways, parking lots, landscape; and all water, sewer,

1 storm water, or any other above ground or underground utilities; will require an
2 encroachment permit, or encroachment agreement (depending on the
3 circumstances).

4 E. The project's road access is from Highway 78. The expansion will be located
5 north and south of the Osage Drain and the project's traffic crosses over IID's
6 Osage Drain. An IID encroachment permit and an engineering plan review will be
7 required.

8 **S-14 PROHIBITED ACTIVITIES:**

9 The Conditional Use Permit authorizes the Permittee to store recreational vehicles
10 and off-road vehicles and for the dumping of waste tanks into approved septic
11 waste storage tanks. The project area is not designed or approved for any sort of
12 activities associated in a RV Park (permitted under Title 25) or other venue.

13 The following activities are prohibited:

- 14 • Overnight camping
- 15 • Camp fires
- 16 • Parties
- 17 • Cooking (indoor and outdoor)
- 18 • Consumption of alcoholic beverages

19 (TOTAL "S" CONDITIONS are 14)

1 **NOW THEREFORE**, County hereby issues Conditional Use Permit #23-0019 and
2 Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

5 **PERMITTEE:**

6
7 Brian Welsh

8 By: _____
9 Brian Welsh

_____ Date

10
11 **COUNTY OF IMPERIAL**, a political subdivision of the STATE OF CALIFORNIA:

12 By: _____
13 JAMES MINNICK, Director
14 Planning & Development Services Department

_____ Date

FOR PERMITTEE 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 _____ } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____, who 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 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 _____

Dated _____

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 _____,
who 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 “F”
Comment Letters



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 1, 2024
Sent via e-mail

Jim Minnick, Director
Derek Newland, Planner III
Imperial County Planning and Development Services Department
801 Main Street
El Centro, CA 92243
jimminnick@co.imperial.ca.us; DerekNewland@co.imperial.ca.us

**CUP23-0019 IS23-0024 Brian Welsh - Imperial RV Storage (PROJECT)
NEGATIVE DECLARATION (ND)
SCH #2024051372**

Dear Jim Minnick and Derek Newland:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an ND from Imperial County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Brian Welsh

Objective: The Project proposes a recreational vehicle (RV) and off-road vehicle storage, maintenance, and repair business to be built in two phases. The property is divided by the Osage Drain. The first phase of the Project will be in the southern portion of the property south of the drain, proposing 150 parking spaces, and the second phase proposes an additional 150 spaces in the northern portion of the property. The Project will include grading and paving the Project site.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

The proposed Project will consist of covered and uncovered RV and off-road vehicle parking with onsite maintenance and repair services to be conducted in the existing structures onsite. There are 6 proposed dump stations to empty RV waste tanks, and an Onsite Waste Water Treatment System (OWTS) is proposed to handle this waste. The OWTS will be permitted through the California Regional Water Quality Control Board.

There will be 3 to 5 employees depending on the season with the busy season expected to be between October and May. Office hours are proposed as 8 am to 5 pm with access hours for storage being 24 hours per day, seven days per week. Security for the site will include fencing, lighting, gating, and a manager who will reside in a proposed caretaker residence on-site.

Location: The Project will be located at 760 E Hwy 78, Brawley, California 92227; Imperial County; Assessor's Parcel Number 049-310-002-000, near the intersection of Hwy 111 and Hwy 78, which is two miles west of the Project site. The Project area is approximately 25.35 acres in size, and the Alamo River runs along the western boundary of the Project site. The latitude and longitude for this Project site are 32°58'56.6" N, 115°28'00.6" W.

Timeframe: The ND does not provide any information regarding the timeframe for the proposed Project.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist Imperial County (County) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. The ND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Timing of Construction and Construction Activities

Initial Study/Negative Declaration (IS/ND) Document, Section #II, Page #8

Issue: CDFW is concerned that the Project description does not provide a complete and accurate description of the Project's timeline. More information is needed regarding the schedule of construction activities for the Project's two separate phases to ensure the impacts of the Project are reduced to a level less than significant.

Specific impact: The ND (p. 8) states that "the first phase of the project is the southern portion of the property south of the drain and would include 150 parking spaces total with the second phase being on the northern portion of the property with an additional 150 proposed parking spaces." However, no further information is provided regarding a construction schedule for each separate phase of the Project. If the Project site is left vacant or left graded and inactive in the interim period between construction phases, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas (e.g., ground squirrels and burrowing owls). Burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). Without a complete Project description regarding the construction schedule, CDFW cannot accurately assess the impacts to biological resources that have potential to occur.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project

description, the ND likely provides an incomplete assessment of Project-related impacts to biological resources.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends that Imperial County recirculate a revised Mitigated Negative Declaration (MND) that includes a complete Project description with details regarding the timeline for all Project activities in each phase.

II. Environmental Setting and Related Impact Shortcoming

COMMENT #2: Assessment of Biological Resources

IS/ND Document, Section #IV, Page #17

Issue: The ND does not adequately identify the Project's significant, or potentially significant, impacts to biological resources.

Specific impact: The ND bases its analysis of impacts to biological resources on the Imperial County General Plan's Conservation and Open Space Element from 2016. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. CDFW is concerned that no recent biological field assessment and no recent focused or protocol-level surveys were performed for the detection of special-status species on the Project site and in the surrounding area. CDFW is concerned about the potential for special-status species to occur on or near the Project site. The California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, or other special-status species have been reported within a 3 mile radius of the Project area including, but not limited to, the following: **Invertebrates:** Crotch's bumble bee (*Bombus crotchii*); **Reptiles:** Colorado Desert fringe-toed lizard (*Uma notata*), flat-tailed horned lizard (*Phrynosoma mcallii*); **Birds:** burrowing owl (*Athene cunicularia*), crissal thrasher (*Toxostoma crissale*), fulvous whistling-duck (*Dendrocygna bicolor*), Gila woodpecker (*Melanerpes uropygialis*), least bittern (*Ixobrychus exilis*), loggerhead shrike (*Lanius ludovicianus*), long-billed curlew (*Numenius americanus*), long-eared owl (*Asio otus*), mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), peregrine falcon (*Falco peregrinus*), prairie falcon (*Falco mexicanus*), redhead (*Aythya americana*), tricolored blackbird (*Agelaius tricolor*), white-faced ibis (*Plegadis chihi*), white-tailed kite (*Elanus leucurus*), yellow-breasted chat (*Icteria virens*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*); **Mammals:** American badger (*Taxidea taxus*), big free-tailed bat (*Nyctinomops macrotis*), pallid bat (*Antrozous pallidus*), pocketed free-tailed bat (*Nyctinomops femorosaccus*), southern grasshopper mouse (*Onychomys torridus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western yellow bat (*Lasiurus xanthinus*).

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the ND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the ND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that

significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure: To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised MND include the results of recent biological surveys as described in the following mitigation measure, as well as mitigation measures to reduce impacts to less than significant.

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for CDFW-recommended MM BIO-[A] through MM BIO-[F].

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Nesting Birds

IS/ND Document, Section #IV, Page #17

Issue: CDFW is concerned that the ND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are reduced to a level less than significant.

Specific impact: Page 17 of the ND states that "the project has an irrigation drain running through [the site] and the Alamo River running along the western boundary." The riverine and riparian habitat associated with the Alamo River and Osage Drain are suitable for multiple nesting bird species. Those nesting bird species (see COMMENT #2: Assessment of Biological Resources) have the potential to be directly or indirectly impacted by the proposed Project activities.

CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017).

CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Evidence impact would be significant: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.)

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the County add the following measure for nesting birds in a revised MND to ensure that impacts to nesting birds are reduced to less than significant:

MM BIO-[B]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #4: Burrowing Owl

IS/ND Document, Section #IV, Page #17

Issue: CDFW is concerned that the ND does not sufficiently identify Project impacts to burrowing owl (*Athene cunicularia*) or ensure that impacts are reduced to a level less than significant.

Specific impact: Page 17 of the ND states that the project site is located on "disturbed land" and "is within the 'Burrowing Owl Species Distribution Model' according to the Imperial County General Plan's Conservation and Open Space Element." CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), and that burrowing owls may

occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al. 2003). In addition, burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). In Imperial Valley, burrowing owls are highly dependent on irrigation canals for nesting habitat (Wilkerson and Siegel 2011). CNDDDB/BIOS report occurrences of burrowing owl less than 1.5 miles from the Project site.

Impacts to burrowing owls from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities. CDFW notes that impacts to burrowing owls could also occur outside of the peak nesting season because burrowing owls may start breeding earlier (in January) and because young owls may still be dependent on the adults until later in the fall. In addition, because some burrowing owls are resident in burrows year-round, impacts to this species could also occur outside of the peak nesting season.

Evidence impact would be significant: Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.)

Recommended Potentially Feasible Mitigation Measure: CDFW recommends adding a mitigation measure for burrowing owl in a revised MND with specific avoidance and minimization measures to ensure that impacts to burrowing owls are reduced to less than significant. CDFW recommends that prior to commencing Project activities for all phases of Project construction, focused surveys for burrowing owl be conducted for the entirety of the Project site by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). CDFW recommends Imperial County include the following Mitigation Measure in a revised MND:

MM BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If

impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

COMMENT #5: Lake and Streambed Alteration (LSA) Agreement

IS/ND document, Section #IV, Page #17

Issue: The ND does not include mitigation measures to avoid or reduce impacts to streams and their associated resources to a level less than significant.

Specific impact: Page 17 of the ND states, "The proposed project is located on an industrial zoned parcel which has an existing Imperial Irrigation District (IID) irrigation drain running through the property which empties into the Alamo River running along the western boundary of the parcel." CDFW review of aerial imagery indicates the presence of riverine and riparian habitat associated with the Alamo River and Osage Drain within the boundary of the Project site, as well as riverine and riparian habitat associated with the Alamo River along the western boundary of the Project site. The ND does not provide an assessment of stream resources nor details on the proximity of construction activities to these resources. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Potential direct and indirect impacts to the streams and associated fish and wildlife resources, such as burrowing owl, resulting from Project construction are subject to notification under Fish and Game Code section 1602.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the

flood plain of a body of water. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce harmful impacts to fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). Early consultation with CDFW is recommended since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, visit: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Recommended Potentially Feasible Mitigation Measure: Because of the potential for impacts to resources subject to Fish and Game Code section 1602, CDFW recommends Imperial County include the following additional mitigation measure in a revised MND to ensure that impacts to streams and associated fish and wildlife are reduced to a level less than significant:

MM BIO-[D]: CDFW's Lake and Stream Alteration (LSA) Program

Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

COMMENT #6: Artificial Lighting

IS/ND Document, Section #I, Page #15

Issue: The ND does not analyze impacts to biological resources from artificial nighttime lighting and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant.

Specific impact: The proposed Project will result in new sources of artificial nighttime lighting adjacent to riverine/riparian habitat and open agricultural land. The ND (p. 15) states, "The proposed project would have lighting at night for security purposes as well as to allow storage customers accessing the property at night to pick up or drop off their RV." The ND indicates that lighting will be shielded; however, no further details are provided. Impacts to biological resources resulting from the use of artificial nighttime lighting during construction and during 24-hour operation of the Project are not analyzed, and no mitigation measures are proposed. Designs for lighting to be used during operation of the Project should be included in a revised MND, along with details of artificial nighttime lighting to be used during construction. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND.

Evidence impact would be significant: There is riverine/riparian habitat within the Project site and immediately west of the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. In addition, the Project is surrounded by agricultural land that may also support wildlife. Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation

(Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for artificial nighttime light to negatively impact wildlife, CDFW recommends a revised MND include details of the use of artificial nighttime lighting proposed for construction and operation of the Project and an analysis of impacts to biological resources, as well as specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends the County include the following mitigation measure in a revised MND:

MM BIO-[E]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #7: Construction Noise

IS/ND Document, Section #XIII, Page #23

Issue: The ND does not include an assessment of the impacts of construction noise on biological resources. Additionally, the ND does not include mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The ND (p. 23) states, "The proposed project may produce the most noise during grading and paving operations on the site...construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB Leq, when averaged over an eight (8) hour period, and measured at the nearest sensitive receptor." CDFW is concerned that the ND does not acknowledge or assess the impacts to biological impacts that have potential to occur due to construction noise. Direct and indirect impacts may occur to nesting birds and other wildlife using riverine/riparian habitat within and near the Project site and agricultural land in proximity to the Project site.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017).

Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised MND include a noise impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

MM BIO-[F]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. **ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the ND to assist Imperial County in identifying and mitigating Project impacts on biological resources. CDFW concludes that an ND is inappropriate for the Imperial RV Storage Project because it does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the ND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete Project description and a complete assessment of biological resources. The CEQA Guidelines indicate that recirculation is required when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description and a complete assessment of biological resources, be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

Questions regarding this letter or further coordination should be directed to Julia Charpek, Environmental Scientist, at 909.354.0937 or Julia.Charpek@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Cindy Castaneda
58B2E2CAD6624CD

For
Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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Attachment 1: Mitigation Monitoring and Reporting Program (MMRP) for Biological Resources

Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties
MM BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.	Prior to Project construction activities	Imperial County
MM BIO-[B]: Nesting Birds Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.	No more than 3 days prior to vegetation clearing or ground-disturbing activities	Imperial County
MM BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied	Focused surveys: Prior to the start of Project-related activities Preconstruction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance	Imperial County

<p>burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>		
<p>MM BIO-[D]: CDFW's Lake and Stream Alteration (LSA) Program Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to Project activities and issuance of any grading permit</p>	<p>Imperial County</p>
<p>MM BIO-[E]: Artificial Nighttime Light During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p>Throughout construction and the lifetime operations of the Project</p>	<p>Imperial County</p>
<p>MM BIO-[F]: Construction Noise During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind</p>	<p>During all Project construction</p>	<p>Imperial County</p>

turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.		
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California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov

**RECEIVED***By Imperial County Planning & Development Services at 3:41 pm, Jun 27, 2024*

June 26, 2024

11-IMP-78

PM 17.543

Brian Welsh Imperial RV Storage
CUP23-0019/IS23-0024
ND/ SCH #2024051372

Mr. Derek Newland
Planner III
Imperial County Planning and Development Services
801 Main Street
El Centro, CA 92243

Dear Mr. Newland:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review for the Negative Declaration (ND) on the proposed Brian Welsh Imperial RV Storage project located near State Route 78 (SR-78) in Imperial County. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the County of Imperial in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Analysis

- Plans are not clear due to the file lower resolution. Provide a higher resolution plan set for review.
- Clearly show all proposed driveways to be connected to SR-78 on the plans.
- Please clarify if driveway will remain in existing condition or if a new pavement material is proposed.
- All new driveway/roadway connections shall comply with the latest Caltrans Highway Design standards.
- Sight distance exhibits will be required to submit for review for driveways and minor street connections inside Caltrans' Right-of-Way (R/W). Provide sight distance exhibits for the driveway connection for review. See Highway Design Manual (HDM) Topic 201 and Topic 405 for additional information on the requirements of stopping, decision, and corner sight distance.
- Per the HDM, the minimum clear recovery zone for conventional highway is 20 feet. Provide a minimum of 20 feet from the edge of the proposed driveway to the edge of the dirt culvert with 10:1 or flatter slope, on both east and west sides of the driveway. See HDM Topic 309.1 Horizontal Clearances for Highways for additional information.

Hydraulics

- Any work within Caltrans' R/W requires a permit from Caltrans.
- Please clarify if the storm water within the proposed site is being retained within the site or being detained to another location.
- The development should not have any adverse impact on Caltrans' R/W.
- Provide any as-builts of the area.
- Please provide Hydraulics and Hydrology study.
- Show calculation and methodologies on Hydrology and Hydraulics study.
- Provide 100-year storm calculation on Caltrans' offsite and 25-year storm calculations on Caltrans' onsite if applicable.
- If any proposed drainage will be constructed in Caltrans' R/W, the proposed drainage facility must comply with the HDM.
- Provide pre and post development Hydrology maps.
- Include 0.2' contours on both pre and post development hydrology maps.
- Provide R/W lines all plan sheets with clearly labeled Caltrans' and County R/W.
- Provide centerline for (SR-78) with labeled stations.
- Delineate watersheds on both pre and post development hydrology.

Grading and Drainage Plans

- Provide Grading plans.
- Include existing condition with 0.2 feet labeled contours.
- Provide proposed grading plans with 0.2 feet labeled contours.
- Provide drainage plans for any proposed drainage facilities.
- Include drainage layouts, drainage profile and drainage details on plans.
- Provide centerline for SR-78 with labeled stations.
- Provide R/W lines on all plan sheets with clearly labeled Caltrans' and County R/W.
- Include any existing Caltrans facilities around the proposed project site.

Design

Caltrans has the following proposed projects - broadband project (EA 4B015, PID 1122000236) and a rumble strip project (EA 2N225, PID 1124000121) with project footprints containing Post Mile (PM) 17.543.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final Environmental Document. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project that include the work in Caltrans' R/W, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to fencing, lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-78.

Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <http://www.dot.ca.gov/trafficops/permits/index.html>

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts with the Caltrans' R/W, and any corresponding technical studies.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Mark McCumsey, LDR Coordinator, at (619) 985-4957 or by e-mail sent to mark.mccumsey@dot.ca.gov.

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



October 15, 2024

RECEIVED

By Imperial County Planning & Development Services at 4:06 pm, Oct 15, 2024

11-IMP-78

PM 17.543

Brian Welsh Imperial RV Storage

CUP23-0019/IS23-0024

MND/ SCH #2024051372

Mr. Derek Newland
Planner III
Imperial County Planning and Development Services
801 Main Street
El Centro, CA 92243

Dear Mr. Newland:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review for the Mitigated Negative Declaration (MND) on the proposed Brian Welsh Imperial RV Storage project located near State Route 78 (SR-78) in Imperial County. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the County of Imperial in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Analysis

- Plans are not clear due to the file lower resolution. Please provide a higher resolution plan set for review.
- Clearly show all proposed driveways to be connected to SR-78 on the plans.
- All new driveway/roadway connections shall comply with the latest Caltrans Highway Design standards. Driveways shall be paved according to Caltrans latest standard plans and specifications. See Highway Design Manual (HDM) Topic 205.4 for additional information.
- Sight distance exhibits will be required to submit for review for driveways and minor street connections inside Caltrans' Right-of-Way (R/W). Provide sight distance exhibits for the driveway connection for review. See HDM Topic 201 and Topic 405 for additional information on the requirements of stopping, decision, and corner sight distance.
- Per the HDM, the minimum clear recovery zone for conventional highway is 20 feet. Provide a minimum of 20 feet from the edge of the proposed driveway to the edge of the dirt culvert with 10:1 or flatter slope, on both east and west sides of the driveway. See HDM Topic 309.1 Horizontal Clearances for Highways for additional information.
- Provide a Vehicle Miles Traveled (VMT) analysis. If the project does not require to prepare a detailed VTM analysis, provide formal justifications of exemption submitted to the lead agency.

Hydraulics

- Any work within Caltrans' R/W requires an encroachment permit from Caltrans.
- Please clarify if the storm water within the proposed site is being retained within the site or being detained to another location.
- The development should not have any adverse impact on Caltrans' R/W.
- Provide any as-builts of the area.
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's Right-of-Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Grading and Drainage Plans

- Please provide Grading plans.
- Include existing condition with 0.2 feet labeled contours.
- Provide proposed grading plans with 0.2 feet labeled contours.

- Provide drainage plans for any proposed drainage facilities.
- Include drainage layouts, drainage profile and drainage details on plans.
- Provide centerline for SR-78 with labeled stations.
- Provide R/W lines on all plan sheets with clearly labeled Caltrans and County R/W.
- Include any existing Caltrans facilities around the proposed project site.

Hydrology and Hydraulics Study

- Show calculation and methodologies on Hydrology and Hydraulics study.
- Provide 100-year storm calculation on Caltrans' offsite and 25-year storm calculations on Caltrans' onsite if applicable.
- If any proposed drainage will be constructed in Caltrans' R/W, the proposed drainage facility must comply with the HDM.
- Provide pre and post development Hydrology maps.
- Include 0.2' contours on both pre and post development hydrology maps.
- Provide R/W lines all plan sheets with clearly labeled Caltrans and County R/W
- Provide centerline for SR-78 with labeled stations.
- Delineate watersheds on both pre and post development hydrology maps.
- Show drainage path on pre and post development hydrology maps.

Design

Caltrans has the following proposed projects broadband project (EA 4B015, PID 1122000236) and a rumble strip project (EA 2N225, PID 1124000121) with project footprints containing Post Mile (PM) 17.543.

Environmental

Caltrans appreciates the opportunity to comment on this Initial Study draft Mitigated Negative Declaration (IS/MND). The analysis of potential future projects presented may impact on Caltrans' R/W in the future. Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final IS/MND. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the environmental document that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project that include the work in Caltrans' R/W, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, California Environmental Quality Act (CEQA)

determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in the analysis for any work identified in Caltrans Right-of-Way and any additional mitigation measures identified for the Final IS/MND. For example, the CEQA Cultural Section requires more details for AB52.

Impacts could occur to Burrowing Owl. Protocol level surveys following California Department of Fish and Wildlife's 2012 Staff Report on Burrowing Mitigation should be performed. Birds could nest in the R/W. Nesting bird surveys are required for work during the breeding season. A drainage feature within the R/W discharges into Alamo River.

Impacts to the feature may require permitting from resource agencies (Army Corps of Engineers, Water Board, Cal Dept. of Fish and Wildlife).

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-78.

Hauling/Traffic Control Plan

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <http://www.dot.ca.gov/trafficops/permits/index.html>

A Traffic Control Plan is to be submitted to Caltrans District 11 at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.

Potential impacts to the highway facilities (SR-78) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts with the Caltrans' R/W, and any corresponding technical studies.

Additional information regarding encroachment permits may be obtained by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Projects with the following:

- require a Caltrans Encroachment Permit.
- have completed the Caltrans Local Development Review (LDR) process.
- have an approved environmental document.

are to submit documents for Quality Management Assessment Process (QMAP) process via email to D11.QMAP.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Mark McCumsey, LDR Coordinator, at (619) 985-4957 or by e-mail sent to mark.mccumsey@dot.ca.gov.

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

AIR POLLUTION CONTROL DISTRICT



RECEIVED

By Imperial County Planning & Development Services at 3:29 pm, Jun 24, 2024

June 21, 2024

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Intent for a Negative Declaration for Conditional Use Permit 23-0019 –
RV and Vehicle Storage, Brian Welsh

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on the Notice of Intent (NOI) for a Negative Declaration (ND) for Conditional Use Permit (CUP) 23-0019 (Project) which proposes the operation of an RV and off-road vehicle storage, maintenance, and repair facility. The project is located at 760 Highway 78, Brawley also identified as Assessor's Parcel Number (APN) 049-310-002.

The Air District previously provided comments for the project in a letter dated September 1, 2024 and will reiterate its previous comments. The Air District reminds the applicant that the project must comply with all Air District rules and regulations and would emphasize Regulation VIII, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity.

The Air District would also like to remind the applicant that depending on the specific equipment and services on site, such as electric generators or automotive coating/painting services, an Air District permit may be required. The Air District requests the applicant contact an Air District Permitting Engineer directly to discuss the specific permitting requirements of the project.

Finally, the Air District requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found on our website for your convenience at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any questions please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,


Ismael Garcia
Environmental Coordinator I


Monica N. Soucier
APC Division Manager

AIR POLLUTION CONTROL DISTRICT



September 1, 2023

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Conditional Use Permit 23-0019 – RV and Vehicle Storage, Brian Welsh

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0019 (Project) which proposes the operation of an RV and off-road vehicle storage, maintenance, and repair facility. The project is located at 760 Highway 78, Brawley also identified as Assessor's Parcel Number (APN) 049-310-002.

The Air District reminds the applicant that the project must comply with all Air District rules and regulations and would emphasize Regulation VIII – Fugitive Dust Rules. Regulation VIII is a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity.

The Air District would also like to bring to the applicant's attention that depending on the specific equipment and services on site, the project may trigger the requirement for an Air District permit. For example, the use of electric generators or offering automotive coating/painting services may trigger permit requirements. The Air District requests the applicant contact an Air District Permitting Engineer directly to discuss the specific permitting requirements of the project.

Additionally, the Air District requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found on our website for your convenience at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any questions please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,

Ismael Garcia
Environmental Coordinator II

Monica N. Soucier
APC Division Manager



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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Public Works works for the Public

September 7, 2023

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

Attention: Derek Newland, Planner II

SUBJECT: CUP 23-0019 for Brian Welsh
Located on 760 Highway 78, Brawley, CA 92227
APN 049-310-002

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on August 17, 2023 for the above mentioned project. The applicant proposes RV and off-road vehicle storage, maintenance and repair.

Department staff has reviewed the package information and the following comments shall be Conditions of Approval:

1. The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
2. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 – Overweight Vehicles and Loads).
3. The site plan shows property lines that have never been surveyed. A record of survey might be required to establish the property boundary if fencing or any permanent structures are being proposed near the property lines.
4. If perimeter fencing is being proposed near property corners, monument preservation efforts are necessary. MPR-01 Pre-Construction and MPR-02 Post-Construction are required filled out by a person authorized to practice land surveying.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

By:

A handwritten signature in blue ink, appearing to read "Dale", with a stylized flourish extending to the right.

David Dale, PE, PLS
Assistant Public Works Director, County Surveyor



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May 31, 2024

RECEIVED

By Imperial County Planning & Development Services at 11:51 am, May 31, 2024

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of a ND Brian Welsh RV and Off-Road Vehicle Storage, Maintenance & Repair Facility Project; CUP23-0019, IS23-0024

Dear Mr. Newland:

On this date, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intent for the preparation of a Negative Declaration for Conditional Use Permit No. 23-0019, Initial Study No. 23-0024. The applicant proposes to establish an RV and off-road vehicle storage, maintenance and repair facility at 760 Hwy. 78, Brawley, CA (APN 049-310-002) in two phases, each will consist of 150 covered and uncovered parking spaces. The project includes 6 dump stations for RV waste tanks and a waste water treatment system. Repair and maintenance services will be conducted in the existing structures onsite. The project site will be graded and paved.

The IID has reviewed the project information and found that the comments provided in the August 30, 2023 district letter (see attached) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,


Donald Vargas
Compliance Administrator II

Enclosure

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Paul Rodriguez – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent General, Fleet Services and Reg. & Environ. Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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August 30, 2023

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: RV and Off-Road Vehicle Storage, Maintenance & Repair Facility Project, CUP23-0019, IS23-0024

Dear Mr. Newland:

On August 17, 2023, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit No. 23-0019, Initial Study No. 23-0024. The applicant, Brian Welsh, proposes to establish an RV and off-road vehicle storage, maintenance and repair facility at 760 Hwy. 78, Brawley, CA (APN 049-310-002).

The IID has reviewed the application and has the following comments:

1. If the proposed project requires additional electrical service to the existing one, the applicant should be advised to contact Gabriel Ramirez, IID project development service planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
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Derek Newland
August 30, 2023
Page 3

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



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September 12, 2024

RECEIVED

SEP 12 2024

IMPERIAL IRRIGATION DISTRICT
PLANNING & DEVELOPMENT SERVICES

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of an MND Brian Welsh RV and Off-Road Vehicle Storage, Maintenance & Repair Facility Project; CUP23-0019, IS23-0024

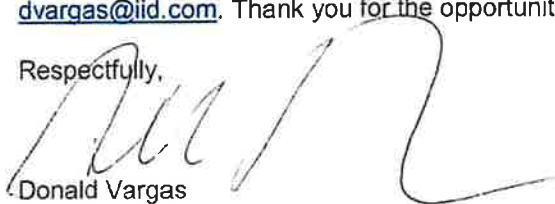
Dear Mr. Newland:

On this date, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intent for the preparation of a Mitigated Negative Declaration for Conditional Use Permit No. 23-0019, Initial Study No. 23-0024. The applicant proposes to establish an RV and off-road vehicle storage, maintenance and repair facility at 760 Hwy. 78, Brawley, CA (APN 049-310-002) in two phases, each will consist of 150 covered and uncovered parking spaces. The project includes 6 dump stations for RV waste tanks and a waste water treatment system. Repair and maintenance services will be conducted in the existing structures onsite. The project site will be graded and paved.

The IID has reviewed the IS/MND and found that the comments provided in the May 31, 2024 district letter (see attached) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

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May 31, 2024

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of a ND Brian Welsh RV and Off-Road Vehicle Storage, Maintenance & Repair Facility Project; CUP23-0019, IS23-0024

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Since 1911

August 30, 2023

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
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SUBJECT: RV and Off-Road Vehicle Storage, Maintenance & Repair Facility Project, CUP23-0019, IS23-0024

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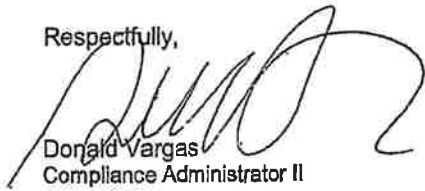
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August 30, 2023
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ATTACHMENT “G”
Environmental Evaluation
Committee Package

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: May 23, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM / No.1

Brian Welsh

PROJECT TYPE: CUP#23-0019 / IS#23-0024 SUPERVISOR DIST #4

LOCATION: 760 E Hwy 78 APN: 049-310-002-000

Brawley, CA 92227 PARCEL SIZE: 25.35 +/- acres

GENERAL PLAN (existing) Agriculture GENERAL PLAN (proposed) N/A

ZONE (existing) M-1-N (Light Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS ☒ CONSISTENT ☐ INCONSISTENT ☐ MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 05/23/24

INITIAL STUDY: #23-0024

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS

☐ NONE

☒ ATTACHED

AG

☒ NONE

☐ ATTACHED

APCD

☐ NONE

☒ ATTACHED

E.H.S.

☒ NONE

☐ ATTACHED

FIRE / OES

☒ NONE

☐ ATTACHED

SHERIFF

☒ NONE

☐ ATTACHED

OTHER

IID

REQUESTED ACTION:

(See Attached)

Planning & Development Services

801 MAIN STREET, EL CENTRO, CA, 92243 442-265-1736

(Jim Minnick, Director)

DNATS:\AllUsers\APN\049\310\002\CUP23-0019_IS23-0024\EEC\CUP23-0019_IS23-0024 Prj Rprt.doc

EEC ORIGINAL PKG

☐ **NEGATIVE DECLARATION**
☒ **MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis
For:*

**Conditional Use Permit #23-0019
Initial Study #23-0024
Brian Welsh**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

September, 2024

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a ☐ policy-level, ☒ project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Conditional Use Permit #23-0019 (Refer to Exhibit "A" & "B").

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

☐ According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

☐ According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

☐ According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency

which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (30-days if submitted to the State Clearinghouse for a project of area-wide significance) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than significant impact or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in

preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a ☐ policy-level, ☒ project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

-
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
 - These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
 - The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. Environmental Checklist

1. **Project Title:** Brian Welsh, Conditional Use Permit #23-0019
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Derek Newland, Planner III, (442)265-1736, ext.1756
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** dereknewland@co.imperial.ca.us
6. **Project location:** 760 E Hwy 78, Brawley, CA 92227
7. **Project sponsor's name and address:** Brian Welsh, 1950 N Logan St. 1202, Denver, CO
8. **General Plan designation:** Agriculture
9. **Zoning:** M-1-N (Light Industrial – New Zone)

10. **Description of project:** The project proposes a recreational vehicle (RV) and off-road vehicle storage, maintenance, and repair business to be built in two potential phases. The property is divided by the Imperial Irrigation District's Osage Drain. The first phase of the project is the southern portion of the property south of the drain and would include 150 parking spaces total with the second phase being on the northern portion of the property with an additional 150 proposed parking spaces. Phase one is intended to be constructed as soon possible after approval of the CUP and required grading and building permits while the second phase of the project would be constructed 1-3 years after the completion of the first phase. The project will be required to grade and pave the project site.

The proposed project will consist of covered and uncovered RV and off-road vehicle parking with onsite maintenance and repair services to be conducted in the existing structures onsite. There are 6 proposed dump stations for the emptying of RV waste tanks and an Onsite Waste Water Treatment System (OWTS) is proposed for the handling of this waste. The OWTS will be permitted through the California Regional Water Quality Control Board.

There will be 3 to 5 employees depending on the season with the busy season expected to be between October to May. Office hours are proposed as 8 am – 5 pm with access hours for storage being 24 hours a day seven days a week.

Security for the site will be done with fencing, lighting, gating, and a manager who will be residing in a proposed caretaker residence onsite.

11. **Surrounding land uses and setting:** The area is surrounded by agricultural fields on all sides with a few homes to the east and an industrial zoned parcel to the south.

12. **Other public agencies whose approval is required:** Imperial County Air Pollution Control District (ICAPCD), Imperial County Fire Department (ICFD), Imperial Irrigation District (IID), Planning Commission

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The AB 52 Notice of Opportunity to consult on the proposed project letter was mailed via certified mail on August 17, 2023 to the Campo Band of Mission Indians and the Quechan Indian Tribe no response was received by either.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental

review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

- ☐ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Found that although the proposed project could have a significant effect on the environment, all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

Date: _____

PROJECT SUMMARY

A. Project Location: The project is located at 760 E Hwy 78, Brawley, CA 92227

B. Project Summary: The project proposes a recreational vehicle (RV) and off-road vehicle storage, maintenance and repair business.

C. Environmental Setting: The project is located on disturbed land with an existing permitted shop and accessory buildings containing restrooms and consists of mostly of bare dirt. The property is surrounded by agricultural fields on all sides with a few homes to the east, an industrial zoned parcel to the south and what appears to be an agricultural equipment storage yard to the north.

D. Analysis: The project site is designated as M-1-N (Light Industrial) under Imperial County's Title 9 Land Use Ordinance Zone Map #35. The proposed RV and off-road vehicle storage, maintenance and repair business is an allowed use under Title 9, Division 5 Section 90515.02 "Uses permitted only with a conditional use permit" r) Recreational Vehicle Storage Facilities.

E. General Plan Consistency: The project could be found consistent with the General Plan as the property was zoned for Industrial in 1993 prior to Title 9.

Exhibit "A"
Vicinity Map

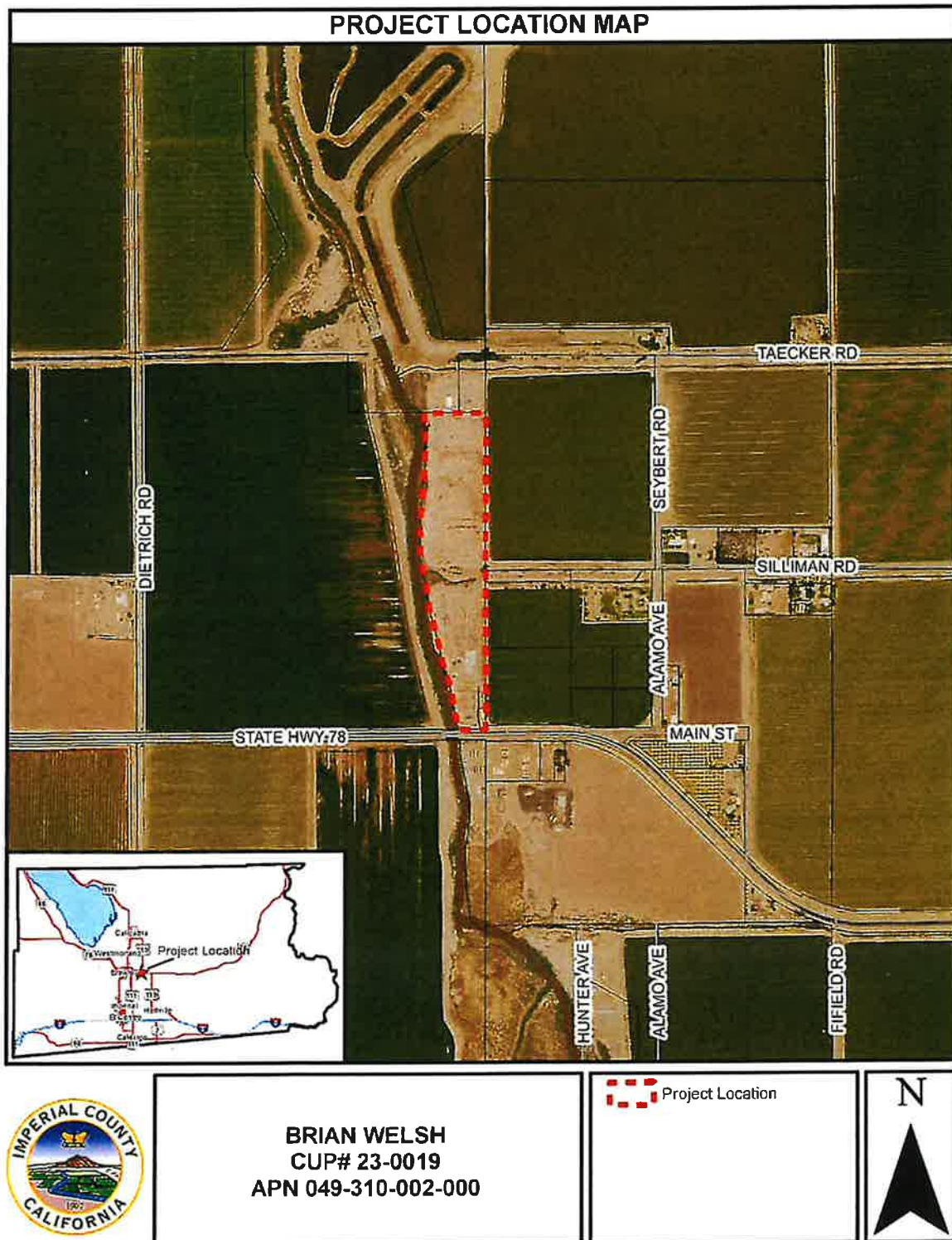
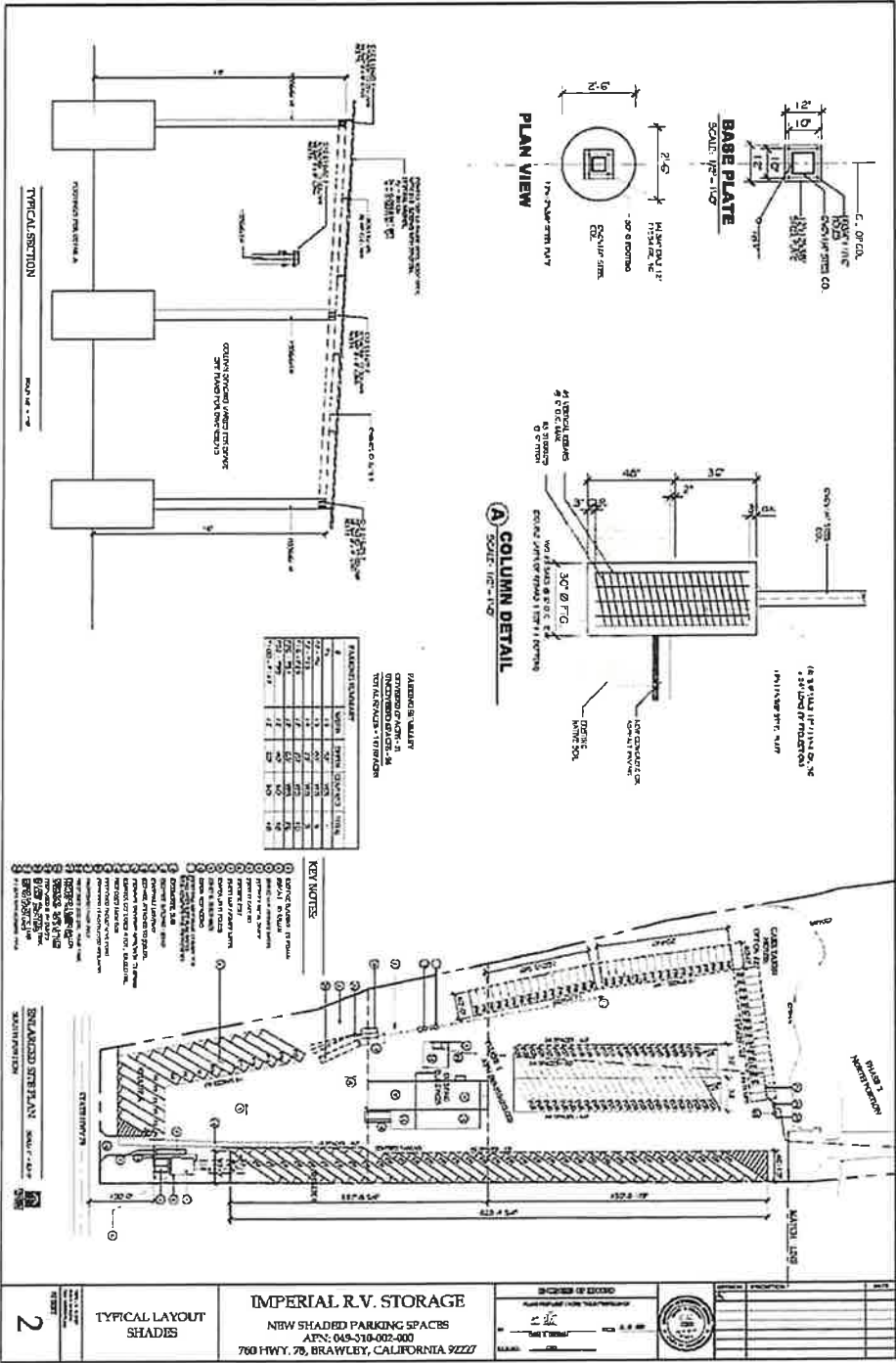


Exhibit "B" Site Plan/Tract Map/etc.



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway? ☐ ☐ ☐ ☒
- a) According to the Imperial County General Plan Figure 9, Circulation and Scenic Highways Element¹, the project site is not located on or near the scenic vista or scenic highway. While the project is located along SR-78, it is not designated as a scenic highway nor is that portion of the highway designated as a potential future scenic highway. Accordingly, implementation of the proposed project would not have an adverse effect on the scenic vista as there are already existing structures on the southern portion of the property being utilized as an RV maintenance business as a permitted use within the M-1 (Light Industrial) zone. Therefore, no impacts are expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☒
- b) The proposed project site is located on a disturbed, industrial zoned parcel with existing buildings and as previously stated is not within a state scenic highway. Therefore, no impacts are expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ☐ ☐ ☒ ☐
- c) The proposed RV storage and maintenance project would be located on a disturbed, industrial zoned parcel with existing structures surrounded by agricultural fields and is not expected to substantially degrade the existing visual character or quality of public views of the site and its surroundings. Any impacts would be considered less than significant.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☒ ☐ ☐
- d) The proposed project would have lighting at night for security purposes as well as to allow storage customers accessing the property at night to pick up or drop off their RV. Any nighttime lighting for the proposed RV storage and maintenance project would be required to be shielded from shining onto adjacent properties and roadways. Per the California Department of Fish and Wildlife comment letter dated July 1, 2024², artificial nighttime lighting may have potential impacts to fish and wildlife along the adjacent Alamo River and recommends the following mitigation:

MM BIO-[A]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

¹ [http://www.icpds.com/CMS/Media/Circulation-Scenic-Highway-Element-\(2008\).pdf](http://www.icpds.com/CMS/Media/Circulation-Scenic-Highway-Element-(2008).pdf). Page 13

² California Department of Fish and Wildlife comment letter dated July 1, 2024

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? a) The proposed project is located on disturbed land and zoned as light industrial. Additionally, the property is designated "Other Land" on the California Department of Conservation Farmland Mapping and Monitoring Program "California Important Farmland Finder" online application³ which is land that is not included in any other mapping category. Therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? b) As stated above the project is not located on agricultural land and is zoned for light industrial and therefore would not conflict with existing zoning for any agricultural use. Additionally, there are currently no active Williamson Act Contracts in Imperial County. Therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? c) The proposed project is located on industrial zoned land, surrounded by agricultural fields and will not conflict with existing zoning or cause rezoning of forest land, timberland or timberland zoned Timberland Production. Therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? d) As previously stated, the proposed project is not located within existing farmland and will not result in the loss of forest land or conversion of forest land to non-forest use; therefore, no impacts would occur	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? e) The proposed project is located on disturbed industrial zoned land with existing structures and would not convert existing farmland to non-agricultural use or convert forest land to non-forest use. Therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?
a) The proposed project will be paving the site for RV parking and onsite traffic which will reduce onsite dust as the property is currently not covered. In addition, the project will be required to comply with all Imperial County Air Pollution Control District (ICAPCD) rules and regulations and apply for any required Air District permits as outlined in ICAPCD's comment letter dated September 01, 2023⁴. It is expected that complying with ICAPCD rules and regulations would make any impacts less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
b) The proposed project is not expected to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Less than significant impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

³ <https://maps.conservation.ca.gov/DLRP/CIFF/>

⁴ Imperial County Air Pollution Control District comment letter, September 01, 2023

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Expose sensitive receptors to substantial pollutants concentrations? c) The proposed project does not appear to expose sensitive receptors to substantial pollutants concentrations as the project will consist of the storing of recreational vehicles onsite with an approved Conditional Use Permit, along with the RV maintenance and repair which is a permitted use in the M-1 (light industrial) zone. Additionally, as stated earlier the project will be required to comply with all of the Air Districts rules and regulations. Any impacts would be expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? d) The proposed RV and off-road vehicle storage, maintenance and repair project is not expected to result in substantial other emissions, such as those leading to odors adversely affecting a substantial number of people. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- ☐ ☒ ☐ ☐
- a) The proposed RV and off-road vehicle storage with maintenance and repair is located on disturbed land and zoned M-1 "Light Industrial" and has existing structures onsite. The project is not located within a designated sensitive habitat area, but is within the "Burrowing Owl Species Distribution Model" according to the Imperial County General Plan's Conservation and Open Space Element, Figure 2⁵. Per the California Department of Fish and Wildlife (CDFW) comment letter dated July 1, 2024⁶, significant impacts to biological resources including nesting birds and burrowing owls and therefore recommend the following mitigation measures.

BIO-[B]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

BIO-[C]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The

⁵ Imperial County Conservation and Open Space Element

⁶ California Department of Fish and Wildlife comment letter dated July 1, 2024

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

BIO-[D]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

It is expected to compliance with these mitigation measures would bring any impacts to less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ☐ ☒ ☐ ☐
- b) The proposed project is located on an industrial zoned parcel which has an existing Imperial Irrigation District (IID) irrigation drain running through the property which empties into the Alamo River running along the western boundary of the parcel. The project will be required to grade and pave the project site for the purpose of RV parking as well as retain water onsite through a retention basin to prevent runoff into either the river or IID drain. The project does not propose to alter or otherwise affect the riverbank nor IID drain other than a requirement by IID to expand/upgrade the existing crossing over the IID drain per IID's letter dated August 30, 2023⁷. Per the CDFW letter there may be potential significant impacts to the river depending on construction activities and the following mitigation measure is recommended:

MM BIO-[E]: CDFW's Lake and Stream Alteration (LSA) Program

Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

It is expected that compliance with this mitigation measure would bring any potential impacts to less than significant.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ☐ ☐ ☒ ☐

⁷ Imperial Irrigation District comment letter dated: August 30, 2023

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) As stated above the project has an irrigation drain running through it and the Alamo River running along the western boundary. The project is not expected to have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means as the project does not propose to alter or modify either the river or IID drain and onsite water retention will be required. Therefore, any impacts would be considered less than significant.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The proposed project is located on an industrial zoned parcel with disturbed land and existing structures and will not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Any impacts would be considered less than significant.				
e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The proposed project is located on an industrial zoned parcel and is an allowed use with an approved Conditional Use Permit and will not conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance. No impacts are expected.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The proposed project is located on an industrial zoned parcel with previously disturbed land and existing structures and will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or stat habitat conservation plan. No impacts are expected.				

V. **CULTURAL RESOURCES** *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) As depicted on Imperial County's General Plan Figure 6, Conversation and Open Space Element, the project site was not identified as containing a historic resource. Accordingly, the project would not appear to impact a historical resource as defined by CEQA. Less than significant impacts are anticipated. | | | | |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project site is not located within an archeological site of significance as shown in the Conservation and Open Space Element. Less than significant impacts are anticipated | | | | |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) There are no known cemeteries on or surrounding the project site. The project site is not known to have been a formal or informal cemetery. Therefore, the proposed project is not expected to disturb any human remains and less than significant impacts are anticipated. | | | | |

VI. **ENERGY** *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The proposed RV and off-road vehicle storage, maintenance and repair project is not expected to result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Less than significant impacts are expected | | | | |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The proposed project does not appear to conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Less than significant impacts are expected.				

VII. **GEOLOGY AND SOILS** *Would the project:*

- | | | | | | |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | a) The proposed project does not appear to directly or indirectly cause potential adverse effects, including risk of loss, injury, or death as the project will consist of the storage of recreational and off-road vehicle storage and is not located near a known earthquake fault, nor does it appear that the ground the project is located on is prone to ground failure or liquefaction, and is not located in an area prone to landslides. Therefore, less than significant impacts are expected. | | | | |
| 1) | Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | 1) Per the California Department of Conservation CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones web application ⁸ the project is located over 2 miles from the nearest known fault zone and therefore, any impacts are anticipated to be less than significant. | | | | |
| 2) | Strong Seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | 2) Ground shaking is expected as the project is located in the seismically active Imperial Valley with numerous mapped faults of the San Andreas Fault System traversing the region. The project has existing structures that have been in place for many years and any new structures or possible future structures, none of which have been proposed, will be required to comply with the current California Building Codes at that time. Therefore, any impacts are anticipated to be less than significant. | | | | |
| 3) | Seismic-related ground failure, including liquefaction and seiche/tsunami? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | 3) The project site does not appear to be located on geological units or soil that is unstable or that would become unstable as a result of seismic activities, including liquefaction and seiche/ tsunami. Less than significant impacts are anticipated. | | | | |
| 4) | Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | 4) According to the Imperial County General Plan Landslide Activity Map, Figure 2 ⁹ , Seismic and Public Safety Element, the project site does not lie within a landslide activity area and therefore, no impacts are anticipated. | | | | |
| b) | Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | b) The project will be required to submit a grading and drainage plan per the Imperial County Public Works comment letter dated August 17, 2023 ¹⁰ as well as be required to pave the site. It is expected that the required site improvements will bring any impacts to less than significant. | | | | |
| c) | Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | c) The project site is not known to be located on unstable geological units and/or soil, and the conditions for lateral spreading, subsidence, liquefaction, and collapse are not present; therefore, less than significant impacts are expected. | | | | |

⁸ California Department of Conservation CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones web application

⁹ Imperial County General Plan Landslide Activity Map, Figure 2

¹⁰ Imperial County Public Works Department comment letter dated August 17, 2023

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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- d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?

☐ ☐ ☒ ☐

d) The proposed project site would be subject to a grading permit as mentioned above under item b), the grading permit would need to be in compliance with the latest California Building Code edition; therefore, such compliance is expected to bring any impacts to less than significant levels.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

☐ ☐ ☒ ☐

e) Per a percolation test conducted in July, 2023, on site the ground does percolate and should be able to support a proposed onsite wastewater treatment system for an RV dump station. The perc test found no groundwater at 10 feet and the geotechnical investigation as part of the OWTS application found that groundwater levels were indicated to be more than 30 feet below existing grade¹¹. Application for the system has been made with the California Regional Water Quality Control Board for approval or denial.

The OWTS will provide a 3-stage onsite wastewater treatment system. The proposed system will be capable of treating a maximum of 6,000 gallons per day or domestic wastewater generated by the recreational vehicles. The system will be installed in the norther portion of the property on the other side of the IID drain that runs through the property in a portion that is designated as Zone X per the FEMA flood hazard map.

"The proposed OWTS will consist of the following components (ATTACHMENT 3):

1. Existing Primary 10,000 gallon holding tank. This tank has an internal partition to facilitate the removal of primary solids. The effluent leaving this tank will gravity drain to a 500-gallon pump tank.

2. A 500-gallon float operated pump tank will discharge the effluent from the 10,000- gallon holding tank to a Secondary 10,000 gallon holding tank located next to the new ponds.

3. The Secondary 10,000 gallon holding tank will also have an internal partition for secondary primary solids removal and will act as a "wide" spot in the line in order to regulate the average daily flow rate. This tank will gravity feed into the Facultative Pond. A pump will be installed to empty the 2nd chamber of the tank during the week prior to the (5) known "high RV dump" weekends.

3. The Facultative Pond will have a trickle filter, a pond divider to enhance nitrification / de-nitrification process, a liner to eliminate any seepage, and 2 feet of freeboard. It will have dimensions of 36' wide x 90' long x 5' deep and surface area of 3,240'. The pond will have a total volume of 90,000 gallons which includes a 15% safety factor using the "Gloyna Method" calculation. The Facultative Pond will gravity feed to a leach field that will consist of trenches to facilitate infiltration. A soil percolation test was conducted indicated good infiltration rates for the leach field. The percolation test report is given in Attachment 4. Geotechnical investigation also indicated that groundwater levels within the site are more than 30 feet below existing grade.¹²

It is expected that any impacts would be less than significant.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☐ ☐ ☒ ☐

f) The proposed RV and off-road storage business consists of disturbed land and existing permitted structures that have been on site for many years. The project will be required to grade and pave the already disturbed land, however, it is not expected that the project will destroy any unique paleontological resources directly or indirectly. Less than significant impacts are anticipated.

VIII. GREENHOUSE GAS EMISSION Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

☐ ☐ ☒ ☐

a) The proposed project is not expected to generate greenhouse gas emissions, either directly or indirectly, that may have

¹¹ Percolation Test Report Dated August 11, 2023

¹² Onsite Wastewater Treatment System Application

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a significant impact on the environment. Impacts are considered less than significant.				
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The proposed project is not expected to conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases; therefore, less than significant impacts are expected.				

IX. HAZARDS AND HAZARDOUS MATERIALS *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The proposed RV and off-road vehicle storage, maintenance and repair facility may have some materials onsite such as motor oil that will be required to be disposed of properly onsite. Additionally, the project will be required to comply with any Imperial County Fire Department requirements including submitting a Hazardous Waste Material Plan to the Certified Unified Program Agency (CUPA) if required. It is not expected that the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Any impacts are expected to be less than significant. | | | | |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) As stated above, the project will be required to comply with any all Imperial County Fire Department and CUPA requirements and it is expected that such compliance would bring any impacts to less than significant levels. | | | | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The proposed project is not located within one-quarter miles of an existing or proposed school; therefore, less than significant impacts are anticipated. | | | | |
| d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Government Code Section 65962.5 requires the Department of Toxic Substances Control (DTSC) the DTSC EnviroStor Database ¹³ to compile and update a list of hazardous waste and substances sites. After review, it was found that the project site was not located under a listed hazardous and substances site; therefore, less than significant impacts are anticipated. | | | | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) The nearest airport is Brawley Municipal Airport. The project lies 2.5 miles +/- southeast of the runway and the project would not result in a safety hazard or excessive noise for people residing or working in the project area. Any impacts are anticipated to be less than significant. | | | | |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) The proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan. Less than significant impacts are expected. | | | | |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

¹³ California Department of Toxic Substances Control: EnviroStor

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
g) The proposed project is not expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, impacts are considered less than significant.				

X. **HYDROLOGY AND WATER QUALITY** *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The proposed project does not appear to cause violations of any water standards nor on wastewater discharge requirements. The project will be required to comply with Public Works requirements for a grading and drainage plan as well as be required to have onsite retention. In addition, the proposed OWTS will be required to be permitted through the California Regional Quality Control Board and there is already an existing septic system for the existing restrooms onsite. Therefore, less than significant impacts are anticipated. | | | | |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The site currently receives IID water and would not require the usage of groundwater nor interfere substantially with groundwater recharge. There are no known water wells within the project site; therefore, less than significant impacts are anticipated. | | | | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The project will require Imperial County Public Works approved grading and drainage plans as well as pavement of the project site and onsite water retention. The project does not propose to alter the Alamo River nor the IID drain that splits the property. Therefore, it is not expected to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces. Any impacts are anticipated to be less than expected. | | | | |
| (i) result in substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) The proposed project is not expected to result in substantial erosion or siltation on-or off-site. The project will require grading and drainage plans approved by Imperial County Public Works as well as paving of the project site as well as onsite water retention. Therefore, any impacts are expected to be less than significant. | | | | |
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (ii) The proposed project will be subject to a grading permit to be reviewed by Imperial County Public Works, therefore, it is not expected to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. Less than significant impacts are expected. | | | | |
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (iii) The proposed project is not expected to contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Any impacts are expected to be less than significant. | | | | |
| (iv) impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (iv) A portion of the property is located in Zone A of FEMA flood map 06025C1400C, which is a special flood hazard area without base flood elevation. These areas are along the riverbank and drain that splits the property but does not affect the entire property, the rest of which is in Zone X. The project is an RV and off-road vehicle storage, maintenance, and repair business with existing structure and does not propose any development or new structures that would impede or redirect flood flows. The current site plan shows a caretaker manufactured home within the flood plain but will be required to be moved to another part of the site. It does not appear that the project would impede or redirect flood flows and | | | | |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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therefore any impacts are expected to be less than significant.

- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? ☐ ☐ ☒ ☐
- d) As stated above, the project parcel is partially in Zone A along the banks of the Alamo River and IID drain which splits the parcel and the rest of the project is designated as be in Zone X. The project consists of storing recreational and off-road vehicles in covered and uncovered spaces with maintenance and repair being performed in an existing structure. Waste from the proposed dump stations will be contained in enclosed tanks and the proposed leach fields are not in a flood zone. A significant risk of release of pollutants due to project inundation is not anticipated and therefore, any impacts are expected to be less than significant.**
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ☐ ☐ ☒ ☐
- e) The project does not appear to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Any impacts are expected to be less than significant.**

XI. LAND USE AND PLANNING Would the project:

- a) Physically divide an established community? ☐ ☐ ☐ ☒
- a) The project site would not isolate any established communities. The proposed project site is surrounded by agricultural land and therefore, no impacts can be expected.**
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☒ ☐
- b) The proposed project would not conflict with the County's General Plan or Land Use Ordinance and meets the requirements for a permitted use with an approved Conditional Use Permit. Also, in accordance with the Imperial County General Plan- Conservation and Open Space Element, Figure 1- Sensitive Habitats, the proposed project site is not located within a habitat conservation plan or natural community conservation plan area. Less than significant impacts are anticipated.**

XII. MINERAL RESOURCES Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☒ ☐
- a) The proposed RV and off-road vehicle storage, maintenance and repair business is located on disturbed industrial zoned with existing structures, and it does not appear that the project will result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Any impacts are anticipated to less than significant.**
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☒ ☐
- b) In accordance with the Imperial County General Plan- Conservation and Open Space Element- Figure 8- Existing Mineral Resources, the project site is not located within an area known to be underlain by regionally important mineral resources or within an area that has the potential to be underlain by regionally important mineral resources. Accordingly, implementation of the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on the local general plan, specific plan or other land use plans. Less than significant impacts are anticipated.**

XIII. NOISE Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ☐ ☐ ☒ ☐

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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ordinance, or applicable standards of other agencies?

a) The proposed project may produce the most noise during grading and paving operations on the site. Per the Imperial County General Plan's Noise Element, construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB Leq, when averaged over an eight (8) hour period, and measured at the nearest sensitive receptor. This standard assumes a construction period, relative to an individual sensitive receptor of days or weeks. In cases of extended length construction times, the standard may be tightened so as not to exceed 75 dB Leq when averaged over a one (1) hour period. Applicant shall comply with the standards set on the Imperial County Noise Element. The project itself is an RV and off-road vehicle storage, maintenance and repair business which will have a varying amount of traffic depending on customer need and high traffic season which is anticipated to be October to May. The vehicles entering and leaving the site will be either self-power recreational vehicles or towed travel and/or toy trailers which generally are pulled by passenger pick-up trucks. The project is located on an industrial zoned parcel and per the Imperial County Title 9 Land Use Ordinance Division 7, industrial uses cannot exceed 70 decibels or a one hour average at the property line. The everyday operation of the project is not expected to exceed these requirements. Per the CDFW letter dated July 1, 2024 there is concern that construction noise could impact fish and wildlife along the Alamo River habitat and recommend the following mitigation measure:

MM BIO-[F]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

- b) Generation of excessive groundborne vibration or groundborne noise levels? ☐ ☐ ☒ ☐
- b) Some ground-borne vibrations may occur during grading and paving activities but is not anticipated to be excessive. As stated earlier the project will be subject the Imperial County Noise Element and Title 9 Division 7 and therefore, any impacts are expected to be less than significant.
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ☐ ☐ ☐ ☒
- c) The project is not located within a runway protected zone or approach/departure zone of a local airport. The nearest airport is the Brawley Municipal Airport located 2.5 miles +/- northwest of the project site. No impacts are expected.

XIV. POPULATION AND HOUSING Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒
- a) The proposed project will not induce substantial unplanned population growth in an area, either directly or indirectly. No impacts are expected.
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒
- b) Implementation of the project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. No impacts are anticipated.

XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which ☐ ☐ ☒ ☐

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
(a) The proposed project consists of RV and off-road vehicle storage, and maintenance, and will not result in any adverse physical impacts associated with any new or altered governmental facilities or require the need for new or altered governmental facilities. Impacts are expected to be less than significant.				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1) The project will be expected to comply with any Imperial County Fire Department requirements. Compliance with these requirements is expected to bring any impacts to less than significant levels.				
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) The County Sheriff's office provides police protection to the area. Any impacts are expected to be less than significant.				
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project is not expected to draw a substantial number of new residents directly or indirectly to the region that would generate school-aged students requiring public education. As the project would not cause or contribute a need to construct new or physically altered public school facilities, no impacts are anticipated				
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would not create a demand for public park facilities and would not result in the need to modify existing or construct new park facilities. Accordingly, implementation of the proposed project would not adversely affect any park facility and no impacts would be anticipated.				
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) The proposed project is not expected to result in a demand for other public facilities services. As such, implementation of the proposed project would not adversely affect other public facilities or require the construction of new or modified public facilities. Less than significant impacts are anticipated.				

XVI. RECREATION

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- a) The proposed RV and off-road vehicle storage, maintenance and repair business does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities. Accordingly, implementation of the proposed project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. While the project will store recreation vehicles, their use will be in areas outside of the project area, most likely in the surrounding deserts such as the Glamis recreation area which is 22 miles +/- east of the project site along Hwy 78. Any impacts are anticipated to be less than significant.**
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- b) The proposed project does not propose to construct any new on or off-site recreational facilities. Additionally, the project would not expand any existing on or off-site recreational facilities. Thus, environmental effects related to the construction or expansion of recreational facilities would not occur with implementation of the proposed project. Therefore, any impacts are anticipated to be less than significant.**

XVII. TRANSPORTATION *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- a) The proposed project does not appear to conflict with a program plan, ordinance or policy addressing the circulation**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
system, including transit, roadway, bicycle and pedestrian facilities. The project will be conditioned to acquire any required permitting from any transportation department with jurisdiction. Therefore, any impacts are anticipated to be less than significant.				
b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project does not appear to conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b). Any impacts are anticipated to be less than significant.				
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The project does not substantially increase hazards due to a geometric design feature or incompatible uses. Any impacts are expected to be less than significant.				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The project is not expected to result in inadequate emergency access, but will need to comply with any requirements from Imperial County Fire regarding emergency access. Any impacts are expected to be less than significant.				

XVIII. TRIBAL CULTURAL RESOURCES

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:
- a) The proposed RV and off-road vehicle, maintenance, and repair business is on an industrial zoned parcel on disturbed land with existing structures. A notification of opportunity to consult letter in compliance with AB-52 was sent to the Quechan Indian Tribe and Campo Band of Mission Indians on August 17, 2023 and no comments were received from either. The project does not appear to cause a substantial adverse change in the significance of a tribal cultural resource; therefore any impacts are anticipated to be less than significant.**
- (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or
- (i) The proposed site was not listed under the California Historical Resources in County of Imperial¹⁴ nor does it appear to be eligible under Public Resources Code Section 21074 or 5020.1 (k); therefore, less than significant impacts are expected.**
- 0 (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.
- (ii) There appears to be no history or association in the past with any evidence of historical resources for the property to be either identified as of significance or as candidate for listing in the California Register; therefore, less than significant impacts are expected.**

¹⁴ California Historical Resources in County of Imperial

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
XIX. UTILITIES AND SERVICE SYSTEMS Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? a) The proposed project will require an onsite OWTS to accommodate the proposed dump stations. This system will be permitted through the California Regional Water Quality Control Board the construction of which is not expected to cause significant environmental effects. Per the IID comment letter if the project requires future additional electrical service the applicant will need to work with the IID for that electrical expansion and be responsible for all related costs. Any impacts from the project would be considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? b) The project appears to have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? c) The proposed project has an existing septic system and proposes a larger OWTS for RV pumping stations and does not appear to have an impact on any wastewater treatment provider. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? d) The proposed project does not appear to generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The project will have its own onsite private OWTS. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? e) The project will be required to comply with all federal, state, and local management and reduction statutes and regulations related to solid waste. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
a) The proposed project is not located in a Fire Hazard Severity Zone in State Responsibility Area and is in the Outside State Responsibility Area per the Cal Fire: Fire Hazard Severity Zones web application¹⁵. The project is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, any impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
b) The proposed project is in relatively flat area surrounded by agricultural lands and is not expected to exacerbate wildfire risks due to slope, prevailing winds, and other factors that would thereby expose project occupants to pollutant | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

¹⁵ Cal Fire: Fire Hazard Severity Zones web application

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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concentrations from a wildfire or the uncontrolled spread of a wildfire. Any impacts are expected to be less than significant.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- c) The proposed project is not expected to require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The project will be required to comply with any requirements from Imperial County Fire Department regarding any fire suppression mechanisms or emergency water sources. Impacts are expected to be less than significant.**
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- d) The proposed project will not expose people or structures to significant risks by flooding or landslides as a result of runoff, post-fire slope instability or drainage changes. The proposed project is located on flat terrain and impacts are expected to be less than significant**

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
Revised 2011- ICPDS
Revised 2016 – ICPDS
Revised 2017 – ICPDS
Revised 2019 – ICPDS

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson Planning Division Manager
- Derek Newland, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

1. Imperial County General Plan Figure 9, Circulation and Scenic Highways Element
[http://www.icpds.com/CMS/Media/Circulation-Scenic-Highway-Element-\(2008\).pdf](http://www.icpds.com/CMS/Media/Circulation-Scenic-Highway-Element-(2008).pdf) . Page 13
2. California Department of Fish and Wildlife comment letter dated July 1, 2024
3. California Department of Conservation Farmland Mapping and Monitoring Program "California Important Farmland Finder"
<https://maps.conservation.ca.gov/DLRP/CIFF/>
4. Imperial County Air Pollution Control District comment letter, September 01, 2023
5. Imperial County Conservation and Open Space Element
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
6. Imperial Irrigation District comment letter dated: August 30, 2023
7. California Department of Conservation CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones web application
<https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore>
8. Imperial County General Plan Landslide Activity Map, Figure 2
<http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>
9. Imperial County Public Works Department comment letter dated August 17, 2023.
10. Percolation Test Report Dated August 11, 2023
11. Onsite Wastewater Treatment System Application
12. California Department of Toxic Substances Control: EnviroStor
<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=760+Hwy+78%2C+Brawley+CA>
13. California Historical Resources in County of Imperial
<http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>
14. Cal Fire: Fire Hazard Severity Zones web application
<https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>
15. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.

VI. NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: Conditional Use Permit #23-0019 / Initial Study #23-0024

Project Applicant: Brian Welsh

Project Location: 760 E Hwy 78, Brawley, CA 92227

Description of Project: The project proposes a recreational vehicle (RV) and off-road vehicle storage, maintenance, and repair business to be built in two potential phases. The property is divided by the Imperial Irrigation District's Osage Drain. The first phase of the project is the southern portion of the property south of the drain.

The proposed project will consist of covered and uncovered RV and off-road vehicle parking with onsite maintenance and repair services to be conducted in the existing structures onsite. There are 6 proposed dump stations for the emptying of RV waste tanks and an Onsite Waste Water Treatment System (OWTS) is proposed for the handling of this waste. The OWTS will be permitted through the California Regional Water Quality Control Board.

There will be 3 to 5 employees depending on the season, which is expected to be between October to May. Office hours are proposed as 8 am – 5 pm with access hours for storage being 24 hours a day seven days a week.

Security for the site will be done with fencing, lighting, gating, and a manager who will be residing in a proposed caretaker residence onsite.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing this Negative Declaration based upon the following findings:

☐ The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☐ The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

Applicant Signature

Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

COMMENTS

EEC ORIGINAL PKG



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 1, 2024
Sent via e-mail

Jim Minnick, Director
Derek Newland, Planner III
Imperial County Planning and Development Services Department
801 Main Street
El Centro, CA 92243
jimminnick@co.imperial.ca.us; DerekNewland@co.imperial.ca.us

**CUP23-0019 IS23-0024 Brian Welsh - Imperial RV Storage (PROJECT)
NEGATIVE DECLARATION (ND)
SCH #2024051372**

Dear Jim Minnick and Derek Newland:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an ND from Imperial County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Brian Welsh

Objective: The Project proposes a recreational vehicle (RV) and off-road vehicle storage, maintenance, and repair business to be built in two phases. The property is divided by the Osage Drain. The first phase of the Project will be in the southern portion of the property south of the drain, proposing 150 parking spaces, and the second phase proposes an additional 150 spaces in the northern portion of the property. The Project will include grading and paving the Project site.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

The proposed Project will consist of covered and uncovered RV and off-road vehicle parking with onsite maintenance and repair services to be conducted in the existing structures onsite. There are 6 proposed dump stations to empty RV waste tanks, and an Onsite Waste Water Treatment System (OWTS) is proposed to handle this waste. The OWTS will be permitted through the California Regional Water Quality Control Board.

There will be 3 to 5 employees depending on the season with the busy season expected to be between October and May. Office hours are proposed as 8 am to 5 pm with access hours for storage being 24 hours per day, seven days per week. Security for the site will include fencing, lighting, gating, and a manager who will reside in a proposed caretaker residence on-site.

Location: The Project will be located at 760 E Hwy 78, Brawley, California 92227; Imperial County; Assessor's Parcel Number 049-310-002-000, near the intersection of Hwy 111 and Hwy 78, which is two miles west of the Project site. The Project area is approximately 25.35 acres in size, and the Alamo River runs along the western boundary of the Project site. The latitude and longitude for this Project site are 32°58'56.6" N, 115°28'00.6" W.

Timeframe: The ND does not provide any information regarding the timeframe for the proposed Project.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist Imperial County (County) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. The ND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Timing of Construction and Construction Activities

Initial Study/Negative Declaration (IS/ND) Document, Section #II, Page #8

Issue: CDFW is concerned that the Project description does not provide a complete and accurate description of the Project's timeline. More information is needed regarding the schedule of construction activities for the Project's two separate phases to ensure the impacts of the Project are reduced to a level less than significant.

Specific impact: The ND (p. 8) states that "the first phase of the project is the southern portion of the property south of the drain and would include 150 parking spaces total with the second phase being on the northern portion of the property with an additional 150 proposed parking spaces." However, no further information is provided regarding a construction schedule for each separate phase of the Project. If the Project site is left vacant or left graded and inactive in the interim period between construction phases, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas (e.g., ground squirrels and burrowing owls). Burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). Without a complete Project description regarding the construction schedule, CDFW cannot accurately assess the impacts to biological resources that have potential to occur.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project

description, the ND likely provides an incomplete assessment of Project-related impacts to biological resources.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends that Imperial County recirculate a revised Mitigated Negative Declaration (MND) that includes a complete Project description with details regarding the timeline for all Project activities in each phase.

II. Environmental Setting and Related Impact Shortcoming

COMMENT #2: Assessment of Biological Resources

IS/ND Document, Section #IV, Page #17

Issue: The ND does not adequately identify the Project's significant, or potentially significant, impacts to biological resources.

Specific impact: The ND bases its analysis of impacts to biological resources on the Imperial County General Plan's Conservation and Open Space Element from 2016. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. CDFW is concerned that no recent biological field assessment and no recent focused or protocol-level surveys were performed for the detection of special-status species on the Project site and in the surrounding area. CDFW is concerned about the potential for special-status species to occur on or near the Project site. The California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, or other special-status species have been reported within a 3 mile radius of the Project area including, but not limited to, the following: **Invertebrates:** Crotch's bumble bee (*Bombus crotchii*); **Reptiles:** Colorado Desert fringe-toed lizard (*Uma notata*), flat-tailed horned lizard (*Phrynosoma mcallii*); **Birds:** burrowing owl (*Athene cunicularia*), crissal thrasher (*Toxostoma crissale*), fulvous whistling-duck (*Dendrocygna bicolor*), Gila woodpecker (*Melanerpes uropygialis*), least bittern (*Ixobrychus exilis*), loggerhead shrike (*Lanius ludovicianus*), long-billed curlew (*Numenius americanus*), long-eared owl (*Asio otus*), mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), peregrine falcon (*Falco peregrinus*), prairie falcon (*Falco mexicanus*), redhead (*Aythya americana*), tricolored blackbird (*Agelaius tricolor*), white-faced ibis (*Plegadis chihi*), white-tailed kite (*Elanus leucurus*), yellow-breasted chat (*Icteria virens*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*); **Mammals:** American badger (*Taxidea taxus*), big free-tailed bat (*Nyctinomops macrotis*), pallid bat (*Antrozous pallidus*), pocketed free-tailed bat (*Nyctinomops femorosaccus*), southern grasshopper mouse (*Onychomys torridus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western yellow bat (*Lasiurus xanthinus*).

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the ND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the ND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that

significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure: To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised MND include the results of recent biological surveys as described in the following mitigation measure, as well as mitigation measures to reduce impacts to less than significant.

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for CDFW-recommended MM BIO-[A] through MM BIO-[F].

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Nesting Birds

IS/ND Document, Section #IV, Page #17

Issue: CDFW is concerned that the ND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are reduced to a level less than significant.

Specific impact: Page 17 of the ND states that “the project has an irrigation drain running through [the site] and the Alamo River running along the western boundary.” The riverine and riparian habitat associated with the Alamo River and Osage Drain are suitable for multiple nesting bird species. Those nesting bird species (see COMMENT #2: Assessment of Biological Resources) have the potential to be directly or indirectly impacted by the proposed Project activities.

CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017).

CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Evidence impact would be significant: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.)

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the County add the following measure for nesting birds in a revised MND to ensure that impacts to nesting birds are reduced to less than significant:

MM BIO-[B]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #4: Burrowing Owl

IS/ND Document, Section #IV, Page #17

Issue: CDFW is concerned that the ND does not sufficiently identify Project impacts to burrowing owl (*Athene cunicularia*) or ensure that impacts are reduced to a level less than significant.

Specific impact: Page 17 of the ND states that the project site is located on "disturbed land" and "is within the 'Burrowing Owl Species Distribution Model' according to the Imperial County General Plan's Conservation and Open Space Element." CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), and that burrowing owls may

occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al. 2003). In addition, burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). In Imperial Valley, burrowing owls are highly dependent on irrigation canals for nesting habitat (Wilkerson and Siegel 2011). CNDDDB/BIOS report occurrences of burrowing owl less than 1.5 miles from the Project site.

Impacts to burrowing owls from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities. CDFW notes that impacts to burrowing owls could also occur outside of the peak nesting season because burrowing owls may start breeding earlier (in January) and because young owls may still be dependent on the adults until later in the fall. In addition, because some burrowing owls are resident in burrows year-round, impacts to this species could also occur outside of the peak nesting season.

Evidence impact would be significant: Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.)

Recommended Potentially Feasible Mitigation Measure: CDFW recommends adding a mitigation measure for burrowing owl in a revised MND with specific avoidance and minimization measures to ensure that impacts to burrowing owls are reduced to less than significant. CDFW recommends that prior to commencing Project activities for all phases of Project construction, focused surveys for burrowing owl be conducted for the entirety of the Project site by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). CDFW recommends Imperial County include the following Mitigation Measure in a revised MND:

MM BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If

impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

COMMENT #5: Lake and Streambed Alteration (LSA) Agreement

IS/ND document, Section #IV, Page #17

Issue: The ND does not include mitigation measures to avoid or reduce impacts to streams and their associated resources to a level less than significant.

Specific impact: Page 17 of the ND states, "The proposed project is located on an industrial zoned parcel which has an existing Imperial Irrigation District (IID) irrigation drain running through the property which empties into the Alamo River running along the western boundary of the parcel." CDFW review of aerial imagery indicates the presence of riverine and riparian habitat associated with the Alamo River and Osage Drain within the boundary of the Project site, as well as riverine and riparian habitat associated with the Alamo River along the western boundary of the Project site. The ND does not provide an assessment of stream resources nor details on the proximity of construction activities to these resources. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Potential direct and indirect impacts to the streams and associated fish and wildlife resources, such as burrowing owl, resulting from Project construction are subject to notification under Fish and Game Code section 1602.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the

flood plain of a body of water. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce harmful impacts to fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). Early consultation with CDFW is recommended since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, visit: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Recommended Potentially Feasible Mitigation Measure: Because of the potential for impacts to resources subject to Fish and Game Code section 1602, CDFW recommends Imperial County include the following additional mitigation measure in a revised MND to ensure that impacts to streams and associated fish and wildlife are reduced to a level less than significant:

MM BIO-[D]: CDFW's Lake and Stream Alteration (LSA) Program

Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

COMMENT #6: Artificial Lighting

IS/ND Document, Section #I, Page #15

Issue: The ND does not analyze impacts to biological resources from artificial nighttime lighting and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant.

Specific impact: The proposed Project will result in new sources of artificial nighttime lighting adjacent to riverine/riparian habitat and open agricultural land. The ND (p. 15) states, "The proposed project would have lighting at night for security purposes as well as to allow storage customers accessing the property at night to pick up or drop off their RV." The ND indicates that lighting will be shielded; however, no further details are provided. Impacts to biological resources resulting from the use of artificial nighttime lighting during construction and during 24-hour operation of the Project are not analyzed, and no mitigation measures are proposed. Designs for lighting to be used during operation of the Project should be included in a revised MND, along with details of artificial nighttime lighting to be used during construction. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND.

Evidence impact would be significant: There is riverine/riparian habitat within the Project site and immediately west of the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. In addition, the Project is surrounded by agricultural land that may also support wildlife. Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation

(Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for artificial nighttime light to negatively impact wildlife, CDFW recommends a revised MND include details of the use of artificial nighttime lighting proposed for construction and operation of the Project and an analysis of impacts to biological resources, as well as specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends the County include the following mitigation measure in a revised MND:

MM BIO-[E]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #7: Construction Noise

IS/ND Document, Section #XIII, Page #23

Issue: The ND does not include an assessment of the impacts of construction noise on biological resources. Additionally, the ND does not include mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The ND (p. 23) states, "The proposed project may produce the most noise during grading and paving operations on the site...construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB Leq, when averaged over an eight (8) hour period, and measured at the nearest sensitive receptor." CDFW is concerned that the ND does not acknowledge or assess the impacts to biological impacts that have potential to occur due to construction noise. Direct and indirect impacts may occur to nesting birds and other wildlife using riverine/riparian habitat within and near the Project site and agricultural land in proximity to the Project site.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017).

Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised MND include a noise impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

MM BIO-[F]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The types of information reported to CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>. **ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the ND to assist Imperial County in identifying and mitigating Project impacts on biological resources. CDFW concludes that an ND is inappropriate for the Imperial RV Storage Project because it does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the ND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete Project description and a complete assessment of biological resources. The CEQA Guidelines indicate that recirculation is required when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description and a complete assessment of biological resources, be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

Questions regarding this letter or further coordination should be directed to Julia Charpek, Environmental Scientist, at 909.354.0937 or Julia.Charpek@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Cindy Castaneda
58B2E2CAD6624CD

For
Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW
Heather.Brashear@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
State.clearinghouse@opr.ca.gov

REFERENCES

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Attachment 1: Mitigation Monitoring and Reporting Program (MMRP) for Biological Resources

Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties
MM BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.	Prior to Project construction activities	Imperial County
MM BIO-[B]: Nesting Birds Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.	No more than 3 days prior to vegetation clearing or ground-disturbing activities	Imperial County
MM BIO-[C]: Focused and Pre-Construction Surveys for Burrowing Owl Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied	Focused surveys: Prior to the start of Project-related activities Preconstruction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance	Imperial County

<p>burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>		
<p>MM BIO-[D]: CDFW's Lake and Stream Alteration (LSA) Program Prior to Project-activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to Project activities and issuance of any grading permit</p>	<p>Imperial County</p>
<p>MM BIO-[E]: Artificial Nighttime Light During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p>Throughout construction and the lifetime operations of the Project</p>	<p>Imperial County</p>
<p>MM BIO-[F]: Construction Noise During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind</p>	<p>During all Project construction</p>	<p>Imperial County</p>

turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.		
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AIR POLLUTION CONTROL DISTRICT



September 1, 2023

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Conditional Use Permit 23-0019 – RV and Vehicle Storage, Brian Welsh

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0019 (Project) which proposes the operation of an RV and off-road vehicle storage, maintenance, and repair facility. The project is located at 760 Highway 78, Brawley also identified as Assessor's Parcel Number (APN) 049-310-002.

The Air District reminds the applicant that the project must comply with all Air District rules and regulations and would emphasize Regulation VIII – Fugitive Dust Rules. Regulation VIII is a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity.

The Air District would also like to bring to the applicant's attention that depending on the specific equipment and services on site, the project may trigger the requirement for an Air District permit. For example, the use of electric generators or offering automotive coating/painting services may trigger permit requirements. The Air District requests the applicant contact an Air District Permitting Engineer directly to discuss the specific permitting requirements of the project.

Additionally, the Air District requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found on our website for your convenience at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any questions please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,

Ismael Garcia
Environmental Coordinator II

Monica N. Soucier
APC Division Manager



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

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Public Works works for the Public

September 7, 2023

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

Attention: Derek Newland, Planner II

SUBJECT: CUP 23-0019 for Brian Welsh
Located on 760 Highway 78, Brawley, CA 92227
APN 049-310-002

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on August 17, 2023 for the above mentioned project. The applicant proposes RV and off-road vehicle storage, maintenance and repair.

Department staff has reviewed the package information and the following comments shall be Conditions of Approval:

1. The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
2. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 – Overweight Vehicles and Loads).
3. The site plan shows property lines that have never been surveyed. A record of survey might be required to establish the property boundary if fencing or any permanent structures are being proposed near the property lines.
4. If perimeter fencing is being proposed near property corners, monument preservation efforts are necessary. MPR-01 Pre-Construction and MPR-02 Post-Construction are required filled out by a person authorized to practice land surveying.

An Equal Opportunity / Affirmative Action Employer

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Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

By:

A handwritten signature in blue ink, appearing to read "Dale", with a stylized flourish extending to the right.

David Dale, PE, PLS
Assistant Public Works Director, County Surveyor

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IID

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August 30, 2023

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 8:40 am, Aug 30, 2023

SUBJECT: RV and Off-Road Vehicle Storage, Maintenance & Repair Facility Project, CUP23-0019, IS23-0024

Dear Mr. Newland:

On August 17, 2023, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit No. 23-0019, Initial Study No. 23-0024. The applicant, Brian Welsh, proposes to establish an RV and off-road vehicle storage, maintenance and repair facility at 760 Hwy. 78, Brawley, CA (APN 049-310-002).

The IID has reviewed the application and has the following comments:

1. If the proposed project requires additional electrical service to the existing one, the applicant should be advised to contact Gabriel Ramirez, IID project development service planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

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4. IID water facilities that may be impacted include the Osage Drain, flowing east to west to the Alamo River. This drain divides the parcel into north and south parcel half-sections.
5. The existing crossing over the Osage Drain needs to be upgraded/enlarged due to the proposed increase in traffic with the proposed expansion.
6. The project's road access is from Highway 78. The expansion will be located north and south of the Osage Drain and the project's traffic crosses over IID's Osage Drain. An IID encroachment permit and an engineering plan review will be required.
7. To insure there are no impacts to IID facilities, grading/drainage and fencing plans, as presented to Imperial County, are to be submitted to IID Water Department Engineering Services Section prior to the project's final design. IID WDES Section can be contacted at (760) 339-9265 for additional information
8. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/departments-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.
9. The applicant may not use IID's canal or drain banks to access the project site.
10. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
11. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Derek Newland
August 30, 2023
Page 3

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Donald Vargas', is written over the typed name and title.

Donald Vargas
Compliance Administrator II

Sergio Quiroz – Interim General Manager
Mike Pacheco – Manager, Water Dept.
Jamil Asbury – Manager, Energy Dept.
Matthew H Smelser – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent General, Fleet Services and Reg. & Environ. Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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**OWTS APPLICATION
TO THE RWQCB**

EEC ORIGINAL PKG



State of California
Regional Water Quality Control Board
APPLICATION/REPORT OF WASTE DISCHARGE
GENERAL INFORMATION FORM FOR
WASTE DISCHARGE REQUIREMENTS OR NPDES PERMIT

I. FACILITY INFORMATION

A. FACILITY:

Name Imperial R.V. Storage LLC
Address 760 Highway 78
City/County/State/Zip Code Brawley, CA, 92227
Contact Person Brian Welsh
Telephone Number 773-450-6540 Email jwelsh007@aol.com

B. FACILITY OWNER:

Name Brian Welsh Sole Mbr
Address 1950 N. Logan Street, Unit 1202
City/State/Zip Code Denver, Co 80203
Contact Person Brian Welsh
Telephone Number 773-450-6540 Email jwelsh007@aol.com
Federal Tax ID 93-4642069

Owner Type (Mark one):

☒ Individual ☐ Corporation ☐ Governmental Agency ☐ Partnership
☐ Other: _____

C. FACILITY OPERATOR (The agency or business, not the person):

Name Brian Welsh
Address 1950 N. Logan Street, Unit 1202
City/State/Zip Code Denver, CO 80203
Contact Person Brian Welsh
Telephone Number 773-450-6540 Email jwelsh007@aol.com

Operator Type (Mark one):

☒ Individual ☐ Corporation ☐ Governmental Agency ☐ Partnership
☐ Other: _____

D. OWNER OF THE LAND

Name Brian Welsh
Address 1950 N. Logan Street, Unit 1202
City/State/Zip Code Denver, CO 80203
Contact Person Brian Welsh
Telephone Number 773-450-6540 Email jwelsh007@aol.com

Owner Type (Mark one):

- ☒ Individual ☐ Corporation ☐ Governmental Agency ☐ Partnership
☐ Other: _____

E. ADDRESS WHERE LEGAL NOTICE MAY BE SERVED

Address 1950 N. Logan Street, Unit 1202
City/State/Zip Code Denver, CO 80203
Contact Person Brian Welsh
Telephone Number 773-450-6540 Email jwelsh007@aol.com

F. BILLING ADDRESS

Address 1950 N. Logan Street, Unit 1202
City/State/Zip Code Denver, CO 80203
Contact Person Brian Welsh
Telephone Number 773-450-6540 Email jwelsh007@aol.com

II. TYPE OF DISCHARGE

Check Type of Discharge(s) Described in this Application:

- ☒ **Waste Discharge to Land** ☐ **Waste Discharge to Surface Water**

Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> Animal or Aquacultural Wastewater | <input type="checkbox"/> Land Treatment Unit |
| <input type="checkbox"/> Animal Waste Solids | <input type="checkbox"/> Landfill (see instructions) |
| <input type="checkbox"/> Biosolids/Residual | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Cooling Water | <input type="checkbox"/> Storm Water |
| <input checked="" type="checkbox"/> Domestic/ Municipal Wastewater Treatment and Disposal | <input type="checkbox"/> Surface Impoundment |
| <input type="checkbox"/> Dredge Material Disposal | <input type="checkbox"/> Waste Pile |
| <input type="checkbox"/> Hazardous Waste (see instructions) | <input type="checkbox"/> Wastewater Reclamation |
| <input type="checkbox"/> Industrial Process Wastewater | <input type="checkbox"/> Other, please describe _____ |

III. LOCATION OF THE FACILITY

Describe the physical location of the facility:

1. Assessor's Parcel Number(s)

Facility: 049-310-002-000

Discharge Point: 049-310-002-000

2. Latitude

Facility: 32.982817

Discharge Point: 32.982817

3. Longitude

Facility: -115.466449

Discharge Point: -115.466449

IV. REASON FOR FILING

Check all that apply:

- ☒ New Discharge or Facility
- ☐ Change in Design or Operation
- ☐ Change in Quantity/Type of Discharge
- ☐ Changes in Ownership/Operator (see instructions)
- ☐ Waste Discharge Requirements Update or NPDES Permit Reissuance
- ☐ Other: _____

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Name of Lead Agency _____

Has a public agency determined that the proposed project is exempt from CEQA?

☐ Yes ☒ No

If yes, state the basis for the exemption and the name of the agency supplying the exemption on the line below:

Has a "Notice of Determination" been filed under CEQA?

☐ Yes ☒ No

If Yes, enclose a copy of the CEQA document, Environmental Impact Report (EIR), or Negative Declaration. If No, identify the expected type of CEQA document and expected date of completion.

Expected CEQA Documents: ☐ EIR ☒ Negative Declaration

Expected CEQA Completion Date: Unknown

VI. OTHER REQUIRED INFORMATION

Please provide a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to, design and actual flows, a list of constituents and the discharge concentration of each constituent, a list of other appropriate waste discharge characteristics, a description and schematic drawing of all treatment processes, a description of any Best Management Practices (BMPs) used, and a description of disposal methods.

Also include a site map showing the location of the facility and, if you are submitting this application for an NPDES permit, identify the surface water to which you propose to discharge. Please try to limit your maps to a scale of 1:24,000 (7.5' USGS Quadrangle) or a street map, if more appropriate.

VII. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:

Project Description (11/22/2023)

Geotechnical Report (11/17/2023)

Aerial Site Plan, Site Plan & System P&ID (6/20/2023)

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your Application/Report of Waste Discharge, pursuant to Division 7, Section 13260 of the California Water Code.

VIII. CERTIFICATION

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name Brian Welsh Title Owner
Signature *Brian Welsh* Date 12/14/23

FOR OFFICE USE ONLY

Date Form 200 Received:	Letter to Discharger:	Fee Amount Received:	Check #:
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Imperial R.V. Storage

Onsite Wastewater Treatment System - Project Description

Contact Information

Company: Imperial R.V. Storage, LLC
Address: 760 E. Hwy 78, Brawley CA 92227
APN: 049-310-002
Owner: Brian Welsh 773-450-6540
Mailing Address: 1950 N. Logan Street, Unit 1202, Denver CO 80203

Project Basis

Imperial R.V. Storage (IRVS) is an RV storage site under development. The purpose of this project is to install an onsite wastewater treatment system (OWTS) to treat the effluent from the RV dump stations holding as well as office facilities within the site. This will eliminate the need for trucking the sewage to treatment facilities about 5 miles away, thereby reducing the environmental impact of those semi-truck trips.

Project Intent

IRSV is applying for a waste discharge permit with the State of California Regional Water Quality Control Board (RWQCB) for the installation of an OWTS.

Effluent Data

Design effluent flowrate (max) = 5780 gal/day
(Based on 80 gal per RV truck discharging once every 4 days, total 289 spaces total at 20 gpd)
Typical effluent flowrate = 1000 gal/day Raw
effluent values (prior to treatment) (mg/L)
BOD5: 400 mg/L (Typical in US)
TSS: 200 mg/L (Typical in US)
TKN: 35 mg/L (Typical in US)
Ammonia: 40 mg/L (Typical in US)
Phosphorous: 20 mg/L (Typical in US)

These values are expected to decrease by up to 25% with the proposed OWTS due to the storage customers being able to flush their tanks and hoses with water when they are finished dumping.

Facility Description

The Facility (Imperial R.V. Storage) is located at 760 E Hwy 78, Brawley, CA 92227 and approximately 3 miles east of the Brawley city limits, near the intersection of State Route 78 and Seybert Rd in Imperial County (ATTACHMENT 1).

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The Assessor's Parcel Number is 049-310-002-000. The Township and Range are a portion of Section 31, Township 13 South, Range 15 East, San Bernardino Meridian. The Latitude is 32.982817° N and the Longitude is 115.466449° W.

The Discharger plans to provide a 3-stage onsite wastewater treatment system. The proposed system will be capable of treating a maximum of 6,000 gallons per day (gpd) of domestic wastewater generated by the RV's (**ATTACHMENT 2**) with a proposed 289 RV parking slots. The system will be installed north of the proposed RV storage facility on an adjacent property belonging to the owner (a potential future R.V. Storage site, but this proposed OWTS will handle only the south parcel). The Facility is located in a remote area with no access to municipal water or wastewater systems. The property is relatively flat and is in an area of minimal flood hazard, Zone X, and not subject to a 100-year flood event, as defined by FEMA.

OWTS Description

The proposed OWTS will consist of the following components (**ATTACHMENT 3**):

1. Existing Primary 10,000 gallon holding tank. This tank has an internal partition to facilitate the removal of primary solids. The effluent leaving this tank will gravity drain to a 500-gallon pump tank.
2. A 500-gallon float operated pump tank will discharge the effluent from the 10,000-gallon holding tank to a Secondary 10,000 gallon holding tank located next to the new ponds.
3. The Secondary 10,000 gallon holding tank will also have an internal partition for secondary primary solids removal and will act as a "wide" spot in the line in order to regulate the average daily flow rate. This tank will gravity feed into the Facultative Pond. A pump will be installed to empty the 2nd chamber of the tank during the week prior to the (5) known "high RV dump" weekends.
4. The Facultative Pond will have a trickle filter, a pond divider to enhance nitrification / de-nitrification process, a liner to eliminate any seepage, and 2 feet of freeboard. It will have dimensions of 36' wide x 90' long x 5' deep and surface area of 3,240'. The pond will have a total volume of 90,000 gallons which includes a 15% safety factor using the "Gloyna Method" calculation. The Facultative Pond will gravity feed to a leach field that will consist of trenches to facilitate infiltration. A soil percolation test was conducted indicated good infiltration rates for the leach field. The percolation test report is given in **Attachment 4**. Geotechnical investigation also indicted that groundwater levels within the site are more than 30 feet below existing grade.

Sludge and solid waste from the treatment facility will be periodically hauled away.

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Best Management Practices (BMPs)

IRVS will continue with General BMP's which include site cleanliness, preventative maintenance, security, daily inspections, facility improvement and record keeping.

OWTS specific BMP's will be implemented starting with the design/engineering of the system and it's various components to ensure simple failsafe operation and continue with the following:

1. Daily inspection of the OWTS.
2. Verifying the integrity of the ponds and pumping / piping components.
3. Removing any vegetation debris and or trash from the ponds.
4. Minimizing objectionable odors, weeds and algae growth.
5. Mosquito breeding prevention.
6. Scheduling pump outs of the (2) holding tanks primary compartments to remove the contained TSS.
7. Testing of the effluent to ensure that the system is operating within the established parameters. And modify the system as necessary if the test results reveal any deficiencies.

Additionally, IRVS will periodically assess and reevaluate our OWTS components and BMP plan to ensure that we are operating in the safest possible manner.

IMPERIAL R.V. STORAGE

DUE DILLIGENCE FINDINGS

PROJECT LOCATION ADJACENT TO AN IMPAIRED WATER – ALAMO RIVER

ALAMO RIVER Designated as special protection areas for impaired surface and ground waters of the State of California

(Source: Attachment 2, **OWTS Policy** -Water Quality Control Policy for Siting, Design Operation, and Maintenance of Onsite Wastewater Treatment Systems, April 18, 2023, **State Water Resources Control Board, California Environmental Protection Agency**)

Section 8.80.160 -A.4 of Imperial County Ordinance Number 1516, Appendix B -Final Draft Imperial County Onsite Wastewater Treatment Systems Ordinance

- REQUIRED TIER 3 LEVEL OF TREATMENT (TRIGGERS SECTION 303.D OF THE CLEAN WATER ACT)
- Advanced Protection Management Program
- Local Management Agency (LMA) must collaborate with Regional Management Agency (RMA)
- LMA IS IMPERIAL COUNTY
- RMA ARE -STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) and COLORADO RIVER BASIN REGION (REGIONAL WATER BOARD)

WHAT TO DO INITIALLY

- SUBMIT APPLICATION ON FORM 200 202 r11 with Technical Data (Listed Below)
- PROVIDE A REPORT OF WASTE DISCHARGE (ROWD) INCLUDING FLOW RATES
- A TECHNICAL DOCUMENT OF HOW WASTEWATER IS/WILL BE HANDLED
- LABORATORY REPORT OF SITE SEWAGE SAMPLES
- STORM WATER MANAGMENT
- HYDROGEOLOGY REPORTS (GEOTECHNICAL, MAINLY GROUNDWATER ISSUES)
- TIER 3 GUIDED BY TMDL (Total Maximum Daily Load)
- TMDL has been established for ALAMO RIVER

UPON FILING OF APPLICATION ON FORM 200 WITH THE REQUIRED TECHNICAL DATA, THE RWQCB WILL PROVIDE INFORMATION ON HOW THE DESIGN SHOULD PROCEED AND THE TARGET TDML's

THERE WILL BE EXTENSIVE MONITORING OF THE WASTEWATER TREATMENT SYSTEM WHEN CONSTRUCTED

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August 11, 2023

Kesri Sekhon, P.E.
7072 Cordgrass Court
Carlsbad, CA 92011

Attn: Cecilia Vogel
652 Lee Rd.
Imperial, CA 92251

Re: Imperial RV Storage
760 Highway 78
Brawley, CA 92227
APN # 049-310-002-000

Subj.: Soil Percolation Test Results

Dear Mrs. Vogel,

Soil percolation testing has been completed for the above referenced project site. The percolation tests were conducted on July 18, 2023, in accordance with Imperial County's adopted "falling head test method" (*Robert A. Taft Method of Soil Percolation Testing*). Logs of the percolation borings are shown in Appendix A.

The subject site (Figure 1) is located on the north side of State Hwy 78 in Brawley, California. The site is bounded on the west by the Alamo River, to the south by State Hwy 78, and east by undeveloped land. The site consists of an existing office building, metal building, and metal shade.

Proposed development consists of new R.V. storage parking, a new modular unit, and a new onsite wastewater treatment system (OWTS) as required by the State of California Regional Water Quality Control Board (RWQCB).

The percolation test locations are indicated on Figure 1 of Appendix A. Four (4) test holes were dug via a 5.5 hp post hole auger 12 inches in diameter to an approximate depth of 36 inches below ground surface. Each test hole was filled with approximately twelve (12) inches of water over a layer of pea gravel and was maintained for four (4) hours to achieve a pre-saturated condition.

The holes were then re-filled with water and allowed to drop for 30 minutes. Measurements were recorded at 30-minute intervals for four hours until sufficiently stabilized rates were recorded. The summary of percolation results is provided in the following table.

Table 1.0 Percolation Rates	
Test Hole #	Percolation Rate (minutes per inch)
1	40
2	60
3	40
4	40

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Percolation rates (rounded up to the nearest whole number) ranged from 40 to 60 minutes per inch. For soils to effectively treat effluent, percolation rates generally need to be between 10 and 60 minutes per inch. Therefore, in my professional opinion, the site is suitable for the design and installation of an onsite wastewater treatment system (OWTS).

The scope of work performed for this study was intended to evaluate the feasibility of an OWTS based on percolation testing. Although there was no evidence which precludes the use of an OWTS, additional testing will be required for final design.

Services performed have been conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, either express or implied, and no warranty or guarantee is included or intended.

The data, opinions, and recommendations of this report are applicable to the specific design intent of this project. They have no applicability to any other project or to any other location, and any and all subsequent users accept any and all liability resulting from any use or reuse of the data, opinions, and recommendations without prior written consent.

I have no responsibility for construction means, methods, techniques, sequences, or procedures, or for safety precautions or programs in connection with the construction, for the acts or omissions of the CONTRACTOR, or any other person performing any of the construction, or for the failure of any of them to carry out the construction in accordance with the final design drawings and specifications.

The opportunity to provide you with consulting services and professional opinions is truly appreciated. If you have any questions, please contact the undersigned at (858) 395-1143.

Respectfully Submitted,



Kesri Sekhon, P.E.



Attachments:

Figure 1 – Site Location Map
Appendix A – Field Data and Calculations

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Figure 1



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APPENDIX A

PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage Project No.: 2301P Date: 07/18/23

Test Hole No.: 1 Tested By: Kesri "KC" Sekhon, P.E. Water Temp.: _____

Depth of Test Hole: 36 inches Air Temp.: 107° F USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____ Diameter 12" Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Pieziometric Surface in Inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	10:55 AM	11:25 AM	30	27.25	24.5	2.75	11	
2	11:25 AM	11:55 AM	30	24.5	23.75	0.75	40	
3	11:55 AM	12:25 PM	30	23.75	23	0.75	40	
4	12:25 PM	12:55 PM	30	23	22.25	0.75	40	
5	12:55 PM	1:25 PM	30	22.25	21.25	1	30	
6	1:25 PM	1:55 PM	30	21.25	20.5	0.75	40	
7	1:55 PM	2:25 PM	30	20.5	19.75	0.75	40	
8	2:25 PM	2:55 PM	30	19.75	19	0.75	40	
9								
10								

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PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage Project No.: 2301P Date: 07/18/23

Test Hole No.: 2 Tested By: Kesri "KC" Sekhon, P.E. Water Temp.: _____

Depth of Test Hole: 36 inches Air Temp.: 107^o F USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____ Diameter 12" Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Piezometric Surface in inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	11:00 AM	11:30 AM	30	31	28.5	2.5	12	
2	11:30 AM	12:00 PM	30	28.5	28	0.5	60	
3	12:00 PM	12:30 PM	30	28	27	1	30	
4	12:30 PM	1:00 PM	30	27	26.25	0.75	40	
5	1:00 PM	1:30 PM	30	26.25	25.5	0.75	40	
6	1:30 PM	2:00 PM	30	25.5	24.75	0.75	40	
7	2:00 PM	2:30 PM	30	24.75	24	0.75	40	
8	2:30 PM	3:00 PM	30	24	23.5	0.5	60	
9								
10								

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PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage Project No.: 2301P Date: 07/18/23

Test Hole No.: 3 Tested By: Kesri "KC" Sekhon, P.E. Water Temp.: _____

Depth of Test Hole: 36 inches Air Temp.: 107° F USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____ Diameter 12" Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Piezometric Surface in inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	11:05 AM	11:35 AM	30	33	31.5	1.5	20	
2	11:35 AM	12:05 PM	30	31.5	30.25	1.25	24	
3	12:05 PM	12:35 PM	30	30.25	29.25	1	30	
4	12:35 PM	1:05 PM	30	29.25	28	1.25	24	
5	1:05 PM	1:35 PM	30	28	27.25	0.75	40	
6	1:35 PM	2:05 PM	30	27.25	26.5	0.75	40	
7	2:05 PM	2:35 PM	30	26.5	25.5	1	30	
8	2:35 PM	3:05 PM	30	25.5	24.5	1	30	
9								
10								

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PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage Project No.: 2301P Date: 07/18/23

Test Hole No.: 4 Tested By: Kesri "KC" Sekhon, P.E. Water Temp.: _____

Depth of Test Hole: 36 inches Air Temp.: 107" F USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____ Diameter 12" Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Piezometric Surface in inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	11:10 AM	11:40 AM	30	32	30.5	1.5	20	
2	11:40 AM	12:10 PM	30	30.5	29.5	1	30	
3	12:10 PM	12:40 PM	30	29.5	28.25	1.25	24	
4	12:40 PM	1:10 PM	30	28.25	27.5	0.75	40	
5	1:10 PM	1:40 PM	30	27.5	26.5	1	30	
6	1:40 PM	2:10 PM	30	26.5	25.75	0.75	40	
7	2:10 PM	2:40 PM	30	25.75	25	0.75	40	
8	2:40 PM	3:10 PM	30	25	24.25	0.75	40	
9								
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August 11, 2023

Kesri Sekhon, P.E.
7072 Cordgrass Court
Carlsbad, CA 92011

Attn: Cecilia Vogel
652 Lee Rd.
Imperial, CA 92251

Re: Imperial RV Storage
760 Highway 78
Brawley, CA 92227
APN # 049-310-002-000

Subj.: Soil Percolation Test Results

Dear Mrs. Vogel,

Soil percolation testing has been completed for the above referenced project site. The percolation tests were conducted on July 18, 2023, in accordance with Imperial County's adopted "falling head test method" (*Robert A. Taft Method of Soil Percolation Testing*). Logs of the percolation borings are shown in Appendix A.

The subject site (Figure 1) is located on the north side of State Hwy 78 in Brawley, California. The site is bounded on the west by the Alamo River, to the south by State Hwy 78, and east by undeveloped land. The site consists of an existing office building, metal building, and metal shade.

Proposed development consists of new R.V. storage parking, a new modular unit, and a new onsite wastewater treatment system (OWTS) as required by the State of California Regional Water Quality Control Board (RWQCB).

The percolation test locations are indicated on Figure 1 of Appendix A. Four (4) test holes were dug via a 5.5 hp post hole auger 12 inches in diameter to an approximate depth of 36 inches below ground surface. Each test hole was filled with approximately twelve (12) inches of water over a layer of pea gravel and was maintained for four (4) hours to achieve a pre-saturated condition.

The holes were then re-filled with water and allowed to drop for 30 minutes. Measurements were recorded at 30-minute intervals for four hours until sufficiently stabilized rates were recorded. The summary of percolation results is provided in the following table.

Table 1.0 Percolation Rates	
Test Hole #	Percolation Rate (minutes per inch)
1	40
2	60
3	40
4	40

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Percolation rates (rounded up to the nearest whole number) ranged from 40 to 60 minutes per inch. For soils to effectively treat effluent, percolation rates generally need to be between 10 and 60 minutes per inch. Therefore, in my professional opinion, the site is suitable for the design and installation of an onsite wastewater treatment system (OWTS).

The scope of work performed for this study was intended to evaluate the feasibility of an OWTS based on percolation testing. Although there was no evidence which precludes the use of an OWTS, additional testing will be required for final design.

Services performed have been conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, either express or implied, and no warranty or guarantee is included or intended.

Further, I observed and verified the owner performed excavation to a depth of 10 feet did not indicate any signs of groundwater.

The data, opinions, and recommendations of this report are applicable to the specific design intent of this project. They have no applicability to any other project or to any other location, and any and all subsequent users accept any and all liability resulting from any use or reuse of the data, opinions, and recommendations without prior written consent.

I have no responsibility for construction means, methods, techniques, sequences, or procedures, or for safety precautions or programs in connection with the construction, for the acts or omissions of the CONTRACTOR, or any other person performing any of the construction, or for the failure of any of them to carry out the construction in accordance with the final design drawings and specifications.

The opportunity to provide you with consulting services and professional opinions is truly appreciated. If you have any questions, please contact the undersigned at (858) 395-1143.

Respectfully Submitted,



Kesri Sekhon, P.E.



Attachments: Figure 1 – Site Location Map
Appendix A – Field Data and Calculations

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Figure 1



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APPENDIX A

PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage Project No.: 2301P Date: 07/18/23

Test Hole No.: 1 Tested By: Kesri "KC" Sekhon, P.E. Water Temp.: _____

Depth of Test Hole: 36 inches Air Temp.: 107° F USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____ Diameter 12" Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Piezometric Surface in inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	10:55 AM	11:25 AM	30	27.25	24.5	2.75	11	
2	11:25 AM	11:55 AM	30	24.5	23.75	0.75	40	
3	11:55 AM	12:25 PM	30	23.75	23	0.75	40	
4	12:25 PM	12:55 PM	30	23	22.25	0.75	40	
5	12:55 PM	1:25 PM	30	22.25	21.25	1	30	
6	1:25 PM	1:55 PM	30	21.25	20.5	0.75	40	
7	1:55 PM	2:25 PM	30	20.5	19.75	0.75	40	
8	2:25 PM	2:55 PM	30	19.75	19	0.75	40	
9								
10								

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PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage

Project No.: 2301P

Date: 07/18/23

Test Hole No.: 2

Tested By: Kesri "KC" Sekhon, P.E.

Water Temp.: _____

Depth of Test Hole: 36 inches

Air Temp.: 107° F

USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____

Diameter 12"

Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Pieziometric Surface in inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	11:00 AM	11:30 AM	30	31	28.5	2.5	12	
2	11:30 AM	12:00 PM	30	28.5	28	0.5	60	
3	12:00 PM	12:30 PM	30	28	27	1	30	
4	12:30 PM	1:00 PM	30	27	26.25	0.75	40	
5	1:00 PM	1:30 PM	30	26.25	25.5	0.75	40	
6	1:30 PM	2:00 PM	30	25.5	24.75	0.75	40	
7	2:00 PM	2:30 PM	30	24.75	24	0.75	40	
8	2:30 PM	3:00 PM	30	24	23.5	0.5	60	
9								
10								

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PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage

Project No.: 2301P

Date: 07/18/23

Test Hole No.: 3

Tested By: Kesri "KC" Sekhon, P.E.

Water Temp.: _____

Depth of Test Hole: 36 inches

Air Temp.: 107° F

USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____

Diameter 12"

Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Pieziometric Surface In inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	11:05 AM	11:35 AM	30	33	31.5	1.5	20	
2	11:35 AM	12:05 PM	30	31.5	30.25	1.25	24	
3	12:05 PM	12:35 PM	30	30.25	29.25	1	30	
4	12:35 PM	1:05 PM	30	29.25	28	1.25	24	
5	1:05 PM	1:35 PM	30	28	27.25	0.75	40	
6	1:35 PM	2:05 PM	30	27.25	26.5	0.75	40	
7	2:05 PM	2:35 PM	30	26.5	25.5	1	30	
8	2:35 PM	3:05 PM	30	25.5	24.5	1	30	
9								
10								

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PERCOLATION TEST DATA SHEET

Project Name: Imperial R.V. Storage

Project No.: 2301P

Date: 07/18/23

Test Hole No.: 4

Tested By: Kesri "KC" Sekhon, P.E.

Water Temp.: _____

Depth of Test Hole: 36 inches

Air Temp.: 107⁰ F

USCS: _____

Test Hole Dimensions (Inches)

Length _____ Width _____

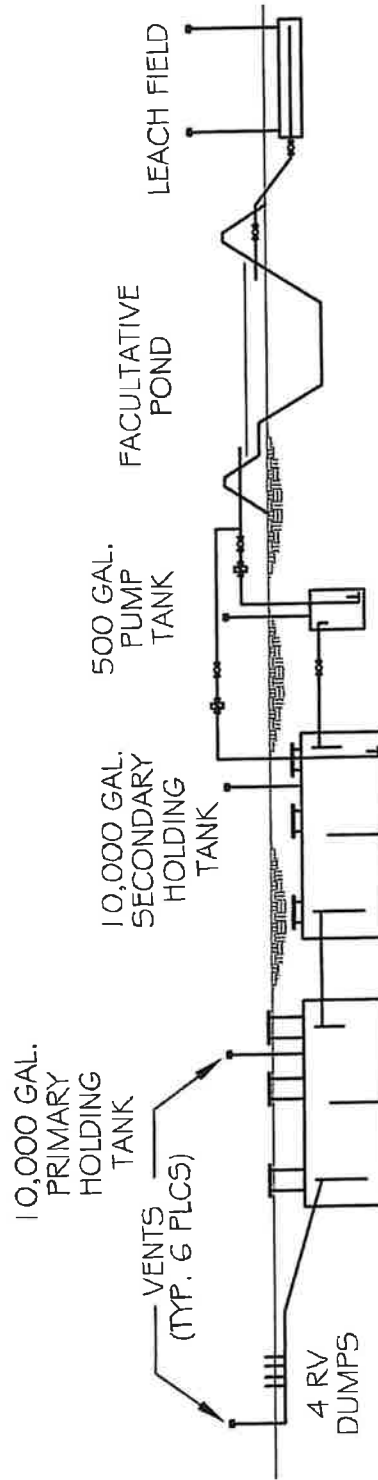
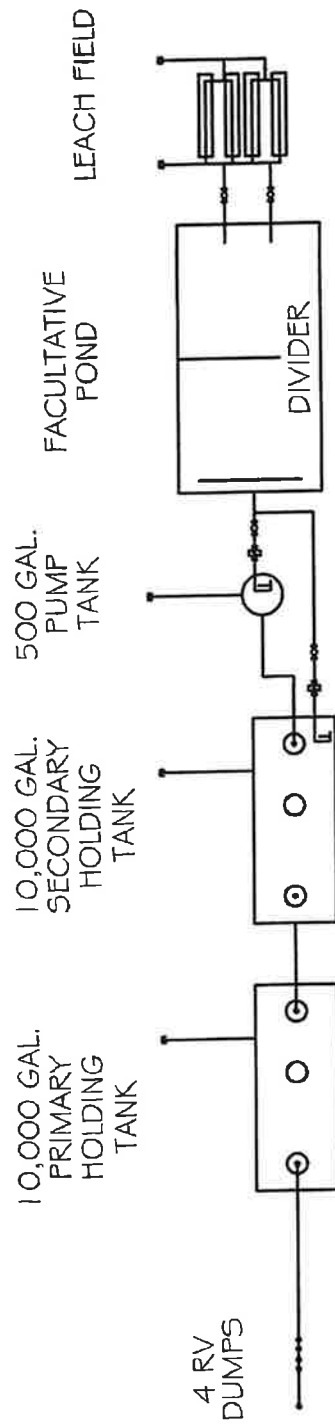
Diameter 12"

Ave. Water Column _____

Infiltration Test

Trial No.	Start Time	Stop Time	Time Interval	Pieziometric Surface in inches			Perc Rate (min./in.)	NOTES
				Start Depth	End Depth	Depth Change		
1	11:10 AM	11:40 AM	30	32	30.5	1.5	20	
2	11:40 AM	12:10 PM	30	30.5	29.5	1	30	
3	12:10 PM	12:40 PM	30	29.5	28.25	1.25	24	
4	12:40 PM	1:10 PM	30	28.25	27.5	0.75	40	
5	1:10 PM	1:40 PM	30	27.5	26.5	1	30	
6	1:40 PM	2:10 PM	30	26.5	25.75	0.75	40	
7	2:10 PM	2:40 PM	30	25.75	25	0.75	40	
8	2:40 PM	3:10 PM	30	25	24.25	0.75	40	
9								
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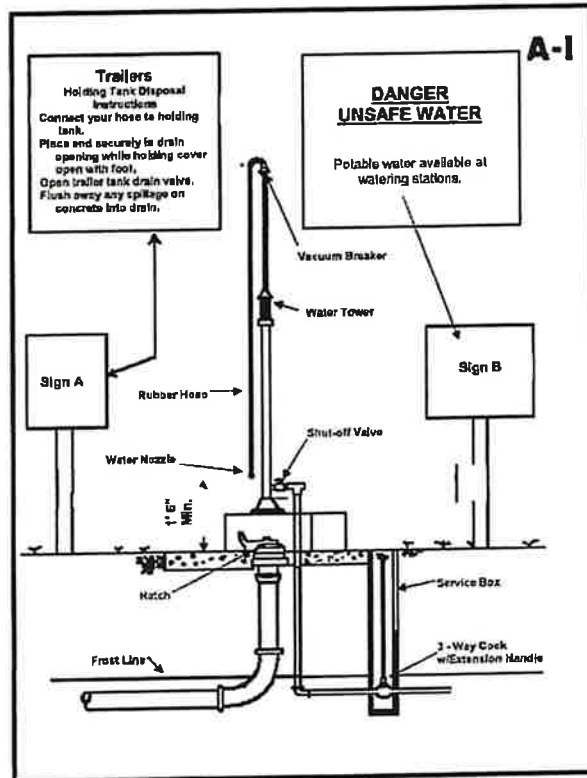


ATTACHMENT 3

RV STORAGE, BRAWLEY, CA	
P&ID	APN:049-310-002

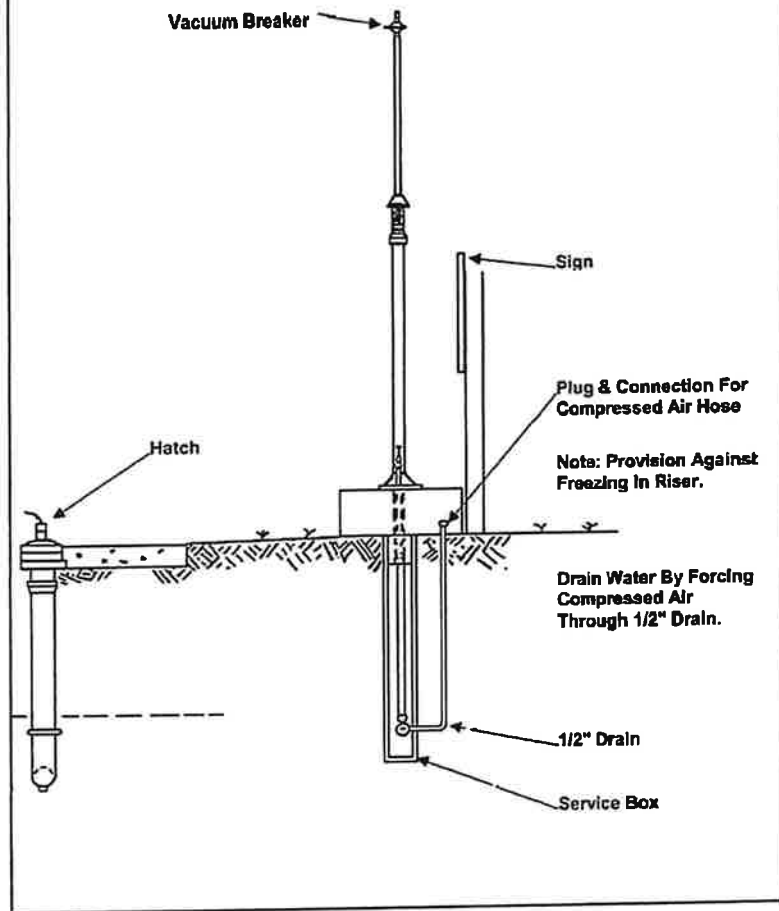
EEC ORIGINAL PKG

PLAN VIEW



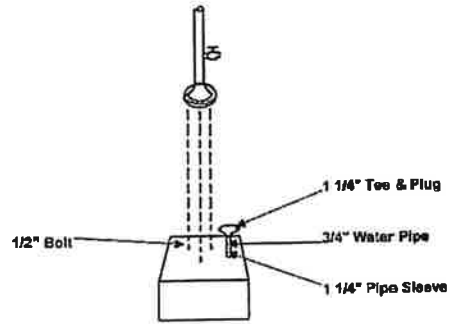
EEC ORIGINAL PKG

A-2



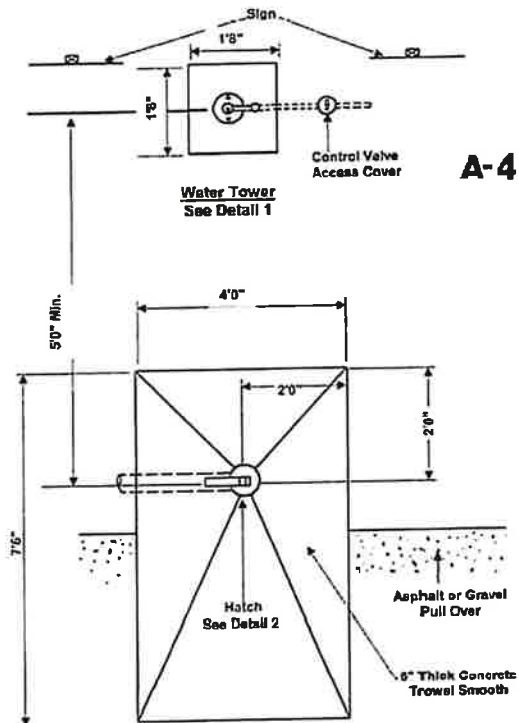
EEC ORIGINAL PKG

A-3

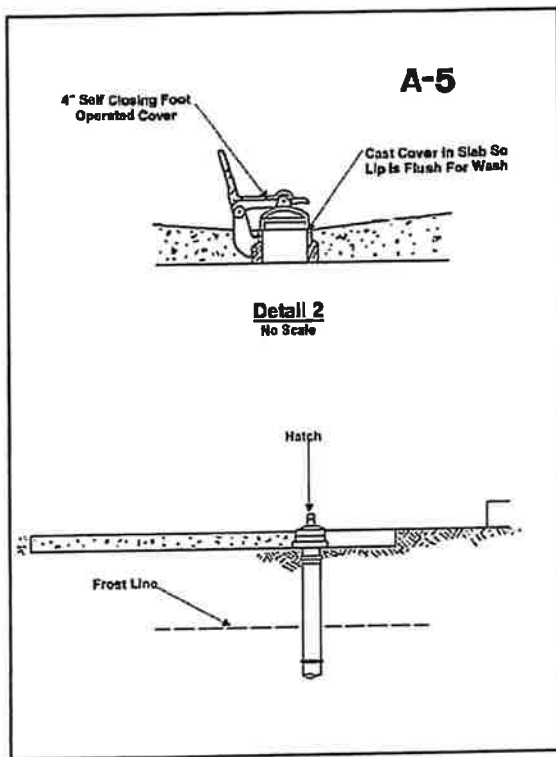


Detail 1
No Scale

A-4

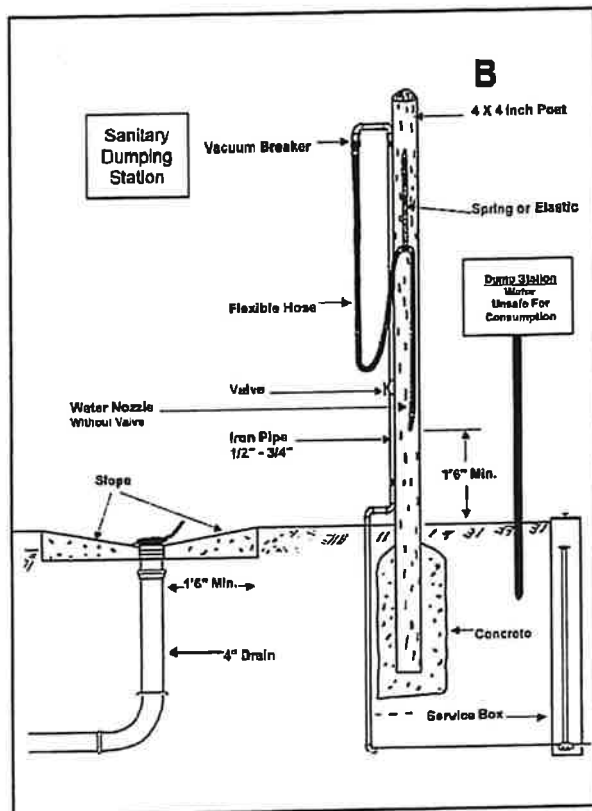


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Sani dump with rinse water - not drinkable water

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APPLICATION

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CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

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

1. PROPERTY OWNER'S NAME	Brian Welsh	EMAIL ADDRESS	jwelsh007@aol.com	
2. MAILING ADDRESS (Street / P O Box, City, State)	1950 N Logan St. 1202, Denver, CO	ZIP CODE	80203	PHONE NUMBER 773-450-6540
3. APPLICANT'S NAME	Cecilia Griffiths Vogel	EMAIL ADDRESS	cg4557600@gmail.com	
4. MAILING ADDRESS (Street / P O Box, City, State)	652 Lee Road, Imperial, CA	ZIP CODE	92251	PHONE NUMBER 760-455-7600
4. ENGINEER'S NAME	Kesri S. Sekhon	CA. LICENSE NO.	72573	EMAIL ADDRESS kesri.sekhon@apsi6d.com
5. MAILING ADDRESS (Street / P O Box, City, State)	7072 Cordgrass Ct., Carlsbad, CA	ZIP CODE	92011	PHONE NUMBER 858-395-1143
6. ASSESSOR'S PARCEL NO.	049-310-002-000	SIZE OF PROPERTY (in acres or square foot)	25.35 AC	ZONING (existing) M1 & A2
7. PROPERTY (site) ADDRESS	760 Hwy 78, Brawley, CA 92227			
8. GENERAL LOCATION (i.e. city, town, cross street)	Brawley			
9. LEGAL DESCRIPTION	TR#37 POR TR 37 13-14/15 25.35AC N OF HWY & E OF ALAMO RIVER			

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	RV Storage, With Shades, and Waste Dump (per RWQCB requirements)
11. DESCRIBE CURRENT USE OF PROPERTY	Repair Shop, to remain
12. DESCRIBE PROPOSED SEWER SYSTEM	Septic w/Leach lines, Outdoor ADA restrooms(E) to remain
13. DESCRIBE PROPOSED WATER SYSTEM	(E)Water Cistern 15,000 gallons capacity w/Hydrant Connection
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Hydrant Connection per IC Fire Requirements
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 3

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

Brian Welsh 5-09-2023
Print Name Date
Brian Welsh
Signature

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN
- B. FEE \$11,000.00
- C. OTHER
- D. OTHER

APPLICATION RECEIVED BY: *[Signature]*

APPLICATION DEEMED COMPLETE BY: _____

APPLICATION REJECTED BY: _____

TENTATIVE HEARING BY: _____

FINAL ACTION: ☐ APPROVED ☐ DENIED

DATE 2/24/23

DATE _____

DATE _____

DATE _____

DATE _____

REVIEW / APPROVAL BY

OTHER DEPT'S required

☐ P.W

☐ E.H.S

☐ A.P.C.D

☐ O.E.S

☐

☐

CUP #

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PROJECT SUMMARY:

**IMPERIAL RV STORAGE
RV TRAILER AND OFF-ROAD VEHICLES STORAGE**

**760 HIGHWAY 78, BRAWLEY, CA 92227
APN: 049-310-002-000**

SERVICES:

1. QUALITY LOCATION TO KEEP YOUR VEHICLES SAFE
2. THE PROPERTY IS KEPT EXTREMELY CLEAN
3. RECYCLED CONCRETE BASE AT ALL PARKING AREAS
4. OUTDOOR COVERED SPACES FOR RV STORAGE, WITH SPACES THAT ARE WIDE AND EASY TO ACCESS.
5. ON-SITE FACILITY FOR RV & OFF-ROAD VEHICLE MAINTENANCE AND REPAIR
6. HIGH LEVEL OF SECURITY AND PERIMETER FENCING WITH AN ON-SITE MANAGER WHO LIVES ON THE PROPERTY
7. THERE WILL BE 6 DUMP STATIONS ON-SITE
8. ACCESS HOURS: 24/7
9. OFFICE HOURS: 8/5
10. SEASON: OCTOBER 1 TO MAY 31ST
11. 3 TO 5 EMPLOYEES DEPENDING ON SEASON
12. PROPERTY HAS 4 DIFFERENT RV STORAGE SPACE SIZES
13. EXISTING BUILDING(S) WILL BE USED FOR VEHICLE MAINTENANCE AND REPAIR
14. DETACHED EXISTING BUILDING HAS ADA RESTROOM(S)

