

PROJECT REPORT

TO: Planning Commission

AGENDA DATE: November 9, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 a.m./No.5

EXT #22-0011 for CUP #04-0005
PROJECT TYPE: Scott & Sandra McHargue SUPERVISOR DIST: 5
LOCATION: 1355 Stallard Rd APN: 006-170-006

Palo Verde, CA 92266 PARCEL SIZE: +74.75 acres

GENERAL PLAN (existing) Recreation\Open Space GENERAL PLAN (proposed) N/A

ZONE (existing) S-2 (Open Space/Preservation) ZONE (propose) N/A

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

PLANNING COMMISSION DECISION: HEARING DATE: 11/09/2022

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: N/A

INITIAL STUDY: N/A

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/> NONE	<input 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 type="checkbox"/> ATTACHED
OTHER		

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE TIME EXTENSION #22-0011 FOR CONDITIONAL USE PERMIT #04-0005 BY TAKING THE FOLLOWING ACTIONS:

- 1) FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE CEQA GUIDELINES AND THAT NO FURTHER DOCUMENTATION IS NECESSARY;
- 2) FIND THAT THE TIME EXTENSION #22-0011 FOR CONDITIONAL USE PERMIT #04-0005 IS CONSISTENT WITH APPLICABLE ZONING, STATE LAWS, AND COUNTY BUILDING ORDINANCES; AND
- 3) APPROVE TIME EXTENSION #22-0011 FOR CONDITIONAL USE PERMIT #04-0005 FOR A NEW 15-YEAR TERM, SUBJECT TO THE EXISTING CONDITIONS.

STAFF REPORT
PLANNING COMMISSION MEETING
November 9, 2022

Project Name: **Time Extension (EXT) #22-0011 for
Conditional Use Permit (CUP) #04-0005**

Applicant: **Scott and Sandra McHargue
1355 Stallard Road
Palo Verde, CA 92266**

Project Location:

The project is located at 1355 Stallard Road, Palo Verde, CA, 92266 comprising of +/- 74.75 acres, legally described as the Southwest Quarter, of the Southeast Quarter, of Section 17, Township 12 South, Range 9 East, SBB&M, and is further identified as Assessor Parcel Number 006-170-006.

Project Summary:

On May 12, 2022, the Imperial County Planning and Development Services (ICPDS) Department received a letter from Scott and Sandra McHargue (owners\permittee) requesting a new 15-year term under the previously approved CUP #04-0005 for an existing water well.

Background:

On August 13, 1998, Lowell and Kathleen Shepard (owner\permittee) recorded CUP #98-0002 to install a domestic water well extracting groundwater with a maximum amount of one (1) acre feet per year.

On June 22, 2004, Lowell Shepard (owner\permittee) recorded CUP #04-0005 for a domestic water well extracting groundwater with a maximum amount of three (3) acre feet per year, an increase of two (2) acre feet.

Land Use Analysis:

The project site is designated "Recreation/Open Space" under the Imperial County General Plan (Land Use Element), and is zoned S-2 (Open Space/Preservation) under the Imperial County Land Use Ordinance, Title 9. The project is consistent with the County's General Plan and Land Use Ordinance, Division 2, Chapter 3, Section 90203.01, A. Minor Conditional Use Permit, 2. "...A domestic water well (less than 1.5 acre feet/year), upon and for the use by a single parcel, and for domestic use only..." and Division 21: Water Well Regulations, Chapter 2, Section 92102.00.

The proposed project (existing water well) complies with all requirements of the Land Use Ordinance with an approved Conditional Use Permit. Therefore, the project is consistent with the General Plan.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	SEELEY URBAN AREA PLAN
Project Site	Water Well / Residential	S-2	Recreation/Open Space
North	Residential	S-2	Recreation/Open Space
South	Vacant	BLM	Recreation/Open Space
East	Vacant	S-2	Recreation/Open Space
West	Vacant	S-2	Recreation/Open Space

Environmental Determination:

The previously approved Conditional Use Permit #04-0005 was environmentally assessed and reviewed by the Environmental Evaluation Committee on February 26, 2004. It was found that the project would not have a significant effect on the environment and received a Negative Declaration.

Time Extension #22-0011 is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (Class 1 – Existing Facility).

Staff Recommendation:

It is recommended that you conduct a public hearing and that you hear all opponents and proponents of the proposed project. Staff would then recommend that you approve Time Extension #22-0011 for Conditional Use Permit #04-0005 by taking the following actions:

1. Find that the project is categorically exempt from CEQA under the Government Code, Section 15301 and that no further environmental documentation is necessary; and,
2. Find that Time Extension #22-0011 for Conditional Use Permit #04-0005 is consistent with applicable zoning and building ordinances; and
3. Approve Time Extension #22-0011(for Conditional Use Permit #04-0005) for a new 15-year term, subject to the existing conditions.

PREPARED BY: Victoria Escalante, Planner I



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



APPROVED BY: Jim Minnick, Director
Planning & Development Services

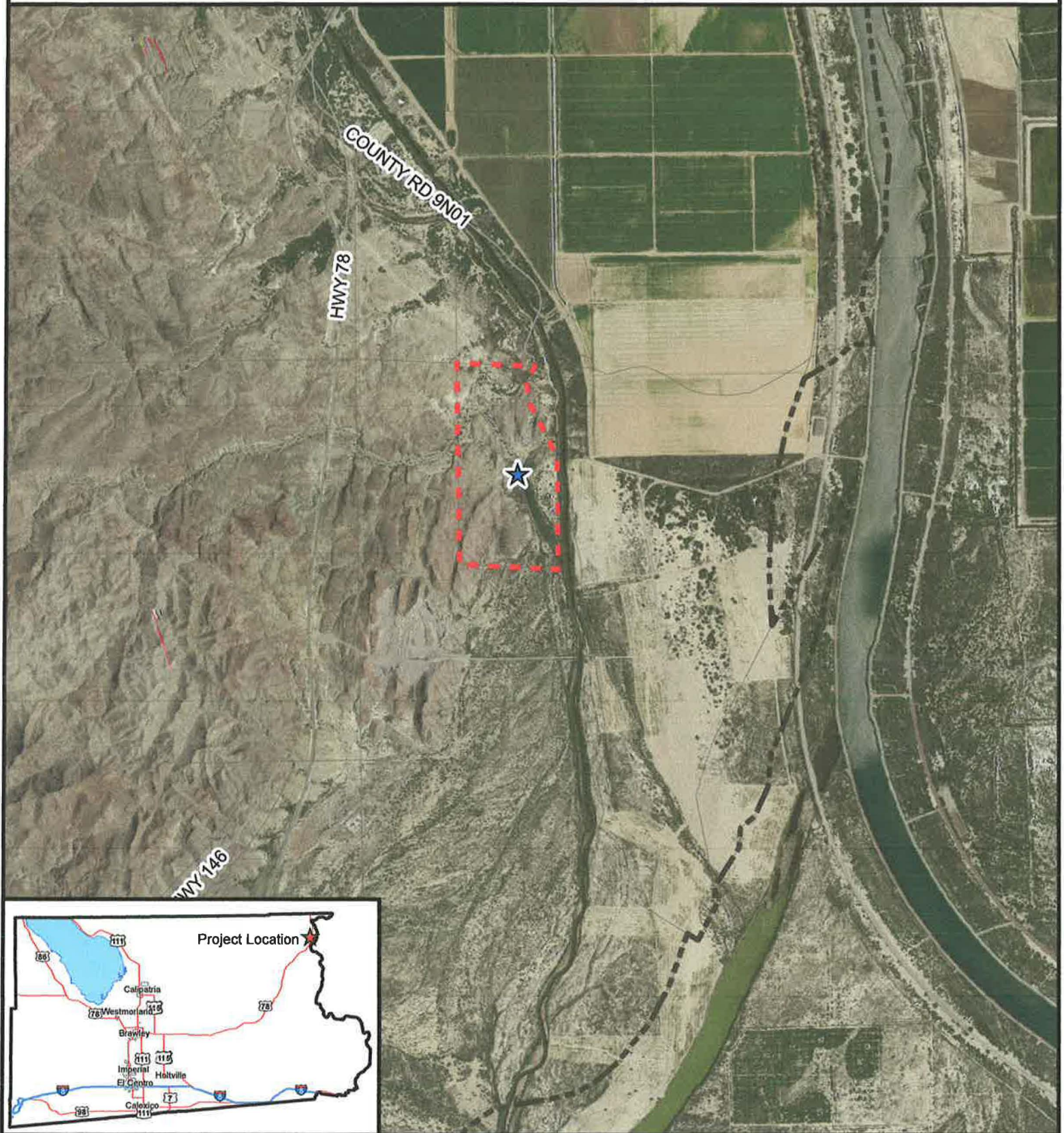


ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolution
- D. Comment Letter
- E. CUP #04-0005
- F. CUP #98-0002
- E. Time Extension Request Letter

Vicinity Map

PROJECT LOCATION MAP



SCOTT AND SANDRA MCHARGUE
EXT #22-0011
APN 006-170-006

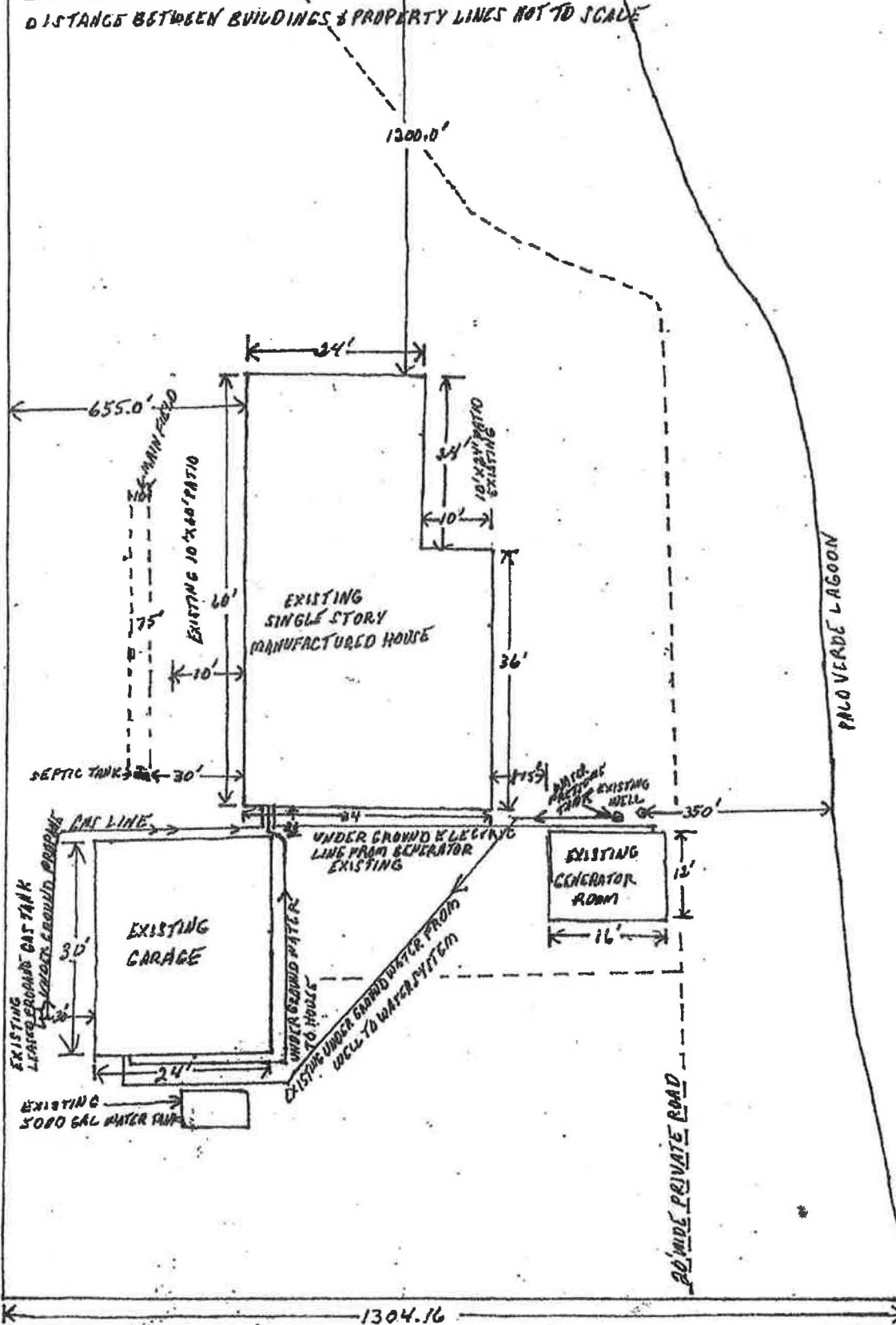
-  County_Boundary
-  Project Location
-  Water Well



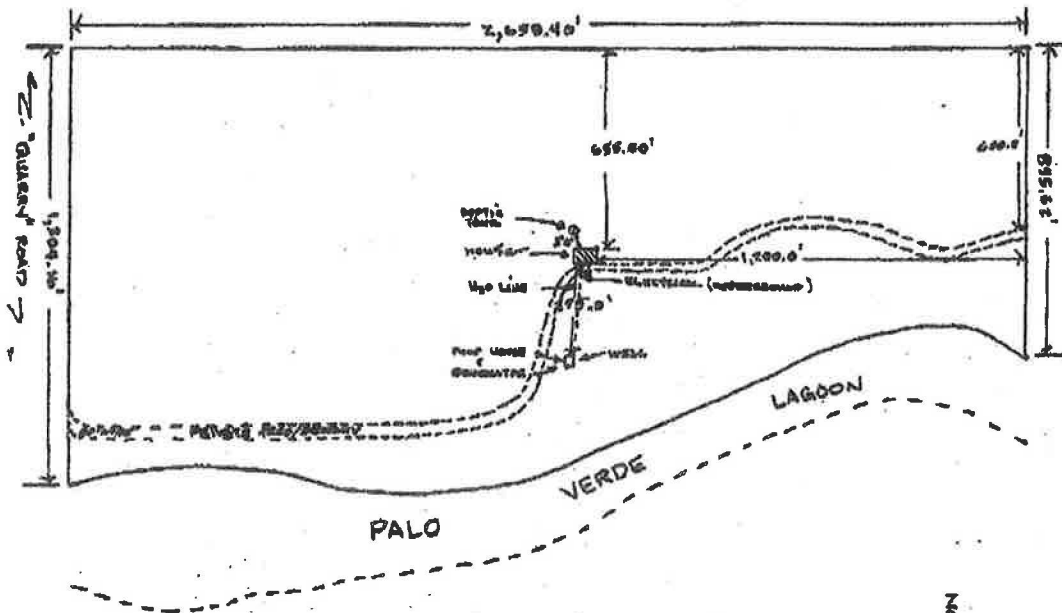
Site Plan

1355 STALLARD RD PALO VERDE, CA
 SITE PLAN FOR LOWELL & KATHLEEN SHEPHERD (760) 854-1807
 ASSESSORS PARCEL # 6061700101 74.75 ACRES
 BUILDINGS SCALE: 1/8" INCH = 1 FOOT
 DISTANCE BETWEEN BUILDINGS & PROPERTY LINES NOT TO SCALE

NORTH



EEC ORIGINAL PKG



NOTES: ALL STRUCTURES
AND PROPOSED
SOME ATTACHED DATA
WITH PHOTO OF
REMARKS & APPROPRIATE
QUESTIONS OF THE
WORKING

EEC ORIGINAL PKG

Resolution

RESOLUTION NO. 2022

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING "TIME EXTENSION #22-0011" FOR A NEW (15-YEAR) TERM UNDER CONDITIONAL USE PERMIT #04-0005" FOR SCOTT & SANDRA MCHARGUE.

WHEREAS, Scott & Sandra McHargue has submitted Time Extension #22-0011 requesting a new 15-year term for the existing commercial water well;

WHEREAS, this existing domestic water well was previously approved under Conditional Use Permit #04-0005;

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

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

WHEREAS, public notice of said request 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 October 28, 2022;

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

SECTION 1. The Planning Commission has considered the proposed Time Extension #22-0011 request for Conditional Use Permit #04-0005 prior to approval. The Planning Commission finds and determines that the Time Extension for Conditional Use Permit #04-0005 is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving Time Extension #22-0011 have been made as follows:

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

The General Plan designates the subject site as "Recreation/Open Space". This site is zoned S-2 (Open Space/Preservation) pursuant to Title 9, Division 5, Section 90519.00. The Time Extension

request is found consistent with the approved Conditional Use Permit #04-0005 and with the goals/policies of the General Plan.

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

The Project could be found consistent with the purpose of the zone it is located within. Section 92102.00 of the Imperial County Land Use Ordinance governs water wells. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to the Water Well Regulation (Land Use Ordinance, Sections 90203.01(B) and 92102.00

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

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

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

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

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

The project is zoned S-2 (Open Space/Preservation). The project site is surrounded in its majority by vacant land; however, this existing domestic water well does not appear to create potential impacts near or around the project site. The existing domestic water well appears not to be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

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

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

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

The project is a permitted use subject to approval of a Conditional Use Permit #04-0005 under Land Use Ordinance, Section 90203.00 and 92102.00*et. seq.* and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Time Extension #22-0011 for a new 15-year term under Conditional Use Permit #04-0005, subject to the existing Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **November 9, 2022** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Comments

AIR POLLUTION CONTROL DISTRICT



June 21, 2022

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

SUBJECT: Time Extension 22-0011 Scott & Sandra McHargue Water Well

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Time Extension (TE) 22-0011 ("Project") that will grant a 15-year time extension for Conditional Use Permit (CUP) 04-0005 for a water well that allows a maximum pumping of three acre-feet of water per year. The project is located at 1355 Stallard Road Palo Verde, California, also identified as Assessor's Parcel Number 006-170-006-000.

The Air District has no comments at this time.

For your convenience the Air District's rules and regulations are available via the web at <https://apcd.imperialcounty.org/rules-and-regulations/>. Please feel free to call our office should you have questions at (442) 265-1800.

Respectfully,

Ismael Garcia
APC Environmental Coordinator I

Reviewed by,
Monica N. Soucier
APC Division Manager

CUP#04-0005 Agreement

200401019234

BOOK 2317 PAGE 393

RECORDING REQUESTED BY AND

When Recorded Return To:

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

HOLD

RECORDED
OFFICIAL RECORDS
IMPERIAL COUNTY, CA

BOOK 2317 PAGE 393
2004 JUN 22 AM 10 59

DOLORES PROVENCIO
COUNTY RECORDER

TL\$	30
RG	17
RF	9
MC	1
IX	1
TF	8
NL	
PY	
PR	

**AGREEMENT FOR CONDITIONAL USE PERMIT #04-0005
FOR A WATER WELL
(Lowell Shepherd)**

This Agreement is made and entered into on this 28th day of April 2004, by and between Lowell R. Shepherd, owner of the parcel, hereinafter referred to as the Permittees, and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittees are the owners, lessees or successors-in-interest in certain land in Imperial County identified as Assessor's Parcel Number 006-170-06-01; further identified as the east ½ of the west ¼ fraction, Section 1, Township 10 South, Range 21 East, SBB&M;

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

WHEREAS, County, after a noticed public hearing, agreed to issue Conditional Use Permit #04-0005 to Permittees, and/or their successors-in-interest subject to the following conditions:

G-6 CONDITION PRIORITY:

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

G-7 INVALID CONDITIONS/SEVERABILITY:

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

G-8 TIME LIMIT:

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

G-9 PERMIT/MONITORING-RELATED FEES:

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

G-10 DEFINITIONS:

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

PROJECT SPECIFIC CONDITIONS:

S-1 The Conditional Use Permit (CUP) allows the Permittee to draw a maximum of 3 acre-foot of groundwater per year for on-site domestic purposes only. Exceeding the amount of water specified herein will result in the Planning/Building Department taking action to rescind the CUP for non-compliance.

S-2 No water from this well shall be sold, given, exported, or transported off the site as identified herein.

S-3 A flow meter shall be installed and sealed by a California State Licensed Water Well Drilling Contractor.

Permittees shall submit an annual report to the Department of Public Works and the Planning/Building Department indicating the yearly amount of water consumed yearly by the Permittees. A photograph (dated and signed) of the flow meter readings shall be included in the annual report. The report shall be received within thirty (30) days following the anniversary date of the issuance of the Conditional Use Permit. In the event of a flow meter failure, the Permittees shall be required to cease the water well operation and notify the Planning/Building Department. The Permittees may be allowed to temporarily substitute the flow meter for an alternative measuring device, at the approval of the Planning/Building Department. In this case two (2) separate reports shall be submitted as stipulated herein.

S-4 Any replacement water well shall be constructed by a California Licensed Driller in accordance with California Department of Water Resources Bulletin 74-81 and 74-90 (including any subsequent revisions), and with the Imperial County Water Well Ordinance, Section 92101.00, et seq.

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


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

1
2
3 **NOW THEREFORE**, County hereby issues Conditional Use Permit #04-0005
4 and Permittees hereby accept such permit upon the terms and conditions set forth
5 herein:

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

8
9 **PERMITTEES**

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

10
11 
12 Lowell R. Shepherd

By: 
Jurg Heuberg, AICP, Planning Director

COUNTY NOTARIZATION:

Dated JUNE 10, 2004STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On JUNE 10, 2004 before me,
PATRICIA A. VALENZUELA a Notary Public in and for
 said County and State, personally appeared
JURG HEUBERGER, personally known to me
 (or proved to me on the basis of satisfactory evidence) to be the person(s) whose
 name(s) is/are subscribed to the within instrument and acknowledged to me that
 he/she/they executed the same in his/her/their authorized capacity(ies), and that by
 his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
 which the person(s) acted, executed the instrument.

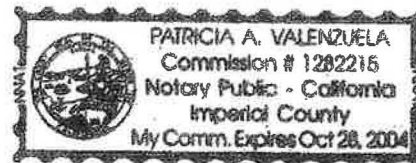
WITNESS my hand and official seal

Signature Patricia A. Valenzuela

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

Title or Type of Document Conditional Use Permit
 Number of Pages 9 Date of Document April 28, 2004
 Signer(s) Other Than Named Above _____

JH/DG/RC/G:APN 006/170/06CUP04-0005



CUP#98-0002 Agreement

98010755

BOOK 1942 PAGE 417

1 RECORDING REQUESTED BY AND

DOLORES PROVENCIO

2 When Recorded Return To:

COUNTY RECORDER
BOOK 1942 PAGE 4173 Imperial County Planning/Building Department
4 939 Main Street
El Centro, California 92243

'98 AUG 13 AM 9 46

5 **HOLD**OFFICIAL RECORDS
IMPERIAL COUNTY, CA

FLS	21
RG	8
RF	0
MC	1
IX	5
TF	
NL	
PY	
PR	

6 AGREEMENT FOR CONDITIONAL USE PERMIT #98-0002

7 This Agreement is made and entered into on this 8th day of July 1998, by and
 8 between Lowell R. and Kathleen Shepard, hereinafter referred to as Permittee, and the
 9 COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter
 10 referred to as "COUNTY").

11 RECITALS

12 **WHEREAS**, Permittee intends to drill and use a domestic water well located in
 13 eastern Imperial County near the Palo Verde Lagoon, on Parcel No. 006-170-06-01
 14 further identified by as that portion of the east ½ of the west ¼ fraction, Section 1,
 15 Township 10 South, Range 21 East, San Bernardino Base & Meridian.

16 **WHEREAS**, the County Planning Commission after a notice public hearing,
 17 agreed to issue Conditional Use Permit #98-0002 to Permittee, and/or his or her
 18 successor-in-interest subject to the following conditions:

19 GENERAL CONDITIONS:

20 G-1 GENERAL LAWS:

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

24 G-2 PERMIT/LICENSE:

25 The Permittee shall obtain any and all local, state, and/or federal permits, licenses,
 26 contracts, and/or other approvals for the construction and/or operation of this project.
 27 This shall include, but not be limited to the County Division of Environmental Health
 28 Services (EHS), Planning/Building Department, Office of Emergency Services (OES),
 Agricultural Commissioner/APCD, County Public Works Department, County Sheriff,
 Regional Water Quality Control Board, and Bureau of Reclamation (Yuma Office).
 Permittee shall likewise comply with all such permit requirements for the life of the
 project. Additionally Permittee shall submit a copy of such additional permit and/or
 approvals to the Planning/Building Department within 30 days of receipt.

G-3 RECORDATION:

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

G-4 COMPLIANCE/REVOCATION:

Upon the determination by the Planning/Building Department that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding of 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-5 INDEMNIFICATION:

At no cost to the County, Permittee shall indemnify and deem harmless the County, the Board of Supervisors, and all officers and agents of the County against any and all claims or actions and liabilities arising out of the permitting and/or operation of this project.

G-6 PROVISION TO RUN WITH LAND:

The provision of this project are to run with the land/project and shall bind the current and future owner(s) successor(s)-in-interest, assignee(s) and/or transferer(s) of said project.

G-7 SEVERABILITY:

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

G-8 RIGHT OF ENTRY:

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

G-9 TIME LIMIT:

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of three (3) years from the recordation date of the CUP. The CUP may be extended for successive three (3) periods for a maximum of fifteen (15) years by the Planning Director upon a finding by the Planning/Building Department that the project is in full and complete compliance with all conditions of the CUP as stated herein and any applicable land use regulation of the County of Imperial.

G-10 DEFENITIONS:

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

G-11 SPECIFY:

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

G-12 COSTS:

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

G-13 FIRE, WATER AND SEWER:

Permittee shall provide water for an adequate fire protection system, potable water and a septic system meeting County standards. The County Fire/OES Department, Environmental Health Services/Health and the Planning/Building Department shall approve these fire, water and septic systems.

SPECIFIC PROJECT CONDITIONS:

S-1 The Conditional Use Permit (CUP) allows Permittee to draw a maximum of 1 acre foot of ground water per year, for on-site domestic purposes only. Exceeding the amount of water specified herein will result in the Planning/Building Department taking action to rescind the CUP for noncompliance.

S-2 No water from this well shall be sold, given, exported, or transported off the site as identified herein.

S-3 A flow meter shall be installed and sealed by a California State Licensed Water Well Drilling Contractor.

1
2 Permittee shall submit an annual report to the Department of Public Works and
3 the Planning/Building Department indicating the total amount of water consumed yearly
4 by the Permittee. The report shall be received within thirty (30) days following the
5 anniversary date of the issuance of the Conditional User Permit. In the event of a flow
6 meter failure, the Permittee shall be required to cease the water well operation and
7 notify the Planning/Building Department.

8
9 **S-4** Permittee shall provide the name and license number of the contractor who
10 drilled the well to the Planning/Building Department. Permittee shall submit well driller's
11 logs including all well dimensions to the Public Works and to the Planning/Building
12 Department.

13
14 **S-5** The water well shall be constructed in accordance with bulletin 74-81 (Section
15 17) Water Well Standards – State of California, and the County's Water Well Ordinance.
16 Permittee shall submit copies of the well driller's report by a California State licensed
17 driller on the construction of the well to the Public Works Department, Environmental
18 Health Services, and the Planning/Building Department.

19
20 **S-6** A site plan shall be submitted to Environmental Health Services and
21 Planning/Building Department for their review and approval prior to drilling delineating
22 the exact location of the water well and any improvements, structures, and sewage
23 systems on-site.

24
25 **S-7** In the event that the well fails, a properly licensed contractor shall drill any new
26 well.

27
28 **S-8** This Permit is issued on property legally described as a portion of that section of
the east ½ of the west ¼ fraction, Section 1, Township 10 South, Range 21 East,
S.B.B.M., also identified by Assessor's Parcel Number 006-170-06-01.

S-9 Should the water well be "abandoned" at any time for more than 365 consecutive
days, Permittee shall seal/cap the well according to standards set by the State and in a
manner acceptable to the County Building Official. (Abandonment shall mean as
follows:)

ABANDONMENT: A well is deemed "abandoned" when it has not been used for
one (1) year. An owner may have the well deemed "inactive" by filing a written notice
with the Department stating his/her intentions to use the well under specific conditions
and/or time frames. As evidence of his/her intentions, the conditions contained in
Bulletin 74-81 (Sec. 21) shall be met. Any well that is open or whose service/operating
equipment such as pumps/motors/pipes, etc. have been removed shall be deemed
abandoned.

S-10 Upon abandonment, the well shall be destroyed according to State standards
and in a manner acceptable to the County Building Official. A copy of the well driller's
report by a California State Licensed Water Well Drilling Contractor on the destruction of
the well shall be sent tot he Public Works Department and the Planning/Building
Department upon completion.

S-11 Permittee shall register well with the Department of Public Works and comply with all requirements of the Groundwater Management Ordinance.

NOW THEREFORE, County hereby issues CUP 98-0002 and Lowell and Kathleen Shepard hereby accepts such permit upon the terms and conditions set forth herein:

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

PERMITTEE

Kathleen Shepard
Kathleen Shepard

Lowell R. Shepard
Lowell Shepard

COUNTY OF IMPERIAL;
a political subdivision of the
STATE OF CALIFORNIA

By: *Jurg Heuberger*
Assistant Planning Director

Jurg Heuberger, AICP
Planning Director

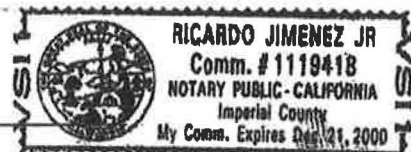
Dated _____

STATE OF CALIFORNIA
COUNTY OF IMPERIAL } S.S.

On July 16, 1998 before me,
Ricardo Jimenez, Jr. a Notary Public in and for
said County and State, personally appeared
Kathleen and Lowell Shepard, personally known to me
(or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal:

Signature *Ricardo Jimenez Jr.*



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 _____
Signer(s) Other Than Named Above _____

CUP#04-0005 Extension Letter

May 12, 2002

Imperial County Planning Dept.
801 Main Street
El Centro, CA 92243

Attn: Jim Minnick

Re: CUP #04-0005
1355 Stallard Rd., Palo Verde, CA 92266

Mr. Director,

We are writing this letter as recommended by David Black, after speaking with you to ask that our 15-year extension and CUP #04-0005 be brought back into compliance

Enclosed please find a check in the amount of \$2,000⁰⁰ to cover the \$800⁰⁰ fee for the 15-year renewal, as well as, \$1,200⁰⁰ to cover back fees for the past due 3-year renewals

We currently use the well for household uses and believe the well is and has been in compliance. If needed we

2 of 2 (cont.)

can send photos of the flow meter installed by a licensed contractor.

If you require any additional information please let us know. Thank you very much for your time and help in resolving this matter.

Sincerely,

Scott + Sandra McHargue

760-315-8236

McHargue22@yahoo.com

P.O. Box 485

Palo Verde, CA 92266

Enclosure: Check #2457, \$2,000⁰⁰

Michael Abraham

From: scott mchargue <mchargue22@yahoo.com>
Sent: Wednesday, May 25, 2022 7:19 PM
To: Michael Abraham
Subject: Fw: Flow meter
Attachments: IMG_0767.jpg

CAUTION: This email originated outside our organization; please use caution.

Michael, we have read the cup conditions and believe we are in full compliance and agree with the cup conditions. Attached is a picture of the flow meter that has been installed by a licensed well contractor. Let us know if there is anything else you need. Thank you, Scott and Sandra McHargue

Scott McHargue

----- Forwarded Message -----

From: Scott <mchargue22@yahoo.com>
To: Email <mchargue22@yahoo.com>
Sent: Wednesday, May 25, 2022, 07:14:03 PM PDT
Subject: Flow meter

Scott Mchargue

