

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: September 14, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/ No.8

PROJECT TYPE: Jamal Shaow CUP #22-0010 Water Well SUPERVISORY DISTRICT #5

LOCATION: 611 Sidewinder Road APN: 056-470-009-000

Winterhaven, CA 92283 PARCEL SIZE: 3.3 AC

GENERAL PLAN (existing) Open Space/Recreation GENERAL PLAN (proposed) NA

ZONE (existing) C-2 (Medium Commercial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 09/14/2022

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 07/14/2022

INITIAL STUDY: #22-0017

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

Quechan Indian Tribe, Imperial Irrigation District, City of Needles

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 TAKE THE FOLLOWING ACTION:

1. ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED AT THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC) HEARING ON JULY 14, 2022;
2. MAKE THE DE MINIMUS FINDINGS AS RECOMMENDED AT THE JULY 14, 2022 EEC HEARING THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODES; AND
3. ADOPT THE ATTACHED RESOLUTION(S) AND SUPPORTING FINDINGS, CONDITIONAL USE PERMIT (CUP) #22-0010 SUBJECTED TO ALL THE CONDITIONS, AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP UPON RECEIPT FROM THE APPLICANT.

Planning & Development Services

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

(Jim Minnick, Director)

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STAFF REPORT
Planning Commission
September 14, 2022
Conditional Use Permit (CUP) #22-0010

Applicant/Owner: Jamal Shaow

Project Location:

The proposed project is located at 611 Sidewinder Road, Winterhaven, CA on APN 056-470-009-000. The legal description for this parcel is a Portion of the South Half of the Southeast Quarter of Section 21, Township 16 South, Range 21 East of the San Bernardino Base and Meridian (S.B.B.M.), located west of the unincorporated town site of Winterhaven (Supervisory District #5) of the County of Imperial, State of California.

Project Summary:

The project site is located on a parcel currently being operated commercially with an existing gas station. The applicant is proposing to replace and operate a new commercial water well to supply the existing gas station and property in general with a projected maximum annual water extraction of (2) two acre-feet.

Land Use Analysis:

According to Imperial County's General Plan, the project parcel is designated as Open Space/Recreational and is zoned as C-2, General Commercial. Per Imperial County's codified ordinances, Title 9, Division 5, Chapter 13, Section 90513.02 (rr), water storage and recharge facilities (water well), may be allowed with an approved Conditional Use Permit. The proposed commercial water well project is consistent with the County's General Plan and zoning ordinances.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Commercial	C-2 General Commercial	Recreation/Open Space
North	Vacant	C-2 General Commercial	Recreation/Open Space
South	Commercial	C-2 General Commercial	Recreation/Open Space
East	Vacant	C-2 General Commercial	Recreation/Open Space
West	Vacant	M-1 Light Industrial	Recreation/Open Space

Environmental Determination:

On July 14, 2022, the Environmental Evaluation Committee (EEC) determined that Conditional Use Permit (CUP) #22-0010 for the replacement and operation of a new commercial water well would not have a significant effect on the environment and recommended a Negative Declaration (ND) to be prepared. The EEC Committee consists of a seven (7) member panel, integrated by 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 the Director of Planning and Development Services. The EEC also made the De Minimis Finding that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Codes.

On July 19, 2022, the public notice for the Negative Declaration was filed with the Imperial County Clerk-Recorder, posted and circulated for a 20-day comment period from 07/19/2022 to 08/12/2022. Comments received were made part of this package.

Staff Recommendation:

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 take the following action:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the

Environmental Evaluation Committee (EEC) hearing on July 14, 2022; and,

2. Make the De Minimus findings as recommended at the July 14, 2022 EEC hearing that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes; and
3. Adopt the attached Resolution(s) and Supporting Findings, Conditional Use Permit (CUP) #22-0010 subjected to all the conditions, and authorize the Planning & Development Services Director to sign the CUP upon receipt from the applicant.

PREPARED BY: Gerardo A. Quero, Planner I
Planning & Development Services



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



APPROVED BY: Jim Minnick, Director
Planning & Development Services

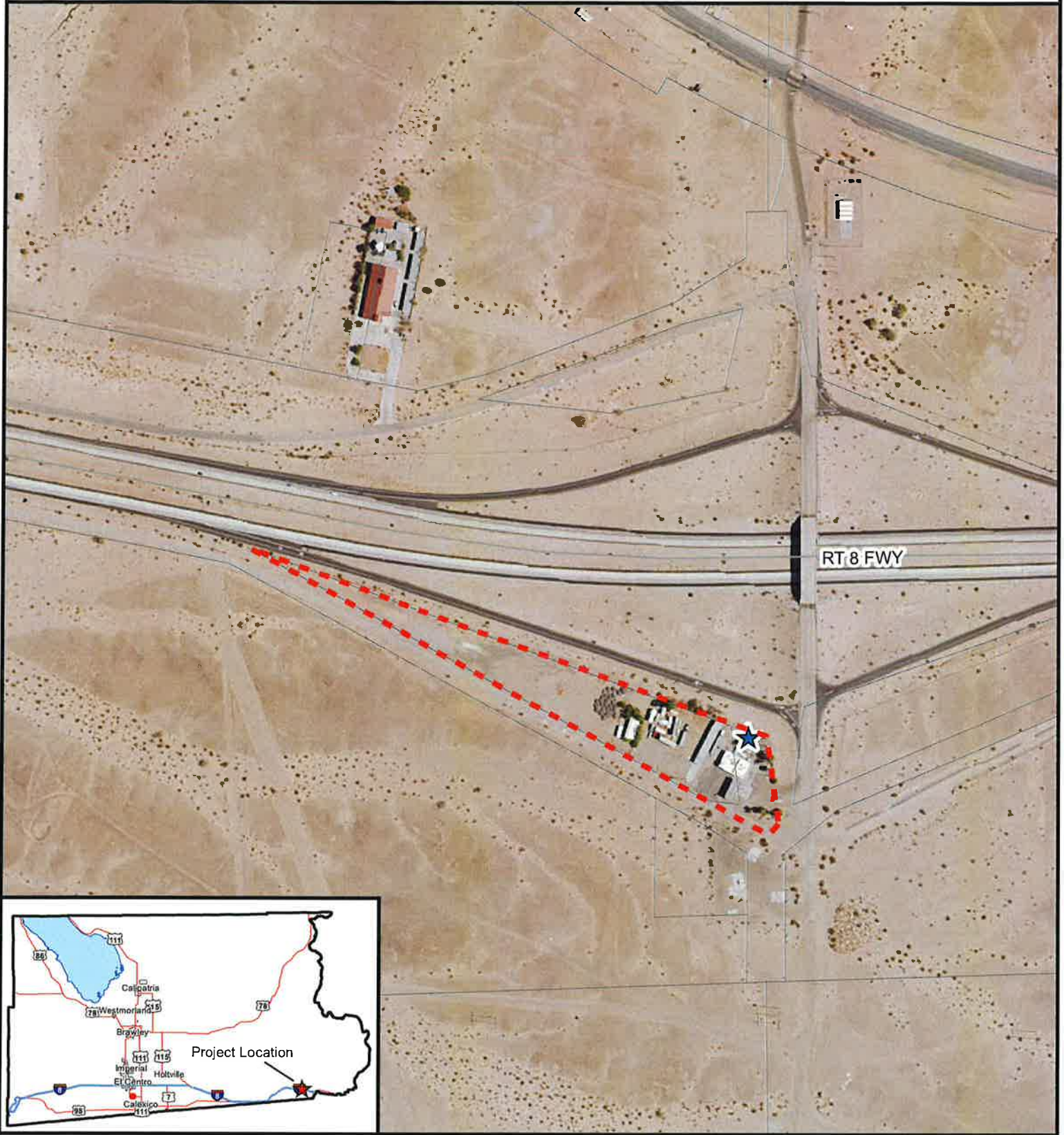


ATTACHMENTS: A. Location Map
B. Site Plan
C. CEQA Resolution
D. PC Resolution
E. CUP #22-0010 - Conditions of Approval
F. EEC Package
G. Comment Letters





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Attachment “A”: Location Map

PROJECT LOCATION MAP



SIDEWINDER CHEVRON GAS STATION
CUP #22-0010
APN 056-470-009-000

-  Project Location
-  Centerline
-  Parcels
-  Water Well Location

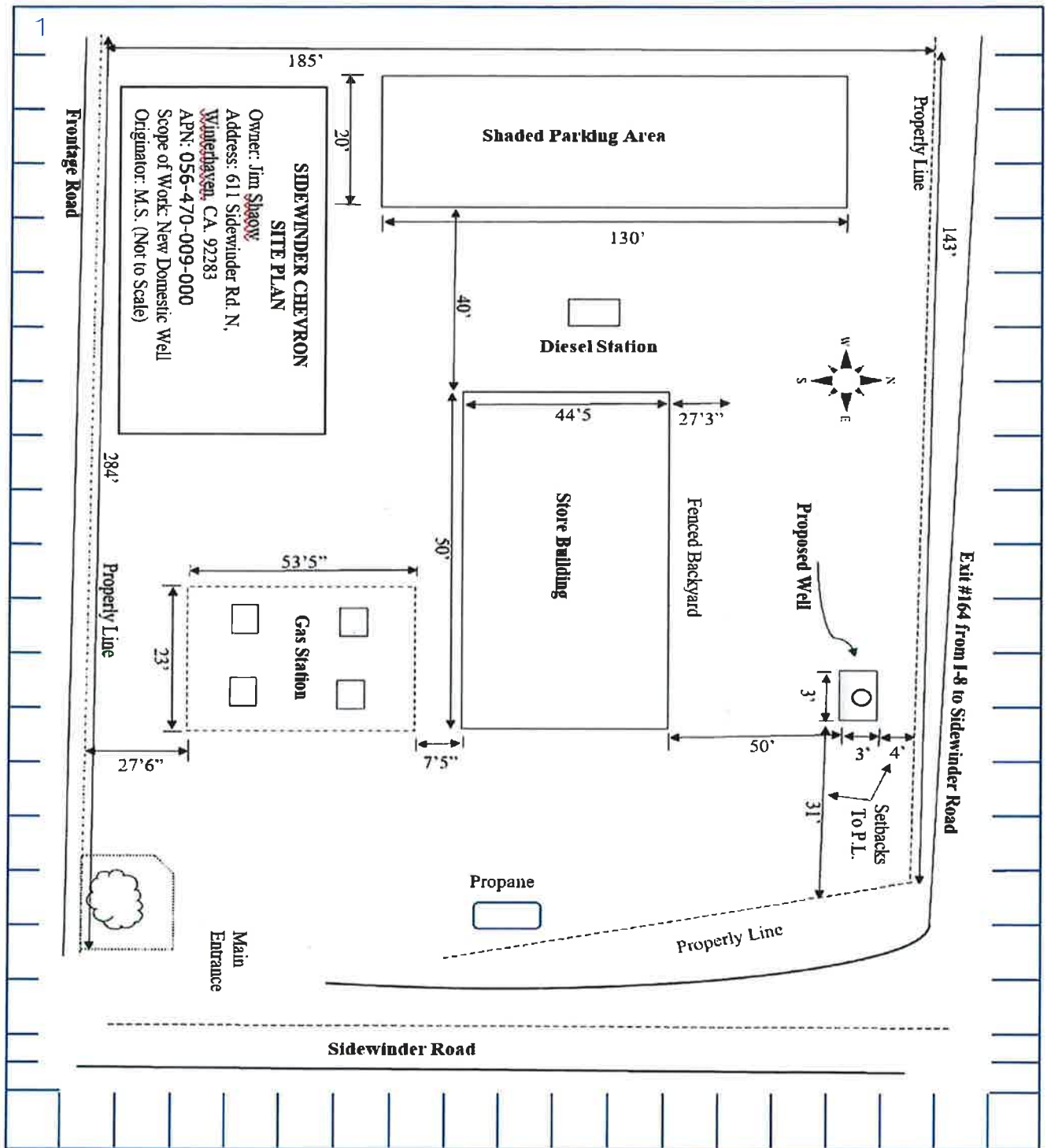


Attachment “B”: Site Plan

SITE PLAN

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

READ INSTRUCTIONS ON THE BACK! USE PEN TO DRAW - DO NOT USE PENCIL!



DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!

DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!

2 NAME OF APPLICANT Sidewinder Chevron / Jim Shaow	3 APPLICANT PHONE NO (760) 259-3834	4 SIZE OF PARCEL
5 PROJECT SITE ADDRESS 611 Sidewinder Rd. N, Winterhaven, CA	6 ASSESSOR'S PARCEL ID # 056-470-009-000	

WHITE - OFFICE MASTER / YELLOW - ASSESSORS / PINK - APPLICANT

Attachment “C”: CEQA Resolutions

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “NEGATIVE DECLARATION” (INITIAL STUDY #22-0017) FOR CONDITIONAL USE PERMIT #22-0010.

WHEREAS, on June 29, 2022, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for July 14, 2022;

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 July 14, 2022, the Environmental Evaluation Committee heard the project and recommended to the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit #22-0010; and

WHEREAS, the Negative Declaration was circulated for 20 days from July 19, 2022 to August 12, 2022;

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 Negative Declaration (ND) prior to approval of Conditional Use Permit #22-0010. The Planning Commission finds and determines that the 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 Negative Declaration (ND) for Conditional Use Permits #22-0010 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Conditional Use Permit #22-0010.

**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 September 14, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Attachment “D”: PC Resolutions

proposed project is for the replacement and operation of a commercial water well and is a conditionally permitted use pursuant to County's Land Use Ordinance (Section 92102.00).

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 purpose of the zone it is located within. The proposed water well will be used for commercial operations as identified in the project application. Division 21 of the Imperial County Land Use Ordinance regulates 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, Section 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 conditional use according to the procedures of Section 90203.10.

The proposed water well use is consistent with the definition of Land Use Ordinance, Section 92102.00 with an approved Conditional Use Permit.

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 use of the proposed water well may utilize up to two (2) acre-feet of water per year as set out in the project application. This use will not 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 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 a Condition of Conditional Use Permit #22-0010 and current Federal, State, and Local regulations.

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

The proposed use of the proposed water well is a permitted use subject to the conditions of approval of CUP #22-0010 (Land Use Ordinance, Section 92102.00) 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 #22-0010 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 September 14, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**Attachment "E": CUP 22-0010-
Conditions of Approval**

1 Recorded Requested by and
When Recorded Return To:

2 _____
3 Imperial County Planning & Dev. Services Department
801 Main Street
4 El Centro, California 92243
5 _____

6 **AGREEMENT FOR CONDITIONAL USE PERMIT #22-0010**
7 **COMMERCIAL WATER WELL**
8 **(JAMAL SHAOW)**
9 **(Approved at the Planning Commission on September 14, 2022)**

10 This Agreement is made and entered into on this _____ day of _____, 2022
11 by and between **Jamal Shaow** hereinafter referred to as Permittee, and the COUNTY OF
12 IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as
13 "COUNTY").

14 **RECITALS**

15 **WHEREAS**, Permittee is the owner, lessee or successor in interest in certain land
16 in Imperial County located on 611 Sidewinder Road, Winterhaven, CA. and further
17 described as Parcel 9, Portion of the South Half of the Southeast Quarter of Section 21,
18 Township 16 South, Range 21 East, SBM, Assessor's Parcel Number 056-470-009-000;

19 **WHEREAS**, Permittee has applied to the County to construct, drill and operate a
20 water well for commercial use for up to one (2) acre feet of water per year;

21 **WHEREAS**, Permittee and/or subsequent owner(s) would be required to and
22 intend to fully comply with all of the terms and conditions of the project as specified in this
23 Conditional Use Permit.
24

1 **WHEREAS**, the County, after a noticed public hearing, agreed to issue Conditional
2 Use Permit #22-0010 to Permittee, and/or his or her successor in interest subject to the
3 following conditions:
4

5
6 **GENERAL CONDITIONS:**

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

13
14 **G-1 GENERAL LAWS:**

15 The Permittee shall comply with any and all local, state, and/or federal laws, rules,
16 regulations, ordinances, and/or standards as they may pertain to this project whether
17 specified herein or not (including but not limited to Divisions 21 and 22 of the Imperial
18 County Land Use Ordinance).

19
20 **G-2 PERMIT/LICENSE:**

21 Permittee shall obtain any and all permits, licenses, and/or approvals, for the construction
22 and/or operation of this project. This shall include, but shall not be limited to, County
23 Division of Environmental Health Services (EHS), Planning & Development Services
24 Department, Fire/Office of Emergency Services (OES), Colorado River Board of
25 California, RWQCB, and Public Works Department. Permittee shall likewise comply with
26 all such permit requirements for the life of the project. Additionally, Permittee shall submit
27 a copy of such additional permit and/or licenses to the Planning & Development Services
28 Department within 30-days of receipt, including amendments or alternatives thereto, if
requested.

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 the date of
approval, and/or this permit is not recorded within 180 days from the date of approval, this
permit shall be deemed null and void, without notice having to be provided to Permittee.
Permittee may request a written extension by filing such a request with the Planning
Director at least 30 days prior to the original 180-day expiration. The Director may approve
an extension for a period not to exceed 180 days. An extension may not be granted if the
request for an extension is filed after the expiration date.

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

3 This project shall be constructed and operated as described in the Conditional Use Permit
4 application, 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.

5 **G-5 INDEMNIFICATION:**

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

12 **G-6 RIGHT OF ENTRY:**

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

16 **G-7 SEVERABILITY:**

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

19 **G-8 PROVISION TO RUN WITH LAND:**

20 The provisions of this project are to run with the land/project and shall bind the current
21 and future owner(s) successor(s)-in-interest; assignee(s) and/or transferee(s) of said
22 project. Permittee shall not without prior notification to the Planning and Development
23 Services Department assign, sell, or transfer, or grant control of project or any right or
24 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.

25 **G-9 COMPLIANCE/REVOICATION:**

26 Upon the determination by the Planning and Development Services Department that the
27 project is or may not be in full compliance with any one or all of the conditions of this

1 Conditional Use Permit, or upon the finding that the project is creating a nuisance as
2 defined by law, the issue shall be brought immediately to the appropriate enforcement
3 agency or to the Planning Commission for hearing to consider appropriate response
4 including but not limited to the revocation of the CUP or to consider possible amendments
5 to the CUP. The hearing shall be held upon due notice having been provided to the
6 Permittee and to the public in accordance with established ordinance/policy.

5 **G-10 TIME LIMIT:**

6 Unless otherwise specified within the project specific conditions this project shall be
7 limited to a maximum of (3) three years from the recordation date of the CUP. The CUP
8 may be extended for successive three (3) year(s) by the Planning Director upon a finding
9 by the Planning & Development Services Department that the project is in full and
10 complete compliance with all conditions of the CUP and any applicable land use
11 regulation(s) of the County of Imperial. Unless specified otherwise herein no conditional
12 use permit shall be extended for more than four (4) consecutive periods. If an extension
13 is necessary or requested beyond fifteen (15) years, Permittee shall file a written request
14 with the Planning Director for a hearing before the Planning Commission. Such request
15 shall include the appropriate extension fee. An extension shall not be granted if the
16 project is in violation of any one or all of the conditions or if there is a history of non-
17 compliance with the project conditions.

14 **G-11 COSTS:**

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

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

20 Permittee shall provide water and sewer to Federal, State and County standards. Water
21 and sewer systems shall be approved by the Environmental Health Services and the
22 Planning and Development Services Department.

23 **G-13 DEFINITIONS:**

24 In the event of a dispute, the meaning(s) or intent of word(s) phrase(s) and/or conditions
25 or sections herein shall be determined by the Planning Commission of Imperial County.
26 Their determination shall be final unless an appeal is made to the Board of Supervisors
27 10 days from the date of their decision.

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G-14 SPECIFICITY:

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown the application/project 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-15 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 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 nothing shall prohibit Permittee from requesting a special Commission meeting and Permittee bears all costs.

G-16 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 Permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least 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. If this Permit or any subservient or associated permit requires financial surety, the transfer of this Permit shall not be effective until the new Permittee has requisite surety on file. Furthermore, existing surety shall not be released until replacement surety is accepted by Imperial County. Failure to provide timely notice of transfer by Permittee shall forfeit current surety.

(TOTAL "G" CONDITIONS are 16)

1 **WATER WELL SPECIFIC CONDITIONS**

2 **S-1 WATER WELL AND USAGE:**

3 This permit allows the Permittee to replace and operate a water well to extract a maximum
4 of two (2) acre-feet of groundwater annually for commercial use. Exceeding the amount
5 of water specified herein will result in the Planning and Development Services Department
6 taking action to rescind the Conditional Use Permit for non-compliance.

7 **S-2 OFF-SITE WATER SALES:**

8 Water from the well shall **not** be used, sold, nor given to any individuals or entities and
9 used for purposes other than identified in the project description.

10 **S-3 WATER WELL MONITORING:**

11 A flow meter shall be installed and sealed by a California-Licensed Water Well Drilling
12 Contractor. Permittee shall submit a drilling and logging report to the Department of
13 Public Works and the Planning and Development Services Department indicating the
14 monthly amount of water extracted from the well. A photograph (dated and signed) of the
15 flow meter readings shall be included in the report. The report shall be received within
16 thirty (30) days following the date of the issuance of the Conditional Use Permit and the
17 well is spudded. In the event of a flow meter failure, the Permittee shall be required to
18 cease the water well operation and notify the Planning and Development Services
19 Department. The Permittee may be allowed to temporarily substitute the flow meter for
20 an alternative measuring device with the approval of the Planning and Development
21 Services Department.

22 **S-4 WELL REPLACEMENT:**

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

27 Permittee shall submit copies of the "Report of Completion" (as required by California
28 Water Code, Section 13751), by a California Licensed Water Well Driller on the
construction of any water well replaced. Copies of this report shall be submitted to
Environmental Health Services, Planning and Development Services Department, and
Public Works Department 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 water;
6. Methods for preventing contaminated waters from one aquifer to mix with another aquifer;
7. Name of person who constructed the well.

S-5 NO SLANT DRILLING:

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

S-6 WELL ABANDONMENT:

Should the water well be "abandoned" at any time for more than twenty four (24) consecutive months, 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 follow :)

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

S-7 WELL REMOVAL:

Permittee shall properly destroy any well on the property if replaced or abandoned. 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 shall be sent to the Department of Public Works and the Planning and Development Services Department within thirty (30) days following the destruction of the water well.

S-8 WELL REGISTRATION:

The water well shall be registered with the Planning and Development Services Department to comply with the existing Groundwater Ordinance. This Ordinance was enacted by the Board of Supervisors on for the purpose of preserving and managing groundwater resources in Imperial County.

S-9 PERMITTING:

The Permittee shall obtain all required permits from the Department of Public Works, Department of Environmental Health Services (EHS), Air Pollution Control District (APCD), Imperial Irrigation District (IID) and other applicable federal and state agency(s).

1 **S-10 ARCHAEOLOGICAL RESOURCES/HUMAN REMAINS (HSC 7051 & PRC**
2 **5097.98)**

3 In the event of discovery or recognition of any human remains in any location other than a
4 dedicated cemetery there shall be no further excavation or disturbance of the site or any
5 nearby area reasonably suspected to overlie adjacent remains until the coroner of the
6 Imperial County has determined, in accordance with Chapter 10 (commencing with Section
7 27460) of Part 3 of Division 2 of Title 3 of the Government Code that the remains are not
8 subject to the provision of Section 27491 of the Government Code. If the Coroner
9 determines that the remains are not subject to his or her authority and if the coroner
10 recognizes the human remain to be those of a Native American, or has reason to believe
11 that they are those of a Native American, he or she shall contact, by telephone within 24,
12 the Native American Heritage Commission.

13 Upon discovery of Native American remains, the landowner shall ensure that the immediate
14 vicinity, according to generally accepted cultural or archaeological standards or practices,
15 where the Native American human remains are located, is not damaged or disturbed by
16 further development activity until the landowner has discussed and conferred, as prescribed
17 in this section, with the most likely descendants regarding their recommendation, if
18 applicable, taking into account the possibility of multiple human remains. The landowner
19 shall discuss and confer with the descendants all reasonable options regarding the
20 descendants' preferences for treatment.

21 **S-11 AIR POLLUTION CONTROL DISTRICT**

22 All construction activities must adhere to the Air District's Regulation VIII which is designed
23 to limit emissions of fugitive dust (PM10) to 20% capacity. Any generator greater than 50
24 horsepower used for standby-backup purposes must be permitted through the Engineering
25 and Permitting Division of the Air District.¹

26 **S-12 IMPERIAL IRRIGATION DISTRICT**

27 Although the parcel to be used is located outside of IID's water service area, it is within the
28 Lower Colorado River Accounting Surface. A water supply agreement should be in place
with the City of Needles for this property and its existing and new proposed use, if the water
is well water.²

S-13 CITY OF NEEDLES

The applicant will need to obtain water entitlements through the Lower Colorado Water
Supply Project.³

1. Air Pollution Control District comment letter dated April 26, 2022

2. IID comment letter dated March 17, 2022

3. City of Needles email dated August 11, 2022

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(TOTAL "S" CONDITIONS are 13)

NOW THEREFORE, County hereby issues Conditional Use Permit #22-0010 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

PERMITTEE :

By _____
Jamal Shaow _____ Date _____

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

By: _____
James A. Minnick, Director _____
Planning & Development Services Department Date _____

1 **FOR PERMITTEE NOTARIZATION**

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

4 STATE OF CALIFORNIA

5 COUNTY OF _____ } S.S.

6
7 On _____ before me, _____,
8 a Notary Public in and for said County and State, personally appeared
9 _____, who proved to me on the
10 basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
11 within instrument and acknowledged to me that he/she/they executed the same in
12 his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
13 instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

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

16
17 WITNESS my hand and official seal

18
19 Signature _____

20
21 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent
22 attachment of this certificate to unauthorized document.

23 Title or Type of Document _____

24 Number of Pages _____ Date of Document _____

25 Signer(s) Other Than Named Above _____



1 **FOR COUNTY NOTARIZATION**

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

5 STATE OF CALIFORNIA

6 COUNTY OF _____ } S.S.

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

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

17 WITNESS my hand and official seal

18
19 Signature _____

20
21 ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of
22 this certificate to unauthorized document.

23 Title or Type of Document _____

24 Number of Pages _____ Date of Document _____

25 Signer(s) Other Than Named Above _____

26
27 S:\AllUsers\APN\056\470\009\CUP22-0010 (water well)\PC\Conditions of Approval\Conditions of Approval CUP22-0010.docx

Attachment "F": EEC Package

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: July 14, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 3

PROJECT TYPE: Jamal Shaow CUP #22-0010 Water Well SUPERVISOR DIST: #5

LOCATION: 611 Sidewinder Road APN: 056-470-009-000

Winterhaven, CA 92283 PARCEL SIZE: 3.3 AC.

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

ZONE (existing) C-2 (General Commercial) 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: 07/14/2022

INITIAL STUDY: #22-0017

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

Quechan Indian Tribe

REQUESTED ACTION:

(See Attached)

NEGATIVE DECLARATION
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For: Initial Study #22-0017 Jamal Shaow
Conditional Use Permit #22-0010*



Prepared By:

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

June 2022

EEC ORIGINAL PACKAGE

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INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting from the proposed commercial water well replacement, on APN # 056-470-009-000. The legal description for this parcel is "a Portion of the South Half, of the Southeast Quarter, of Section 21, T16S, R21E, SBBM, located west of the unincorporated Winterhaven town site of the County of Imperial, State of California.

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 significant impact, potentially 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 expected 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. **Less Than Significant With 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.
- 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:** Sidewinder Chevron Gas Station Commercial Water Well
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Jim Minnick, Director (442)265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** jimminnick@co.imperial.ca.us
6. **Project location:** APN 056-470-009-000; 611 Sidewinder Road, Winterhaven, CA.
7. **Project sponsor's name and address:** Jamal Shaow, 611 Sidewinder Road, Winterhaven, CA
8. **General Plan designation:** Recreation/Open Space
9. **Zoning:** C-2 (General Commercial)
10. **Description of project:** The applicant proposes Conditional Use Permits #22-0010 for a new Commercial Water Well on APN #056-470-009-000. The legal description for this parcel is a Portion of the South Half, of the Southeast Quarter, of Section 21, T16S, R21E, SBBM, located west of the unincorporated Winterhaven town site of the County of Imperial, State of California. The applicant will construct and operate a replacement Commercial Water Well to serve the existing gas station and the property in general located at 611 Sidewinder Road, Winterhaven, CA. The maximum annual water extraction will be two (2) acre-feet.
11. **Surrounding land uses and setting:** The project site is located west of the Winterhaven area. Surrounding land uses are vacant light industrial and commercial, along with open spaces, and a recreational vehicle park.
12. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.): Planning Commission, Imperial County Air Pollution Control District, Imperial County Environmental Health Services, and Imperial County Fire Department.
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.?**

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: The AB 52 Notice of Opportunity to consult was mailed via certified mail to the Quechan Indian Tribe on April 12, 2022 for their review and comment; the Quchen Indian Tribe does not wish to comment on this project.

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, because 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.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: Yes No

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



 Jim Minnick, Director of Planning/EEC Chairman

7-14-2022

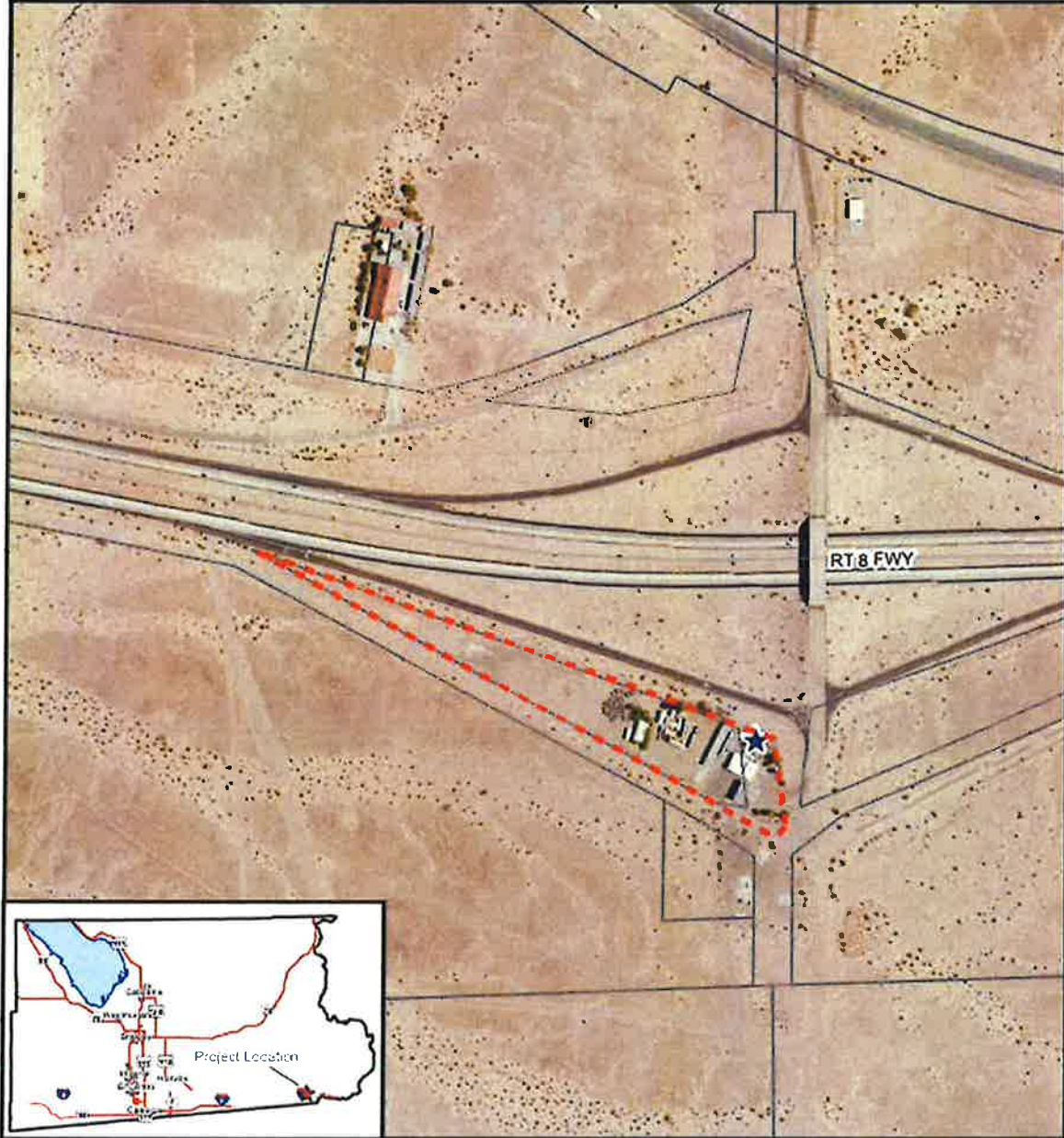
 Date:

PROJECT SUMMARY

See attached Initial Study for additional information.

- A. Project Location:** The project site is located at 611 Sidewinder Road, Winterhaven, CA, 92283. The legal description for this parcel is "a Portion of the South Half, of the Southeast Quarter, of Section 21, T16S, R21E, and SBBM; (APN 056-470-009-000) located west of the unincorporated Winterhaven town site of the County of Imperial, State of California.
- B. Project Summary:** The applicant proposes Conditional Use Permits #22-0010 for a new Commercial Water Well on APN #056-470-009-000. The applicant will construct and operate a replacement Commercial Water Well to serve the existing gas station and the property in general located at 611 Sidewinder Road, Winterhaven, CA. The maximum annual water extraction will be two (2) acre-feet.
- C. Environmental Setting:** The proposed project is located within a C-2 (General Commercial) zone within an area designated as Recreation/Open Space. The proposed project is allowed within the C-2 zone, with an approved conditional use permit. The applicant has submitted a conditional use permit for the proposed project.
- D. Analysis:** Initial Study #22-0017 will analysis any impacts associated with the proposed project within the C-2 zone. The proposed project site has been used for various commercial uses over the years; e.g. a gas station/convenience store, and is it currently use.
- E. General Plan Consistency:** The project is located within an area designated as Recreational/Open Space according to the General Plan, and the parcel is zoned C-2 (General Commercial).

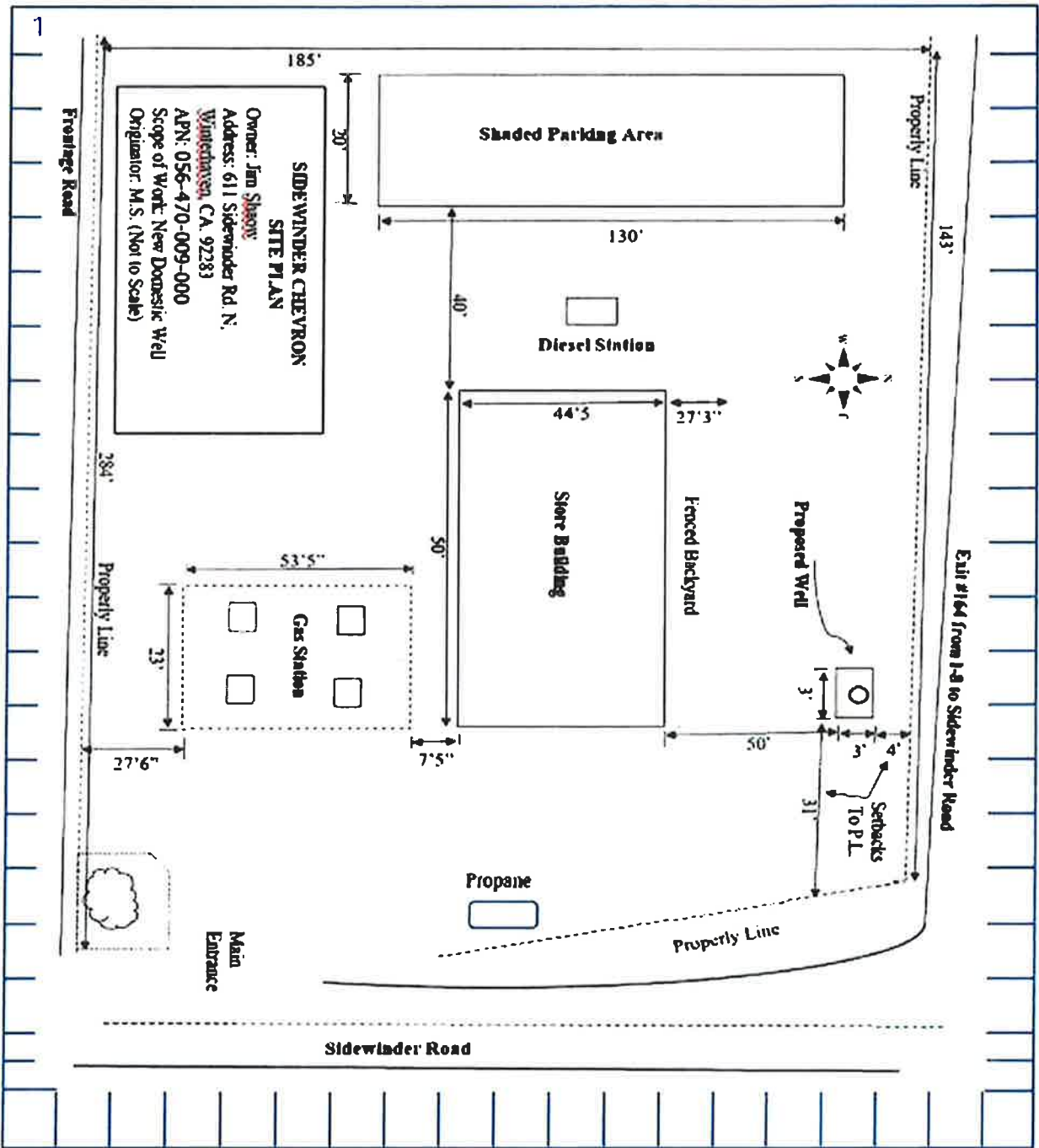
PROJECT LOCATION MAP



SIDEWINDER CHEVRON GAS STATION
CUP #22-0010
APN 056-470-009-000

-  Project Location
-  Centerline
-  Parcels
-  Water Well Location





2 Sidewinder Chevron / Jim Shaow	3 (760) 259-3834	4
5 611 Sidewinder Rd. N, Winterhaven, CA	6 056-470-009-000	

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)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

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) The proposed project will be located west of the Townsite of Winterhaven at Sidewinder Road and Interstate 8; however, the proposed facility is not located within the vicinity of a scenic highway. It is not designated as a scenic highway in the Imperial County General Plan Circulation and Scenic Highways Element (Imperial County 2008a) nor is it identified on the California Scenic Highway Mapping System (Caltrans 2016). No scenic vistas or areas with high visual quality would be adversely affected by development of the proposed projects. Additionally, this proposed facility will install fencing and landscaping along the frontage of the property, paving parking lots and landscaping along portions of existing building thereby enhancing the visual character of this area. Any potential impacts would appear to be less than significant.

- 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 is not near a state scenic highway; therefore, it will not damage scenic resources including trees, outcropping, and historical buildings within a state scenic highway. No impact is 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 project is consistent with current zoning and land uses in the surrounding parcels with an approved conditional use permit. The site is zoned for commercial uses and has been previously impacts by those uses. Therefore, a less than significant impact is expected.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
d) All on-site lighting will be required to be shielded from adjacent properties and roads. The proposed site would continue to be zoned as General Commercial. Therefore, a less than significant impact is expected.

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:

- 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?

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a) The proposed project is currently zoned for commercial uses. The proposed use appear consistent with general commercial type uses and would not appear to further impacts on this parcel of land. Previously, the parcel has been impacted by commercial uses over a number of years. **No impact is expected.**

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) There are no Williamson Act contract lands on this parcel. **No impact is expected.**

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 site is not zoned for, nor does it contain, forest land or timber land. As such, the project would not impact forest or timberlands. **No impact is expected.**

d) Result in the loss of forest land or conversion of forest land to non-forest use?

d) The proposed project site does not contain any forestland and would not convert any forestlands; therefore, the project would not impact forest lands. **No impact is expected.**

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 site is located in the Recreational/Open Space designation and zoned General Commercial. There are no existing forestlands on or in the immediate vicinity of the project site. Development of the proposed project would not result in the loss of forestland or conversion of forestland to non-forest use. There are adjacent commercial zoned parcels currently vacant; thus, the proposed project would appear to have **No Impacts** on expansion or conversion of any forestland.

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 permittee is proposing to drill and operate a replacement commercial water well to serve the property. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project will adhere to the Air District's Fugitive Dust Rules (Regulation VIII- Fugitive Dust Rules). Therefore, **a less than significant impact is expected.**

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- 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 permittee is proposing to construct and operate a replacement commercial water well to serve the existing gas station and the property in general. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project must adhere to the Air District's Fugitive Dust Rules (Regulation VIII-Fugitive Dust Rules). Therefore, a less than significant impact is expected.

- c) Expose sensitive receptors to substantial pollutants concentrations?

c) The proposed project to construct and operate a replacement commercial water well is not expected to expose sensitive receptors to substantial pollutants concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.

- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

d) The proposed project is not expected to expose sensitive receptors to substantial pollutants concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.

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 majority of the proposed project area is currently impacted by past general commercial uses. The parcel appears to have minimal impacts to any biological resources. Therefore, a less than significant impact is expected.

- 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) Previously, the proposed site has been used for general commercial uses and the project area will not appear to further impact the site. Therefore, a less than significant impact is expected.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool,

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coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

c) No wetlands or water resources are present on the project site; therefore, no impacts to wetland, riparian resources, or jurisdictional waters would occur as result of the Project. **No impact is expected.**

d) Would the project 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?

d) There are no federally protected wetlands, resident or migratory fish or wildlife species or corridors for wildlife on the existing site. As explained Item a) above, the proposed project will not have an adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. **No impact is expected.**

e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

e) The proposed project is zoned for commercial type uses; it is not subject to and does not conflict with any local policy or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **No impact is 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?

f) The proposed project site is not part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan or local Plans would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state 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?

a) The proposed project site was previously used for general commercial uses, which is located within disturbed land. The project will not appear to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; Therefore, **any impacts are considered less than significant.**

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b) As mentioned under Item a) above, the proposed is located on previously disturbed land and it is not likely that any historical, archaeological or human remains will be discovered. Therefore, **any impacts would be less than significant.**

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- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

c) As mentioned under Item a) above, the proposed project and facility is located on disturbed land zoned for commercial type uses and is not expected to directly or indirectly destroy a unique paleontological resource or unique geologic feature Therefore, **a less than significant impact is expected.**

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?

The proposed replacement commercial water well and any related structure/housing for the water well will be designed in accordance with the California Energy Commission's 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11). Additionally, an energy analysis will be prepared for the project to quantify energy consumption. Further analysis of the project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. Therefore, **a less than significant impact is expected.**

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

b) The proposed replacement commercial water well and any related structure/housing for the water well will be designed in accordance with the California Energy Commission's 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11). Additionally, an energy analysis will be prepared for the Project to quantify energy consumption. Further analysis of the Project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. Therefore, **a less than significant impact is 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:

a) The project as proposed does not appear to conflict with the geology and soils of adjacent properties. The project may be required to perform a grading and drainage plan/study acceptable to the Imperial County Public Works Department. Therefore, **a less than significant impact is 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?

a) The proposed project is not located on a known fault. The Quadrangle Official Map Effective January

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1, 1990 does not indicate any active faults in or near the project area. The Algodones Fault is approximately 5 mile west of the proposed project site. Therefore, **a less than significant impact is expected.**

2) Strong Seismic ground shaking?

2) The proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures the same as under the adopted Specific Plan, taking into account the above discussion and because seismic risk is associated with occupancy of future buildings regardless of its size which will require geotechnical review done on building permits. Therefore, **a less than significant impact is expected.**

3) Seismic-related ground failure, including liquefaction and seiche/tsunami?

3) The proposed project is not located in a "Special Studies Zone"; however, the site could still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code, which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures. Detailed soil investigations shall be conducted prior to issuance of the initial building permits to assure that the proposed building is designed to withstand potential problems related to geology/soils/seismicity. Therefore, **a less than significant impact is expected.**

4) Landslides?
4) Less than Significant (see above a)

b) Result in substantial soil erosion or the loss of topsoil?

b) The project site is not located within an erosion susceptible area according to the Imperial County, Seismic and Public Safety Element, Figure 3; Therefore, **a less than significant impact is expected.**

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?

c) The project is not expected to have a significant adverse environmental impact on the existing geology and soils nor would it result in any direct geology/soils/seismicity impacts. According to the State of California's Revised January 1, 1990, Special Studies Map, the proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code (Sections 1626 through 1635), which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures. Therefore, **a less than significant impact is expected.**

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 replacement commercial water well project does not appear to conflict with the geology and

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soils of adjacent properties. Therefore, a less than significant impact is expected.

- 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) The proposed project replacement commercial water well and any related structure/housing for the water well. The property already has a septic system for the existing services station. The new well location will be subject to review by Environmental Health, along with the compliance with the appropriate California Building Codes to ensure proper separation of the uses. Therefore, a less than significant impact is expected

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

f) Considering that the project site was completely disturbed when previously constructed commercial uses were built, the probability of encountering an unforeseen/buried human remains is very low. Therefore, a less than significant impact is expected.

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 applicant permittee will construct and operate a replacement commercial water well to serve the existing gas station and the property in general. The project does not appear to significantly impact greenhouse gas emissions. Therefore, a less than significant impact is expected

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The facility site was previously utilized for commercial uses. Therefore, a less than significant impact is 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?

a) The proposed project would not appear to generate any significant hazards located near or adjacent to any site that uses hazardous materials or hazardous waste. Therefore, a less than significant impact is expected.

- 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?

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b) All future development shall provide proof of a hazardous materials business plan and that appropriate permits have been obtained for any hazardous materials to be hauled. Therefore, a less than significant impact is expected.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

c) The proposed project will not handle hazardous materials or waste within a one-quarter mile of an existing or proposed school site. No Impact is expected.

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?

d) The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would not create a significant hazard to the public or environment. No Impact is expected.

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?

e) The project site is not within two miles of the Yuma International Airport; however, No impact is expected. The proposed uses appear to be Normally Acceptable Uses per Table 2A of the Imperial County Airport Land Use Compatibility Plan on page 2-17.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

f) The proposed project would not interfere with any adopted emergency response plan or emergency evacuation plan; therefore, no impact is expected. The permittee will meet any requirements requested by the Fire/OES Department for emergency responses and plans. No impact is expected.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

g) The proposed project site is located within an unincorporated Local Responsibility Area classified as LRA "Unzoned" per Cal Fire Draft Fire Hazard Severity Zones in LRA for Imperial County. Therefore, it is not expected that it would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impact is expected.

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?

a) The project does not appear to violate any water quality standards or waste discharge orders. Therefore,

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a less than significant impact is expected.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

b) The proposed project is to replace the existing well. At the proposed 2 acre-feet, the project does not appear to significantly affect the existing groundwater supply or interfere with groundwater recharge. Therefore, a less than significant impact is expected.

- 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:

c) Future development within the proposed project would not result in significant impacts to hydrology and water quality. Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. Any proposed grading will require drainage reviews and approval with Public Works. Therefore, a less than significant impact is expected.

- (i) result in substantial erosion or siltation on- or off-site;

i) The project has been previously used commercially and site has been impacted for a number of years. Therefore, a less than significant impact is expected.

- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

ii) The project would not appear to substantially increase the rate or amount of surface runoff resulting in flooding; the site is previously used for commercial uses and no additional structures are being proposed. Therefore, a less than significant impact is 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;

iii) The project does not appear to create or contribute to runoff water; the project has been previously used commercially and site has been impacted for a number of years. Therefore, a less than significant impact is expected.

- (iv) impede or redirect flood flows?

iv) The project would not appear to impede or redirect flood flows; the project has been previously used commercially and site has been impacted for a number of years. Therefore, a less than significant impact is expected.

- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

d) The project site does not appear to be located in a potential seiche, tsunami, or mudflow zone. No Impact

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is expected.

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

e) Future development within the proposed project would not result in significant impacts to hydrology and water quality. Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. The projects will be using an existing building on site and no additional structures are expected. The current site has as proposed structure on site and no additional structures are planned. Therefore, a less than significant impact is expected.

XI. **LAND USE AND PLANNING** *Would the project:*

- a) Physically divide an established community?

a) The proposed project is consistent with the intent of the County General Plan; water wells are allowed with an approved Conditional Use Permit in a C-2 Commercial zone, therefore, less than significant impacts are 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 is consistent with the intent of the County General Plan, and the County's Land Use Ordinance. The project is not located in or conflict with habitat conservation or natural community conservations area or plans. The proposed project is located in the Winterhaven area zoned for commercial uses and will not physically divide an established community. Therefore, less than significant impacts are expected.

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 project will not remove mineral resources on-site; therefore, no impact is expected.

- 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) The proposed project will not remove mineral resources on-site; therefore, no impact is expected.

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 ordinance, or applicable standards of other agencies?

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a) The proposed project is to replace the existing well; it is not expected to exceed applicable noise standards noises on local landowners and/or expected to significantly increase the ambient noise level in the vicinity. Therefore, a less than significant impact is expected.

b) Generation of excessive ground-borne vibration or ground-borne noise levels?

b) The proposed project is to replace the existing well; it is not expected to generate any excessive ground-borne vibration or noise. Therefore, a less than significant impact is expected.

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 proposed project is to replace the existing well; it is not within the vicinity of private airstrip or an airport. No impact is 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 is to replace the existing well and does not appear to induce substantial population growth in the area, either directly or indirectly; therefore, no impact is expected.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

b) The proposed project is to replace the existing well and will not displace substantial numbers of exiting housing, necessitating the construction of replacement housing elsewhere; therefore, no impact is expected.

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 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 will not physically impact any local government facilities or require for a new or altered government facility for any possible required services for proposed water well; therefore, no impact is expected.

1) Fire Protection?

1) An approved water supply capable of supplying the required fire flow consisting of underground pressure main(s) and hydrant(s) will be provided for the project. The construction and operation a replacement commercial water well to serve the existing gas station and the property in general will assist in the fire

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protection of the site. **No Impact is expected.**

2) Police Protection?
2) The project site is currently a service station. The proposed water will not have an impact on police protection. Both the California Highway Patrol and sheriff's office has active patrol in the area as well. No Impact is expected.

3) Schools?
3) The project would not result in an increase in population or housing and would not require additional school services. The project site is not near any schools. No Impact is expected.

4) Parks?
4) The project would not result in an increase in population or housing and would not increase demand/use for local parks. No Impact is expected.

5) Other Public Facilities?
5) The project would not appear to put an increased burden on off-site public services, including existing fire, police, school and other governmental services. therefore, no impact is expected.

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?
a) The proposed project would not increase the use of the existing neighborhood and regional parks or other recreational facilities; therefore, no impact is expected.

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?
b) The proposed project would not appear to include or require the construction of recreational facilities'; therefore, no impact is expected.

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?
a) The proposed project is to replace the existing well; the applicant will comply with all applicable conditions and regulations with the County's circulation plan, land use ordinance, and transportation planning. No impact is expected.

b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
b) The proposed project is to replace the existing well; it does not appear to impact any public transit, bicycle

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or pedestrian facility. **No impacts are expected.**

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| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
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c) The project site is on previously constructed site. **No impact is expected.**

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| d) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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d) All on-site traffic areas are existing with at least all weather access for fire protection vehicles. The proposed water well will not affect the existing emergency access. **No Impact is expected.**

XVIII. TRIBAL CULTURAL RESOURCES

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| 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: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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a) The construction and operation a replacement commercial water well to serve the existing gas station and the property in general is located on an existing disturbed site; the impacts appears to be less than significant for tribal cultural resources as defined in Public Resources Code Section 21074. Therefore, **a less than significant impact is expected.**

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| (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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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(i) The project would not appear to cause an adverse change in the significance of a tribal cultural resource. The property site has previously been impacted by general commercial uses allowed in the current zone. AB 52 letters have been sent out to the Quechan Tribe for consultations. The County received a response of no comment from the Quechan Tribe on April 13, 2022. Therefore, **a less than significant impact is expected.**

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| (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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

(ii) The project site is zoned for general commercial uses and is used for commercial uses. The parcel has a gas station/convenience store on site and to date no evidence of cultural resources have been seen on site. Therefore, no resources as defined in the Public Resources Code Section 5024.1 appears to be impacted. Therefore, **a less than significant impact is expected.**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) The project proposes to construct and operate a replacement commercial water well to serve the existing gas station and the property in general. The property would utilize an onsite water well and septic system for water and sewer. No impact is expected. | | | | |
| b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) The project proposes to construct and operate a replacement commercial water well to serve the existing gas station and the property in general. The applicant shall be required to pay all applicable fees and improvements associated with developing their project. No impact is expected. | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The proposed project is to replace the existing well; no change to the existing septic system for onsite wastewater treatment is proposed. No impact is expected. | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) The proposed project is to replace the existing well; the project does not propose to increase the generation of solid waste. No impact is expected. | | | | |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) All proposed projects within the County shall contract with a licensed waste hauler for waste generated by the facility. A waste management plan shall be submitted providing insight as to the waste deposition. Therefore, a less than significant impact is expected. | | | | |

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The site is not located on or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project site is located west of the community of Winterhaven and | | | | |

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--------------------------------------	--	-------------------------------------	----------------

access to proposed project via Sidewinder Road and I-8 Highway. Therefore, a less than significant impact is expected.

- 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 site is not located or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project appears to be surrounded by commercial related land. Although the County has experienced damage from heavy winds in the past, hazards in the County are managed by the MJHMP, which is reviewed and updated every 5 years (County 2021). Therefore, a less than significant impact is expected.

- 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?

c) The proposed project is to construct and operate a replacement water well, that action does not appear to adversely affect either the existing operations on the property or impact infrastructure. Therefore, a less than significant impact is expected.

- 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?

d) The project is located on flat and moderately sloped desert terrain. The proposed project is to construct and operate a replacement water well, that action does not appear to adversely affect the existing drainage. Therefore, a less than significant impact is expected.

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)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	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.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <p>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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>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.)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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
- David Black, 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

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

V. REFERENCES

- 1) "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; & as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
- 2) Bryant, William A. and Earl W. Hart. 2007. Fault-Rupture Hazard Zones in California, Alquist-Priolo Earthquake Studies Zoning Act with Index to Earthquake Fault Zones Maps, Department of Conservation, California Geological Survey, Special Publication 42.
- 3) California Department of Transportation. 2017. California Scenic Highway Mapping System. Web site available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
- 4) California Native Plant Society (CNPS). 2019. Inventory of Rare and Endangered Plants of California. Website available online at: <http://www.rareplants.cnps.org/>.
- 5) California Office of Planning and Research. 2003. General Plan Guidelines. Web site (accessed on March 2020) available at: http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf.
- 6) California State Geological Survey (CGS). 2015. Regulatory Maps. Web site (accessed on March 2020) available at: <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.
- 7) Federal Highway Administration (FHWA). 2006. Construction Noise Handbook. Web site available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.
- 8) Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement. Web site available at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.
- 9) Federal Highway Administration (FHWA). 2017. California State Byways List. Web site (accessed on May 10, 2017) available at: <https://www.fhwa.dot.gov/byways/states/CA>.
- 10) Imperial County. 1998. General Plan. Website available online at: [http://www.icpds.com/CMS/Media/GENERAL-PLAN--\(OVERVIEW\).pdf](http://www.icpds.com/CMS/Media/GENERAL-PLAN--(OVERVIEW).pdf).
- 11) Imperial County Planning and Development Services. 2015. Maps. Website available online at: <http://www.icpds.com/?pid=577>.
- 12) Imperial IRWMP. 2012. Integrated Regional Water Management Plan – Groundwater Management Planning Elements Guidance Document. Website available line at: <https://www.iid.com/home/showdocument?id=9546>.
- 13) National Resource Conservation Service. 2019. Web Soil Survey GIS Portal. Available online at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.
- 14) Office of the State Fire Marshall (CalFire). 2007. Fire Hazard Severity Zones Map. Website available online at: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazardsbuilding-codes/fire-hazard-severity-zones-maps/>.
- 15) United States Fish and Wildlife Service. 2019. Information for Planning and Consultation (IPaC). Website available online at: <https://ecos.fws.gov/ipac/>.
- 16) United States Fish and Wildlife Service. 2019. National Wetlands Inventory – Wetlands Mapper. Website available online at: <https://www.fws.gov/wetlands/data/Mapper.html>.
- 17) United States Geological Survey (USGS). 1990. The San Andreas Fault System, California, Robert E. Wallace, editor, U.S. Geological Survey Professional Paper 1515.
- 18) Quechan Tribe email 4/13/22
- 19) Imperial County Air Pollution District Letter 4/26/22
- 20) Imperial Irrigation District Letter
- 21) Imperial County

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: Jamal Shaow Project, Conditional Use Permit CUP #22-0010

Project Applicant: Jamal Shaow, 611 Sidewinder Road, Winterhaven

Project Location: The project site is located at 611 Sidewinder Road, Winterhaven, CA, 92283. The legal description for this parcel is "a Portion of the South Half, of the Southeast Quarter, of Section 21, T16S, R21E, and SBBM; (APN 056-470-009-000) located west of the unincorporated Winterhaven town site of the County of Imperial. State of California.

Project Summary: The applicant proposes Conditional Use Permits #22-0010 for a new Commercial Water Well on APN #056-470-009-000. The applicant will construct and operate a replacement Commercial Water Well to serve the existing gas station and the property in general located at 611 Sidewinder Road, Winterhaven, CA. The maximum annual water extraction will be two (2) acre-feet.

VI. 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 environmental 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 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 are invited to comment on the proposed Negative Declaration during the review period.

7-14-2022 _____
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.

Jamal Shaw
Applicant Signature

7-15-2022
Date

SECTION 4

VIII. RESPONSE TO COMMENTS

N/A

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

N/A

S:\Users\APR1256470\009\CUP22-0010\EECC\CUP22-0010 Initial Study\docs\58470\009\CUP22-0010\EECC\NEGATIVEDECLARATIONS

COMMENT LETTERS

EEC ORIGINAL PACKAGE

AIR POLLUTION CONTROL DISTRICT



April 26, 2022

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

RECEIVED

APR 23 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Conditional Use Permit 21-0010

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") thanks you for the opportunity to review the application for Conditional Use Permit 22-0010 to allow the construction of a new water well at 611 Sidewinder Road in Winterhaven, California, also identified as Assessor's Parcel Number 056-470-009-000. The water well will supply water to an existing gas station at that location.

A query of Air District records indicate that Permit 2082 for this business is in good standing. All construction activities must adhere to the Air District's **Regulation VIII** which is designed to limit emissions of fugitive dust (PM10) to 20% opacity. Any **generator greater than 50 horsepower** used for standby-backup purposes must be permitted through the Engineering and Permitting Division of the Air District.

The Air District's rule book can be accessed via the internet at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have questions, please call our office at (442) 265-1800.

Sincerely,

Curtis Blondell
APC Environmental Coordinator

Reviewed by,

Monica N. Soucier
APC Division Manager

CUP 22-0010

Page 1 of 1

Valerie Grijalva

From: Quechan Historic Preservation <historicpreservation@quechantribe.com>
Sent: Wednesday, April 13, 2022 6:08 AM
To: Valerie Grijalva; 'MichaelAbraham@co.imperial.us'
Cc: ICPDSCommentLetters
Subject: RE: CUP22-0010 Quechan AB 52 Letter

RECEIVED

APR 13 2022

CAUTION: This email originated outside our organization; please use caution. This email is to inform you that we do not wish to comment on this project.

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Valerie Grijalva [mailto:ValerieGrijalva@co.imperial.ca.us]
Sent: Tuesday, April 12, 2022 4:10 PM
To: Quechan Historic Preservation Officer; Jim Minnick; Michael Abraham; Diana Robinson
Cc: Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga
Subject: CUP22-0010 Quechan AB 52 Letter

Good Afternoon,

Attached hereto please find copy of Quechan Ab52 Letter for CUP22-0010. Document has been saved under the following pathway:

S:\AllUsers\APN\056\470\009\CUP22-0010\AB 52

Thank you,

Office Assistant II
Planning and Development Services



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APPLICATION

EEC ORIGINAL PACKAGE

CONDITIONAL USE PERMIT

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

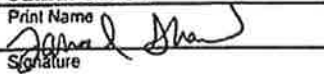
- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Jamal Shaow	EMAIL ADDRESS Chevrongas88@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 611 Sidewinder Rd. N, Winterhaven, CA	ZIP CODE 92283	PHONE NUMBER (760) 572-2053
3. APPLICANT'S NAME Same as above	EMAIL ADDRESS	
4. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
4. ENGINEER'S NAME AzCa Drilling & Pump, Inc.	CA. LICENSE NO. 753077	EMAIL ADDRESS azcadrilling@aol.com
5. MAILING ADDRESS (Street / P O Box, City, State) 49809 Ehrenberg Poston Hwy, Ehrenberg, AZ	ZIP CODE 85334	PHONE NUMBER (520) 631-8171
6. ASSESSOR'S PARCEL NO. 056-470-009-001	SIZE OF PROPERTY (in acres or square foot) 3.36 acres	ZONING (existing) Commercial
7. PROPERTY (site) ADDRESS 611 Sidewinder Rd. N, Winterhaven, CA. 92283		
8. GENERAL LOCATION (i.e. city, town, cross street) I-8 Exit Ramp #164 onto Sidewinder Rd N, across CA. Highway Patrol Traffic Police Station		
9. LEGAL DESCRIPTION Sidewinder Chevron Gas Station. House #611, Latitude 32.7458788700, Longitude -114.756689980		

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Construction of new domestic water well to supply existing gas station.
11. DESCRIBE CURRENT USE OF PROPERTY	Gas station, restrooms, trailer dump site.
12. DESCRIBE PROPOSED SEWER SYSTEM	Not applicable.
13. DESCRIBE PROPOSED WATER SYSTEM	Not applicable.
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Not applicable.
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? Two

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

Jamal Shaow 1-21-2022
Print Name Date
 Signature
Print Name Date
Signature

REQUIRED SUPPORT DOCUMENTS

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

APPLICATION RECEIVED BY: <u>JSS</u>	DATE <u>4/4/22</u>	REVIEW / APPROVAL BY
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P W
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E H S
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A P C D
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O E S
		<input type="checkbox"/> _____

CUP #

SIDEWINDER CHEVRON GAS STATION

SCOPE OF WORK

Proposed Work: Construction of a new domestic water well within the premises.

Property Owner: Jamal Shaow

Location: 611 Sidewinder Road, Winterhaven, CA. 92283

Assessor's Parcel Number: 056-40-009

Contractor's Information:

Azca Drilling and Pump, Inc.
49809 Ehrenberg Poston Hwy.
Ehrenberg, AZ. 85334
CA Contractor's License # 753077

Person Constructing the Well: Larry Siddall/ Chuck Poorbaugh

Proposed minimum and proposed maximum depth of the well: See Attachment.

RECEIVED

APR 04 2022

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

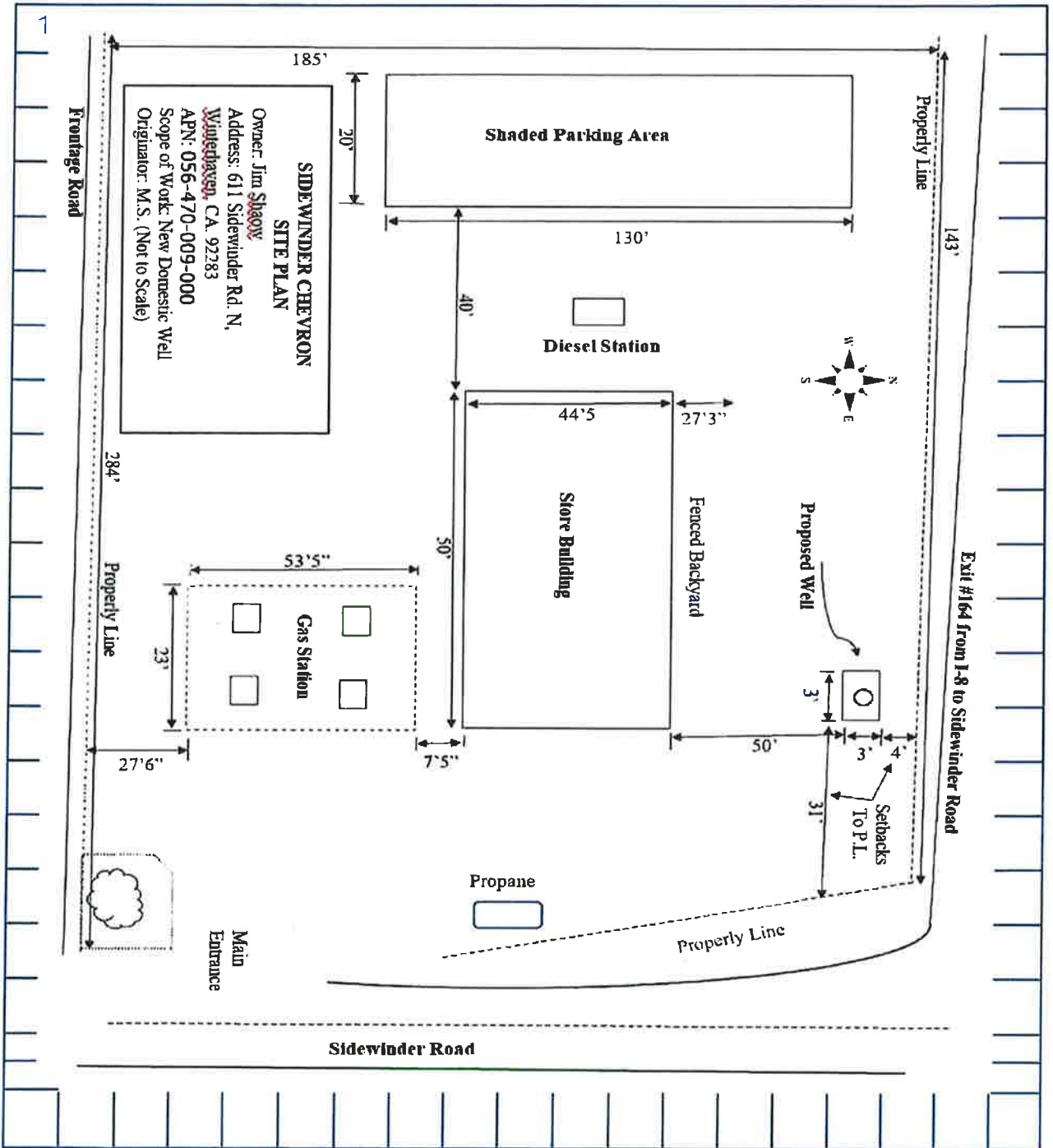
SITE PLAN

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

READ INSTRUCTIONS ON THE BACK! USE PEN TO DRAW - DO NOT USE PENCIL!

DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!

DRAW SITE LAYOUT PLAN TO SCALE & COMPLETE ALL NUMBERED SPACES!



2 NAME OF APPLICANT Sidewinder Chevron / Jim Shaow	3 APPLICANT PHONE NO (760) 259-3834	4 SIZE OF PLOT
5 ADDRESS TO PARCEL 611 Sidewinder Rd. N, Winterhaven, CA	6 ADDRESS TO PARCEL TEL 056-470-009-000	

WHITE - OFFICE MASTER / YELLOW - ASSESSORS / PINK - APPLICANT

ECC ORIGINAL PACKAGE

Attachment "G": Comment Letters

AIR POLLUTION CONTROL DISTRICT



April 26, 2022

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

RECEIVED

APR 23 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Conditional Use Permit 21-0010

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") thanks you for the opportunity to review the application for Conditional Use Permit 22-0010 to allow the construction of a new water well at 611 Sidewinder Road in Winterhaven, California, also identified as Assessor's Parcel Number 056-470-009-000. The water well will supply water to an existing gas station at that location.

A query of Air District records indicate that Permit 2082 for this business is in good standing. All construction activities must adhere to the Air District's **Regulation VIII** which is designed to limit emissions of fugitive dust (PM10) to 20% opacity. Any **generator greater than 50 horsepower** used for standby-backup purposes must be permitted through the Engineering and Permitting Division of the Air District.

The Air District's rule book can be accessed via the internet at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have questions, please call our office at (442) 265-1800.

Sincerely,

Curtis Blondell
APC Environmental Coordinator

Reviewed by,

Monica N. Soucier

APC Division Manager

CUP 22-0010

Page 1 of 1



August 9, 2022

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 (CUP) 22-0010 – Jamal Shaow

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on the Notice of Intent for a Negative Declaration (NOI-ND) for Conditional Use Permit (CUP) 22-0010 ("Project"). The Project would allow the construction of a new commercial water well with a maximum allowance of 2-acre feet per year at 611 Sidewinder Road, Winterhaven, CA 92283 also identified as APN 056-470-009-000.

The Air District requests the well contractor verify compliance with permitting requirements by contacting an Air District Permitting Engineer directly and providing the California Air Resources Board's (CARB) Portable Engine Registration Program (PERP) permit information for the necessary equipment.

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

Respectfully,

Ismael Garcia
Environmental Coordinator I

Reviewed by,
Monica N. Soucier
APC Division Manager

Valerie Grijalva

From: Quechan Historic Preservation <historicpreservation@quechantribe.com>
Sent: Wednesday, April 13, 2022 6:08 AM
To: Valerie Grijalva; 'MichaelAbraham@co.imperial.us'
Cc: ICPDSCommentLetters
Subject: RE: CUP22-0010 Quechan AB 52 Letter

RECEIVED

APR 13 2022

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

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

This email is to inform you that we do not wish to comment on this project.

From: Valerie Grijalva [mailto:ValerieGrijalva@co.imperial.ca.us]
Sent: Tuesday, April 12, 2022 4:10 PM
To: Quechan Historic Preservation Officer; Jim Minnick; Michael Abraham; Diana Robinson
Cc: Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga
Subject: CUP22-0010 Quechan AB 52 Letter

Good Afternoon,

Attached hereto please find copy of Quechan Ab52 Letter for CUP22-0010. Document has been saved under the following pathway:

S:\AllUsers\APN\056\470\009\CUP22-0010\AB 52

Thank you,

Valerie Grijalva
Office Assistant II
Planning and Development Services



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Valerie Grijalva

From: Quechan Historic Preservation <historicpreservation@quechantribe.com>
Sent: Wednesday, April 13, 2022 6:07 AM
To: Valerie Grijalva
Subject: RE: Request for Comments CUP22-0010 APN 056-470-009-001

RECEIVED

APR 13 2022

CAUTION: This email originated outside our organization; please use caution. IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES
This email is to inform you that we do not wish to comment on this project.

From: Valerie Grijalva [mailto:ValerieGrijalva@co.imperial.ca.us]
Sent: Tuesday, April 12, 2022 2:34 PM
To: Rosa Lopez; Esperanza Colio; Ben Salorio; Eric Havens; Monica Soucier; Belen Leon; Matt Dessert; Jeff Lamoure; Mario Salinas; Alphonso Andrade; Jorge Perez; Vanessa Ramirez; Guillermo Mendoza; John Gay; Robert Menvielle; Margo Sanchez; Ana L Gomez; Jolene Dessert; Sandra Mendivil; Carlos Ortiz; Paul Deol; David Claverie; Robert Benavidez; Ray Loera - Sheriff; Scott Sheppard; tgarcia@icso.org; marcuscuero@campo-nsn.gov; Ray Castillo; Andrew Loper; Alfredo Estrada Jr; Robert Malek; Rainie Torrance; Vargas, Donald A; Quechan Historic Preservation Officer; Quechan Indian Tribe
Cc: Valerie Grijalva; Michael Abraham; Jim Minnick; Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga
Subject: Request for Comments CUP22-0010 APN 056-470-009-001

Good Afternoon,

Please see attached Request for Comments packet for CUP22-0010/ APN 056-470-009-001.

Comments are due by **April 26, 2022 at 5:00PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments packet is being sent to you via this email.

Should you have any questions, please feel free to contact Michael Abraham at (442) 265-1736, or submit your comment letters to ICPDScommentletters@co.imperial.ca.us.

Thank you,

Valerie Grijalva

**Office Assistant II
Planning and Development Services**



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www.iid.com

Since 1911

March 17, 2022

Ms. Jeanine Ramos
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED

MAR 17 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Community Veterans of Imperial County Cannabis Retail Project; CUP #21-0023

Dear Ms. Ramos:

On March 11, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit application No. 21-0023. The applicant, Community Veterans of Imperial County, LLC, proposes the establishment of a commercial cannabis operation in an existing retail space located at 611 Sidewinder Road, Winterhaven, CA (APN 056-470-009-000).

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

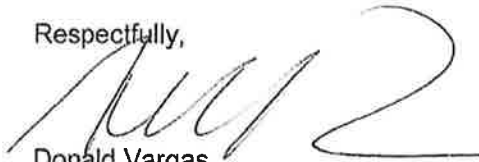
1. To obtain electrical service for the project, the applicant should be advised to contact Joel Lopez, IID Service Planner, at (760) 482-3444 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an electrical one-line diagram, operating voltage requirements, electrical panel loads and sizes 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 new electrical service to the project.
2. Electrical capacity is limited in the area; thus, an electrical study may be required. Any system improvements determined by the study will be the financial responsibility of the applicant.
3. On the Conditional Use Permit application, lines 12 and 13 require descriptions of sewer and water systems, and "Use of Existing" is the stated response. What are the existing conditions of the site's water system? Is there additional information on the water demand for the existing use and the water demand of the proposed new additional use? If the current water source is well water, does the property owner have a water supply agreement that supports the new water demand?
4. Although the parcel to be used is located outside of IID's water service area, it is within the Lower Colorado River Accounting Surface. A water supply agreement should be in place with the City of Needles for this property and its existing and new proposed use, if

the water is well water. For additional information regarding the LCR Accounting Surface, please contact Justina Gamboa-Arce, Water Resources Planner, at 760 339-9085.

5. 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 the website <https://www.iid.com/about-iid/department-directory/real-estate>. The district 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.
6. 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 CEQA and/or 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.

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

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.
Wayne K. Strumpfer, General Counsel
Jamie Asbury – Assoc. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

Gerardo Quero

From: Rainie Torrance <rtorrance@cityofneedles.com>
Sent: Thursday, 11 August, 2022 10:06 AM
To: Gerardo Quero
Cc: Michael Abraham; Diana Robinson
Subject: RE: CUP22-0010: Request for Review and Comments on Package

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

Good Morning,

Yes, the applicant will need to obtain water entitlements through the Lower Colorado Water Supply Project. The City can assist the applicant with the process.

Thank you,

Rainie Torrance
City of Needles
Assistant Utility Manager
(760)326-5700 X140

RECEIVED
AUG 11 2022
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Gerardo Quero <gerardoquero@co.imperial.ca.us>
Sent: Wednesday, August 10, 2022 11:46 AM
To: Rainie Torrance <rtorrance@cityofneedles.com>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Diana Robinson <DianaRobinson@co.imperial.ca.us>
Subject: CUP22-0010: Request for Review and Comments on Package

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good afternoon Mrs. Torrance,

My name is Gerardo A. Quero, Planner I for the Imperial County Planning and Development Services Department. I've been assigned to project CUP22-0010 for a construction and operation of a water well on 611 Sidewinder Road, Winterhaven, CA.

We received a comment letter from the Imperial Irrigation District advising to contact the City of Needles on the mentioned project as it is located outside their water service area, but within the Lower Colorado River Accounting Surface.

I'd like to check if you had received the package for this project and if you had any comments on it.

Should you have any questions, please feel free to contact me via email or phone.

I'll be looking forward to working with you.

Regards and thanks in advance.



Gerardo A. Quero
Planner I
Imperial County Planning
& Development Services
801 Main Street
El Centro, CA 92243
Phone (442) 265-1748