

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: November 9, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/ No. 8

Parcel Map #02496
PROJECT TYPE: David P. Church Subdivision SUPERVISOR DISTRICT #2

LOCATION: 1072 Mary Avenue APN: 054-210-078-000

Heber, CA 92249 PARCEL SIZE: +/- 56.4 acres
General Commercial and Light Industrial
GENERAL PLAN (existing) per Heber Specific Plan Area GENERAL PLAN (proposed) NA

ZONE (existing) C-2 (Medium Commercial) and M-1 (Light Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 08/25/2022

INITIAL STUDY: #22-0012

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

IID, Quechan Indian Tribe, Caltrans

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE PARCEL MAP #02496 BY TAKING THE FOLLOWING ACTIONS:

1. ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED BY THE ENVIRONMENTAL EVALUATION COMMITTEE ON AUGUST 25, 2022;
2. MAKE THE DE MINIMIS FINDINGS AS RECOMMENDED AT THE AUGUST 25, 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 CALIFORNIA FISH AND GAME CODE;
3. ADOPT THE ATTACHED RESOLUTION AND SUPPORTING FINDINGS, APPROVING PARCEL MAP #02496, SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT TO SIGN THE PARCEL MAP UPON RECEIPT FROM THE PERMITTEE.

Planning & Development Services

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

(Jim Minnick, Director)

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STAFF REPORT
Planning Commission
November 9, 2022
Parcel Map #02496

Project Name: Parcel Map #02496

Applicant: David P. Church
15882 Wakefield Lane
San Diego, CA 92127

Project Location:

The project is located at 1072 Mary Avenue in the townsite of Heber bounded by East Heber Road (State Highway 86) and Fawcett Road. The property is legally described as a portion of the NE1/4, of the SE1/4, Section 28, T16S, R14E SBBM, in an unincorporated area of Imperial County. The site is also identified as Assessor's Parcel Number (APN) 054-210-078-000. The City of El Centro and Calexico is approximately 1.5 miles north and south.

Project Summary:

The applicant proposes a minor subdivision to create three (3) parcels for commercial development zoned as C-2 (Medium Commercial) totaling 8.27 acres, and one (1) parcel remaining with existing historical agriculture use zoned as M-1 (Light Industrial) with an area of 48.19 acres.

The Heber Public Utility District will provide water and wastewater services for proposed Parcels 1, 2, and 3; physical access will be via Main Street (State Highway 86).

Proposed Parcel 4 will be obtaining water from IID's Daffodil Lateral 2 Delivery 8B; physical access via Fawcett and Clifford Roads, and will be draining to the Date Drain 3C.

Existing Parcel Size:

Parcel (054-210-078) +/- 55.47 AC

New Proposed Parcel Sizes:

Parcel 1 "A" +/- 1.49 AC

Parcel 2 "B" +/- 3.35 AC

Parcel 3 "C" +/- 3.43 AC

Parcel 4 "D" +/- 48.19 AC

Environmental Setting:

The proposed project site is currently vacant agricultural land. The uses surrounding the project site are commercial, residential, agricultural, and industrial.

Land Use Analysis:

Under the Imperial County General Plan Land Use Element, the project site is designated as “General Commercial” and “Light Industrial” per the Heber Urban Area Plan. The proposed subdivision is anticipating four parcels with areas of 1.49 acres, 3.35 acres, 3.43 acres, and 48.19 acres respectively.

Proposed Parcel 1 will be obtaining water/wastewater services from Heber Public Utility District; physical access will be via Main Street (State Highway 86) and Clifford Road. Proposed Parcel 1 would have an area of 1.49 acres with no proposed change to its existing zoning, which is currently C-2 (Medium Commercial).

Proposed Parcel 2 will be obtaining water/wastewater services from Heber Public Utility District; physical access will be via Main Street (State Highway 86) and Clifford Road. Proposed Parcel 2 would have an area of 3.35 acres with no proposed change to its existing zoning, which is currently C-2 (Medium Commercial).

Proposed Parcel 3 will be obtaining water/wastewater services from Heber Public Utility District; physical access will be via Main Street (State Highway 86) and Clifford Road. Proposed Parcel 3 would have an area of 3.43 acres with no proposed change to its existing zoning, which is currently C-2 (Medium Commercial).

Proposed Parcels 1, 2, and 3 will comply with County Land Use Ordinance Section 90513.04, which states that no portion of any lot within the C-2 zone shall contain less than twenty thousand (20,000) square feet.

Proposed Parcel 4 will be obtaining water from IID’s Daffodil Lateral 2 Delivery 8B; physical access via Fawcett and Clifford Roads, and will be draining to the Date Drain 3C. Proposed Parcel 4 would have an area of 48.19 acres with no proposed change to its existing zoning, which is currently M-1 (Light Industrial) and will comply with County Land Ordinance Section 90515.04, which states that the minimum lot size requirement in the M-1 zone is ten thousand (10,000) square feet. Proposed Parcel 4 will remain with its existing and historical agricultural use.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Agricultural/Industrial	C-2/M-1	Specific Plan Area
North	Residential/Commercial	R-3/R-4/C-2	Specific Plan Area
South	Agricultural	A-3-G-SPA	Specific Plan Area
East	Agricultural	A-3-G-SPA	Specific Plan Area
West	Industrial/Government	M-1/GS	Specific Plan Area

Environmental Review:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee. The Committee consists of a seven (7) member panel, which are

the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. On August 25, 2022, after review by the EEC members, the members recommended a Negative Declaration.

On August 30, 2022, the public notice for the Negative Declaration was filed with the Imperial County Clerk-Recorders and was posted and circulated for a 20+ days comment period from August 30, 2022 through September 26, 2022.

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 approve Parcel Map #02496 by taking the following actions:

- 1) Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environmental Evaluation Committee on August 25, 2022;
- 2) Make the De Minimis findings as recommended at the August 25, 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 California Fish and Game Code;
- 3) Adopt the attached Resolution and supporting findings, approving Parcel Map #02496, subject to all the conditions and authorize the Planning & Development Services Department to sign the Parcel Map upon receipt from the Permittee.

Prepared by: Gerardo A. Quero, Planner I



Reviewed by: Michael Abraham, AICP, Assistant Director
Planning & Development Services



Approved by: Jim Minnick, Director
Planning & Development Services



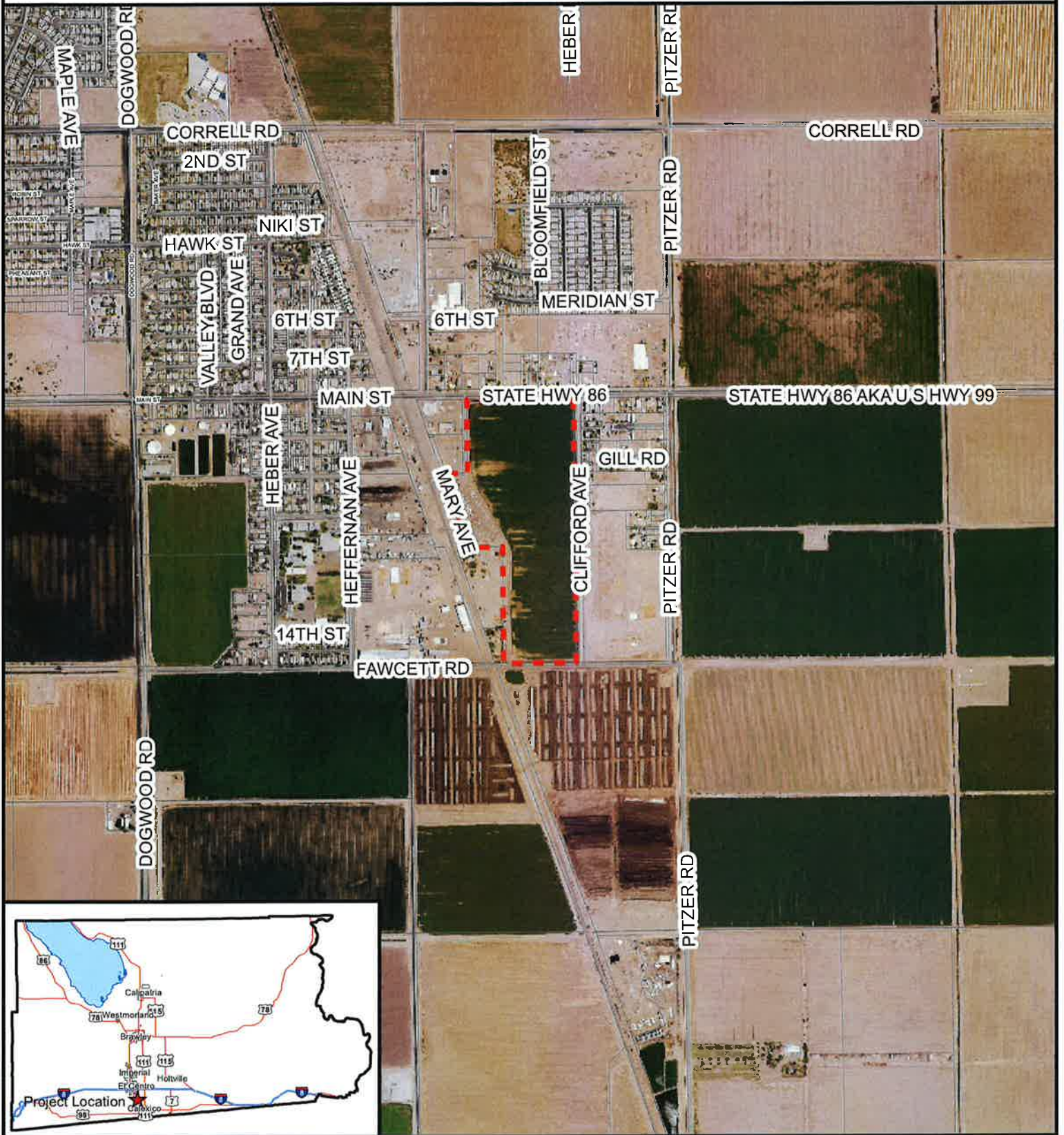
ATTACHMENTS:

- A. Location Map
- B. Site Plan
- C. CEQA Resolutions
- D. PC Resolutions
- E. PM02496 - Conditions of Approval
- F. Environmental Evaluation Committee Package
- G. NOI Comment Letters




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ATTACHMENT "A" – VICINITY MAP

PROJECT LOCATION MAP



DAVID P. CHURCH
PARCEL MAP #02496
INITIAL STUDY #22-0012
APN 054-210-078

 Project Location
 Centerline
 Parcels



ATTACHMENT "B" – CEQA RESOLUTIONS

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING “NEGATIVE DECLARATION” (INITIAL STUDY #22-0012) FOR PARCEL MAP #02496.

WHEREAS, on August 12, 2022, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for August 25, 2022; and,

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

WHEREAS, on August 25, 2022, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Negative Declaration for Parcel Map #02496; and,

WHEREAS, the Negative Declaration was circulated for 20+ days from August 30, 2022 to September 26, 2022; and,

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

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

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Parcel Map #02496. 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 Parcel Map #02496 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Parcel Map; 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 Parcel Map #02496.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 9, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT "C" – PC RESOLUTIONS

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING PARCEL MAP #02496 AND CONDITIONS OF APPROVAL FOR DAVID P. CHURCH

WHEREAS, David P. Church, have submitted an application for Parcel Map #02496 proposing to subdivide one (1) parcel into four (4) individual parcels; and,

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

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

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 9, 2022; and,

WHEREAS, on August 25, 2022, the Environmental Evaluation Committee heard the proposed project and recommended the Planning Commission adopt the Negative Declaration; and,

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

SECTION 1. The Planning Commission has considered Parcel Map #02496 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Parcel map and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Parcel Map #02496 have been made:

Finding 1: That the subdivision is not a major subdivision.

The subdivision is a minor subdivision, which is intended to subdivide one (1) parcel into four (4) individual parcels: three (3) newly created parcels for commercial development zoned as C-2 (Medium Commercial) totaling an area of +/- 8.27 acres and one (1) parcel remaining in agricultural use zoned as M-1 (Light Industrial) totaling an area of +/- 48.19

acres. These newly proposed parcels have been identified as Parcel 1, Parcel 2, Parcel 3, and Parcel 4 respectively on the proposed Exhibit (See Attachment B).

Finding 2: That the Tentative Parcel Map meet the requirements of the County Subdivision Ordinance.

The Tentative Parcel Map meets the requirements of County Subdivision Ordinance for parcel maps pursuant to Section 90804.00.

Finding 3: The proposed map is consistent with applicable General and Specific Plans.

The proposed division of land is consistent with the Imperial County General Plan; the project site is designated as "Heber Urban Area Plan."

The proposed parcel map is to subdivide land on an existing parcel into four (4) individual parcels with no proposed change to the existing Land Use Designation; therefore is considered consistent with the Imperial County General Plan.

Finding 4: The design or improvement of the proposed land division consistent with applicable General and Specific Plans.

The design of the proposed parcel map is consistent with the Imperial County General Plan; the project site is designated as Heber Urban Area Plan with dual zoning: the northern section of the parcel zoned as C-2 (Medium Commercial) and the remaining as M-1 (Light Industrial). The proposed size of the lots are consistent with Imperial County Title 9, Division 5, Chapter 13, Section 90513.04 and Chapter 15, Section 90515.04. Section 90513.04 states that no portion of any lot within the C-2 zone shall contain less than twenty thousand (20,000) square feet. Section 90515.04 states that the minimum lot size requirement in the M-1 zone is ten thousand (10,000) square feet.

The proposed parcel map would subdivide land on an existing parcel into four (4) individual parcels from which three parcels zoned as C-2 would be 1.49 acre, 3.35 acre and 1.43 acre respectively while the remaining parcel zoned as M-1 would be 48.19 acres. The proposed individual parcels would exceed the required minimum acreage on each designated zone.

Finding 5: The site is physically suitable for the type of development.

The proposed parcel map does not include nor anticipate changes to the commercial and industrial Land Use Designations on the parcel as delineated on the Heber Urban Area Plan. The historic agricultural use on the proposed project site is still active.

Finding 6: The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidable injure fish or wildlife or their habitat.

The proposed project was environmentally assessed and it was determined that there will be no significant impacts to fish & wildlife habitats. A negative declaration was recommended to be adopted at the August 25, 2022 Environmental Evaluation Committee hearing.

Finding 7: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The project proposes to subdivide an existing parcel into four (4) individual parcels with no proposed change to the industrial and commercial Land Use Designations, therefore, is not likely to cause serious public health problems.

Finding 8: That the design of the subdivision or the type of improvements will not conflict with easements of records or easements established by court judgement acquired by the public at large for access through or use of property within the proposed division of land.

The design of the proposed land division will not conflict with easements for access through, or use of, property within the proposed site.

Finding 9: There will be no adverse impacts upon wildlife or natural resources and no intrusion upon any known habitat, nor is it likely to have future impact.

A Negative Declaration was recommended to be adopted at the August 25, 2022 Environmental Evaluation Committee hearing which determined a less than significant impact on wildlife or natural resources; no future impacts are anticipated.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Parcel Map #02496, subject to the Conditions of Approval.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certify that the preceding resolution was taken by the Imperial County Planning Commission at a meeting conducted on November 9, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

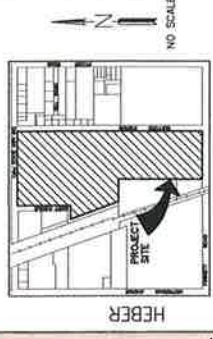
**Jim Minnick, Director of Planning & Development Services
Secretary to the Imperial County Planning Commission**

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ATTACHMENT "D" – TENTATIVE PARCEL MAP

TENTATIVE PARCEL MAP

BEING A PORTION OF THE TOWNSITE OF HEBER IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA PER SECOND AMENDED MAP THEREOF NO. 226 FILED IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER.



HEBER VICINITY MAP

LEGAL DESCRIPTION FOR MAP/PARCEL 1003, 054-210-078

PARCELS 114, 117 AND 129 OF THE TOWNSITE OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY IN BOOK 3, PAGE 70 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

EXCEPTING THEREFROM THAT PORTION OF BLOCK E-2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK E-2; THENCE S14°00'00"W 114.00 FEET TO THE POINT OF BEGINNING; THENCE S00°00'00"W 114.00 FEET TO THE EAST; THENCE S00°00'00"W 114.00 FEET TO THE SOUTH; THENCE S00°00'00"W 114.00 FEET TO THE WEST; THENCE S00°00'00"W 114.00 FEET TO THE POINT OF BEGINNING.

OWNER/DEVELOPER: HECKER, A CALIFORNIA LIMITED LIABILITY COMPANY

ENGINEER: J.C. ENGINEERING CONSULTANTS INC. 1086 STATE STREET, CARLETON, CA 92243

LAND USE DATA: PROJECT SITE TOTAL AREA: 26.47 AC +/-

ASSESSOR PARCEL NUMBER: 054-210-078

COUNTY ZONING: C-2, M-1

FLOOD ZONE: THE FLOOD ZONE IS SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 16022C0275C, PANEL 2075 OF 2275 - EFFECTIVE DATE SEPTEMBER 26, 2009 WHICH DESIGNATES SAID FLOOD AREA AS FOLLOWS: ARE 17; AREA OF RISK, 1300 100A20.

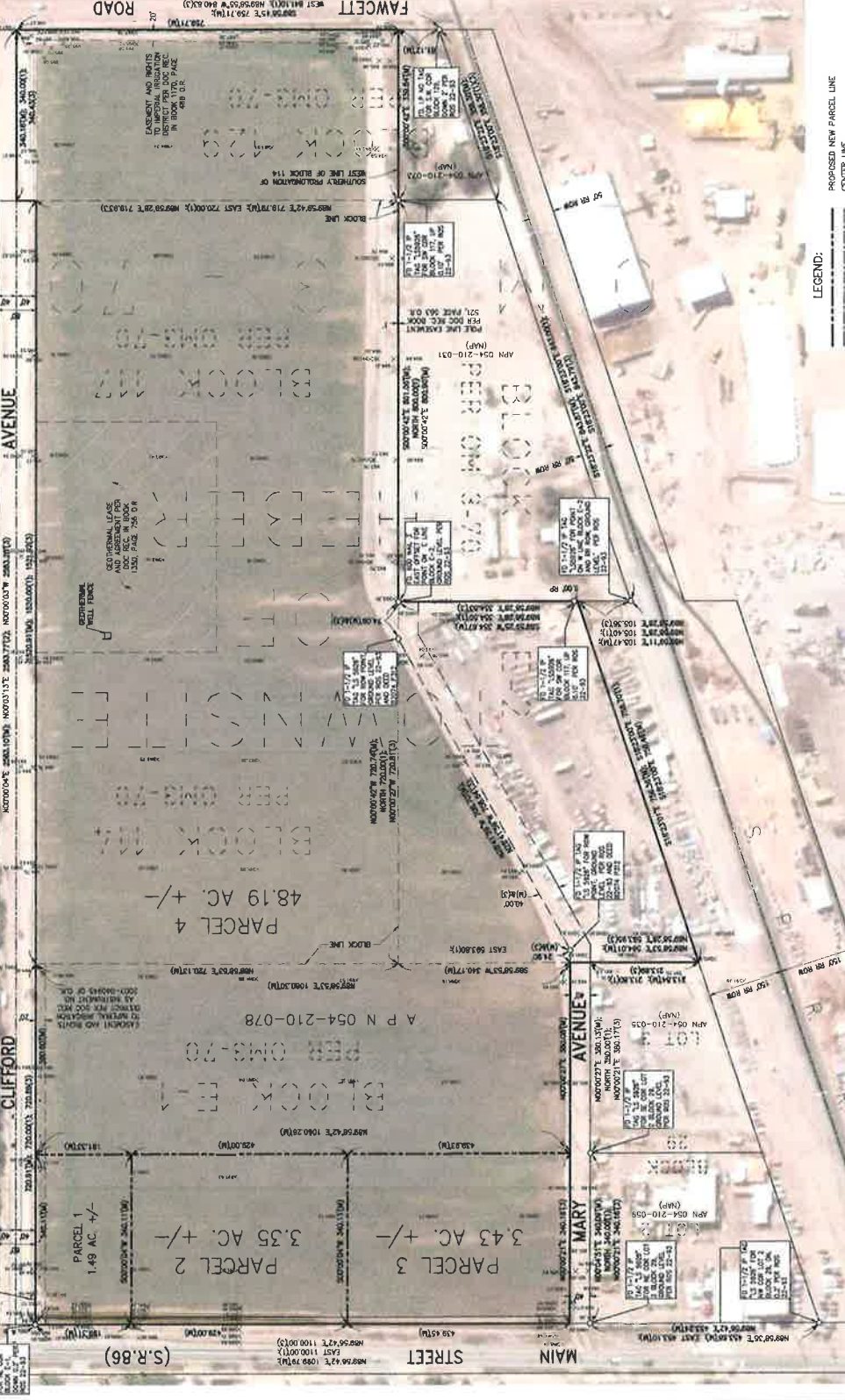
RECORD DATA PER ORIGINAL MAP 3-70

RECORD DATA PER PARCEL MAP 2-85

RECORD DATA PER RECORD OF SURVEY 2-83

FRANK MANNING AS NOTES

NOT A PART OF THIS MAP



LEGEND:

- (M) PROPOSED NEW PARCEL LINE
- (C) COVER LINE
- (D) MEASURE DATA (M)
- (1) RECORD DATA PER ORIGINAL MAP 3-70
- (2) RECORD DATA PER PARCEL MAP 2-85
- (3) RECORD DATA PER RECORD OF SURVEY 2-83
- (O) FRANK MANNING AS NOTES
- (MAP) NOT A PART OF THIS MAP

NOTES:

1. THE EXISTING GRADING OF PROPERTY EXISTS IN A NORTHEAST DIRECTION
2. THE NEW PROPOSED PARCELS HAVE BEEN LAYOUT OFF MARY AVE.
3. ALL THE MONUMENTS ARE PRECISED TO MARK THE CORNERS INTENDED.
4. IF NO CORNER DESCRIPTION IS SHOWN, THE MONUMENT WAS SEARCHED FOR AND NOT FOUND IS PART OF THIS SURVEY.

DATE: 02.14.22

BENCHMARK: C16 88337

OWNER: EXLCC



SURVEYOR OF RECORD
PLANS PREPARED UNDER THE SUPERVISION OF
BY: MAURICIO LAM
P.L.S. NO.: 6440

DATE: 02.14.22

BENCHMARK: C16 88337

OWNER: EXLCC

HEBER DOLLAR GENERAL TENTATIVE PARCEL MAP

SHEET 1 OF 1 SHEETS

JOB NO. 0210514500

ATTACHMENT "E" – PM02496: CONDITIONS OF APPROVAL

REVISED CONDITIONS
OF APPROVAL

PARCEL MAP #02496

(David Patrick Church)
[054-210-078-000]

NOTICE TO APPLICANT!

The above-referenced Parcel Map, upon approval by the County shall be subject to all of the following conditions, which may include modification or rescission in whole or in part, by the PLANNING COMMISSION and/or BOARD OF SUPERVISORS from the conditions recommended by staff. In the event any conditions are deferred the APPLICANT/SUBDIVIDER or any subsequent owner(s), shall comply with all of the CONDITIONS specified herein, whether at the time of recordation of the Map or prior to any development permits. It is the obligation of the property owner (current or future) to comply with these conditions; Hereinafter the term "applicant" shall mean the current and future owners, and/or the subdivider. If approved, this project having been reviewed for compliance with the General Plan, the Subdivision Map Act and County Land Use Ordinance, the applicant shall comply with all of the requirements of said documents whether specified herein or not.

GENERAL CONDITIONS:

[General Conditions may be either advisory or mandatory depending on the condition. These conditions appear on all parcel maps as generic conditions; however they are as important as the Site Specific Conditions. The Planning Director established these conditions to be consistent, to be informative, and to cover a broad range of generic requirements and notices. The term applicant(s) shall mean the current and future owner(s) of record.]

Unless expressly deferred in these conditions all conditions are to be satisfied prior to recordation of the parcel map.

1. The applicant shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, County Ordinances, and/or any other laws that apply to this Map.
2. The applicant shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not.
3. As a condition of this Subdivision, subdivider agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Subdivision or adoption of the

environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the subdivider, arising out of or in connection with the approval of this Subdivision, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

4. Each parcel created or affected by this map shall abut a maintained road and/or have legal and physical access to a public road before this Parcel Map is recorded.
5. Applicant shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning & Development Services Department upon further development.
6. The applicant shall comply with all County Fire Department regulations, rules and standards and shall meet all Fire Department requirements necessary to attain compliance upon further development. Any physical improvements required by the Fire Department shall be inspected and approved prior to a building permit being issued by the Planning & Development Services Building Department.
7. All applicable plans, reports, and studies shall be reviewed and approved by the respective responsible agencies when further development occurs for constructing or installing any site improvements and the installation of future improvements shall be reviewed, inspected, and approved by the respective responsible agency.
8. An encroachment permit shall be secured from the Department of Public Works for any and all new, altered, or unauthorized existing driveway(s) to access the properties through surrounding roads.

SITE SPECIFIC CONDITIONS:

1. Provide a Parcel Map prepared by a California-licensed Land Surveyor or Civil Engineer and submit to the Department of Public Works, for review and recordation. The Engineer must be licensed in the category required by the California Business & Professions Code.
2. Provide tax certificated from the Tax Collector's Office prior to recordation of the Parcel Map.
3. IID water facilities that may be impacted include the Daffodil Lateral 2 located along the proposed parcel #4's southern boundary. Proposed parcels #1, #2, and #3 do not have IID water facilities.¹

4. Should parcel #4 remain for agricultural use and retain its current zoning of M-1 Industrial Use, the applicant should be advised to establish a point of water delivery and drainage discharge for each parcel. For additional information on water service, the applicant should call the IID's South End Division Office at (760) 482-9800.¹
5. Should future development of proposed parcel #4 be for considered for industrial use and require site access from Fawcett Road, an IID crossing and encroachment permit will be required. When new crossings or modification to the existing crossings are needed, the applicant will be responsible for the cost of these improvements and IID will design and construct them.¹
6. Fences should be installed at the boundary of IID's right of way for safety purposes and to allow access for IID operation and maintenance. The Project's fencing plan should address IID's right of way.¹
7. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.¹
8. Currently an IID Service Planner, Joel Lopez, has been in contact with the applicant for a Dollar General store in one of the resulting lots. To service this project, existing distribution overhead lines will need to be extended and then transitioned to underground. Furthermore, IID's existing 92Kv "P" transmission line may be affected due to the proposed development. Consequently, the upgrades and impacts to this electrical infrastructure should be addressed in the environmental analysis for the future development of these parcels as stipulated in comment no.¹
9. 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). The IID encroachment permit application and instructions are available at <http://www.iid.com/about-iid/departments-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.¹
10. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IIS may claim additional secondary easements/prescriptive rights of way to ensure operation and maintenance of IID's facilities can be maintained and not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.¹

11. Any new, relocated, modified or reconstructed IID facility required for and by the project (which can include but not limited to electrical facility substations, electrical transmission and distribution lines, canals, drain, 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.¹
12. The parcel map shall be based upon a field survey. The basis of bearing for the parcel map shall be delivered from the current epoch of the California Coordination System (CCS), North American Datum of 1983 (NAD83). The survey shall show connections to a minimum of two Continuously Operating References Stations (CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the parcel map.²
13. All monuments shall be set prior to recordation of the parcel map and the setting of monuments shall not be deferred. All property corners of each parcel shall be sufficiently monumented. A full complement of corner accessories, including bearings and distances between the accessories and the corner monuments shall be documented by the surveyor of record.²
14. There shall be filed with each tentative map a grading plan showing any and all grading proposed or required for the creation of building sites within the subdivision or for construction or installation of improvements to serve the subdivision. This grading plan shall clearly show all on-site grading and shall show how off-site drainage resulting from the subdivision is managed or controlled to prevent adverse impacts. (Per Imperial County Code of Ordinances, Chapter 3 9083 .04 Grading plan). Grading plans shall be submitted for review and approval by Department of Public Works prior to recordation of the Parcel Map.²
15. No development is being proposed at this time. If land use changes and/or at time development being proposed, a Drainage and Grading Plan to provide for the property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties shall be required. Said plan shall be completed per the *County of Imperial Department of Pubic Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County*. The Drainage and Grading Plan shall be submitted to this department for review and approval.²
16. Each parcel created or affected by this project shall abut a maintained road and/or have legal and physical access to a public road before the project documents are recorded.²

17. No development is being proposed at this time. If land use changes and/or at time development being proposed, street improvements shall be required Chapter 12.10 Street Improvements of Imperial County Ordinance:²
18. Section 12.10.010 - Definitions of Imperial County Ordinance
 - "Administrator" refers to the director of public works or his/her designee.
 - "Roads" and "streets" are used interchangeably throughout this chapter and therefore all references to "streets" in this chapter shall also refer to "roads."
 - "Street improvement" refers to such street work and utilities to be installed or agreed to be installed by a developer and/or property owner, on land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the property owners and local neighborhood traffic and drainage needs as condition precedent to the approval and acceptance of the project. These improvements shall also include, but not be limited to streets, curbs, gutters, and sidewalks.
 - "Street improvement" also refers to such other specific improvements or type of improvements, the installation of which, either by the developer and/or property owner by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan of the county. These improvements shall include but not be limited to streets, curbs, gutters, and sidewalks.²
19. Section 12.10.020 - Street Improvement Requirements of Imperial County Ordinance:
 - A. Street improvements shall be required in conjunction with, but not limited to, any construction, grading, or related work, including the construction of structures, buildings, or major additions thereto, on property located adjacent to any county street or on property utilizing any county street for ingress and egress.
 - B. For the purpose of establishing proper standards, specification and directions for design and construction of any road, or other land division improvements required to be constructed in the unincorporated territory of Imperial County, the document entitled "Engineering Design Guidelines Manual for the Preparation and checking of Street Improvement, Drainage, and Grading Plans within Imperial County".²
20. No development is being proposed at this time. At time development being proposed, any activity and/or work within Imperial County Right-of-Way shall be completed under a permit issued by this Department (encroachment permit) as per Chapter 12.12-Excavations on or Near a Public Road of the Imperial County Ordinance.²
21. Section 12.10.030 - Building Permits of Imperial County Ordinance:

- A. No building permit for any structure or building or major addition to a building or structure shall be issued until the improvements required by Section 12.10.010 of this chapter have been installed. In addition, no building permit shall be issued until there has been compliance with Chapter 12.12 of this title and the requirement that an encroachment permit be obtained.²
22. No development is being proposed at this time. At time development being proposed, prior to the issuance of any grading and/or building permits, the Developer shall procure an encroachment permit from this department for any off-site improvements required for this project.²
23. No development is being proposed at this time. At time development being proposed, prior to the issuance of any grading and building permits, a stabilized construction entrance/exit required has part of Best Management Practice (BPM) during grading operations shall be installed under an encroachment permit from this Department.²
24. Corner record is required to be filed with the county surveyor prior to construction for monuments:
- 8771. (b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.³
25. A second corner record is required to be filed with the county surveyor for monuments:
- 8771. (c) A permanent monument shall be reset in the surface of the new construction or a witness monument or monuments set to perpetuate the location if any monument could be destroyed, damaged, covered, disturbed, or otherwise obliterated, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.²
26. Prior to issuance of final certificate of completion, Developer will be responsible for repair, replacement, restoration and/or costs of any/all damages caused by the

activities completed under permits to other improvements, roads, road shoulders, pipes and utilities, on or off road right-of-way as determined by Imperial County Road Commissioner.²

27. Prior to issuance of final certificate of completion, Developer shall provide a grading improvement certificate letter prepared by a California Licensed Civil Engineer or Surveyor that all recommended drainage and grading improvements were completed per approved grading plans.²
28. Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles, which impose greater than legal loads on riding surfaces, including bridges. (Per imperial County Code of Ordinances, Chapter 10.12-Overweight Vehicles and Loads).²
29. All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District (APCD). (Per Imperial County Code of Ordinances, Chapter 12.10.020-Street Improvement Requirements).²
30. All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations. (Per imperial County Code of Ordinances, Chapter 8.72-Solid Waste Management).²
31. The project may require a Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior county approval of onsite grading plan. (40 CFR 122.28-General Permits).²
32. Effective September 15, 2020, the State's Mandatory Organic Waste Recycling Law (AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all businesses and multi-dwelling facilities of 5 units or more generating two (2) cubic yards or more of solid waste per week to recycle their organic waste including landscape waste, wood waste, and food waste. Information about possible organics waste recycling services can be found at the CalRecycle site at: <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>²

1 - Imperial Irrigation District comment letter dated March 16, 2022.

2 - Imperial County Department of Public Works comment letter dated August 24, 2022.

ATTACHMENT "F" — ENVIRONMENTAL EVALUATION COMMITTEE PACKAGE

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: August 25, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 5

Parcel Map #02496
PROJECT TYPE: David P. Church Subdivision SUPERVISOR DISTRICT #2

LOCATION: 1072 Mary Avenue APN: 054-210-078-000

Heber, CA PARCEL SIZE: +/- 56.4 acres

General Commercial and Light Industrial
GENERAL PLAN (existing) per Heber Specific Plan Area GENERAL PLAN (proposed) NA

ZONE (existing) C-2 (Medium Commercial) and M-1 (Light Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 08/25/2022

INITIAL STUDY: #22-0012

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

IID, Quechan Indian Tribe, Caltrans

REQUESTED ACTION:

(See Attached)

Planning & Development Services

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

(Jim Minnick, Director)

MAIAG\S:\AllUsers\APN\054\210\078\PM02496\EEC\IS 22-0012 PROJECT REP.docx

NEGATIVE DECLARATION
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**Parcel Map #02496
Initial Study #22-0012
David P. Church Subdivision**



Prepared By:

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

August 2022

EEC ORIGINAL PKG

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Parcel Map (Refer to Exhibit "A" & "B").

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

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

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

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

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

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

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

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

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

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

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

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

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

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

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

SECTION 1

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

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a 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 anticipated with project implementation.

SECTION 3

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

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

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

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

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

E. SCOPE OF ENVIRONMENTAL ANALYSIS

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

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **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.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. Environmental Checklist

1. **Project Title:** David P. Church Subdivision Parcel Map #02496
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Michael Abraham, Assistant Director (442)265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** michaelabraham@co.imperial.ca.us
6. **Project location:** APN: 054-210-078. The project is located within the townsite of Heber, within the jurisdiction of Imperial County, California. Currently the project site is used for agricultural land use. The parcel abuts the railroad tracts that intersects Heber.
7. **Project sponsor's name and address:** David P. Church
15882 Wakefield Lane,
San Diego, CA 92127
8. **General Plan designation:** Townsite of Heber Specific Plan Area – General Commercial and Light Industrial
9. **Zoning:** C-2 (Medium Commercial) and M-1 (Light Industrial)
10. **Description of project:** Applicant is proposing a minor subdivision to create four (4) parcels out of APN 054-210-078-000, the project totals 56.46 AC approximately:
Three (3) parcels are proposed for Commercial Development within an existing C-2 (Medium Commercial) zoning:
 - Parcel 1- 1.48 AC
 - Parcel 2- 3.35 AC
 - Parcel 3- 3.43 AC
One (1) parcel is proposed to remain in agricultural with M-1 (Light Industrial) zoning:
 - Parcel 4 – 48.19 AC
11. **Surrounding land uses and setting:** The project site is located South of State Hwy 86, with residential and commercial uses to the North, residential and agricultural uses to the East, a feed lot to the South, and industrial uses to the West. The project is surrounded by diverse zoning: C-2 (Medium Commercial), R-4, R-3 to the North, M-1 and GS to the West, A-3-G-SPA to the South, R-1 and R-3 to the East.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): Planning Commission.
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**
The AB 52 Notice of Opportunity to consult was mailed via certified mail to the Quechan Indian Tribal Governments on March 7, 2022 for their review and comment. The Quechan Indian Tribe responded on March 7, 2022 and 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 checked="" 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"/>

for Mike Ash

 Jim Minnick, Director of Planning/EEC Chairman

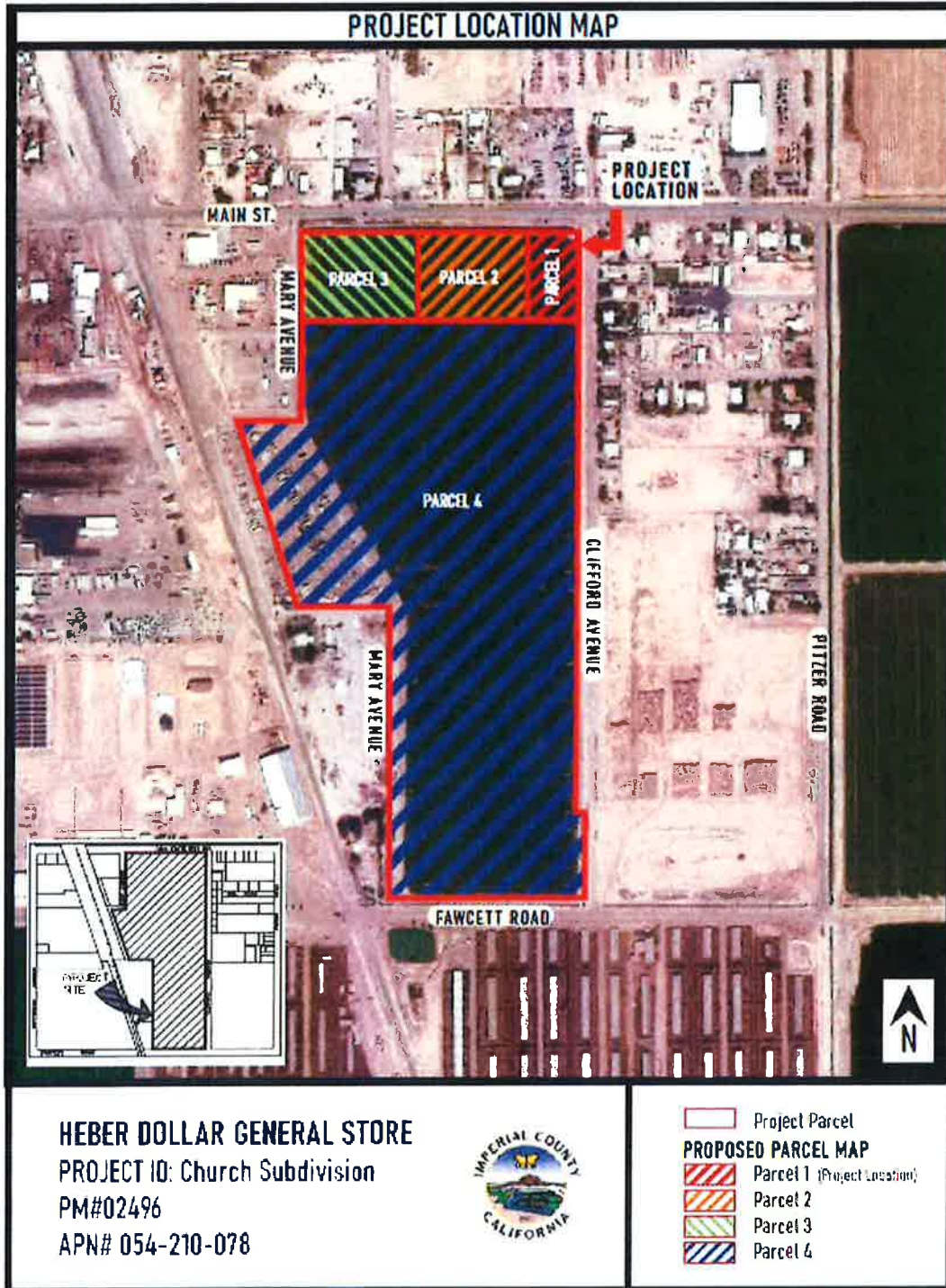
9-15-2022
 Date: _____

EEC ORIGINAL PKG

PROJECT SUMMARY

- A. Project Location:** The project is located at 1072 Mary Ave., Heber, CA 92249 - APN: 054-210-078-000.
- B. Project Summary:** Applicant is proposing a minor subdivision to create three parcels of APN 054-210-078-000 for Commercial Development (Parcel 1-1.48 AC, 2-3.35 AC and 3-3.43 AC) within a C-2 (Medium Commercial) zone and an additional Parcel 4 -48.49 AC to remain in agricultural use zoned M-1 (Light Industrial).
- C. Environmental Setting:** The existing land use surrounding the project site consists of developed land which varies in zoning residential, commercial, and industrial.
- D. Analysis:** Proposed subdivision would create three parcels within an existing C-2 zone designation and one parcel within an existing M-1 zone designation, no change to the existing zoning is anticipated. The project is also consistent with Section 90303.02 Length to width ratio and Section 90303.01 Lot Size as the minimum parcel size for C-2 Zone of 20,000 square feet, and the minimum parcel size of M-1 Zone of 10,000 square feet.
- E. General Plan Consistency:** Proposed subdivision would create three parcels within an existing land use designation of Medium Commercial and one parcel within an existing Light Industrial designation per Heber Urban Area Plan, Figure 1 "Heber Urban Area Map". No change to the existing land use designation is anticipated, therefore, the project could be considered consistent with the Imperial County General Plan.

Exhibit "A"
Vicinity Map



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

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) Four areas within the County have the potential as state-designated scenic highways, however the project site is not located near any scenic vista or scenic highway according to the Imperial County General Plan¹ Circulation and Scenic Highway Element; therefore, no impact is expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) As previously stated, the proposed project is not located near a Scenic vista or Scenic Highway and would not substantially damage scenic resources. Therefore, 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 would not substantially physically degrade the existing visual character since there are existing residences near the proposed project. Therefore, any impacts are considered to be less than significant.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) The proposed project would create three parcels for commercial and one parcel to remain for agricultural use; however it is not expected that it would be a substantial light or glare which would adversely affect day or nighttime views in the area. Any impacts are considered to be less than significant.

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?

a) The proposed project site is listed as "Farmland of Statewide Importance" per the Imperial County Important Farmland 2016 Map², the parcel has an existing non-conforming agricultural use that is proposed to remain. If the proposed parcel map is approved, Parcels 1, 2 and 3 (8.27 +/- AC) would be used for a commercial use and would cease the agricultural use of the parcel. Proposed Parcel 4 would continue the existing agricultural use, however they would continue to be zoned M-1 Light Industrial and could allow for industrial permitted uses per Imperial County Land Use Ordinance Title 9 Division 9 Chapter 15 "M-1 Light Industrial". Since the agricultural use is an existing non-conforming use of the property, the conversion of the agricultural use to a non-agricultural use is considered less than significant.
- b) Conflict with existing zoning for agricultural use, or a

¹ Imperial County General Plan

² County Important Farmland 2016 Map

Williamson Act Contract?

b) The proposed project is listed as "Non-Enrolled Land", therefore it is not expected to conflict with existing zoning for agricultural use, or a Williamson Act Contract. 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 is consistent with the zoning, and it is not located within a forestland or timberland; therefore, it is not expected to 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)). No impacts are expected.

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

d) The proposed project is not located in a forest land, therefore, it is not expected to result in the loss of forest land or conversion of forest land to non-forest use. No impacts are 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 project proposes a minor subdivision to create three parcels for commercial development and one parcel to remain for agricultural use; no new construction is proposed as a result of this project, and it is not expected to change the existing environment that could result in the conversion of farmland. Therefore, impacts are expected to be less than significant.

III AIR QUALITY

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

- a) Conflict with or obstruct implementation of the applicable air quality plan?
-

a) The proposed project is for a minor subdivision, and it is not expected to conflict with or obstruct implementation of the applicable air quality plan. Per APCD comment letter³ dated March 17, 2022, any future development on the three commercial zoned parcels must adhere to Air District rules and regulations. Said measures would bring the project's impact less than significant.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
-

b) The proposed project is for a minor subdivision, As previously stated, under item a) above, any future construction as a result of the subdivision shall comply with the rules and regulations of APCD, therefore, it is not expected that proposed project would contribute substantially to an existing or projected air quality violation. Therefore, less than significant impact is expected.

- c) Expose sensitive receptors to substantial pollutants concentrations?
-

c) The project proposes a minor subdivision to create three parcels for commercial development, proposed one parcel would continue the existing agricultural use and the existing industrial zoning is expected to remain. The nearest receptor are the residences located in close proximity North and West of the project site. However, as stated above under item a) any future development shall comply with APCD rules and regulations. It is expected that compliance with APCD requirements would bring impacts to less than significant levels.

³ APCD comment letter dated March 17, 2022

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

d) If the Parcel Map is approved, the subsequent construction and operation of the commercial and industrial development may result in other emissions which may affect the residences abutting the project site, however, any new development shall be consistent with the land use designation and APCD rules and regulations. Since the minor subdivision does not anticipate any change in the existing land use designation which is C-2 (Medium Commercial) and L-1 (Light Industrial), impacts are considered 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 proposed project site is located within disturbed land and does not appear to have a substantially adverse effect, either directly or through habitat modification, or any species identified as a candidate, sensitive, or special status species in local or regional plan, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services. Impacts are considered less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) According to the Imperial County General Plan's Conservation and Open Space Element, the project site is not within a riparian habitat per Figure 1 "Sensitive Habitats", or an "Agency-Designated Habitat" per Figure 3 of the Open Space Element, therefore, it does not appear to have a substantial effect in local or regional plan, policies, and regulations regarding sensitive natural communities or by the Departments of Fish and Wildlife. Less than significant impacts are expected.

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

c) The project is not located within a riparian habitat, therefore it is not expected to cause a substantial adverse effect on federal protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Less than significant impacts are anticipated.

- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

d) The proposed project site has an existing agricultural use and it is approximately +/- 56 acres. Additionally, it is not located within a Sensitive Habitat; therefore it is not expected that it would interfere substantially with the movement of any residential or migratory fish or wildlife species or with established resident or migratory wildlife, corridors or impede the use of native wildlife nursery sites. If there would be any impact, it is expected to be less than significant.

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

e) The proposed project is not expected to conflict with any local policy or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, any impact is

considered less than significant.

- 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 is not within a designated sensitive area according to the Imperial County General Plan's Conservation and Open Space Element, therefore, it 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. Impacts are expected to be less than significant.

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

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

a) According to the Imperial County General Plan's Conservation and Open Space Element, Figure 5 "Areas of Heightened Historic Period Sensitivity, the project site may be located within a Historic Period Railroad Town. Figure 6 "Known Areas of Native American Cultural Sensitivity" does not locate the project within a designated area of possible impact. The project also received on March 7, 2022 an email from the Quechan Historic Preservation Officer stating that they had no comments on this project. The site is already disturbed with an existing agricultural operations with no known historical resources. Therefore, impacts are expected to be less than significant.

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

b) The proposed project is located on disturbed land with existing agricultural use and it is not likely to cause a substantial change to an archeological resource. Less than significant impacts are expected.

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

c) As mentioned under Item b) above, the proposed project site is located on disturbed land with an existing agricultural use and no cemeteries are located adjacent to the project site; therefore, it is not expected to result in the disturbance of any human remains, including those interred outside of dedicated cemeteries. Less than significant impacts are 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?

a) The proposed project is for a minor subdivision from an existing agricultural use parcel. If approved, the subdivision is not expected to result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources, during construction or operation. New habitable construction, should it occur in the future as a result of the subdivision, said construction and site improvements would require compliance with the latest edition of the California Building Code and administrative permit with Imperial County Planning and Development Services Department. Impacts are expected to be less than significant.

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

b) As previously mentioned under item a), the proposed project is for a minor subdivision, future new development would be reviewed through an administrative permit to ensure compliance with energy efficiency and renewable energy regulations at the time of construction. Therefore, the

proposed project will not conflict with or obstruct a state or local plan for renewable energy of energy efficiency. Less than significant impacts are expected.

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

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
a) The proposed project does not appear to conflict with the geology and soils on site as future development on the parcels will be subject to compliance with the California Building Code and will go thru an administrative building permit review, therefore, it is not expected that the proposed subdivision would directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death. Impacts are considered less than significant.
- 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?
1) The most recent Alquist-Priolo Earthquake Fault Zoning Maps⁴ does not identify the site within any Earthquake Fault Zones as created by the Alquist-Priolo Earthquake Fault Zoning Act; the Calexico Seismic Zone is located approximately 6 miles Northeast of the proposed project. Therefore, impacts are expected to be less than significant.
- 2) Strong Seismic ground shaking?
2) As discussed above, under item 1) the Calexico Seismic Zone is located 6 miles Northeast of the proposed project, and therefore, ground shaking is expected in the event of seismic activity in the region. However, the Imperial Valley is located in an active seismic area and seismic ground shaking is expected in similitude to the adjacent parcels. As previously mentioned, future development on the parcels will be subject to compliance with the California Building Code and will go thru an administrative permit review; therefore, impacts are expected to be less than significant.
- 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?
3) The project site is not located in a Tsunami inundation area according to the California Official Tsunami Inundation Maps⁵. Impacts are expected to be less than significant.
- 4) Landslides?
4) The proposed project is not located within a Landslide Activity area according to the Imperial County Seismic and Public Safety Element, Figure 2 (Landslide Activity). The topography within the project site appears to be generally flat, and therefore will not be directly or indirectly affected by a landslide. No impacts are expected.
- b) Result in substantial soil erosion or the loss of topsoil?
b) The proposed project is not located within an area of substantial soil erosion according to Imperial County Seismic and Public Safety Element, Figure 3 (Erosion Activity). Any impact is expected to be less than significant.
- c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?
c) The proposed project site is not located on a geological unit that would become unstable or collapse as a result of the proposed minor subdivision project; compliance with California Building

⁴ Alquist-Priolo Earthquake Fault Zoning Maps- <https://maps.conservation.ca.gov/cgs/EQZApp/app/>

⁵ California Official Tsunami Inundation Maps- <https://www.conservation.ca.gov/cgs/tsunami/maps>

Code (CBC) for any future construction would make any impact less than significant.

- d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?

d) The proposed project is for a minor subdivision to create three parcels within the existing commercial zone and one parcel would remain within the existing Light Industrial zone, however the future development of the structures would require an administrative permit to comply with the California Building Code latest edition, which establishes a minimum standard intended to protect life safety. Therefore, impacts are expected to be less than significant.

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

e) The proposed project anticipates water and sewer system connection to Heber Public Utility District. No septic tanks or other alternative wastewater disposal systems are being proposed; therefore, no impacts are expected.

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

f) The project site has an existing agricultural land use, and the proposed subdivision does not seem to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature as there are no known unique paleontological resource or unique geologic feature on site. Less than significant impacts are 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 approval of the proposed project is to subdivide the existing parcel into four individual parcels for future commercial development on three of the four parcels. The action is not expected to generate greenhouse gas emissions that would either directly or indirectly may have a significant impact on the environment. Per Imperial County Air Pollution Control District letter dated March 17, 2022, all future development on the three parcels must adhere to Air District Rules and Regulations. Impacts of the project would be less than significant provided applicant complies with APCD.

- 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 is for a minor subdivision and would not conflict the regulations under AB 32 of reducing the emissions of greenhouse gases emission to 1990 levels by 2020 provided the applicant adheres to APCD regulations. Impacts are expected to be less than significant.

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 is not expected to create a significant hazard to the public or the environment since it does not include any handling of hazardous materials. No impacts are 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?

b) The proposed project is not expected to 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 as no hazardous materials are anticipated in the proposed project. Any impact is expected to be less than significant.

- 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 nearest school is located at Heber Elementary School District which is 0.20 miles West approximately of the proposed project; the minor subdivision does not anticipate to emit or handle hazardous materials, thus, the project would not represent a risk to school facilities; impacts are considered less than significant.

- 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 site is not located on a site included on a list of hazardous material sites⁶; therefore, no impacts are 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 proposed project is not located within an airport land use plan, the closest airport is the Calexico Airport located approximately 3.8 miles South of the proposed project, and therefore, it would not result in a safety hazard for people residing or working in the project area; therefore, no impact expected.

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

f) The proposed project is not expected to interfere with an adopted emergency response plan or emergency evacuation plan; therefore, less than significant impacts are expected.

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

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. Any new development may be subject to the inclusion of fire sprinklers and have either a private water source for firefighting or public source such as pressurize hydrants. Compliance with ICPFD would lessen impacts to less than significant levels.

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

- a) Violate any water quality standards or waste discharge

⁶ EnviroStor Database <http://www.envirostor.djsc.ca.gov/public/>

requirements or otherwise substantially degrade surface or ground water quality?

a) The applicant will be within the water purveyor distributor of Heber Public Utility District (HPUD) and will be referred to follow all State and County standards for construction management of water runoff, i.e., SWPPP. Future development shall comply with Environmental Health Department standards for compliance with federal and state Safe Drinking Water Acts and any additional requirements that may be imposed by Imperial County Planning and Development Services Department and/ or the County Public Health Department. Impacts are expected to be less than significant.

- 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 does not anticipate the use of ground water and is not expected to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Any impacts are expected to be less than significant.

- 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) Per Imperial County Public Works, there shall be filed with each tentative map a grading plan showing any and all grading proposed or required for the creation of building sites within the subdivision or for construction or installation of improvements to serve the subdivision. This grading plan shall clearly show all on-site grading and shall show how off-site drainage resulting from the subdivision is managed or controlled to prevent adverse impacts. (Per Imperial County Code of Ordinances, Chapter 3 9083 .04 Grading plan). Grading plans shall be submitted for review and approval by Department of Public Works prior to recordation of the parcel map. It is expected that compliance with Public Works would bring any impact to less than significant levels.

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

(i) According to Figure 9 (Erosion Activity) of the Conservation and Open Space Element of the Imperial County General Plan, the area is on a designation of a low activity. Additionally, the grading plan required prior the Parcel Map recordation as per item c) above would ensure that substantial erosion or siltation would occur; therefore, impacts are expected to be less than significant.

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

(ii) Per Imperial County Public Works developer shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per the County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. According to Public Works, the developer shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included. Grading plans shall be submitted for review and approval by Department of Public Works prior to recordation of the parcel map. Therefore, it is not expected that the proposed project would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. Impacts are considered less than significant.

- (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) As stated above under item c), Imperial County Public Works will require a grading plan prior the recordation of the Parcel Map which shall clearly show all on-site grading and shall show how off-site drainage resulting from the subdivision is managed or controlled to prevent adverse impacts. Additionally, a will serve letter for water and drainage services will be required from Heber Public Utility District. It is expected that such compliance would ensure that runoff water impacts be reduced to less than significant levels.

(iv) impede or redirect flood flows?

(iv) The project site is located within Zone X per Federal Emergency Management Agency's (FEMA)⁷ Flood Insurance Rate Map Panel 06025C2075C (FIRM effective September 28, 2008). Therefore, no impact is anticipated.

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

d) The proposed project topography is generally flat and it is not within a flood hazard, tsunami or seiche zone, therefore, no impacts are expected.

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

e) As stated above under item c (ii), the proposed project would require a grading plan approved by Imperial County Public Works prior the recordation of the parcel map, therefore, it is not expected that the minor subdivision would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Any impacts are considered less than significant.

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

a) Physically divide an established community?

a) The proposed project is located within the Townsite of Heber, the minor subdivision would create four parcels, each proposed parcel is not anticipated to change the existing land use designation and zoning, therefore, it is not expected that it would physically divide an established community, thus, no impact is 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 could be considered consistent with the Imperial County General Plan since no change is being proposed to the existing land use designation or zoning. The project is also consistent with Section 90303.02 Length to width ratio and Section 90303.01 Lot Size as the minimum parcel size for C-2 Zone of 20,000 square feet, and the minimum parcel size of M-1 Zone of 10,000 square feet. Therefore, no 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 does not anticipate the removal of mineral resources and it is not located within the boundaries of an active mine per Imperial County General Plan's Conservation and Open Space Element, Figure 8 "Existing Mineral Resources". No impacts are expected.

b) Result in the loss of availability of a locally-important mineral

⁷ FEMA- <https://www.fema.gov/flood-maps/national-flood-hazard-layer>

resource recovery site delineated on a local general plan, specific plan or other land use plan?

b) The proposed project will not 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. No impacts are 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?

a) The proposed project would generate temporary noise during construction development and permanent commercial and industrial related noise once the buildings became operational, however, it is not expected to expose persons to or generate noise levels in excess of standards. The project is subject to the Imperial County General Plan's Noise Element which states that construction equipment operation shall be limited to the hours of 7 a.m. to 7p.m., Monday through Friday, and 9 a.m. to 5 p.m. Saturday; additionally, construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB Leq, when averaged over an eight (8) hour period. No change to the existing commercial and industrial zoning and land use designation is anticipated, therefore, it is expected that compliance with the Noise Element would bring any impact to less than significant levels.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

b) Temporary groundborne vibration or groundborne noise levels are expected during construction however they will be subject to Imperial County General Plan's Noise Element and it is not expected to be excessive, such compliance expects to bring any impacts to less than significant levels.

- 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 site is not within the vicinity of a private airstrip; therefore, no impacts are expected.

XIV. **POPULATION AND HOUSING** *Would the project:*

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

a) The proposed project would create four parcels which would be consistent with the existing zoning and land use designation which is commercial for the northern three parcels and industrial for the fourth southern parcel. If developed, the new buildings may generate new businesses, however it is not expected that such development would Induce substantial unplanned population growth since the zoning and land use would remain as it is currently designated. Therefore, it is not expected that it would induce substantial unplanned population growth in the area either directly or indirectly. Impacts are expected to be less than significant.

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

b) The proposed project will not displace substantial numbers of people necessitating the construction or replacement housing elsewhere as it has an existing non-conforming agricultural use with no residents. 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 would create three parcels within an existing commercial zoned designation and a fourth parcel within an existing industrial zoned designation. It is not anticipated that the project would 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. Any impact would be less than significant.

- 1) Fire Protection?

1) The proposed project is not expected to result in substantial impacts on fire protection. Any future construction may be subject to fire sprinklers and have either a private source for firefighting or public source such as pressurize hydrants. Compliance with ICFD would lessen impacts to less than significant levels.

- 2) Police Protection?

2) The proposed project is not expected to result in substantial impacts on police protection; any impacts would be less than significant.

- 3) Schools?

3) The proposed project is not expected to have a substantial impact on schools as the project would generate four non-residential use parcels, therefore, it would not generate any school-aged children requiring public education. It is not expected that new schools would be required as a result of the proposed project. Any impact is expected to be less than significant.

- 4) Parks?

4) The proposed project is not expected to have a substantial impact on schools as the project would generate four parcels. Any impact is expected to be less than significant.

- 5) Other Public Facilities?

5) Per IID's comment letter dated on March 16, 2022, after reviewing of the project, the agency has the following comments:

1. IID water facilities that may be impacted include the Daffodil Lateral 2 located along the proposed parcel #4's southern boundary. Proposed parcels #1, #2, and #3 do not have IID water facilities.

2. Should parcel #4 remain for agricultural use and retain its current zoning of M-1 Industrial Use, the applicant should be advised to establish a point of water delivery and drainage discharge for each parcel. For additional information on water service the applicant should call the IID's South End Division Office at (760) 482-9800.

3. Should future development of proposed parcel #4 be for considered for industrial use and require site access from Fawcett Road, an IID crossing, and encroachment permit will be required. When new crossings or modification to the existing crossings are needed, the applicant will be responsible for the cost of these improvements and IID will design and construct them.

4. Fences should be installed at the boundary of IID's right of way for safety purposes and to allow access for IID operation and maintenance activities. The project's fencing plan should address IID's right of way.

5. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.

6. Currently an IID Service Planner, Joel Lopez, has been in contact with the applicant for a Dollar General store in one of the resulting lots. To serve this project, existing distribution overhead lines will need to be extended and then transitioned to underground. Furthermore, IID's existing 92kV "P" transmission line may be affected due to the proposed development. Consequently, the upgrades and impacts to this electrical infrastructure should be addressed in the environmental analysis for the future development of these parcels.

7. 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.

8. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

9. 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.

Compliance with IID requirements is expected to bring impacts to less than significant levels.

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 may increase the use of existing and regional parks as per applicant the subdivision would generate four new parcels; however, it is not expected that the increase to the use of the existing neighborhood and regional parks or other recreational facilities would generate substantial physical deterioration of the recreational facilities. Any impact would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

b) The proposed project does not include or require the construction or expansion of recreational facilities as it would only generate four parcels. Therefore, less than significant impacts are 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 not expected to create a substantial impact to surrounding roads and does not conflict with the Imperial County General Plan's Circulation and Scenic Highways Element; however any new impacts would appear to be less than significant.

b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?

b) The proposed project will not conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b) since it is not expected to have a significant transportation impact within transit priority areas. However, the proposed project site it is not located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor. The project would generate four new parcels that would trigger the subsequent development of four new residences. Less than significant impacts are expected.

c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

c) The proposed project use is compatible with the land use; the site design is not expected to increase hazards. The future development of buildings would require a Ministerial Permit to be reviewed by Imperial County Planning Department, Imperial County Public Works Department and Caltrans. Development would also require an Encroachment Permit for any work within the Caltran's R/W prior to construction per Caltrans' comment letter dated March 29, 2022. It is expected that impacts to less than significant levels.

d) Result in inadequate emergency access?

d) Access are off Main Street (SR-86), Mary Ave and Clifford Road. It is not expected that it would result in inadequate emergency access. Impacts are considered less than significant.

XVIII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

a) The project site has an existing agricultural use and the proposed project would create four parcels, there is no substantial evidence that the proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074. The County has consulted with appropriate tribes with the potential for interest in the area, a notification via email was received on March 7, 2022 from the Quechan Historic Preservation Officer stating that they do not wish to comment on this project at this time; therefore, less than significant impacts are expected.

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of

historical resources as define in Public Resources Code Section 5020.1(k), or

(i) The proposed project is not listed or is not likely that it would be eligible for listing in the California Register of Historical Resources within Imperial County⁸, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k) since as stated above under item a), there is no known evidence of cultural resources on site. Less than significant impacts are expected.

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(ii) No significant resources as defined in the Public Resources Code Section 5024.1 are expected to be impacted by the proposed project as it appears to be no history or association in the past with evidence of historical resources for the project site. Therefore, any impact is considered to be less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS *Would the project:*

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?

a) The project proposes to divide a +/- 56.67 acre parcel into four individual parcels and would connect to Heber Public Utility District (HPUD) service area for future development. The project will require a will serve letter from HPUD prior approval, therefore, it is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, natural gas, or telecommunications facilities.

Per IID comment letter dated March 16, 2022 to serve the subsequent development of the Dollar General store, existing distribution overhead lines will need to be extended and then transitioned to underground. Furthermore, IID's existing 92kV "P" transmission line may be affected due to the proposed development. Additionally, 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). It is expected that compliance with IID requirements would bring impacts to less than significant levels.

b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?

b) The proposed project is located within Heber Public Utility District service area and would connect to their services, therefore, a will serve letter will be required prior approval of the Minor Subdivision. Therefore, impacts are expected to be less than significant provided applicant provides a will serve letter from HPUD.

c) Result in a determination by the wastewater treatment

⁸ California Register of Historical Resources - <https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

c) The proposed project is located within Heber Public Utility District service area including sewer services and would connect to their services, therefore, a will serve letter will be required prior approval of the Minor Subdivision to ensure adequate capacity to serve the project's demand. Therefore, impacts are expected to be less than significant provided applicant provides a will serve letter from HPUD.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

d) The proposed project would create four parcels, the subsequent development is not expected to generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Applicant shall contact the company that serves the townsite of Heber to assure capacity. Impacts are expected to be less than significant.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

e) The proposed project shall comply with federal, state and local statutes and regulations related to solid waste. Any future development would be subject to all statutes and regulations. Therefore, less than significant impacts are be 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?

a) The proposed project site is located in a Fire Hazard Severity Zone within an unincorporated Local Responsibility Area classified as LRA Unzone per Cal Fire Draft Fire Hazard Severity Zones in LRA for Imperial County⁹; therefore, it is not expected that the project would substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts are expected to be less than significant.

- 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) As previously stated under item a) above, the proposed project is classified as LRA Unzone and not within a VHFHSZ; therefore, less than significant impacts are expected related 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.

- 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) Any new construction is subject to the inclusion of fire sprinklers and have either a private water source for firefighting or public source such as pressurize hydrants. Compliance with ICFD would lessen impacts to less than significant levels.

⁹ Cal Fire Draft Fire Hazard Severity Zones Map in LRA for Imperial County

-
- 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 proposed project site is generally flat and as stated above under item a) above, the proposed project is classified as LRA Unzone and not within a VHFHSZ; therefore, impacts related to 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 are considered less than significant.

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

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

SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

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

-
- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?
- 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.)
- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

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
- Mariela Moran, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District
- Quechan Indian Tribe

(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; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
2. County Important Farmland 2016 Map
3. APCD comment letter dated March 17, 2022
4. Alquist-Priolo Earthquake Fault Zoning Maps- <https://maps.conservation.ca.gov/cgs/EQZApp/app/>
5. California Official Tsunami Inundation Maps- <https://www.conservation.ca.gov/cgs/tsunami/maps>
6. ProTerra Soil Percolation Test Results
7. EnviroStor Database <http://www.envirostor.dtsc.ca.gov/public/>
8. Imperial Irrigation District comment letters dated March 7, 2022
9. California Department of Transportation comment letter March 29, 2022
10. FEMA- <https://www.fema.gov/flood-maps/national-flood-hazard-layer>
11. Cal Fire Draft Fire Hazard Severity Zones Map in LRA for Imperial County

VI. NEGATIVE DECLARATION – County of Imperial

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

Project Name: David P. Church Subdivision - Parcel Map #02496

Project Applicant: David P. Church
15882 Wakefield Lane,
San Diego, CA 92127

Project Location: The project is located at 1072 Mary Ave., Heber, CA 92249 APN: 054-210-078-000.

Description of Project: Applicant is proposing a minor subdivision to create three parcels of APN 054-210-078-000 for Commercial Development (Parcel 1-1.48 AC, 2-3.35 AC and 3-3.43 AC) within a C-2 (Medium Commercial) zone and an additional Parcel 4 -48.49 AC to remain in agricultural use zoned M-1 (Light Industrial).

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the 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 is invited to comment on the proposed Negative Declaration during the review period.

8-25-2022

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.



Applicant Signature

8/26/22
Date

EEC ORIGINAL PKG

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

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Comments



COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA 92243

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

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Public Works works for the Public



August 24, 2022

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

RECEIVED

AUG 24 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Attention: Mariela Moran, Planner III

SUBJECT: Parcel Map 2496 Dubose Design Group, Inc. / David Patrick Church;
Located on 1072 Mary Ave., Heber, CA
APN 054-210-078-000

Dear Mr. Minnick:

This letter is in response to your submittal received on March 7, 2022 for the above-mentioned project. The applicant is proposing to create three parcels of APN 054-210-078-000 for Commercial Development C-2 (Parcels 1 – 1.48 AC; Parcel 2 – 3.35 AC and Parcel 3 – 3.43 AC) and parcel 4 – 48.19 AC to remain for agriculture Use and retain its current Zoning M-1.

Department staff has reviewed the package information and the following comments:

- Clifford Road is classified as Local County (Residential) - two (2) lanes, requiring sixty feet (60) of right of way, being thirty (30) feet from existing centerline. The imperial County has 80 feet for Road Right of Way only. It is required that a sufficient public use easement to be provided to meet the current road right of way easement.
- Fawcett Road is classified as Major Collector - Collector, four (4) lanes, requiring eighty four feet (84) of right of way, being forty two (42) feet from existing centerline. It is required that a sufficient public use easement to be provided to meet this road classification.
- Mary Ave is classified as Local County (Residential) - two (2) lanes, requiring sixty feet (60) of right of way, being thirty (30) feet from existing centerline. The County of Imperial currently has 40' of ROW total for Road Right of way only. It is required that a sufficient public use easement to be provided to meet this road classification.
- Mary Ave is not a thru street therefor a Cul-De-Sac for Mary Ave must be designed and implemented or proper Right of Way dedication shall be provided to connect Mary Ave to Fawcett Road.
- The parcel map shall be based upon a field survey. The parcel map shall show independent connections to a minimum of two Continuously Operating Reference Stations (CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the parcel map.

- All survey monuments shall be set prior to approval of the parcel map and the setting of monuments shall not be deferred. All property corners of each parcel created by the subdivision shall be sufficiently monumented, together with a full complement of corner accessories. The bearings and distances between corner accessories and corner monuments shall be documented by the surveyor of record.
- Any existing private improvements that are found to be within a County road right-of-way, including ditches, lift stations, fences, walls, etc., shall be removed from said County rights-of-way prior to approval of the parcel map at Subdivider's expense. The Subdivider may defer removal of said improvements if security is provided prior to recordation of the parcel map.
- Any existing private improvements that are found to be within the right-of-way for State Route 86, including ditches, drains, etc., shall be removed from said right-of-way prior to approval of the parcel map at Subdivider's expense. The Subdivider may defer removal of said improvements if security for said removal is provided by the Subdivider prior to approval of the parcel map.
- Any existing IID improvements found to be located within a County road right-of-way, including ditches, drains, etc., shall be removed from said County right-of-way, or undergrounded, prior to approval of the parcel map at Subdivider's expense. The Subdivider may defer removal or undergrounding of said IID improvements if security is provided by the Subdivider prior to approval of the parcel map.
- The Minor Subdivision application identifies proposed Parcel 4 as receiving ingress and egress from Fawcett Road. Site inspection reveals insufficient width for safe vehicular ingress and egress. Both the primary and secondary points of access for proposed Parcel 4 shall be widened to provide minimum openings of thirty (30) feet in width between irrigation structures at Subdivider's expense prior to recordation of the parcel map. The Subdivider may defer widening of the access openings if security is provided by the Subdivider prior to approval of the parcel map.
- The existing drainage retention basin that serves the agricultural need of the property prior to subdivision, and which fronts the South right-of-way of SR-86, shall be relocated outside the proposed commercial designated Parcels 1, 2 & 3, at Subdivider's expense, prior to issuance of a building permit for said Parcels 1, 2 or 3.
- The Subdivider shall install a continuous translucent fence (e.g. chain link, wrought iron, etc.) that is a minimum of 6 feet in height along the entire West property line of the subdivision, and along the North and South property lines of that portion of the subdivision lying Westerly of existing Mary Avenue to ensure that vehicles and pedestrians do not trespass onto adjoining railroad right-of-way.

- An easement in the form of a barrier strip one foot in width shall be created by the Subdivider along the Southerly line of proposed Parcels 1, 2 & 3, over which vehicular access across the common line with Parcel 4 is surrendered.
- There shall be filed with each tentative map a grading plan showing any and all grading proposed or required for the creation of building sites within the subdivision or for construction or installation of improvements to serve the subdivision. This grading plan shall clearly show all on-site grading and shall show how off-site drainage resulting from the subdivision is managed or controlled to prevent adverse impacts. (Per Imperial County Code of Ordinances, Division 8 – Subdivisions - Chapter 3 9083.04 Grading plan). Grading plan shall be approved by this Department prior to recordation of the Parcel Map.
- A Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties shall be required. Said plan shall be completed per the County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to this department for review and approval. Grading plan shall be approved by this Department prior to recordation of the Parcel Map
- Each parcel created or affected by this project shall abut a maintained road and/or have legal and physical access to a public road before the project documents are recorded.
- Street improvements shall be required Chapter 12.10 Street Improvements of Imperial County Ordinance:
 - Section 12.10.010 - Definitions of Imperial County Ordinance
 - "Administrator" refers to the director of public works or his/her designee.
 - "Roads" and "streets" are used interchangeably throughout this chapter and therefore all references to "streets" in this chapter shall also refer to "roads."
 - "Street improvement" refers to such street work and utilities to be installed or agreed to be installed by a developer and/or property owner, on land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the property owners and local neighborhood traffic and drainage needs as condition precedent to the approval and acceptance of the project. These improvements shall also include, but not be limited to streets, curbs, gutters, and sidewalks.
 - "Street improvement" also refers to such other specific improvements or type of improvements, the installation of which, either by the developer and/or property owner by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan of the county. These improvements shall include but not be limited to streets, curbs, gutters, and sidewalks.
 - Section 12.10.020 - Street Improvement Requirements of Imperial County Ordinance:
 - A. Street improvements shall be required in conjunction with, but not limited to, any construction, grading, or related work, including the construction of structures,

buildings, or major additions thereto, on property located adjacent to any county street or on property utilizing any county street for ingress and egress.

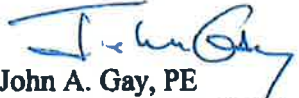
B. For the purpose of establishing proper standards, specification and directions for design and construction of any road, or other land division improvements required to be constructed in the unincorporated territory of Imperial County, the document entitled "Engineering Design Guidelines Manual for the Preparation and checking of Street Improvement, Drainage, and Grading Plans within Imperial County".

- Street Improvements shall be required for Clifford Road, Fawcett Road, and Mary Avenue. Improvement Plan shall be submitted approved by this Department prior to recordation of the Parcel Map.
- All off-site improvements within Imperial County right-of-way shall be financially secured by either a road improvement bond or letter of credit prior to recordation of Parcel Map.
- Any activity and/or work within Imperial County Right-of-Way shall be completed under a permit issued by this Department (encroachment permit) as per Chapter 12.12 - Excavations on or Near a Public Road of the Imperial County Ordinance.
- Section 12.10.030 - Building Permits of Imperial County Ordinance:
 - A. No building permit for any structure or building or major addition to a building or structure shall be issued until the improvements required by Section 12.10.010 of this chapter have been installed. In addition, no building permit shall be issued until there has been compliance with Chapter 12.12 of this title and the requirement that an encroachment permit be obtained.
- Prior to the issuance of any grading and/or building permits, the Developer shall procure an encroachment permit from this department for any off-site improvements required for this project.
- Prior to the issuance grading and building permits, a stabilized construction entrance/exit required has part of Best Management Practices (BPM) during grading operations shall be installed under an encroachment permit from this Department.
- Corner record is required to be filed with the county surveyor prior to construction for monuments:
 - 8771. (b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.
- A second corner record is required to be filed with the county surveyor for monuments:

8771. (c) A permanent monument shall be reset in the surface of the new construction or a witness monument or monuments set to perpetuate the location if any monument could be destroyed, damaged, covered, disturbed, or otherwise obliterated, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.

- Prior to issuance of final certificate of completion, Developer will be responsible for repair, replacement, restoration and/or costs of any/all damages caused by the activities completed under permits to other improvements, roads, road shoulders, pipes and utilities, on or off road right-of-way as determined by Imperial County Road Commissioner.
- Prior to issuance of final certificate of completion, Developer shall provide a grading improvement certificate letter prepared by a California Licensed Civil Engineer or Surveyor that all recommended drainage and grading improvements were completed per approved grading plans.
- Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 - Overweight Vehicles and Loads).
- All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District (ACPD). (Per Imperial County Code of Ordinances, Chapter 12.10.020 – Street Improvement Requirements).
- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations. (Per Imperial County Code of Ordinances, Chapter 8.72 – Solid Waste Management).
- The project may require a Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior county approval of onsite grading plan. (40 CFR 122.28 – general Permits).
- Effective September 15, 2020, the State's Mandatory Organic Waste Recycling Law (AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all businesses and multi-dwelling facilities of 5 units or more generating two (2) cubic yards or more of solid waste per week to recycle their organic waste including landscape waste, wood waste, and food waste. Information about possible organics waste recycling services can be found at the CalRecycle site.

Respectfully,



**John A. Gay, PE
Director of Public Works**

GM /gv

Kimberly Noriega

From: Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>
Sent: Monday, March 7, 2022 2:12 PM
To: Kimberly Noriega
Subject: RE: PM02496- AB 52 Letter

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

This email is to inform you that we have no comments on this project.

From: Kimberly Noriega [mailto:KimberlyNoriega@co.imperial.ca.us]
Sent: Monday, March 07, 2022 2:17 PM
To: Quechan Historic Preservation Officer; Quechan Indian Tribe
Cc: Michael Abraham; Jim Minnick; Diana Robinson; Mariela Moran; Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga; Valerie Grijalva
Subject: PM02496- AB 52 Letter

Good Afternoon,

Please see attached Formal Notification of Determination that a Project Application is complete or Decision to undertake a project, and Notification of Consultation Opportunity regarding Parcel Map # 02496 for Church Subdivision with APN: 054-210-078-000.
If you have any questions or concerns please feel free to contact our office at (442) 265-1736.

Thank you,

Kimberly Noriega

Office Assistant III

Imperial County
Planning and Development Services
801 Main St.
El Centro, CA 92243
☎ **Phone:** (442) 265-1736
☎ **Fax:** (442) 265-1735



The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

AIR POLLUTION CONTROL DISTRICT



March 17, 2022

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

RECEIVED
MAR 17 2022

SUBJECT: Minor Subdivision – Parcel Map 02496 (Church)

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") thanks you for the opportunity to review the application for Minor Subdivision – Parcel Map (PM) 02496 located at 1072 Mary Road in Heber, California (also identified as Assessor Parcel Number 054-210-078-000). The applicant intends to subdivide the existing 56.47 acre parcel into four individual parcels for future commercial development on three of the four parcels.

Any future development on the three parcels to be rezoned commercial must adhere to Air District rules and regulations.

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

Kimberly Noriega

From: Mario Salinas
Sent: Monday, March 7, 2022 4:56 PM
To: Kimberly Noriega; Jorge Perez
Cc: Michael Abraham; Diana Robinson; Mariela Moran; Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga; Valerie Grijalva
Subject: RE: Request for Comment - PM02496 Church Subdivision

Good afternoon Ms. Noriega,

Pertaining to PM #02496, Division of Environmental Health does not have any comments at this time.

Thank you,

Mario Salinas, MBA

Environmental Health Compliance Specialist
Imperial County Public Health Department
Division of Environmental Health
797 Main Street Suite B, El Centro, CA 92243
mariosalinas@co.imperial.ca.us
Phone: (442) 265-1888
Fax: (442) 265-1903
www.lcphd.org



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From: Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>

Sent: March 7, 2022 2:03 PM

To: Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Paul Deol <PaulDeol@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Ana L Gomez <analomez@co.imperial.ca.us>; David Claverie <DavidClaverie@co.imperial.ca.us>; Belen Leon <BelenLeon@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Luis Plancarte <LuisPlancarte@co.imperial.ca.us>; Eric Havens <EricHavens@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Esperanza Colio <EsperanzaColio@co.imperial.ca.us>; Ben Salorio <BenSalorio@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Thomas Garcia <tgarcia@icso.org>; cgonzalez@icso.org; Ray Loera - Sherriff <rloera@icso.org>; Robert Benavidez



IID

A century of service.

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Since 1911

March 16, 2022

Ms. Mariela Moran
Planner III
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED
MAR 16 2022

SUBJECT: Church Subdivision; PM02496

Dear Ms. Moran:

On March 7, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Parcel Map #02496. The applicant, Dubose Design Group, Inc./David Patrick Church, proposes the subdivision of a parcel located at 1072 Mary Ave. in Heber, CA (APN 054-210-078-000) to create three lots for commercial development with parcel #4 to remain for agricultural use.

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

1. IID water facilities that may be impacted include the Daffodil Lateral 2 located along the proposed parcel #4's southern boundary. Proposed parcels #1, #2, and #3 do not have IID water facilities.
2. Should parcel #4 remain for agricultural use and retain its current zoning of M-1 Industrial Use, the applicant should be advised to establish a point of water delivery and drainage discharge for each parcel. For additional information on water service the applicant should call the IID's South End Division Office at (760) 482-9800.
3. Should future development of proposed parcel #4 be for considered for industrial use and require site access from Fawcett Road, an IID crossing and encroachment permit will be required. When new crossings or modification to the existing crossings are needed, the applicant will be responsible for the cost of these improvements and IID will design and construct them.
4. Fences should be installed at the boundary of IID's right of way for safety purposes and to allow access for IID operation and maintenance activities. The Project's fencing plan should address IID's right of way.

5. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.
6. Currently an IID Service Planner, Joel Lopez, has been in contact with the applicant for a Dollar General store in one of the resulting lots. To serve this project, existing distribution overhead lines will need to be extended and then transitioned to underground. Furthermore, IID's existing 92kV "P" transmission line may be affected due to the proposed development. Consequently, the upgrades and impacts to this electrical infrastructure should be addressed in the environmental analysis for the future development of these parcels as stipulated in comment no.
7. 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.
8. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
9. 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.

Mariela Moran
March 16, 2022
Page 3

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

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martínez – 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. Strumpler, General Counsel
Janie Asbury – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessloa Humes – Environmental Project Mgr. Sr., Water Dept.

California Department of Transportation

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



March 29, 2022

11-IMP-86

PM 1.35

Church Subdivision

Tentative Parcel Map/Request for Review and Comments

Ms. Mariela Moran
Planner II
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

Dear Ms. Moran:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the Tentative Parcel Map and the Request for Review and Comments Package for the Church Subdivision Project located near State Route 86 (SR-86). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

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

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

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

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

Caltrans has the following comments:

Conditions of Approval

Caltrans requests that the County of Imperial condition the applicant to provide an easement for a new street along the proposed lot line between Mary Avenue and Clifford Road, to allow access to the proposed parcels (1-4). Please see the highlighted lot line on the attached Tentative Parcel Map.

Traffic Engineering and Analysis

- In accordance with Senate Bill (SB) 743 and as of July 1, 2020, Caltrans requires all public agencies to evaluate impacts associated with future developments to use Vehicle Miles Traveled (VMT) to evaluate transportation impacts on the State Highway System (SHS). Please provide a Traffic Impact Study (TIS) using the Caltrans-Vehicles Miles Traveled- Focused-Transportation Impact Study Guide (May 20, 2020).
- In addition to a VMT analysis, a traffic impact study may also be required to review all safety and operations impacts along SR-86. Please include all intersections and segments along SR-86 between Dogwood Road and Pitzer Road.
- Any proposed intersection expansion or modification along SR-86 will require an Intersection Control Evaluation (ICE) report as required by the Caltrans Traffic Operations Policy Directive #13-02. Provide a comparison for each alternative in accordance with the ICE policy. Follow the report format in the ICE process information guide. Please see the link below for the "ICE process information guide" and other ICE related policies and guidance. <https://dot.ca.gov/programs/traffic-operations/ice>.
- Within the ICE report, the alternatives that get selected for the Step 2 process will need to evaluate the safety and operational analysis by submitting a traffic study with supporting data (electronic files), traffic warrants, and benefit cost ratio. In addition to traffic and operational analyses for existing conditions, each alternative will need to include the future 20-year traffic volumes and operational analyses. A preferred alternative should be identified within the ICE report.
- Provide Synchro files used to analyze traffic for the project.

Hydrology and Drainage Studies

- Caltrans' Hydraulics Branch will not be able to provide comments until grading plans with drainage studies are provided, once zoning is approved and the development process begins.
- Please provide off site hydrology and hydraulics studies, proposed drainage and proposed grading plans for Caltrans to review.
 - Provide drainage plans and details. Provide existing and proposed drainage facilities.
 - Provide existing and proposed 2-foot contour grading with legible callouts.
 - Include detention basin details of inlets/outlet and proposed basin grading, include in detention basin calculations:
 - Plan schematic
 - Elevation vs storage tables
 - Elevation vs area tables
 - Elevation vs outlet flow (stage - outflow)
 - Inflow vs outflow
 - Elevation vs time (stage - time)
 - Volume vs time (storage - time)
- Provide a Drainage Study showing 100-year storm event calculations and 25- year storm event calculations.
- Provide on-site hydrology and hydraulic studies per the Highway Design Manual methodologies and per Caltrans policies and procedures.
 - Provide all available Caltrans drainage facility as-built and Right-of-Way (R/W) Maps.
 - Provide survey data of onsite system that the development will be draining to.
- On all plans, show Caltrans' R/W and SR-86 centerline.
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination

Ms. Mariela Moran, Planner II
March 29, 2022
Page 4

with Caltrans, in locations that may affect both Caltrans and the County of Imperial, is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the County to evaluate potential Complete Streets projects.

Bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The County should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-86.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical

"Provide a safe and reliable transportation network that serves all people and respects the environment"

studies, any necessary regulatory and resource agency permits, and specifically any CEQA determinations or exemptions. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

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

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

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

Right-of-Way Utilities

The developer/applicant shall prepare and submit to Caltrans closure plans as part of the encroachment permit application. The plans shall require that closure or partial closure of SR-86 be limited to times as to create the least possible inconvenience to the traveling public and that signage be posted prior to the closure to alert drivers of the closure in accordance with Caltrans requirements. Traffic shall not be

Ms. Mariela Moran, Planner II
March 29, 2022
Page 6

unreasonably delayed. The plan shall also outline suggested detours to use during the closures, traffic, including routes and signage.

The Highway Closure Plan, as part of the encroachment permit, should be submitted to Caltrans at least 30 days prior to initiating installation of the crossings. No work shall begin in Caltrans' R/W until an encroachment permit is approved.

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the CEQA determination addressing any environmental impacts with the Caltrans' R/W, and any corresponding technical studies.

Please see the following chapters in the Caltrans' manuals:

- Chapter 600 of the Encroachment Permits Manual for requirements regarding utilities and state R/W: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada-a11y.pdf> .
- Chapter 2-2.13 of the Plans Preparation Manual for requirements regarding utilities and state R/W: <https://dot.ca.gov/-/media/dot-media/programs/design/documents/cadd/ppm-text-ch2-sect2-13-a11y.pdf>
- Chapter 17 of the Project Development Procedures Manual <https://dot.ca.gov/-/media/dot-media/programs/design/documents/pdpm-chapter17-a11y.pdf>.

If you have any questions or concerns, please contact Charlie Lecourtois, LDR Coordinator, at (619) 985-4766 or by e-mail sent to Charlie.Lecourtois@dot.ca.gov.

Sincerely,

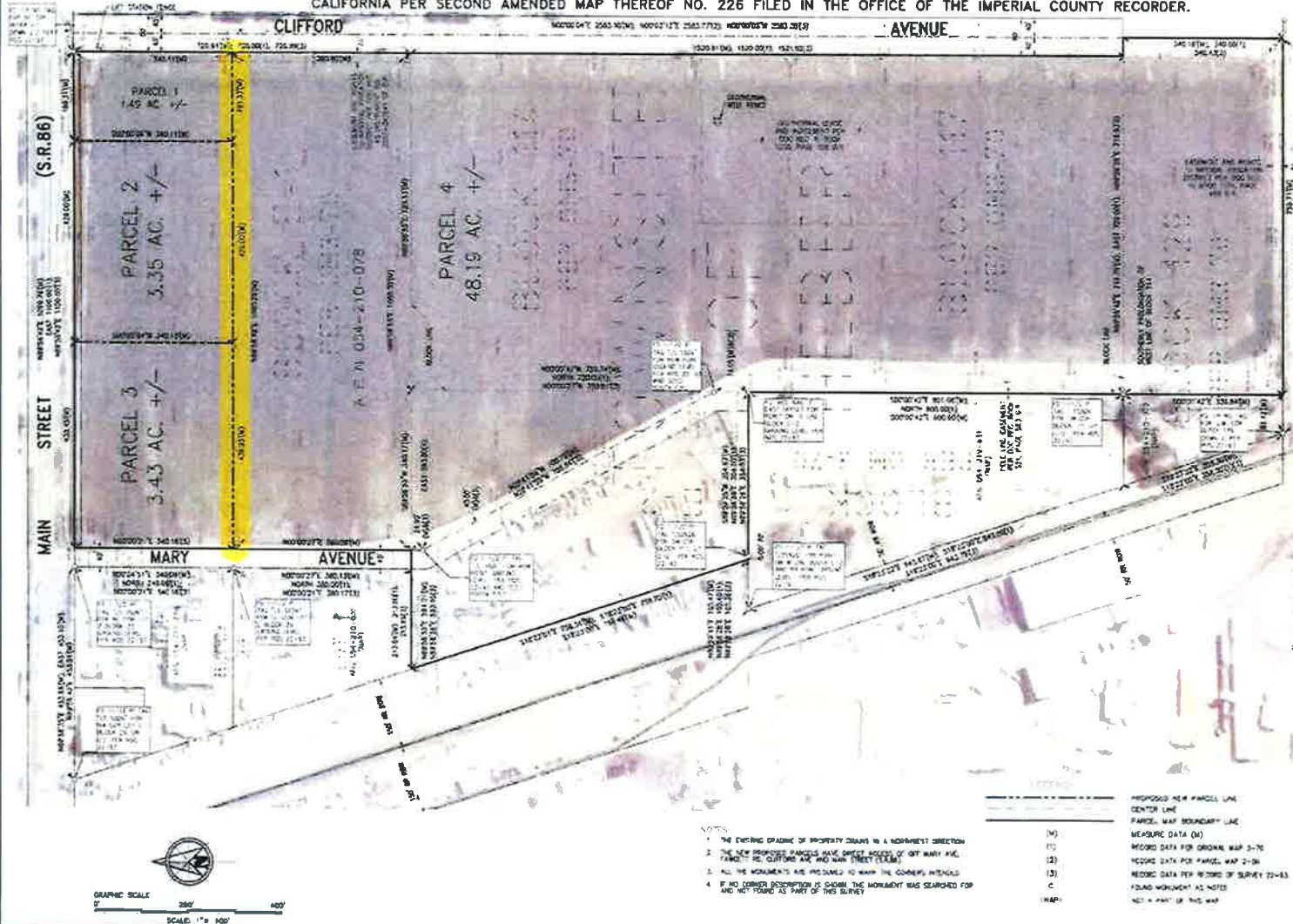
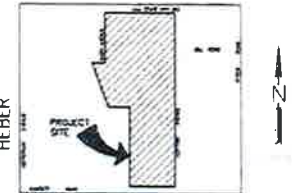
Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review

Attachment - Lot line highlighted_PM02496_TPM_Tentative Subdivision_Church Subdivision

TENTATIVE PARCEL MAP
 BEING A PORTION OF THE TOWNSHIP OF HEBER IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA PER SECOND AMENDED MAP THEREOF NO. 226 FILED IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER.

VICINITY MAP



LEGAL DESCRIPTION:
 FOR MAP/PARCEL 15(7) 054-210-078

PARCEL 1
 BLOCKS 114, 117 AND 125 OF THE TOWNSHIP OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, PAGE 7C OF OFFICIAL MAPS.

EXCEPTING THEREFROM BLOCK 125 THAT PORTION THEREOF LYING WEST OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF BLOCK 117.

PARCEL 2
 BLOCKS E-1 AND E-2 OF THE TOWNSHIP OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY IN BOOK 3, PAGE 7C OF OFFICIAL MAPS.

EXCEPTING THEREFROM THAT PORTION OF BLOCK E-2 DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK E-2; THENCE NORTH ALONG THE EAST LINE, THENCE 800 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID BLOCK, 459.9 FEET, MORE OR LESS, TO THE EASTERN RIGHT OF WAY LINE OF THE SOUTHERN RAILROAD; THENCE SOUTHWESTERLY ALONG SAID EAST LINE, 843 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID BLOCK E-2; THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK, 1543.3 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN AND TO ALL CEOTIONAL RIGHTS IN AND UNDER PARCELS AND AS CONVEYED TO LINDA BETH OSKINA, AS SUTODOR FOR JACUARY WILLIAM OSKINA AND JOSEPH MICHAEL OSKINA IN DEED RECORDED DECEMBER 2, 1987 IN BOOK 1543, PAGE 200-03 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN ALL CEOTIONAL RIGHTS IN AND UNDER PARCELS SAID AS CONVEYED TO JOSEPH MICHAEL, JR., SAMUEL WETTHEMER AND DAVID WETTHEMER, IN DEED RECORDED JANUARY 13, 1982 IN BOOK 16, PAGE 1618, OFFICIAL RECORDS.

OWNER/ANALYST:
 ETKLIC A CALIFORNIA LIMITED LIABILITY COMPANY

ENGINEER:
 LC ENGINEERING CONSULTANTS, INC.
 1745 STATE STREET
 EL CENTRO, CA 92541

LAND USE DATA:
 FLOOD ZONE:
 PROJECT SITE TOTAL AREA: 58.47 AC +/-

ASSESSOR PARCEL NUMBER:
 054-210-078

COUNTY ZONING:
 C-2, R-1

FLOOD ZONE:
 FEMA FLOOD ZONE (DESIGNATION) ZONE "C" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. WPC800101C FIRM 2070 OF 2279 - EFFECTIVE DATE SEPTEMBER 26, 2008. WHICH DETERMINE SAID FLOOD AREA AS FOLLOWS:
 ZONE "C": AREA OF MINIMAL FLOOD HAZARD.

BOUNDARY MONUMENTS:
 THE NORTH LINE OF BLOCK E-1 OF THE TOWNSHIP OF HEBER, CALIFORNIA, DEFINED BY THE NE CORNER OF SAID BLOCK E-1 AND THE NE CORNER OF LOT 2 FROM BLOCK 29 AS SHOWN ON RECORDS OF SURVEY MAP 22(7).

SAID BOUNDARY MONUMENT:
 = 87294 Q2 ±

BENCHMARK:
 BENCHMARK CORNER SET IN RETAINING WALL, STAMPING "C 16 180 L3 458P" PER NGS DATA SHEET.
 ELEVATION = -14.03 (NAVD 83 DATUM)

EQUATION = IN ORDER TO OBTAIN POSITIVE NUMBER ELEVATIONS 1.000-00 FEET IS ADDED TO OBTAIN THE FOLLOWING ELEVATION:
 ELEVATION = -14.03+100.00 = 85.97 FEET

- NOTES:**
1. THE EXISTING GRADING OF PROPERTY BOUNDS IS A NORTHWEST DIRECTION.
 2. THE NEW PROPOSED PARCELS HAVE DIFFER ACCESS TO GET MARY AVE. PARCEL 1 TO CLIFFORD AVE. AND MAIN STREET (CLIFF.)
 3. ALL THE MONUMENTS ARE PROPOSED TO MARK THE CORNERS INTENDED.
 4. IF NO CORNER DESCRIPTION IS SHOWN, THE MONUMENT WAS SEARCHED FOR AND NOT FOUND AS PART OF THIS SURVEY.

(M)	CENTER LINE
(P)	PARCEL MAP BOUNDARY LINE
(D)	MEASURE DATA (DI)
(DI)	MEASURE DATA FOR ORIGINAL MAP 3-76
(I2)	MEASURE DATA FOR PARCEL MAP 2-08
(I3)	MEASURE DATA PER RECORDS OF SURVEY 72-43
(C)	FOUND MONUMENT AS NOTED
(MAP)	NOT A PART OF THIS MAP



No. DESCRIPTION	BY	DATE	SCALE		SURVEYOR OF RECORD PLANS PREPARED UNDER THE SUPERVISION OF BY: MAURICE LAM DATE: 02.14.22 P.L.S. NO.: 840		TENTATIVE PARCEL MAP HEBER DOLLAR GENERAL TENTATIVE PARCEL MAP OTHER: ETKLIC	SHEET 1 of 1 SHEETS JOB NO. 02104720
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Michael Abraham

From: Lecourtois, Charlie@DOT <Charlie.Lecourtois@dot.ca.gov>
Sent: Wednesday, May 4, 2022 1:38 PM
To: Jim Minnick; Michael Abraham
Cc: Eaton, Maurice A@DOT; Mariela Moran
Subject: Follow up email regarding Caltrans' access control rights - Church Subdivision - Imperial County - Tentative Parcel Map/Request for Review and Comments - SR-86

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

Good Afternoon Jim and Michael,

I called your office on April 21, 2022, to discuss a few questions Caltrans Planning had on the Church Subdivision. During our conversation we spoke about the possibility of placing a condition on the applicant's subdivision map to restrict access onto State Route 86 (SR-86). It was mentioned that the County would not place our condition on the applicants subdivision map unless we provided some type of document that shows the formal restriction of access along this segment of SR-86 (PM 1.2 - 1.5).

I just wanted to inform you that I reached out to our Right-of-Way Engineering folks and they said Caltrans does not have access control rights along this segment of SR-86 (PM 1.2 - 1.5). However, to provide safe access and efficient operations to and from the site we would still like to request that the County place our condition of an easement for a street on the project.

Respectfully,

Charlie Lecourtois

Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor Street., MS 240
San Diego, CA 92110
Charlie.Lecourtois@DOT.ca.gov
Cell: (619) 985-4766



From: Lecourtois, Charlie@DOT
Sent: Tuesday, March 29, 2022 3:14 PM
To: Mariela Moran <MarielaMoran@co.imperial.ca.us>
Cc: Eaton, Maurice A@DOT <maurice.eaton@dot.ca.gov>; ICPDSCommentLetters <ICPDSCommentLetters@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; JimMinnick@co.imperial.ca.us
Subject: Caltrans Comment Letter - Church Subdivision - Imperial County - Tentative Parcel Map/Request for Review and Comments - SR-86

Good afternoon Ms. Moran,

Please see the attached Caltrans comment letter for the Church Subdivision Project, located near State Route 86 (SR-86), within Imperial County. Also attached is the highlighted lot line on the Heber Dollar General Tentative Parcel Map, in reference to the Condition of Approval (COA) section of our comment letter.

During a phone call with Michael Abraham and Jim Minnick on March 21, 2022, I informed Michael and Jim that Caltrans will provide documentation that shows the restriction of access from private property onto SR-86 along this stretch of the State Highway System, as verification/evidence for our COA request. Caltrans will provide an additional comment letter to the County once our internal functional units provide this documentation

Feel free to contact me if you have any questions.

Best regards,

Charlie Lecourtois

Transportation Planner

Caltrans District 11 LDR Branch

4050 Taylor Street., MS 240

San Diego, CA 92110

Charlie.Lecourtois@DOT.ca.gov

Cell: (619) 985-4766

(Currently Teleworking, M-F, 8-5)



Application

MINOR SUBDIVISION

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 David Patrick Church	EMAIL ADDRESS david@nnnretaildevelopment.com	
2. MAILING ADDRESS 15882 Wakefield Lane, San Diego, CA	ZIP CODE 92127	PHONE NUMBER (858) 364-0007
3. ENGINEER'S NAME LC Engineering Consultants, Inc., DuBose Design Group, Inc.	CAL. LICENSE NO. LS-8440	EMAIL ADDRESS mauriclolam@lcec-inc.com, tom@dubosedesigngroup.com
4. MAILING ADDRESS 1085 W. State Street, El Centro, CA	ZIP CODE 92243	PHONE NUMBER (760) 353-8110
5. PROPERTY (site) ADDRESS Main Street and Clifford Road	LOCATION Heber, CA	
6. ASSESSOR'S PARCEL NO. 054-210-078	SIZE OF PROPERTY (in acres or square foot) 56.47 AC +/-	
7. LEGAL DESCRIPTION (attach separate sheet if necessary) See Attached Exhibit "A"		
8. EXPLAIN PURPOSE/REASON FOR MINOR SUBDIVISION To create 3 Parcels for Commercial Development C-2 (Parcels 1, 2 and 3) and Parcel 4 to remain for Agricultural Use and retain its current zoning M-1		

9. Proposed DIVISION of the above specified land is as follows:

PARCEL	SIZE in acres or sq. feet	EXISTING USE	PROPOSED USE	ZONE
1 or A	1.49 AC +/-	Current AG Use	Commercial Use Dollar General	C-2
2 or B	3.35 AC +/-	Current AG Use	Commercial Use	C-2
3 or C	3.43 AC +/-	Current AG Use	Commercial Use	C-2
4 or D	48.19 AC +/-	Industrial Use	Industrial Use	M-1

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

10. DESCRIBE PROPOSED SEWER SYSTEM(s)	Connected to HPUD
11. DESCRIBE PROPOSED WATER SYSTEM	Connected to HPUD
12. DESCRIBE PROPOSED ACCESS TO SUBDIVIDED LOTS	Parcel 1 will be accessed off Clifford Road, Parcel 2 will be an easement both Clifford Road and Mary Ave, Parcel 3 will be accessed off Mary Ave and Parcel 4 will be accessed via Mary Ave, Clifford Road and Fawcett Road.
13. IS THIS PARCEL PLANNED TO BE ANNEXED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, TO WHAT CITY or DISTRICT?

I HEREBY APPLY FOR PERMISSION TO DIVIDE THE ABOVE SPECIFIED PROPERTY THAT I OWN CONTROL, AS PER ATTACHED INFORMATION, AND PER THE MAP ACT AND PER THE SUBDIVISION ORDINANCE.

I, CERTIFY THAT THE ABOVE INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

Print Name (owner)	Date
Signature (owner) <u>Tom E DUBOSE</u>	<u>2/28/22</u>
Print Name (Agent)	Date
Signature (Agent)	

REQUIRED SUPPORT DOCUMENTS

- A. TENTATIVE MAP
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. FEE _____
- D. OTHER _____

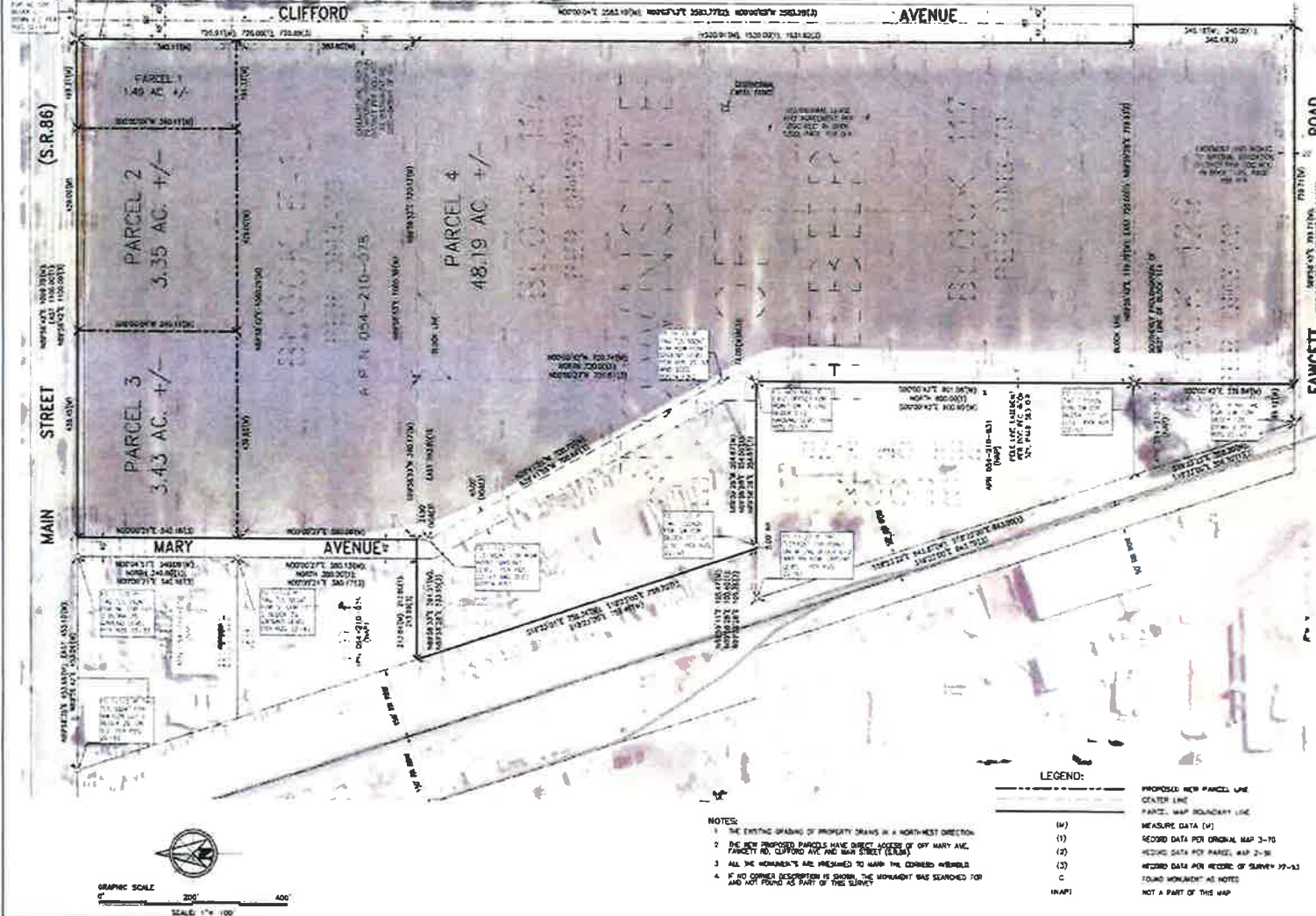
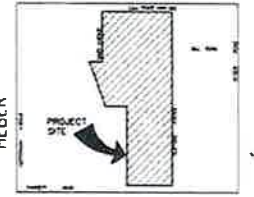
Special Note:
An notarized owners affidavit is required if application is signed by Agent

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

PM#

TENTATIVE PARCEL MAP
 BEING A PORTION OF THE TOWNSHIP OF HEBER IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA PER SECOND AMENDED MAP THEREOF NO. 226 FILED IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER.

VICINITY MAP



LEGAL DESCRIPTION:
 FOR APN/PARCEL ID(S): 054-210-078

PARCEL 1:
 BLOCKS 114, 117 AND 129 OF THE TOWNSHIP OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN BOOK 2, PAGE 70 OF OFFICIAL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

EXCEPTING THEREFROM BLOCK 128 THAT PORTION THEREOF LYING WEST OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF BLOCK 117.

PARCEL 2:
 BLOCKS E-1 AND E-2 OF THE TOWNSHIP OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN BOOK 2, PAGE 70 OF OFFICIAL MAPS.

EXCEPTING THEREFROM THAT PORTION OF BLOCK E-2 DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK E-2; THENCE NORTH ALONG THE EAST LINE THEREOF, 300 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID BLOCK, 436.9 FEET; MORE OR LESS TO THE EASTERN RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE SOUTHWESTERLY ALONG SAID EAST LINE 843 FEET; MORE OR LESS TO THE SOUTH LINE OF SAID BLOCK E-2; THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK, 193.3 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN AND TO ALL CELESTIAL RIGHTS IN AND UNDER PARCELS AND AS CONVEYED TO LINDA BETH DRYAN, AS CELESTIAN FOR JOCKEY WILLIAM DRYAN AND JOCKEY MICHAEL DRYAN IN DEED RECORDED DECEMBER 2, 1987 IN BOOK 1583, PAGE 250 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN ALL CELESTIAL RIGHTS IN AND UNDER PARCELS AND AS CONVEYED TO MICHAEL WETTERBER, JR., DANIEL WETTERBER AND DAVID WETTERBER IN DEED RECORDED JANUARY 13, 1992 IN BOOK 159, PAGE 573, OFFICIAL RECORDS.

OTHER DEVELOPERS:
 ETALIC A CALIFORNIA LIMITED LIABILITY COMPANY

ENGINEER:
 CONSULTING ENGINEERS INC
 1265 STATE STREET
 EL CENTRO, CA 92543

LAND USE DATA:
FLOOD ZONE:
 PROJECT SITE TOTAL AREA: 56.47 AC +/-

ASSUMED PARCEL NUMBER:
 054-210-078

COUNTY FORMED:
 0-2-1841

FLOOD ZONE:
 FEMA FLOOD ZONE DESIGNATION: ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP AND CROSSSECTION PANEL 2076 OF 2275 - EFFECTIVE DATE SEPTEMBER 29, 2008 WHICH DEFINES SAID FLOOD AREA AS FLOOD ZONE "X": AREA OF MINIMAL FLOOD HAZARD

BASES OF BEARINGS:
 THE NORTH LINE OF BLOCK E-1 OF THE TOWNSHIP OF HEBER, CALIFORNIA, DEFINED BY THE NE CORNER OF SAID BLOCK E-1 AND THE NE CORNER OF LOT 3 FROM BLOCK 25 AS SHOWN ON RECORD OF SURVEY MAP 22/303

SAID BEARING BEING: = 87°26'42" E

BENCHMARK:
 BENCHMARK WAS SET IN RETAINING WALL, STAMPING TO 16 188 15 404P
 PER NGS DATA SHEET
 ELEVATION = -1440 (NAVD 88 DATUM)

ELEVATION = IN ORDER TO OBTAIN POSITIVE NUMBER ELEVATIONS 1 000 00 FEET IS ADDED TO OBTAIN THE FOLLOWING ELEVATION:
 ELEVATION = -1440+1000 = -440 FT

- NOTES:**
1. THE EXISTING GRADING OF PROPERTY DRAINS IN A NORTH-WEST DIRECTION.
 2. THE NEW PROPOSED PARCELS HAVE BENCHMARK LAYERS BY OFF MARY AVE, PARCELS NO. CLIFFORD AVE AND MAIN STREET (ELEM).
 3. ALL THE MONUMENTS ARE PRESUMED TO MARK THE CORNER MEMBERS.
 4. IF NO CORNER DESCRIPTION IS GIVEN, THE MONUMENT WAS SEARCHED FOR AND NOT FOUND AS PART OF THIS SURVEY.

- LEGEND:**
- PROPOSED NEW PARCEL LINE
 - CENTER LINE
 - PARCEL MAP BOUNDARY LINE
 - (M) MEASURE DATA (M)
 - (1) RECORD DATA PER ORIGINAL MAP 3-70
 - (2) RECORD DATA PER PARCEL MAP 2-38
 - (3) RECORD DATA PER RECORD OF SURVEY 17-43
 - C FOUND MONUMENT AS NOTED
 - INAP1 NOT A PART OF THIS MAP

No.	DESCRIPTION	BY	DATE



SURVEYOR OF RECORD
 PLANS PREPARED UNDER THE SUPERVISION OF

BY: MALRICO LAM DATE: 02.14.22

P.L.S. NO.: 5840

CONSULTANTS INC.

MAP 02.14.22 BENCH-MARK: 076 365.97

TENTATIVE PARCEL MAP

HEBER DOLLAR GENERAL TENTATIVE PARCEL MAP

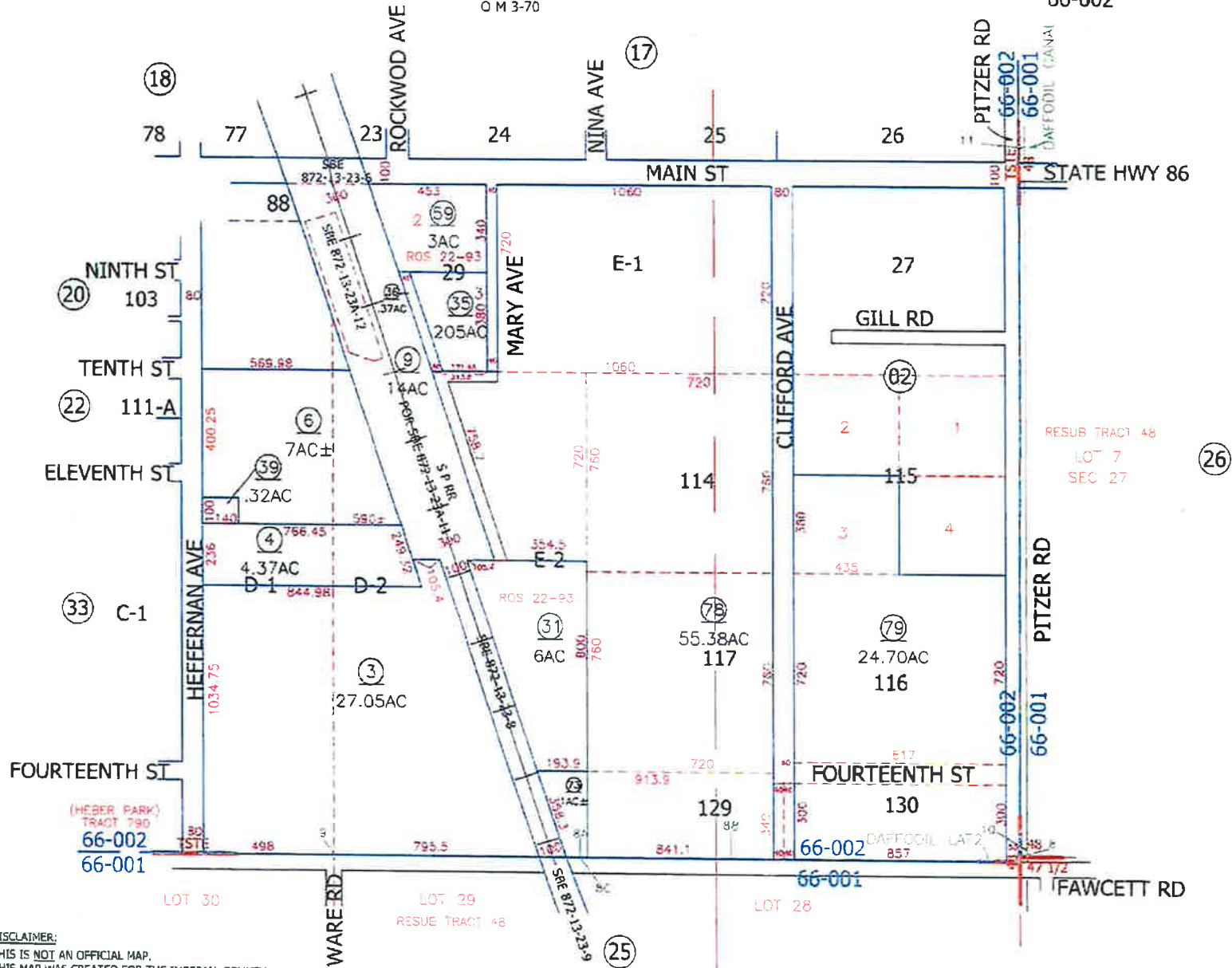
OWNER: ETALIC

SHEET
 1 OF
 1 SHEETS
 02/15/22

POR. TOWNSHIP OF HEBER
 TRACT 48 T16S R14E
 O M 3-70

Tax Area Code
 66-002

54-21



DISCLAIMER:
 THIS IS NOT AN OFFICIAL MAP.
 THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY
 ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN
 THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR.
 ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT
 THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL
 OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)

ATTACHMENT "G" – INITIAL APPLICATION AND SUPPORTING DOCUMENTS

MINOR SUBDIVISION

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 David Patrick Church	EMAIL ADDRESS david@nnnretaildevelopment.com	
2. MAILING ADDRESS 15882 Wakefield Lane, San Diego, CA	ZIP CODE 92127	PHONE NUMBER (858) 354-0007
3. ENGINEER'S NAME LC Engineering Consultants, Inc., DuBose Design Group, Inc.	CAL. LICENSE NO. LS-8440	EMAIL ADDRESS mauriciolam@lcec-inc.com, tom@dubosedesigngroup.com
4. MAILING ADDRESS 1065 W. State Street, El Centro, CA	ZIP CODE 92243	PHONE NUMBER (760) 353-8110
5. PROPERTY (site) ADDRESS Main Street and Clifford Road	LOCATION Heber, CA	
6. ASSESSOR'S PARCEL NO. 054-210-078	SIZE OF PROPERTY (in acres or square foot) 56.47 AC +/-	
7. LEGAL DESCRIPTION (attach separate sheet if necessary) See Attached Exhibit "A"		
8. EXPLAIN PURPOSE/REASON FOR MINOR SUBDIVISION To create 3 Parcels for Commercial Development C-2 (Parcels 1,2 and 3) and Parcel 4 to remain for Agricultural Use and retain its current zoning M-1		

9. Proposed DIVISION of the above specified land is as follows:

PARCEL	SIZE in acres or sq. feet	EXISTING USE	PROPOSED USE	ZONE
1 or A	1.49 AC +/-	Current AG Use	Commercial Use Dollar General	C-2
2 or B	3.35 AC +/-	Current AG Use	Commercial Use	C-2
3 or C	3.43 AC +/-	Current AG Use	Commercial Use	C-2
4 or D	48.19 AC +/-	Industrial Use	Industrial Use	M-1

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

10. DESCRIBE PROPOSED SEWER SYSTEM(s)	Connected to HPUD
11. DESCRIBE PROPOSED WATER SYSTEM	Connected to HPUD
12. DESCRIBE PROPOSED ACCESS TO SUBDIVIDED LOTS	Parcel 1 will be accessed off Clifford Road, Parcel 2 will be an easement both Clifford Road and Mary Ave, Parcel 3 will be accessed off Mary Ave and Parcel 4 will be accessed via Mary Ave, Clifford Road and Fawcett Road.
13. IS THIS PARCEL PLANNED TO BE ANNEXED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, TO WHAT CITY or DISTRICT?

I HEREBY APPLY FOR PERMISSION TO DIVIDE THE ABOVE SPECIFIED PROPERTY THAT I OWN CONTROL, AS PER ATTACHED INFORMATION, AND PER THE MAP ACT AND PER THE SUBDIVISION ORDINANCE

I, CERTIFY THAT THE ABOVE INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

Print Name (owner) _____ Date _____

Signature (owner) Tom E DuBose

Print Name (Agent) _____ Date 2/28/22

Signature (Agent) _____

REQUIRED SUPPORT DOCUMENTS

- A. TENTATIVE MAP
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. FEE _____
- D. OTHER _____

Special Note:
An notarized owners affidavit is required if application is signed by Agent

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

PM#

"Exhibit A"

Legal Description

APN: 054-210-078

PARCEL 1:

BLOCKS 114, 117 AND 129 OF THE TOWNSITE OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN BOOK 3, PAGE 70 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

EXCEPTING THEREFROM BLOCK 129 THAT PORTION THEREOF LYING WEST OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF BLOCK 117.

PARCEL 2:

BLOCKS E-1 AND E-2 OF THE TOWNSITE OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY IN BOOK 3, PAGE 70 OF OFFICIAL MAPS.

EXCEPTING THEREFROM THAT PORTION OF BLOCK E-2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK E-2; THENCE NORTH ALONG THE EAST LINE THEREOF, 800 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID BLOCK, 459.9 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OR WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE SOUTHEASTERLY ALONG SAID EAST LINE, 843 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID BLOCK E-2; THENCE EAST ALONG THE SOUTH LINE OF SAID BLOCK, 193.9 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN AND TO ALL GEOTHERMAL RIGHTS IN AND UNDER PACELS AND AS CONVEYED TO LINDA BETH OXMAN, AS CUSTODIAN FOR ZACHARY WILLIAM OXMAN AND JOSHUA MICHAEL OXMAN IN DEED RECORDED DECEMBER 2, 1987 IN BOOK 1593, PAGE 250 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN ALL GEOTHERMAL RIGHTS IN AND UNDER PARCELS AND AS CONVEYED TO HENRY WERTJEMER, JR., SAMUEL WERTHEIMER AND DAVID WERTHEMER, IN DEED RECORDER JANUARY 13, 1992 IN BOOK 189, PAGE 1619, OFFICIAL RECORDS.

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

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

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

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at El Centro California on February 28, 2022

APPLICANT

Name: _____

By _____

Title _____

Mailing Address:

REAL PARTY IN INTEREST

(If different from Applicant)

Name Tom DuBose 

By DuBose Design Group, Inc.

Title President

Mailing Address:

1065 State St. El
Centro, CA 92243

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____

S:\FORMS_LISTS\General Indemnification FORM 041516.doc

OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to DuBose Design Group, Inc. to apply for this
(Lessee, Tenant, Contractor-Specify)

all entitlement applications and building permits through the County of Imperial on the described property located at address
(State permit type clearly i.e. building, land used)

Main Street and Clifford Road, Heber, CA Further identified by Assessor's Parcel Number

(APN) 054-210-078 is hereby granted.

[Signature]
California Agent of NNN Retail Developmet California LLC
(SIGNATURE) David Patrick Church

California Agent of NNN Retail Development California LLC
(TYPED OR PRINT)
15882 Wakefield Lane, San Diego, CA 92127
California Agent's ADDRESS of NNN Retail Development
California LLC

2/22/2022
DATE

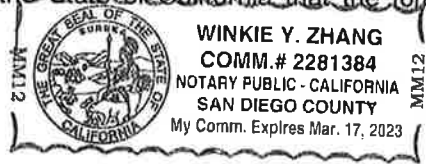
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

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

On February 22nd, 2022 before me,
Winkie Y. Zhang, a notary public, personally appeared
David Patrick Church who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and
acknowledged to me that (s) he/she/they executed the same in (s) his/her/their authorized capacity(ies), and
that by (s) his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.
Signature [Signature] (Seal)



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

Title or Type of Document Owner's Affidavit
Number of Pages One Date of Document 02/22/2022
Signer(s) Other Than Named Above N/A

OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to David Patrick Church, California Agent of NNN Retail Development California, LLC to apply for this (Lessee, Tenant, Contractor-Specify)

all entitlement applications and building permits through the County of Imperial on the described property located at address (State permit type clearly i.e. building, land used)

Main Street and Clifford Road, Heber, CA Further identified by Assessor's Parcel Number

(APN) 054-210-078 is hereby granted.

PRESIDENT OF ETX, LLC (SIGNATURE)

WILLIAM R. PLOURD, PRESIDENT OF ETX, LLC

(TYPED OR PRINT)

P.O. BOX 1109, EL CENTRO, CA 92243

OWNER'S ADDRESS

2-16-2022

DATE

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

STATE OF CALIFORNIA

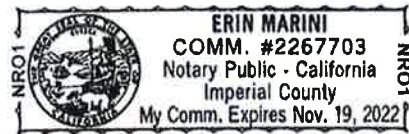
COUNTY OF Imperial } S.S.

On February 16, 2022 before me, Erin Marini personally appeared William R. Plourd, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Erin Marini (Seal)



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

Title or Type of Document Owners Affidavit
Number of Pages 1 Date of Document February 16, 2022
Signer(s) Other Than Named Above None



ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.


Countersigned by:


Authorized Countersignature

Stewart Title Guaranty Company
7676 Hazard Center Drive, Ste 1400
San Diego, CA 92108
(619) 692-1600




Frederick H. Eppinger
President and CEO


David Hisey
Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I - Requirements;
 - (f) Schedule B, Part II - Exceptions; and
 - (g) a countersignature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I - Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

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ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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AMERICAN
LAND TITLE
ASSOCIATION



- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

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ALTA Commitment For Title Insurance 8-1-16 (4-2-18)

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AMERICAN
LAND TITLE
ASSOCIATION



**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Transaction Identification Data for reference only:

Issuing Agent: Stewart Title Guaranty Company
Issuing Office: 7676 Hazard Center Drive, Ste 1400, San Diego, CA 92108
Issuing Office's ALTA® Registry ID: N/A
Loan ID Number:
Commitment Number: 21000480983
Issuing Office File Number: 21000480983
Property Address: apn 054-210-078, unincorporated area, CA 92249
Revision Number:

1. **Commitment Date:** August 31, 2021 at 8:00 A.M.

2. **Policy to be issued:** **Proposed Policy Amount**
(a) ALTA Owner's Policy Standard \$550,000.00

Proposed Insured: NNN Retail Development California LLC, a California limited liability company

(b) ALTA Loan Policy Standard

Proposed Insured:

3. **The estate or interest in the Land described or referred to in this Commitment is:**

Fee Simple

4. **The Title is, at the Commitment Date, vested in:**

ETX.LLC, a California limited liability company

5. **The Land is described as follows:**

PARCEL I

BLOCKS 114, 117 AND 129 OF THE TOWNSITE OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN BOOK 3, PAGE 70 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

EXCEPTING THEREFROM BLOCK 129 THAT PORTION THEREOF LYING WEST OF THE SOUTHERLY PROLONGATION OF THE WEST LINE O BLOCK 117.

PARCEL II:

BLOCKS E-1 AND E-2 OF THE TOWNSITE OF HEBER, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 226 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.BOOK 1593, PAGE 250

EXCEPTING THEREFROM THAT PORTION OF BLOCK E-2 DESCRIBED AS FOLLOWS:

BEGINMNG AT THE SOUTHEAST CORNER OF SAID BLOCK E-2; THENCE NORTH ALONG THE EAST LINE THEREOF, 800 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID BLOCK, 459.9 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE SOUTHEASTERLY ALONG SAID EAST LINE, 843 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID BLOCK E-2; THENCE EAST ALONG THE SOUTH LINE OF SAID

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

BLOCK, 193.9 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN AND TO ALL GEOTHERMAL RIGHTS IN AND UNDER PARCELS AND AS CONVEYED TO LINDA BETH OXMAN, AS CUSTODIAN FOR ZACHARY WILLIAM OXMAN AND JOSHUA MICHAEL OXMAN IN DEED RECORDED DECEMBER 2, 1987 IN BOOK 1593, PAGE 250 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED ONE-FOURTH INTEREST IN ALL GEOTHERMAL RIGHTS IN AND UNDER PARCELS AND AS CONVEYED TO HENRY WERTJEMER,, JR., SAMUEL WERTHEIMER AND DAVID WERTHEMER, IN DEED RECORDED JANUARY 13, 1992 IN BOOK 189, PAGE 1619, OFFICIAL RECORDS..

AON: 054-210-078-000

THE MAP CONNECTED HERewith IS BEING PROVIDED AS A COURTESY AND FOR INFORMATIONAL PURPOSES ONLY; THIS MAP SHOULD NOT BE RELIED UPON. FURTHERMORE, THE PARCELS SET OUT ON THIS MAP MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES. STEWART ASSUMES NO LIABILITY, RESPONSIBILITY OR INDEMNIFICATION RELATED TO THE MAPS NOR ANY MATTERS CONCERNING THE CONTENTS OF OR ACCURACY OF THE MAP.

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ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART I

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Requirements

File No.: 21000480983

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. There are no transfers or conveyances shown in the public records within 24 months of the date of this Preliminary Report. If you have knowledge of any transfers or conveyances, please contact your title officer immediately for further requirements.
6. If an Owner's Policy of title insurance is requested, a CLTA Standard Coverage Owner's Policy will be issued unless instructed otherwise. If a different form of policy is desired, please contact your Title Officer.
7. All Transactions - Seller(s) and Buyer(s) or Borrowers are provided, as attachments, the document entitled "Acknowledgement of Receipt, Understanding and Approval of STG Privacy Notice for Stewart Title Companies and Stewart's Affiliated Business Arrangement Disclosure Statement" and the individually named documents, for review and acknowledgment prior to closing.
8. All Transactions - Buyer(s)/Seller(s)/Borrower(s) are provided the Preliminary Report for review and acknowledgment prior to closing. Buyer(s) approval shall include the Preliminary Report items that are to remain as exceptions to the title policy.
9. Purchase Transactions Only - Seller(s)/Owner(s) are provided Stewart Title Guaranty Company's Owner's Affidavit and Indemnity for completion and submission prior to closing.

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ALTA Commitment For Title Insurance Schedule B-1-16 (4-2-18)

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

File No.: 21000480983

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.

Taxes:

- A. General and special city and/or county taxes, including any personal property taxes, and any assessments collected with taxes, for the fiscal year 2021 - 2022:
1st Installment: \$2,625.01
Status 1st: Open
2nd Installment: \$2,625.01
Status 2nd: Open
Parcel No.: 054-210-078-000
Code Area/Tracer No.: 066002

Prior to recording, the final amount due for taxes must be confirmed with tax collector.

The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California.

- B. Taxes and/or assessments affecting the Land, if any, for community facility districts, including Mello Roos, which may exist by virtue of assessment maps or filed notices. These taxes and/or assessments are typically collected with the county taxes; however, sometimes they're removed and assessed and collected separately.
- C. Semi-annual water availability assessment in favor of the Imperial Irrigation District.

Exceptions:

1. Water rights, claims or title to water in or under the Land, whether or not shown by the public records.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, geothermal resources, brine, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. Stewart Title Guaranty Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not

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ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18) SCE

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ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

listed.

3. Any interests (including rights of the public) in and to any portion of the Land lying within roads, streets, alleys or highways.
4. Land is located within the boundary of the Imperial Irrigation District.
5. Rights of claims of easements for canals, drains, laterals, irrigation pipelines and gates not recorded in the public records.
6. Covenants, conditions and restrictions as set forth in a document recorded February 2, 1922, in Book 187, Page 175 of Deeds, but omitting any restrictions based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Matters contained therein affect: Parcel II.
7. Easement and rights incidental thereto for power line to Imperial Irrigation District, as set forth in a document recorded May 17, 1939, in Book 521, Page 563, of Official Records.
8. Easement and rights incidental thereto for irrigation, waste or drainage canals, or power or telephone lines, reserved by Imperial Irrigation District, as set forth in a document recorded October 7, 1939, in Book 533, Page 399, of Official Records.
9. Easement and rights incidental thereto for power line to Imperial Irrigation District, as set forth in a document recorded August 25, 1960, in Book 1058, Page 277 as Instrument No. 19 of Official Records.
10. Easement and rights incidental thereto for concrete-lined canal or canals, open and/or underground, telephone and/or electric power line or lines to Imperial Irrigation District, as set forth in a document recorded December 5, 1963, in Book 1170, Page 488 as Instrument No. 69 of Official Records.
11. Easement and rights incidental thereto for public highway, to Imperial Irrigation District, as set forth in a document recorded October 29, 1970 as Instrument No. 1, in Book 1300, Page 71, of Official Records.
12. Matters contained in a lease dated October 1, 1972, executed by Wertheimer Cattle Company, Inc., as lessor and Standard Oil Company of California, as lessee, recorded July 24, 1973 as Instrument No. 26, in Book 1350, Page 756 of Official Records.

Current owner of leasehold and any other matters affecting the interest of the lessee are not set forth herein.

Matters contained in document entitled "Amendment of Lease Agreement (Short Form)" by and between El Toro Land & Cattle Co., A California Corporation and Standard Oil Company of California, a corporation, recorded January 28, 1977, in Book 1397, Page 230, of Official Records.

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ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART II

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

And recorded January 12, 1978, in [Book 1411, Page 101](#), of Official Records.

Matters contained in document entitled "Amendment of Lease Agreement (Short Form)" by and between Wertheimer Cattle Company, Inc. and Bessie Avrck, a widow and Chevron U.S.A. Inc., a corporation, recorded January 13, 1978, in [Book 1411, Page 225](#), of Official Records.

Matters contained in document entitled "Amendment of Lease Agreement (Short Form)" by and between Wertheimer Cattle Company, Inc and Chevron Geothermal Company of California, a corporation, recorded September 27, 1982, in [Book 1490, Page 1008](#) of Official Records.

And recorded September 27, 1982, in [Book 1490, Page 1011](#), of Official Records.

Matters contained in document entitled "Amendment of Lease Agreement (Short Form)" by and between Wertheimer Geothermal Company of California and Chevron Geothermal Company of California, a corporation, recorded September 27, 1982, in [Book 1490, Page 1014](#), of Official Records.

Matters contained in document entitled "Amendment and Assumption Agreement" by and between Chevron Geothermal Company of California, a Delaware Corporation and Chevron U.S.A. Inc. recorded April 22, 1982, in [Book 1483, Page 1171](#), of Official Records.

Matters contained in document entitled "Memorandum of Amendment to Geothermal Lease and Agreement" by and between El Toro Land & Cattle Company and Heber Field Company, a California General Partnership recorded November 12, 2004, in Book 2364, Page 1398 as [Instrument No. 04-38259](#) of Official Records.

And recorded November 12, 2004, in Book 2365, Page 90 as [Instrument No. 04-38398](#), of Official Records.

And recorded November 17, 2005 as [Instrument No. 2005-046321](#), of Official Records.

13. The right and easement, if any, to the use of the surface of said land for the extraction or development of minerals as excepted or reserved by Wertheimer Cattle Company, Inc., in Instrument recorded August 25, 1975 as Instrument No. 37, in [Book 1378, Page 514](#), of Official Records.
14. The right and easement, if any, to the use of the surface of said land for the extraction or development of minerals as excepted or reserved by Wertheimer Cattle Company, Inc., in instrument recorded September 23, 1975 as Instrument No. 22, in [Book 1379, Page 999](#), of Official Records.
15. Matters contained in document entitled "Unit Agreement, Heber Geothermal Unit, Imperial County, California", recorded July 30, 1979 as Instrument No. 65, in [Book 1437, Page 1272](#), of Official Records.

Matters contained in document entitled "Assignment of Lease" by and between Chevron Geothermal Company of California, a Delaware Corporation and U. S. Trust Company of California, N.A. recorded December 20, 1991, in Book 1688, Page 1188 as Instrument No. [91-23946](#) of Official Records.

Matters contained in document entitled "Assignment of Easements and Seismic Permits" by and between Chevron Geothermal Company of California, a Delaware Corporation and U. S. Trust Company of California, recorded December of 1971 as [Instrument No. 71-23947](#), in Book 1688, Page 1214, of Official Records.

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

Matters contained in document entitled "Assignment of Unit Agreement" by and between Chevron Geothermal Company of California, a Delaware Corporation and U. S. Trust Company of California, N.A., recorded December 26, 1991, in Book 1688, Page 1221 as Instrument No. 91-23948 of Official Records.

Matters contained in document entitled "Assignment of Lease" by and between Union Oil company of California, A California Corporation and U. S. Trust Company of California, N.A. recorded December 12, 1991 as Instrument No. 91-23950, in Book 1684, Page 1229, of Official Records.

Matters contained in document entitled "Assignment of Unit Agreement" by and between Union Oil Company of California, A California Corporation and U. S. Trust Company of California, N.A., recorded December 26, 1991 as Instrument No. 91-23951, in book 1688, Page 1237 of Official Records.

Matters contained in document entitled "Assignment of Leases" by and between U.S. Trust Company of California, N.A. and Aircraft Services Corporation, a Nevada Corporation, recorded June 16, 2000, n Book 2018, Page 799 as Instrument No. 00-11833 of Official Records.

Matters contained in document entitled "Supplemental Assignment of Unit Agreement (Chevron)" by and between Chevron Geothermal Company of California, a Delaware Corporation and U.S. Trust Company of California, N.A. recorded December 16, 1992 as Instrument No. 92027617, in Book 1718, Page 1352, of Official Records.

Matters contained in document entitled "Assignment of Leases" by and between Chevron Geothermal Company of California, N.A. and Aircraft Services Corporation, a Nevada Corporation and U.S. Trust Company of California, N.A. recorded December 16, 1992, in Book 1719, page 1356 as Instrument No. 92027618 of Official Records.

16. Easement and rights incidental thereto for right of way easement for constructing, operating and maintaining underground and/or overhead power line or lines and necessary appurtenances to Imperial Irrigation District, as set forth in a document recorded November 6, 2007 as Instrument No. 2007-040945 of Official Records.
17. Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:
Amount: \$3,138,000.00
Dated: May 23, 2016
Trustor: ETX, LLC, a California limited liability company
Trustee: Farm Credit Services Southwest, FLCA
Beneficiary: Farm Credit Services Southwest, FLCA, a corporation
Recorded: July 14, 2016 as Instrument No. 2016013850 of Official Records.

(Affects other land in addition to the Land.)

And re-recorded February 14, 2017 as Instrument No. 2017003356, of Official Records.

18. Matters contained in Map recorded in Book 22, Pages 93 and 94 of Records of Survey.
19. Rights or claims of parties in possession and easements or claims of easements not shown by the public records, conflicts in boundary lines, overlaps, shortage in area, encroachments, and any matters not of record which would be disclosed by an accurate survey or inspection of the Land.
20. Rights of parties in possession whether or not recorded in the public record.

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

21. In order to insure a conveyance, acquisition or encumbrance by the limited liability company named below, you must provide the following:

Limited liability company: ETX, LLC, a California limited liability company

a. A certified copy of the articles of organization (Form LLC-1), and any filed amendment (Form LLC-2) or restatement (Form LLC-10), if applicable.

b. A copy of the operating agreement and any amendments.

Additional requirements or items may be requested upon review of the required documents set forth above.

Typist/Rev. H.P. 09-22-21

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ALTA Commitment For Title Insurance Schedule 8-1-16 (4-2-18) SCE

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STG Privacy Notice Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> ▪ request insurance-related services ▪ provide such information to us <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1360 Post Oak Blvd., Ste. 100, Privacy Officer, Houston, Texas 77056

Privacy Notice for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

Information Stewart Collects

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

Consumer Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at Privacyrequest@stewart.com
- Visiting <http://stewart.com/ccpa>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. **Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Deputy Chief Compliance Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

ATTACHMENT "H" – NOI COMMENT LETTERS



September 26, 2022

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

SUBJECT: Notice of Intent for a Negative Declaration for Parcel Map 02496 – David P. Church

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 Parcel Map ("PM") 02496 ("Project"). The Project proposes a minor subdivision to create three parcels for commercial development zoned C-2 totaling 8.27 acres and one parcel remaining in agriculture use zoned M-1 that is 48.19 acres.

The Air District requests a copy of the finalized map for its records.

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

Respectfully,



Ismael Garcia
Environmental Coordinator I



Reviewed by,
Monica N. Soucier
APC Division Manager



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August 30, 2022

Mr. Gerardo Quero
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED

AUG 30 2022

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

**SUBJECT: NOI for the Preparation of an ND for the D. P. Church Subdivision;
PM02496**

Dear Mr. Quero:

On this date, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intent for the preparation of a Negative Declaration for Parcel Map #02496. The applicant, Dubose Design Group, Inc./David Patrick Church, proposes the subdivision of a parcel located at 1072 Mary Ave. in Heber, CA (APN 054-210-078-000) to create three lots for commercial development with parcel #4 to remain for agricultural use.

IID has reviewed the project information and found that the comments provided in the March 16, 2022 district letter (see attached letter) continue to apply.

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

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook – Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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March 16, 2022

**Ms. Marlela Moran
Planner III
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243**

SUBJECT: Church Subdivision; PM02496

Dear Ms. Moran:

On March 7, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Parcel Map #02496. The applicant, Dubose Design Group, Inc./David Patrick Church, proposes the subdivision of a parcel located at 1072 Mary Ave. in Heber, CA (APN 054-210-078-000) to create three lots for commercial development with parcel #4 to remain for agricultural use.

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

1. IID water facilities that may be impacted include the Daffodil Lateral 2 located along the proposed parcel #4's southern boundary. Proposed parcels #1, #2, and #3 do not have IID water facilities.
2. Should parcel #4 remain for agricultural use and retain its current zoning of M-1 Industrial Use, the applicant should be advised to establish a point of water delivery and drainage discharge for each parcel. For additional information on water service the applicant should call the IID's South End Division Office at (760) 482-9800.
3. Should future development of proposed parcel #4 be for considered for Industrial use and require site access from Fawcett Road, an IID crossing and encroachment permit will be required. When new crossings or modification to the existing crossings are needed, the applicant will be responsible for the cost of these improvements and IID will design and construct them.
4. Fences should be installed at the boundary of IID's right of way for safety purposes and to allow access for IID operation and maintenance activities. The Project's fencing plan should address IID's right of way.

5. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.
6. Currently an IID Service Planner, Joel Lopez, has been in contact with the applicant for a Dollar General store in one of the resulting lots. To serve this project, existing distribution overhead lines will need to be extended and then transitioned to underground. Furthermore, IID's existing 92kV "P" transmission line may be affected due to the proposed development. Consequently, the upgrades and impacts to this electrical infrastructure should be addressed in the environmental analysis for the future development of these parcels as stipulated in comment no.
7. 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.
8. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
9. 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.

**Marlela Moran
March 16, 2022
Page 3**

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

Respectfully,



**Donald Vargas
Compliance Administrator II**

**Enrique B. Martinez – General Manager
Miko Pacheco -- Manager, Water Dept.
Merilyn Del Bosque Gilbert -- Manager, Energy Dept.
Constance Bergmark -- Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.
Wayne K. Strumpfer, General Counsel
Janie Ashby -- Assoc. General Counsel
Michael P. Kemp -- Superintendent, Regulatory & Environmental Compliance
Laura Carvantes. -- Supervisor, Real Estate
Jessica Hurnea -- Environmental Project Mgr. Sr., Water Dept.**