

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE AGENDA DATE: July 29, 2021

FROM: PLANNING & DEVELOPMENT SERVICES AGENDA TIME 1:30 PM / No.3

PROJECT TYPE: Bended Tree, LLC CUP #20-0026 SUPERVISOR DIST #4

LOCATION: 4895 Holvey Rd APN: 037-130-021-000
Brawley, CA PARCEL SIZE: 40 acres

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

ZONE (existing) A-2-G ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____
 APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____
 APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 07/29/2021
INITIAL STUDY: #20-0036

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

Imperial Irrigation District

REQUESTED ACTION:

(See Attached)

- NEGATIVE DECLARATION**
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**CUP #20-0026
IS #20-0036
Bended Tree, LLC
Grace and Clyde Edgar**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
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July 2021

EEC ORIGINAL PKG

TABLE OF CONTENTS

	<u>PAGE</u>
<u>SECTION 1</u>	
I. INTRODUCTION	3
<u>SECTION 2</u>	
II. ENVIRONMENTAL CHECKLIST	8
PROJECT SUMMARY	10
ENVIRONMENTAL ANALYSIS	13
I. AESTHETICS	15
II. AGRICULTURE AND FOREST RESOURCES	15
III. AIR QUALITY.....	16
IV. BIOLOGICAL RESOURCES	17
V. CULTURAL RESOURCES	17
VI. ENERGY	18
VII. GEOLOGY AND SOILS	18
VIII. GREENHOUSE GAS EMISSION	19
IX. HAZARDS AND HAZARDOUS MATERIALS	20
X. HYDROLOGY AND WATER QUALITY	21
XI. LAND USE AND PLANNING	22
XII. MINERAL RESOURCES	22
XIII. NOISE	23
XIV. POPULATION AND HOUSING	23
XV. PUBLIC SERVICES.....	23
XVI. RECREATION.....	25
XVII. TRANSPORTATION	25
XVIII. TRIBAL CULTURAL RESOURCES.....	25
XIX. UTILITIES AND SERVICE SYSTEMS	26
XX. WILDFIRE	27
<u>SECTION 3</u>	
III. MANDATORY FINDINGS OF SIGNIFICANCE	29
IV. PERSONS AND ORGANIZATIONS CONSULTED	30
V. REFERENCES	31
VI. NEGATIVE DECLARATION - COUNTY OF IMPERIAL	32
VII. FINDINGS	33
<u>SECTION 4</u>	
VIII. RESPONSE TO COMMENTS (IF ANY)	34
IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)	35

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 Bended Tree Special Event (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:** Bending Tree, LLC (Le Tourneisel Event Center)
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Patricia Valenzuela Planner IV (442)265-1736, ext.1749
5. **E-mail:** patriciavalenzuela@co.imperial.ca.us
6. **Project location:** 4895 Holvey Road, Brawley, CA
7. **Project sponsor's name and address:** Grace & Clyde Edgar
4895 Holvey Road,
Brawley, CA 92227
8. **General Plan designation:** Agriculture
9. **Zoning:** A-2-G (General Agriculture-Geothermal Overlay)
10. **Description of project:** The applicant intends to provide an "Event Center" location that caters to wedding's, birthday parties, Quinceanera's and other similar small-scale private events. Applicant expect to host no more than four events per month, generally from October through April, with no events held during summer months. The events would be limited in hours from 12:00 p.m. (noon) to 11:00 p.m., and with a capacity of no more than 200 people.
The facility only provides the location, which includes restroom(s), change/preparation room, and a large grass area for seating and assembly. The event organizer has to provide any or all of the following depending on the event: music, food, entertainment, DJ's, etc. The site has parking to accommodate about 150 cars; parking is partially grass, partially road base.
11. **Surrounding land uses and setting** the overall 40 acres is family owned, however only the northwest corner where the residence and olive trees are located will be used for the event center.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.):
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.?**

Yes, however no response from the tribe.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

Native American Tribes and members of the Native American Heritage Commission (NAHC) have been invited to participate in the "Request for Review and Comment" as part of the Initial Study review process. In addition, letters

requesting consultation pursuant to AB 52 were also sent at the beginning of the preparation of this Initial Study, along with a request to NAHC for Sacred Files Search. The consultation period for AB 52 will end on May 28, 2021.

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.

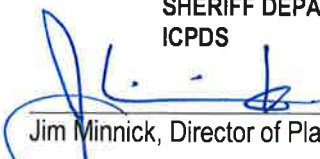
Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ICPDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



 Jim Minnick, Director of Planning/EEC Chairman

7/29/21

 Date:

PROJECT SUMMARY

- A. **Project Location:** 4895 Holvey Road, Brawley, CA
- B. **Project Summary:** The applicant intends to provide an "Event Center" location that caters to wedding's, birthday parties, Quinceanera's and other similar small-scale private events.
- C. **Environmental Setting:** The proposed site is surrounded by agricultural fields; State Highway 78 is located 1,500 ft. approximately south of the proposed site. The site is about 5,000 ft. north of the City of Brawley.
- D. **Analysis:** The proposed project area is located within the County's General Plan (11/6/93, 11/16/96 & 01/29/08) designation of "Agricultural." The project site is currently zoned A-2-G under the County Land Use Ordinance, Section 90519.00. The proposed project could be found consistent with the County Land Use Ordinance, specifically, Section 90508.02 "Uses Permitted by CUP" for a "Special Event"
- E. **General Plan Consistency:** Pursuant to the Land Use Element of the Imperial County General Plan, Policies and Programs the Applicant will be provided "Right-to-Farm" Ordinance since the use is a non-agricultural use. Thus, the project will be consistent with the General Plan.

Exhibit "A" Vicinity Map



GRACE & CLYDE EDGAR
CUP #020-0026, IS #20-0036
APN 037-130-021-001



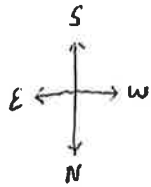
-  BRAWLEY CITY LIMIT
-  PROJECT LOCATION

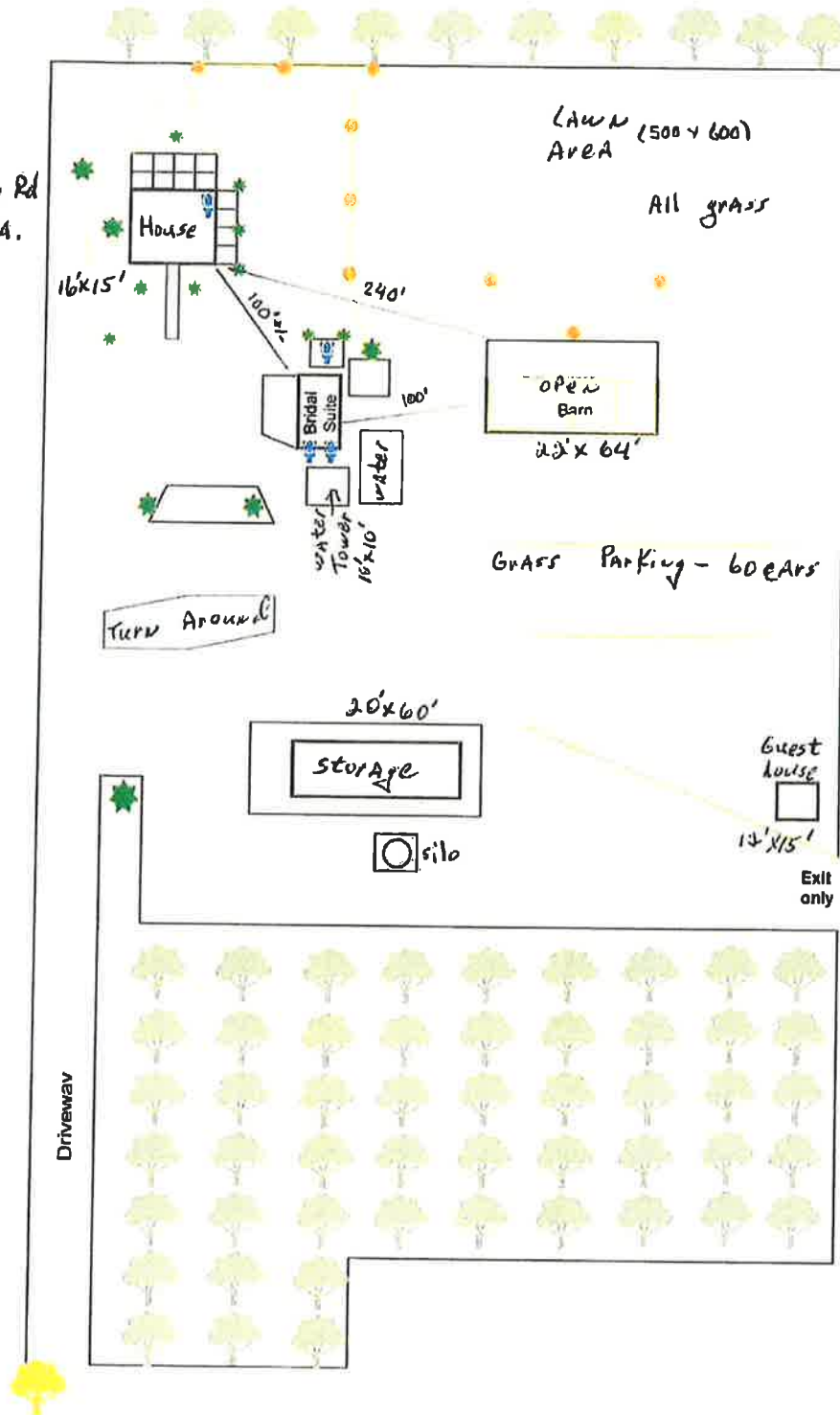


Exhibit "B"
Site Plan/Tract Map/etc.

Grace & Clyde



4895 Houley Rd
Brawley, CA.



EVALUATION OF ENVIRONMENTAL IMPACTS:

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

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. **AESTHETICS**

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

- a) Have a substantial adverse effect on a scenic vista or scenic highway?
The proposed area event area is not within a scenic vista or a scenic highway, pursuant to section IIB-5, under the Circulation/Scenic Highway Element of the General Plan¹. The applicant will host events whereby party equipment will be transported on site and removed at the end of the event. Therefore, any impacts should be less than significant.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?
b) The proposed event area is not located near any scenic resources or scenic highway. Additionally the project site has olive trees, which the applicant does not intend to remove. The "Special Event" area will not have an impact on trees, rock outcropping, and historic buildings, 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 project is not located in an urbanized area. The applicant will based on a contract import the equipment needed for the event being held and removed when the event has concluded. Thus, the event will comply with applicable zoning and other regulations and therefore, any impacts would 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 special events sponsor may arrive on property beginning at 12:00 PM the day before the event to set up and has until 12:00 PM the day following the event to break down. There will be night lighting, which will be installed in accordance to State Codes and County Ordinances, therefore, impacts should 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 project site appears as "Prime" Farmland according to the California Department of Conservation Farmland Mapping and Monitoring Program and is adjacent by "Farmland of Statewide Importance"². Since the proposed project does not convert prime farmland, unique farmland or farmland of statewide importance to non-agricultural use, no impacts are expected.
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
b) The event area does not have a Williamson Act Contract³ and the property is zoned for Special Events with an approved CUP, therefore no impacts are expected.

¹ Imperial County General Plan EIR
² Imperial County Important Farmland 2016 Map
³ Imperial County Williamson Act FY 2016/2017 Map

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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 Special Event project will not conflict with existing zoning or cause rezoning of forestland. The project is located within agricultural area. Therefore, no impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? d) The Special Event area is located within farmland and will not create a loss of forestland or conversion of forestland to non-forest use, therefore no impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? e) The changes proposed for the "Special Event" are not permanent. All decorations must be removed by the sponsor of the event, thus no conversion of forest land to non-forest use will transpire, therefore, any impacts should be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iii. AIR QUALITY

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

a) Conflict with or obstruct implementation of the applicable air quality plan? a) The event center will not conflict with or obstruct implementation of any applicable air quality plan. Air quality impacts would be limited to the short-term emissions as a result of equipment (chairs, decorations) being used for the events will be transported onto the site the day before and remove the day after the event. Additionally, the applicant shall contact the I. C. APCD for compliance with their regulations. Therefore, any impacts should be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? b) The applicant shall comply with the Imperial County Air Pollution Control (ICAPCD) established air-monitoring criteria and comply with their regulations to control dust and other emissions by implementing the ICAPCD Fugitive Dust Control Plan (ICAPCD Regulation VIII). The applicant proposes to draw water from the canal for dust suppression and emergency response. The project should not result in a net increase of any criteria pollutant for which the area is in non-attainment, therefore, any impacts are considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutants concentrations? c) Air quality regulators typically define sensitive receptors as schools, hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would adversely be impacted by changes in air quality. The proposed event center will expose people to minimal pollutants (some dust from vehicle traffic) during the day of the event; however, as stated above, the implementation of ICAPD Regulation VIII will bring any potential impacts to less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? d) The proposed event should not result in other emissions since the entire event is being catered. Therefore, no other emissions are expected, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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IV. **BIOLOGICAL RESOURCES** *Would the project:*

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 special event center is located within disturbed agricultural land and primary use is residential for the applicant. The proposed project does not appear to have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive or special status species in local or regional plans. Any impacts are considered less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
b) The special events will not have a substantial adverse effect on any riparian habitat or other sensitive natural communities since none have been identified at the project site. Therefore, any impact is considered less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 proposed special event area does not contain areas defined as protected wetlands, State or Federal; therefore, there will be no impact to wetlands. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 special event is not located within a sensitive wildlife area according to the Conservation/Open Space Element, in the Imperial County General Plan, Figure 3 of the Conservation Open Space Element; therefore; any impact is expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?
e) No local, state, or regional preservation or conservation plans or polices have been identified as applicable to the special event area. The proposed project will have no adverse impact on local policies or ordinances. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 special event area list of activities in the project description do not appear to conflict with any provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. The project area is outside of the Flat-Tailed Horned Lizard Species Management area. The events as proposed will not result in adverse impacts to biological resources and thus will not conflict with the Imperial County General Plan. Therefore, no impact is expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
a) The proposed project site is surrounded by agricultural fields and zoned (A2) general agricultural as well as a residence from 1914, no changes in the existing use of the residence are proposed which is residential, and the events do take place inside the house either, therefore any impact is considered less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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b) The Project area is surrounded by farmland, and farming has been conducted in this area for several years. The proposed project is not expected to cause any adverse change in archaeological resources. No impact is expected.

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

c) The proposed project does not proposed grading activities and it is not located within or near an area known as a dedicated cemetery. No 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) Electrical service is currently provided by Imperial Irrigation District, the proposed project is not expected to result in potentially significant environment impact due to wasteful, inefficient, or unnecessary consumption of energy resource, either during construction or operation as per Sheet A4.01 Interior Elevations, the envelope, or space conditioning, lighting, electrical power distribution and water heating systems are not proposed to be altered. Additionally, per IID comment letter dated June 25, 2020, if an increase in the electrical service is required, the applicant should be advised to contact Joel Lopez, IID customer Project Development Planner, at (760) 482-3444 or email Mr. Lopez at jflopez@iid.com to initiate the customer service application process. Any impact is expected to be less than significant.

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

b) The proposed project is not expected to conflict with or obstruct a state or local plan for renewal energy or energy efficiency. No 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:

The proposed project parcel has existing residential structures that have been located on this site prior to the eighties, including the main single family residence, garage, storage and grain storage. No permit on file was found for the bridal suite, open barn shade structure, and guest house, therefore, applicant will secure structures to comply with the California Building Code. Such compliance is expected to reduce any risk to a level of 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 proposed project is not located within a known fault zone according to the California Department of Conservation Earthquake Zone Map⁴. The closest known fault is the Imperial Fault which is located approximately 4.5 miles south of the project site, as mentioned above under item 1) applicant will be required to apply for a Code Compliance permit, which would ensure that the proposed project would not cause substantial adverse effects resulting of a known earthquake fault. Impacts are expected to be less than significant.

2) Strong Seismic ground shaking?

2) As mentioned above under item 1), the proposed special event area is not located within a known earthquake fault as delineated on the most recent Alquist Priolo Earthquake Fault Zoning map in case of an earthquake ground shaking will be expected in similitude to the surrounding areas. Therefore, any impacts are considered less than significant.

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

3) Project site is not located in a Tsunami inundation area according to the California Official Tsunami Inundation Maps⁵; therefore, impacts are expected to be less than significant.

⁴ <https://maps.conservation.ca.gov/cgs/EQZApp/>

⁵ Department of Conservation Tsunami Inundation Maps - <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=tsunami>

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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 is generally flat, and therefore will not be directly or indirectly affected by a landslide. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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). Less than significant impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable because of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? c) The project site has existing structures including a residential dwelling, no new construction is proposed in the CUP application therefore, it is not expected that the proposed project would become unstable because of the project. No impacts are anticipated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 site facility provides restrooms, change/preparation room, and a large grass area for seating and assembly. As no new structures are proposed, it is not expected that the proposed project would create a substantial direct or indirect risk to life or property. Any proposed structural development or improvement would be require to comply with the latest edition of the California Building Code, such compliance is expected to bring any impact associated with expansive soils to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? e) Per Public Health Department comment letter and email dated June 25, 2021, records show the property has an two existing septic system installed for residential use. However, the Special Event Center requires their lessees to provide porta-potties for their quests and remove the next day. Therefore, any impacts should be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f) The proposed project site is a disturbed parcel that has existing structures with residential and agricultural use, therefore, the proposed project is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Any impact is expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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) Temporary greenhouse gas emissions are expected to be generated as a result of traffic from invitees and event organizers (furniture set up, etc.) and catering. As previously mentioned under Section III, Air Quality, the applicant shall contact the I. C. APCD for compliance with their regulations, it is expected that such compliance would bring impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 not expected to conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases; as mentioned above under item b), applicant shall contact and comply with I. C. APCD regulations. Impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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 does proposes the use or disposal of hazardous materials. No impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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) As mentioned above under item a), the proposed project does not include the use of hazardous materials. No impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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) No schools are known to be proposed or currently located within one-quarter mile of the proposed project, thus it will not present a risk to school facilities. No impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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, less than significant impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 closest airport is the Brawley Municipal Airport located 1.6 miles approximately southeast of the proposed project, per the 1996 Airport Land Use Compatibility Plan⁷ for Imperial County Airports, the project site is located outside of the zoning for Compatibility Criteria per Table 2A on page 2-17, and therefore it does not represent a concern. Additionally, since the proposed project does not include proposed structures, no impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, applicant shall be require to comply with ICFD requirements per comment letter dated May 11, 2021, as described further under item g) below, such compliance is expected to bring impact to less than significant levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 has a maximum capacity of 200 people and would need to comply with Imperial County Fire Department comment letter dated May 11, 2021 requirements to ensure fire safety:
1. An approved water supply shall be required on site dedicated to fire suppression. Imperial County Fire Department shall determine the requirements base on the California Fire Code, NFPA, and local ordinance and requirements.
2. Fireworks and pyrotechnics shall be prohibited at all time, unless permits are secured. This includes but not limited to:
<ul style="list-style-type: none"> • Fireworks (including California Safe and Sane) • Sky Lanterns • Open flame devices 3. Professional Public Display Pyrotechnics shall contact Imperial County Fire Department for approval before any event. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

⁷ <https://www.icpds.com/assets/hearings/airport-land-use-commission/aluc-compatibility-plan-1996-part-1.pdf>

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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4. All tents, canopies, and special event structures shall comply with the California Fire Code Chapter 31 and be approved by the State of California Fire Marshall Office flame rating.

5. Imperial County Fire Department shall inspect structures used for assembly use for further requirements that include but not limited to:

- Automatic Fire Sprinklers
- Fire Alarms
- Egress
- Emergency Lighting
- Occupant load

6. The project shall be in compliance at all times with requirements at all times with requirements in the California Fire Code and local ordinances and requirements. Imperial county Fire Department shall conduct annual fire and life safety inspections.

It is expected that compliance with ICFD requirements will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, impacts are considered less than significant.

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

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

a) According to the Environmental Health Department comments the Special Event will not be able to use the on-site water for anything. They will have to use a licensed catering company that knows how to handle no dishwashing and food handling without the use of water. The only bathroom that they will be able to use is the restroom in the bridal dressing room. Therefore any impacts should 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 existing residence receives canal water from IID, however the Special Event is not allowed to use the on-site water, therefore they will not reduce groundwater and therefore, impacts should 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) The proposed project is not located within a river or a stream and no new buildings are proposed, therefore, it is not expected that it would substantially alter the existing drainage pattern of the site or area. Additionally, no major impervious surfaces are required other than the paved driveway per I.C. Public Works comment letter dated May 24, 2021. Impacts are considered less than significant.

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

(i) The proposed project is not expected to substantially alter the existing drainage pattern on site and result in substantial erosion or siltation on- or off- site as no new buildings are proposed, neither the existing grading is proposed to change substantially. Any impacts are expected to be less than significant.

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

(ii) The proposed project is not expected to substantially alter the existing drainage pattern on site and substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite as no substantial change in the existing grading is proposed. Therefore, any impacts are expected to be 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) The proposed project does not propose to change the existing grading and therefore, it is not expected to substantially

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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alter the existing drainage pattern on site and 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. Any impacts are considered less than significant.

(iv) impede or redirect flood flows?

(iv) Applicant will be required to provide all weather route access for emergency response vehicles and a paved driveway per I. C. Public Works Engineering Design Guidelines Manual, however it is not expected that the proposed project would impede or redirect flood flows. Impacts are considered less than significant.

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

d) As mentioned above under Section VII Geology and Soils, the proposed project is not located within a Tsunami inundation area, and according to the FEMA Flood Map Service Center⁸, the proposed project is not located within a flood hazard zone. Therefore, impacts related to a risk of release of pollutants due to project inundation if located within a flood hazard or tsunami zones are considered less than significant.

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

e) The proposed project will be subject to Environmental Health Department comments as per letter and email dated June 25, 2021, which includes water quality requirements. Such compliance would lessen any conflicts related to the implementation of a water quality control plan, therefore 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 for an event center primarily for weddings, birthday parties and similar small events, and does not include the construction of new items that would physically divide an established community. No impacts are expected.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) The proposed project is not expected to conflict with the County's General Plan or Land Use Ordinance as a Conditional Use Permit was submitted for the proposed project. The A-2 zone requires the approval of a Conditional Use Permit per Imperial County Land Use Ordinance Title 9 § 90508.02 (bbb) Special Occasion Facility. If the Conditional Use Permit is approved, the conditions of approval would reduce any potential environmental impacts to less than significant levels.

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 project site is not located in an area classified to be a regionally important mineral resource per the California Department of Conservation- Mineral Land Classification⁹, additionally, no proposed physical changes to the existing site are proposed. Therefore, no impacts are anticipated.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

b) Per the Imperial County General Plan, Conservation and Open Space Element- Figure 8- Existing Mineral Resources, the project site is not located within an area known to be classified as regionally important mineral resources. Therefore, it is not expected that the proposed project would 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. Therefore, no impacts are expected.

⁸ FEMA Flood Map Service Center - <https://msc.fema.gov/portal/search?AddressQuery=4895%20hovley%20rd.%2C%20brawley#searchresultsanchor>
⁹ California Department of Conservation - <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XIII. **NOISE** *Would the project result in:*

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 project site is located within a Noise Impact Zone, which is an area that could be exposed to significant agricultural related noise, as it is located within 1,320 feet from existing farmland per Imperial County General Plan Land Use Element. The events hours would be limited from noon to 11 p.m., however, the project will be subject to compliance with Imperial County General Plan Noise Element and with Imperial County Land Use Ordinance Division 7: Noise Abatement and Control. However, the nearest receptor (2 residences) is 1/2 mile from the event area. The conditional acceptable decimal is 75. It is expected that such compliance would lessen the noise impacts to less than significant levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Generation of excessive groundborne vibration or groundborne noise levels?
b) Groundborne vibration or groundborne noise levels may be expected from music and traffic during the events, however adherence to the Imperial County General Plan Noise Element and with Imperial County Land Use Ordinance Division 7: Noise Abatement and Control would ensure that such groundborne vibration or groundborne noise levels is not excessive; such compliance would bring impacts to less than significant levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
c) The proposed project is not located within the vicinity of a private airstrip or within the Compatibility Map of the Brawley Municipal Airport per the Imperial County Airport Land Use Compatibility Plan, therefore it is not expected to expose people residing or working in the project area to excessive noise levels. Impacts are considered less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?
a) The proposed project is for an event center of small-scale private events of no more than 200 guests per event, no new buildings are proposed with the CUP application nor new public infrastructure; therefore, it is not expected that the proposed project would induce substantial unplanned population growth in an area, either directly or indirectly. Any impact is considered less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
b) The proposed project is not expected to displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere as the proposed project is for a small event center location and it is situated in an agricultural land and no new buildings or structures are proposed with the CUP. No impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. **PUBLIC SERVICES**

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 is for a small scale event site and it is not expected to 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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acceptable service ratios, response times or other performance objectives for any of the public services. It is expected that compliance with Imperial County Fire Department requirements per letter dated May 11, 2021 would lessen any public service impacts to less than significant levels.

1) Fire Protection?
1) The proposed project is not expected to create a substantial adverse impact to fire protection. Impacts are expected to be less than significant. Applicant shall comply with Imperial County Fire Department requirements per letter dated May 11, 2021 to lessen any impact to less than significant levels.

2) Police Protection?
2) The proposed project is not expected to create a substantial adverse impact to police protection. Impacts are expected to be less than significant.

3) Schools?
3) The proposed project is not expected an increment in population that would require the construction of new educational facilities; therefore no impacts are anticipated.

4) Parks?
4) The proposed project would not result in a substantial adverse physical impacts to existing parks. No impacts are anticipated.

5) Other Public Facilities?
5) For the proposed project, applicant shall comply with IID comment letter dated May 13, 2021 in order to lessen impacts to less than significant levels if the applicant requests electrical service:

1. To request electrical service for the proposed facility, the applicant should be advised to contact Ignacio Romo, IID Customer Project Development Planner, at (760) 482-3426 or e-mail Mr. Romo at igromo@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of approved project drawings (hard copy and in AutoCad file format), electrical one-line diagram, operating voltage requirement, electrical panel loads, size & location; construction schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the project.

2. Distribution-rated electrical service is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.

3. The CUP application's project description does not state where the project obtains its water. If the project is to receive water from IID then it must have water delivered by a State approved water provider.

4. IID water facilities that may be impacted include Simlax Lateral 1 and Spruce Lateral 1. The applicant may not use IID's canal or drain banks to access the facility site.

5. The project's road access is from Havelly Road and crosses over IID's Simlax Lateral 1. IID encroachment permits and an engineering plan review will be required. The IID Water Department Engineering Services section should be consulted prior to final project design. The IID WDES section can be contacted at (760) 339-9265 for further information on this matter.

6. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760)339-9239 for additional information regarding encroachment permits or agreements.

7. 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.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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8. 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, 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.

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 does not propose new residential housing or an activity that would generate the increment of public recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 is for an event site location however it is not expected that it would have an adverse effect on the environment as no new building construction or grading is proposed and the installation set would be temporary only during the day of the event. Any impact is considered less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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 conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Per Imperial County Public Works comment letter dated May 25, 2021 applicant shall provide evidence that access across adjoining property (ies) is permissive. Compliance with PW requirements is expected to lessen impacts to less than significant levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
b) The proposed project will increase the number of vehicles during the event, however it is not expected that it would exceed a significant threshold. Therefore, impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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) Agricultural uses are located in the eastern portion of the property with olive trees to the northwestern and southern areas and does not seem to overlap the area proposed for the event. Therefore, it is not expected that the proposed project would substantially increase hazards due to a geometric design feature or incompatible uses, impacts are expected to be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access?
d) Per Imperial County Public Works comment letter dated May 25, 2021, the route of access to project site will be able to support safety and emergency response vehicles in all-weather situations. Public Works may require Encroachment Permit for access to Holvey Road to be in compliance with Public Works requirements, which should bring impacts to less than significant levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XVIII. TRIBAL CULTURAL RESOURCES

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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) **Consultation with appropriate tribes with the potential for interest in the region as stated in Assembly Bill 52 was performed by Imperial County; however, no comments were received. Additionally, the proposed project does not anticipate physical changes to the existing site, hence, impacts are considered less than significant.**

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(i) The proposed site is not listed under the California Historical Resources in County of Imperial¹⁰ and does not appear to be eligible under Public Resources Code Section 21074 or 5020.1 (k). Therefore, impacts are considered less than significant.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(ii) No substantial evidence on the project site has been found to be significant to a California Native American Tribe pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 to. Therefore, impacts are considered 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) The Special Event must supply their own water, per Environmental Health's comments. Therefore, there will no need for new or expanded water, wastewater treatment or storm water drainage. Therefore, any impacts should be less than significant.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) The proposed project is expected to have sufficient water supplies for the proposed project as applicant will need to comply with EHS requirements prior to operate and ensure sufficient water supply is available. Impacts are considered less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) As mentioned above under Section VII Soils, applicant shall comply with I.C. Public Health Department comment letter and email dated June 25, 2021, which mentions that the applicant must have an engineer certify the waste water septic system (if any) to be in compliance to the increase of capacity to their proposed amount of personnel and visitors. It is expected that compliance with Public Health requirements prior starting operations would bring any impact to less than significant levels

¹⁰ Office of Historic Preservation <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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 will be require to comply with EHS comment email dated June 26, 2021 for Solid Waste Requirements, the applicant shall contract with a licensed commercial waste hauler for all of their solid waste disposal needs. Waste collection shall be performed a minimum of once a week. Compliance with EHS requirements would bring impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? e) As mentioned above under item d), the proposed project will be require to comply with EHS requirements for solid waste; therefore, impacts are considered to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XX. **WILDFIRE**

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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? a) The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and it is designated as a LRA Unzone per the California Department of Forestry and Fire Projection Map for Imperial County Draft Fire Hazard Draft Severity Zones in LRA. Additionally, applicant will need to comply with Imperial County Fire Department requirements per letter dated May 25, 2021. Therefore, any impacts would be considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? b) The proposed project is in a generally flat terrain and would be subject to I.C. Fire Department requirements to ensure that any impacts related to wildfire risks exposing project occupants to pollutant concentrations from a wildfire would be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? c) The route of access will be require to support safety and emergency response vehicles in all-weather situations per Public Works comment letter dated May 24, 2021; however it is not anticipated that improvements to the an existing vehicular access would exacerbate fire risk or that may result in temporary or ongoing impacts to the environment as it would be subject to I.C. Public Works Engineering Design Guidelines. Impacts are considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 in a generally flat terrain and it is not located in a flooding zone, therefore it is not expected that it would 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. Impacts are considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Revised 07/13/2021

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

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

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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
- Patricia Valenzuela, 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 (IID)

(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. Imperial County Important Farmland 2016 Map
3. Imperial County Williamson Act FY 2016/2017 Map
4. California Department of Conservation Earthquake Zone Map
<https://maps.conservation.ca.gov/cgs/EQZApp/>
5. Department of Conservation Tsunami Inundation Maps
<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=tsunami>
6. EnviroStor Database
<http://www.envirostor.dtsc.ca.gov/public/>
7. 1996 Airport Land Use Compatibility Plan
<https://www.icpds.com/assets/hearings/airport-land-use-commission/aluc-compatibility-plan-1996-part-1.pdf>
8. FEMA Flood Map Service Center
<https://msc.fema.gov/portal/search?AddressQuery=4895%20hovley%20rd.%2C%20brawley#searchresultsanchor>
9. California Department of Conservation
<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>
10. Office of Historic Preservation
<http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

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: Bending Tree, LLC (Le Tournesel Event Center)

Project Applicant: Grace & Clyde Edgar

Project Location: 4895 Holvey Road, Brawley, CA 92227

Description of Project: The applicant intends to provide an "Event Center" location that caters to wedding's, birthday parties, Quinceanera's and other similar small-scale private events. Applicant expect to host no more than four events per month, generally from October through April, with no events held during summer months. The events would be limited in hours from 12:00 p.m. (noon) to 11:00 p.m., and with a capacity of no more than 200 people.

The facility only provides the location, which includes restroom(s), change/preparation room, and a large grass area for seating and assembly. The event organizer has to provide any or all of the following depending on the event: music, food, entertainment, DJ's, etc. The site has parking to accommodate about 150 cars; parking is partially grass, partially road base.

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.

7/29/21
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

7/29/21
Date

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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Attachment "A"

EEC ORIGINAL PKG

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4238

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

1. PROPERTY OWNER'S NAME Bended Tree LLC ETAL		EMAIL ADDRESS mrsedgo@aol.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 4895 Hovley Rd., Brawley, Ca		ZIP CODE 92227	PHONE NUMBER 602-418-6826
3. APPLICANT'S NAME Grace and Clyde Edgar		EMAIL ADDRESS mrsedgo@aol.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 4895 Hovley Rd., Brawley, Ca		ZIP CODE 92227	PHONE NUMBER same
4. ENGINEER'S NAME NA	CA. LICENSE NO.	EMAIL ADDRESS	
5. MAILING ADDRESS (Street / P O Box, City, State) NA		ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 037-130-021		SIZE OF PROPERTY (in acres or square foot) 40 AC +/-	ZONING (existing) A-2
7. PROPERTY (site) ADDRESS 4895 Hovley Rd., Brawley, Ca.			
8. GENERAL LOCATION (i.e. city, town, cross street) North of HWY 111/86 and east of the Smlex Laterl			
9. LEGAL DESCRIPTION TR 99 T 13S R 14 E			

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)		Event Center, limited use (See attached)
11. DESCRIBE CURRENT USE OF PROPERTY		Residence and Olive Tree farm
12. DESCRIBE PROPOSED SEWER SYSTEM		Septic
13. DESCRIBE PROPOSED WATER SYSTEM		R.O. private water system
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM		water storage tank
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? none

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

Laura Benson Vanderwoghe
 Print Name _____ Date 10/12/20
 Signature Laura Benson Vanderwoghe
 Print Name _____ Date _____
 Signature _____

REQUIRED SUPPORT DOCUMENTS

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

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. D. <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 _____	

CUP #

Le Journesol Event Center

For: Mr. and Mrs. Edgar

Project Description:

Mr. & Mrs. Edgar plan to provide an "event" center location that caters primarily to weddings, birthday parties, Quinceanera's and other similar small-scale private events. They expect to host no more than four such events per month, generally from October through April, with no events held during the summer months. These events would also be limited in hours, from noon to 11 PM, and with a capacity of no more than 200 people with an average attendance expect between 25 and 75.

Mr. & Mrs. Edgar will only provide the "location" insofar that the event organizer has to provide any or all of the following depending on the event; music, food, entertainment, DJ's, etc.

The site has ample parking for about 150 cars. The parking is partially grass and partially road base. The facility does provide restroom(s), change/preparation room, and a large grass area for seating and assembly.

Access to the project site will be from Hovley Road. Traffic management on Hovley Road will consist of signage located along Hovely Rd. for about a ¼ mile north and south of the turning area. Depending on the number of guests for any specific event increase signage may be provided.

The site is the personal residence for Mr. & Mrs. Edgar, so these events will be strictly supervised and limited.

Project Location:

The general location of this proposed event center is north of the City of Brawley and north of HWY 111.

The site address is 4895 Hovley Rd., Brawley and the APN is 037-130-021. The property is currently owned in an LLC known as the Bended Tree LLC, with Laura Benson Vandeweghe as the authorized representative. This is a family owned parcel of land. The overall property is 40 acres however only the northwest corner of the 40 acres property, where the residence and olive trees are located will be used for the event center.

Land Use Data:

APN:	037-130-021
Zone:	A-2 (General Agriculture)
GP:	General Plan designation is Agriculture

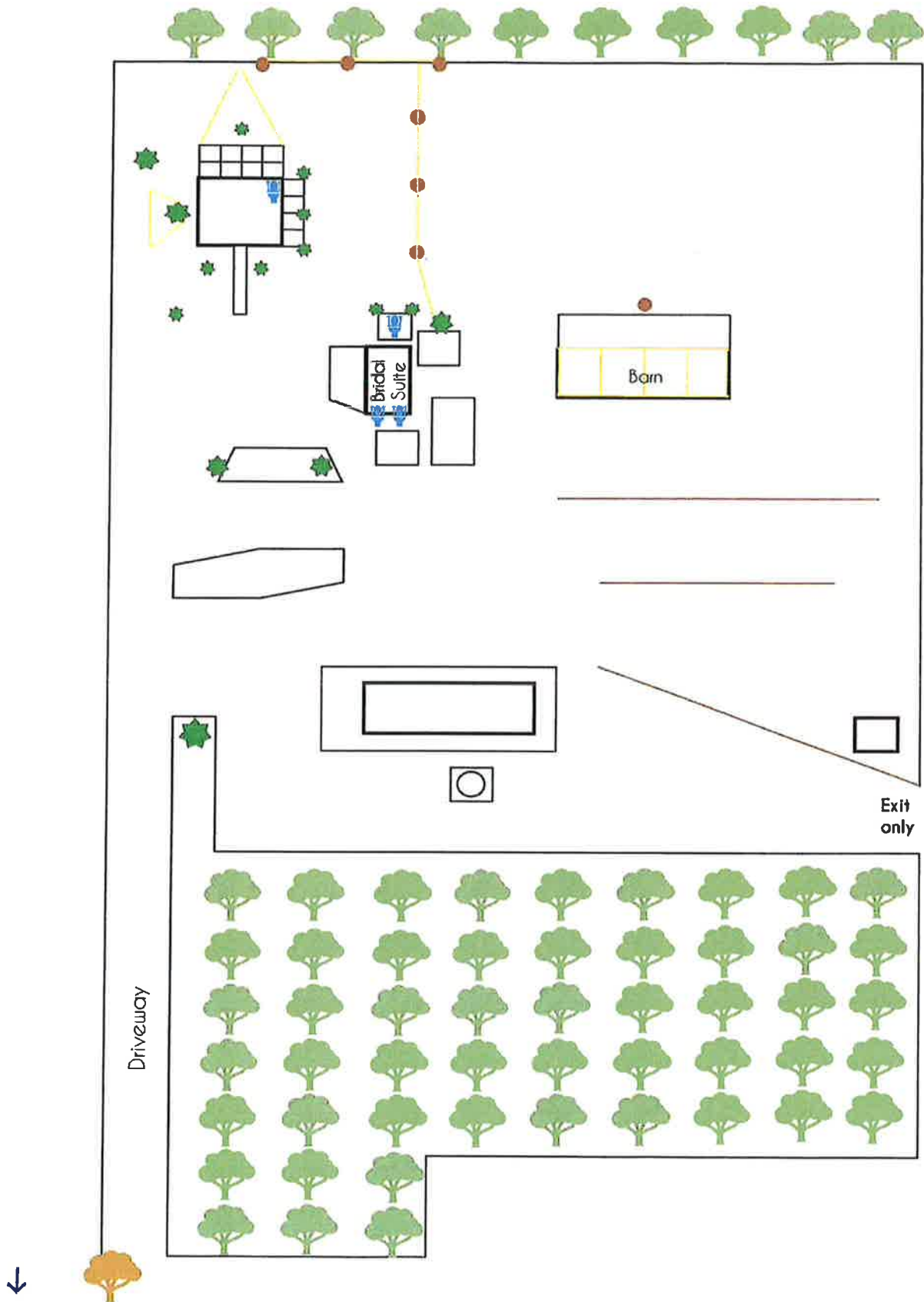
Support Documents (attached):

- Site Plan

Le Jounesol Event Center

For: Mr. and Mrs. Edgar

- General location map
- Aerial showing location of adjacent residential uses
- Example of typical Event Contract
- Photo's of the site

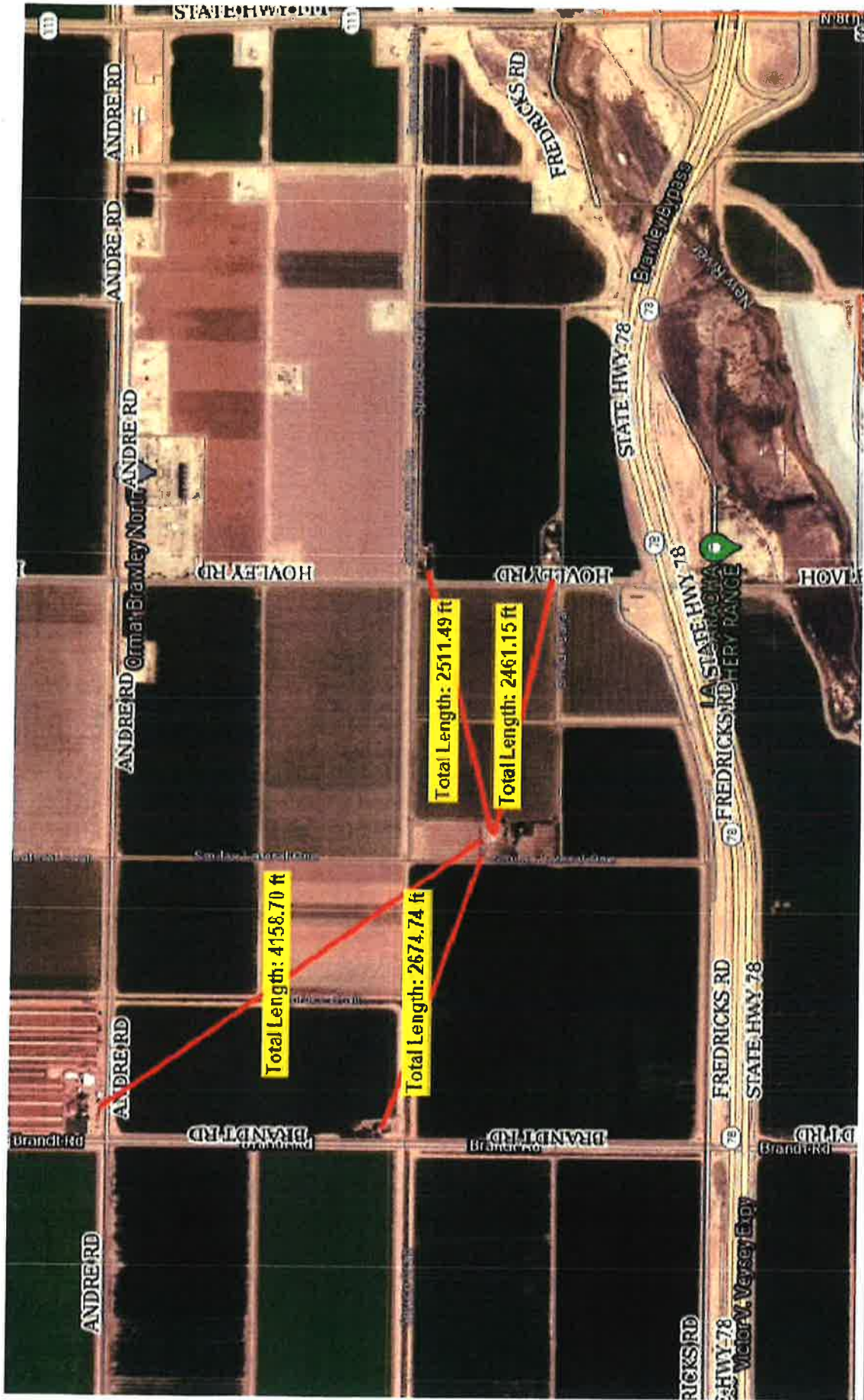


Default Title



		<p>09/28/2020</p>	<p>Sub Title</p>	<p>1" = 752 ft</p>
<p>This map may represent a visual display of related geographic information. Data provided here on is not guarantee of acurual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.</p>				

Default Title



1" = 1505ft

Sub Title

09/09/2020



This map may represent a visual display of related geographic information data provided hereon is not guaranteed of actual field conditions. To be sure of complete accuracy please contact the responsible staff for most up to date information.

Le Tournesol Special Events and Wedding Venue Contract

This agreement is made between Grace Edgar/Robyn Watte and _____.

Today's Date: _____

Event Date: _____

1) VENUE RENTAL FEE(S):

(a) The Clients or Representative for the Client(s), agree to pay an initial nonrefundable deposit of 50% of the total of all fees of \$1,250. This payment serves to hold the venue for the specified date of event or wedding and is payable at the time of contract signature. A \$250.00 refundable security deposit will be returnable to the client(s) up to two weeks after the event has been held once property has been inspected for any potential damage from the event or wedding. If there is excess garbage after the event and there is an extra dump required, we will take \$40 from the security deposit.

(b) The remaining agreed upon VENUE RENTAL FEES will be due 30 days prior to the date of the event.

(c) Payments may be made via cash delivery, check, or Venmo.

2) DATE CHANGES:

In the event the Client(s) is forced to change the date of the event or wedding every effort will be made by Le Tournesol to transfer reservations to support the new date. The Client(s) agrees that in the event of a date change any expenses including but not limited to deposits and fees that are non-refundable and non-transferable are the sole responsibility of the Client(s). The Client(s) further understands that last minute changes can impact the quality of the event and that Le Tournesol is not responsible for these compromises in quality.

3) CANCELLATIONS:

In the event of a cancellation of a special event or wedding, all payments made to date are non-refundable. We understand that sometimes it is necessary to change or cancel a reservation. All cancellations or reservation changes must be made in writing. The guest is responsible for verifying that Le Tournesol, Grace Edgar and Robyn Watte, (Venue Coordinators) have received their cancellation letter. We cannot refund any advance payment for a canceled reservation unless the ranch is re-rented for the entire period and prepayment has cleared. We will make every effort to re-book the house; however, if it is not re-booked, you forfeit all monies paid. If a cancellation is successfully re-rented, all the rent, taxes and damage/security deposit will be refunded, less a \$100 cancellation fee.

4) RULES AND REGULATIONS:

The following is a list of rules and regulations to be upheld by Client(s), which includes all EVENTS PLANNERS, WEDDING COORDINATORS, and VENDORS who are involved in the planning and execution of the special event on the premises of Le Tournesol.

- **Event Planner/Coordinator:** Every event held at Le Tournesol must have an event coordinator. This includes wedding planners, event planners, day-of coordinators, and designated individuals not participating in the festivities.
- **Parking:** All vehicles associated in any way with the event or wedding must be parked within the parking area or the drive. No vehicles shall be parked on any other lawn surface unless granted permission by the owners. The maximum parking capacity is 250 people. If there are more guests, you will need to shuttle guests to the venue from our empty lot down the street.
- **Barbecues/Grills:** Barbecues and grills are to be used outside only. No fires are to be started directly on the grounds of the venue.
- **Candles:** All candles must be contained or enclosed in glass. The flame must not reach higher than 2 inches below the height of the glass.
- **Restrooms and Event Prep Area:** The suite needs to be cleaned up after the event. If anything is broken or the facilities are excessively dirty, funds will be taken from the security deposit. Provided restroom capacity on property facilitates 300 people. Events exceeding 300 people need to bring in additional restrooms.

5) EVENT TIMES:

- a) The Client(s) may arrive on the property beginning at 12 PM the day before the event to set up and has until 12 PM the day following the event to break down.
- b) All outdoor events must end by 12 AM on Friday and Saturday evenings and 10 PM on Sunday-Thursday evenings to allow for cleanup and closure of the site by midnight.

6) DECORATIONS:

Decorations may not be hung with tape, wire, nails or screws in the Bridal Guest Home, Main House, or covered barn that are damaging to the venue. All decorations must be removed without leaving damages by 12 PM the following day, unless special arrangements have been made between the Client(s) and the venue. Any decorations ("DIY" decorations) must be approved by the owners and must be removed the morning after the event, by 12 PM. Any balloons brought to the property need to be popped before they are thrown in the trash.

Note: The use of birdseed, flower petals, balloons, fitter, sparklers, pyrotechnics and blowing bubble is permitted only outside for wedding and reception farewells. Rice is not permitted inside or outside the facility.

7) INSURANCE:

Client(s), with the assistance Le Tournesol (Grace Edgar), shall maintain Commercial General Liability Insurance including Host Liquor liability, in an amount not less than \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage. Such Insurance shall name Le Tournesol as additional insured, and a certificate of insurance with an endorsement must be provided 30 days prior to the event.

8) LIQUOR/BEVERAGES/ILLEGAL SUBSTANCES:

All liquor must be served by an Insured Licensed Bartender. The Bar closes 1 hour before the music has ended, all alcoholic beverages will be removed and placed in a secure location for removal from the premise. THERE IS A NO SHOT POLICY! Dollar dance shots may use jello shots only. Alcohol may not be served to minors. Illegal substances are not allowed at any time on the premise. Drunken/Violent disturbances are prohibited and subject to immediate removal from the premise and possible termination of event without refund.

9) SECURITY DEPOSIT: A \$250.00 security deposit will be returned 15 days after the event if there is no damage and venue policies have been followed at the ranch. If any damages exceed the amount of the security deposit, they shall be the responsibility of the person financially responsible for the event. If there is excess garbage after the event and there is an extra dump required, we will take \$50 from the security deposit.

10) MUSIC: All music must end by 10 PM during weekdays and 12 AM on weekends.

11) SMOKING: Le Tournesol is a non-smoking venue. Smoking will be permitted only in designated areas.

12) CHILDREN: All children under the age of 16 MUST be supervised always!

13) PHOTOGRAPHY: This venue uses live, video and still photography to assist with promotion of the venue. All photos taken at Le Tournesol by your Photographer will also be the property of the ranch and will be used for promotional purposes. NO boudoir or nude photography is permitted anywhere at the ranch.

14) WEEKEND'S EVENTS: This contract and fee covers the cost of the main event only. If you wish to host any other event on the property that weekend, there will be an additional charge and a separate contract.

SIGNATURES:

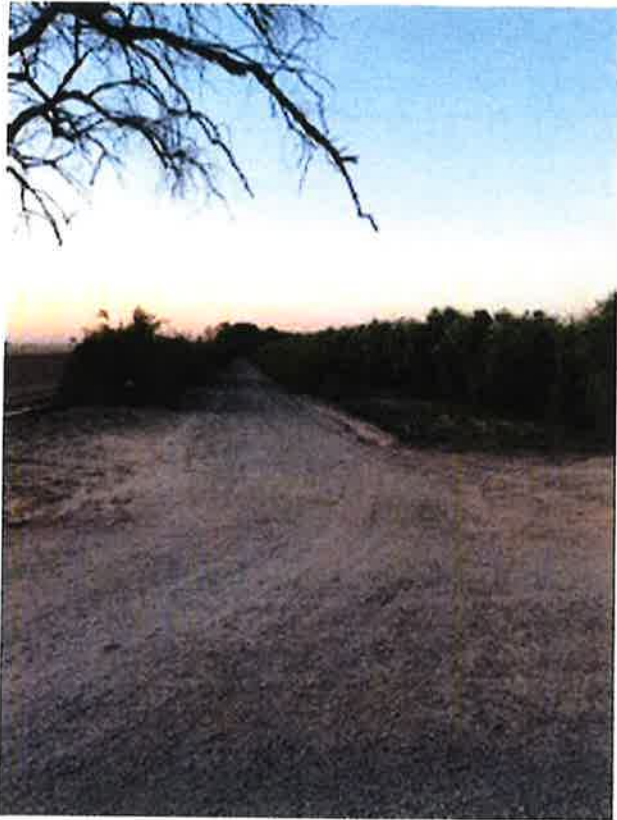
Party receiving services: Client(s) or agent of couple (Financially responsible for all the above).

By: _____ Date: _____ Email: _____

By: _____ Date: _____

Le Tournesol Events Venue:

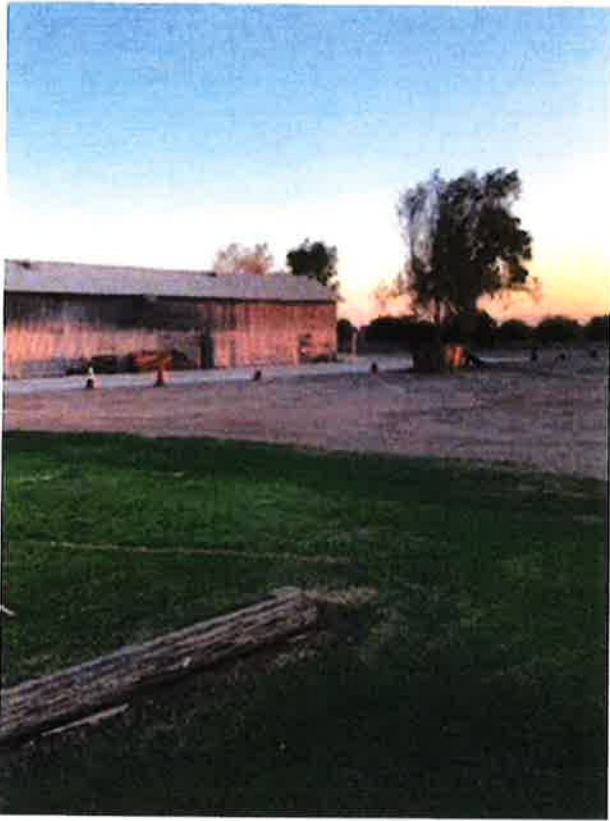
By: _____ Date: _____



Private driveway to site



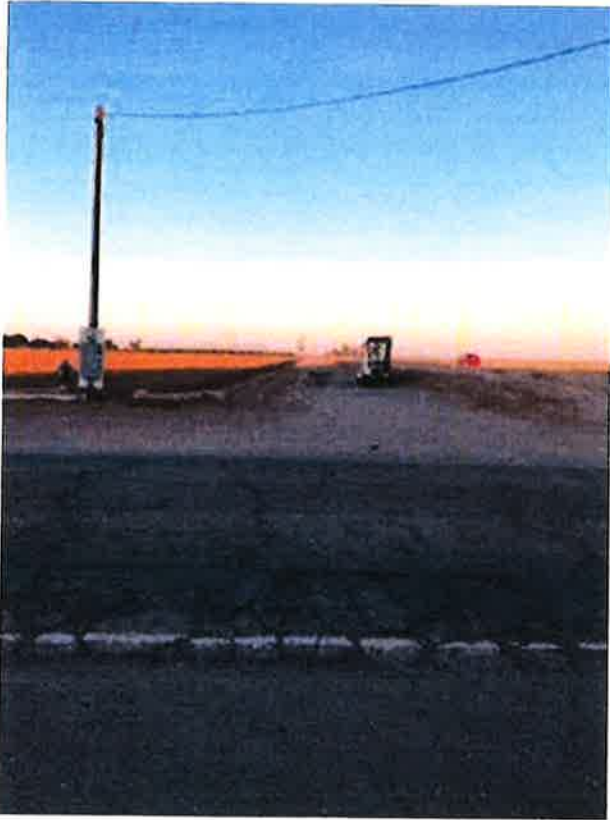
View of backyard



Parking area



Yard where events are staged



Hovley Rd intersection facing dirt road to west & site!



Hovely Road north!



Hovley Rd. facing south



View from house toward entry road!

Attachment "B"

EEC ORIGINAL PKG



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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CountyDpw/](https://twitter.com/CountyDpw/)

Public Works works for the Public



May 24, 2021

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

Attention: Patricia Valenzuela, Planner IV

**SUBJECT: Grace and Clyde Edgar Bended Tree, LLC
CUP 20-0026**
Located 4895 Hovley Road, Brawley, CA
APN 037-130-021-001

RECEIVED

MAY 24 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Dear Mr. Minnick:

This letter is in response to your submittal received by this Department on April 29, 2021 for the above-mentioned project. Applicant intends to provide an "event center" location to allow catering of weddings, birthday parties, quinceanera's, and similar small-scale private events.

According to our records, the project site does not have legal access to a publicly maintained road. It appears as though access to the site requires one to cross adjoining properties. Applicant shall provide evidence that access across adjoining property(ies) is permissive prior to this project moving forward.

Upon Applicant providing evidence that the project site has legal access, Department staff has the following comments for Conditions of Approval:

1. The route of access to project site shall be able to support safety and emergency response vehicles in all-weather situations.
2. Applicant shall install paved driveway at access point at paved County road per County of Imperial Department of Public Works Engineering Design Guidelines Manual.

INFORMATIVE:

The following items are for informational purposes only. The Applicant is responsible to determine if the enclosed items affect the subject project.

- 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).

An Equal Opportunity / Affirmative Action Employer

C:\Users\Guadalupe Vasquez\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\CRR10W10\CUP20-0026 - Draft (05-20-21) - Rev FO.doc

EEC ORIGINAL PKG

- All on-site traffic areas shall be hard surfaced to provide all-weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) Standards as well as those of the Air Pollution Control District (APCD).
- 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:
<https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>
- As this project proceeds through the planning and the approval process, additional comments and/or requirements may apply as more information is received.

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

Respectfully,



John A. Gay, P.E.
Director of Public Works

Kimberly Noriega

From: Margo Sanchez
Sent: Wednesday, May 12, 2021 9:39 AM
To: ICPDSCCommentLetters; Patricia Valenzuela; Valerie Grijalva
Subject: CUP20-0026 - Request for Comments

Good morning Ms. Valenzuela,

The Agricultural Commissioner's office has reviewed CUP20-0026 for Grace and Clyde Edgar of Bended Tree, LLC located at 4895 Hovley Road, Brawley, California and has No Comment for this project.

Best regards,
Margo



Margo E. Sanchez
Deputy Agricultural Commissioner/Sealer
Imperial County
agcom.imperialcounty.org
442.265.1500

RECEIVED
MAY 18 2021
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: [Jorge Perez](#)
To: [Mariela Moran](#)
Cc: [Jeff Lamoure](#); [Trina Hamby](#); [Patricia Valenzuela](#)
Subject: RE: CUP20-0026 - Request for Comments
Date: Friday, June 25, 2021 4:02:04 PM
Attachments: [image001.png](#)

Hi Mariela,

Please see Environmental Health comments related to CUP#20-0026:

Water Requirements

Based on the amount and frequency of people served, the applicant will be required to comply with public water system standards. This requires the installation, maintenance and reporting for a public water system. Based on the project location, the source water is likely from a nearby surface water canal. As a result, the facility will likely need an approved surface water treatment plant installed that is designed by a qualified engineer. The surface water treatment plant must be an approved technology. Additionally, prior to constructing any water related infrastructure, a preliminary engineering report shall be completed by a qualified engineer that must address the elements as outlined in Section 116527 of the California Health & Safety Code.

Septic Requirements

Records show the property has an existing septic system installed for residential use. However, due to the proposed change in use (i.e. residential to commercial, commercial food preparation, increase in persons served), the septic system will need to be modified or redesigned. The applicant must contact a qualified engineer to determine the extent of modification/redesign that is needed to comply with existing County Ordinance.

Solid Waste Requirements

The applicant shall contract with a licensed commercial waste hauler for all of their solid waste disposal needs. Waste collection shall be performed a minimum of once a week.

Commercial Kitchen Requirements

If food preparation or serving will be conducted at the event center, the applicant is required to comply with California Retail Food Code. The structural and sanitation requirements shall be based on the food service activity to be conducted, the type of food that is to be prepared or served, and the extent of food preparation that is to be conducted at the event center. The applicant may desire to operate the facility in a manner that would not involve the facility preparing, serving or storing food or drinks.

For additional details on any of the items listed above, the applicant is encouraged to contact our office. For water, septic or solid waste questions, applicant can contact Jorge Perez. For commercial kitchen requirements, the applicant can contact Trina Hamby.

Please let us know if you have any questions.

Regards,

Jorge A. Perez

Imperial County Division of Environmental Health
P: 442-265-1888 – C: 760-427-1190

From: Mariela Moran <MarielaMoran@co.imperial.ca.us>

Sent: Friday, June 25, 2021 8:57 AM

To: Jorge Perez <JorgePerez@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>

Subject: FW: CUP20-0026 - Request for Comments

Good morning,

This email is a follow up on behalf of Patricia Valenzuela for any comments on CUP20-0026. Should your Department have "no comments" please let us know.

Thank you,

From: Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>

Sent: Wednesday, April 28, 2021 2:27 PM

To: Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Ryan Kelley <RyanKelley@co.imperial.ca.us>; Adam Crook <AdamCrook@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; Donald Vargas - IID <DVargas@IID.com>; Gordon Gaste - City of Brawley <ggaste@brawley-ca.gov>; superintendent@brawleyhigh.org; beth.landrum@dot.ca.gov; felicia_sirchia@fws.gov

Cc: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>

Subject: CUP20-0026 - Request for Comments

Good Afternoon,

Please see attached Request for Comments Packet for **Conditional Use Permit #20-0026**. Comments are due by **May 13, 2021 at 5:00 PM**.

In an effort to increase the efficiency at which information is distributed and

EEC ORIGINAL PKG



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

JANETTE ANGULO, M.P.A.
Director

STEVEN MUNDAY, M.P.H., M.S.
Health Officer

June 25, 2021

Patricia Valenzuela, Planner IV
IC Planning & Development Services
801 Main Street
El Centro, CA 92243

Subject: Environmental Health Comments for Proposed Conditional Use Permit #20-0026

Dear Ms. Valenzuela,

The Imperial County Division of Environmental Health (DEH) is providing the comments below in response to the request for review and comments for Conditional Use Permit #20-0026. The project is described as an "event center" to allow catering of weddings, birthday parties, quinceaneras, and other similar small-scale private events. Hours limited from noon to 11:00pm, with no more than 200 people capacity. This will be located at 4895 Hovley Road, Brawley, CA. The property is also described as Assessor's Parcel Number 037-130-021-001.

Please consider the following comments for the proposed project.

1. The applicant must undergo a food plan review with our office which includes certifying the facility kitchen.
2. The applicant must have an engineer certify the wastewater septic system (if any) to be in compliance to the increase of capacity to their proposed amount of personnel and visitors.

If you have any questions, please do not hesitate to contact me at 442-265-1888.

Sincerely,

Mario Salinas

Mario Salinas
Environmental Compliance Specialist I

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482-2427

Training

Phone: (442) 265-6011

**OPERATIONS/PREVENTION**

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

July 9, 2021

RE: Conditional Use Permit #20-0026
Le Tournesol Special Event and Wedding Venue
4895 Hovley Rd, Brawley CA 92227

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #20-0026, 4895 Hovley Rd. Brawley CA 92227. The following condition are to ensure fire safety is provided and maintained.

An approved water supply shall be required on site dedicated to fire suppression. Imperial County Fire Department shall determine the requirement base on the California Fire Code, NFPA, and local ordinances and requirements.

Access shall be minimum 20-foot wide roadway with all-weather surface capable of supporting fire apparatus loads. Roadways shall be supplied with an approved turn around for fire apparatus. Imperial County Fire Department shall determine the requirements base on the California Fire Code, NFPA, and local ordinance and requirements.

An approved fire safety and evacuation plan shall be submitted to Imperial County Fire Department/OES for review and approval. The fire safety and evacuation plan shall cover all required items as described in the California Fire Code.

Fireworks and pyrotechnics shall require approval from Imperial County Fire Department before use. Professional Public Display Pyrotechnics shall contact Imperial County Fire Department for approval before any event. Open flame devices and open burning shall require approval from Imperial County Fire Department before use.

This includes but not limited to:

- Fireworks (including California Safe and Sane)
- Sky Lanterns
- Open flame devices

All tents, canopies, and special event structures shall comply with the California Fire Code Chapter 31 and be approved and show tag by the State of California Fire Marshall Office flame rating.

Imperial County Fire Department shall inspect fully enclosed structures used for assembly use for further requirements that may include but not limited to:

- Automatic Fire Sprinklers

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Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482-2427

Training

Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
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Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention


Phone: (442) 265-3020

- Fire Alarms
- Egress
- Emergency lighting
- Occupant load

The project shall be in compliance at all times with requirements in the California Fire Code and local ordinances and requirements. Imperial County Fire Department shall conduct annual fire and life safety inspections

Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California Building and Fire Code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely
Andrew Loper 
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
Fire Prevention Bureau

Robert Malek
Deputy Chief
Imperial County Fire Department
Fire Prevention Bureau

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482-2427

Training

Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

May 11, 2021

RE: Conditional Use Permit #20-0026
Le Tournesol Special Event and Wedding Venue
4895 Hovley Rd, Brawley CA 92227

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #20-0026, 4895 Hovley Rd. Brawley CA 92227. The following condition are to ensure fire safety is provided and maintained.

An approved water supply shall be required on site dedicated to fire suppression. Imperial County Fire Department shall determine the requirement base on the California Fire Code, NFPA, and local ordinances and requirements.

An approved fire apparatus access road shall be provided. Imperial County Fire Department shall determine the requirements base on the California Fire Code, NFPA, and local ordinance and requirements.

An approved fire safety and evacuation plan shall be submitted to Imperial County Fire Department/OES for review and approval. The fire safety and evacuation plan shall cover all required items as described in the California Fire Code.

Fireworks and pyrotechnics shall be prohibited at all times. This includes but not limited to:

- Fireworks (including California Safe and Sane)
- Sky Lanterns
- Open flame devices

Professional Public Display Pyrotechnics shall contact Imperial County Fire Department for approval before any event.

All tents, canopies, and special event structures shall comply with the California Fire Code Chapter 31 and be approved by the State of California Fire Marshall Office flame rating.

Imperial County Fire Department shall inspect structures used for assembly use for further requirements that include but not limited to:

- Automatic Fire Sprinklers
- Fire Alarms
- Egress
- Emergency lighting
- Occupant load

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MAY 18 2021

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1078 Dogwood Road
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Phone: (442) 265-6000
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Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

The project shall be in compliance at all times with requirements in the California Fire Code and local ordinances and requirements. Imperial County Fire Department shall conduct annual fire and life safety inspections

Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California Building and Fire Code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely

Andrew Loper

Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
Fire Prevention Bureau

Robert Malek

Deputy Chief

Imperial County Fire Department
Fire Prevention Bureau

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May 13, 2021

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Event Facility Project; CUP Application No. 20-0026

Dear Ms. Valenzuela:

On April 28, 2021, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit application no. 20-0026. The applicants, Grace and Clyde Edgar/Bended Tree, LLC, propose to establish an event facility with a capacity of up to 200 people to allow for the accommodation of weddings, birthday parties, quinceañeras and other similar private events at 4895 Hovley Road, Brawley, California (APN 037-130-021-000).

The Imperial Irrigation District has reviewed the information and has the following comments:

1. To request electrical service for the proposed facility, the applicant should be advised to contact Ignacio Romo, IID Customer Project Development Planner, at (760) 482-3426 or e-mail Mr. Romo at igromo@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of approved project drawings (hard copy and in AutoCad file format), electrical one-line diagram, operating voltage requirement, electrical panel loads, size & location; construction schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Distribution-rated electrical service is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.

3. The CUP application's project description does not state where the project obtains its water. If the project is to receive water from IID then it must have water delivered by a State approved water provider.
4. IID water facilities that may be impacted include Simlax Lateral 1 and Spruce Lateral 1. The applicant may not use IID's canal or drain banks to access the facility site.
5. The project's road access is from Hovely Road and crosses over IID's Simlax Lateral 1. IID encroachment permits and an engineering plan review will be required. The IID Water Department Engineering Services section should be consulted prior to final project design. The IID WDES section can be contacted at (760) 339-9265 for further information on this matter.
6. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
7. 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
8. 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, 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.**

Patricia Valenzuela
May 13, 2021
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. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Jamie Asbury – Assoc. General Counsel
Vance Taylor – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate

EEC ORIGINAL PKG

Attachment "C"

EEC ORIGINAL PKG

July 9, 2021

TO: Jorge Perez and Jeff LaMoure
FROM: Jurg Heuberger on behalf of Clyde/Grace Edgar
RE: response to July 5th memo to Jim Minnick
Cc: Patricia Valenzuela

Jorge:

I represent the applicant in this project and am taking the opportunity to provide some information to you and your office regards to their project. Thank you first of all for your comments and we recognize that there are some concerns that your office needs to address.

The responses are in order of the comments:

Water Requirement:

This venue does not provide water by the owner of the property. Each venue participant/sponsor is required by their contract with the land owner to provide all refreshments including drinking water. The property does have a water supply from the canal which is then put through a filtration system and a chlorinator as well as a UV light. However, this water is for hand washing only and not as drinking water. All faucets will be clearly marked for that reason. The drinking water that the property owner for their own use has on hand is also triple AAA or equal, but again not to be supplied to event participants.

The CUP can make this as a formal condition as well.

Septic Requirements:

There are in fact two existing septic tanks on site, both are pre-existing, date unknown. The one septic system is for the house and the other is for the detached structure including the two restrooms. Once again however the event sponsor is required to provide "porta-poties" or the equivalent. In the past they have used the services of a provider that supplies the more formal restrooms (men/women on a trailer with hand washing etc.) similar to larger event organizations versus the more common small fiberglass single units. The only restrooms that may get used are for the bridal preparation are restroom and the two exterior stalls. In the past they have had events there that have as many as 200 people and have never had a problem with the system.

The CUP can again condition this.

Solid Waste:

The owner does have a contract with CR & R to provide dumpster and solid waste disposal and will continue to do so.

Commercial kitchen:



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

JANETTE ANGULO, M.P.A.
Director

STEPHEN MUNDAY, M.D., M.P.H., M.S.
Health Officer

July 16, 2021

Patricia Valenzuela, Planner IV
Mariela Moran, Planner II
ICPDS
801 Main Street
El Centro, CA 92243

RECEIVED

JUL 27 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Subject: CUP#20-0026 – Response to Letter from Applicant

Dear Ms. Valenzuela & Ms. Moran,

On June 25, 2021, our agency provided you with comments in response to the application and supporting documents for CUP#20-0026. The proposed project, located at 4895 Hovley Road, north of the City of Brawley, is for a proposed event center located in a rural setting. In response to our comments, Mr. Jurg Heuberger, representing the applicant, responded to our agency comments in a letter dated July 9, 2021. This letter is in response to Mr. Heuberger's comments.

Based on additional operational details provided, and following a conversation with Mr. Heuberger, our division proposes the following conditions to be included in the proposed Conditional Use Permit:

Water Requirement:

In order not be subject to public water system requirements, the total number of events in a year shall not exceed 59. If total events are 60 or more in a year, the applicant will be subject to public water system requirements.

Septic Requirements:

Applicants are to provide adequate number of port-a-potties served by a locally permitted septage hauler for all events to prevent the usage of restrooms currently connected to the on-site septic systems. On-site septic systems shall not be utilized during any event, except for the "bridal suite" restroom.

Commercial Kitchen:

Food and beverages shall only be provided by a locally permitted caterer for all events. No food shall be prepared or processed on-site. No warewashing of tableware, dishes, food serving equipment, etc., shall be conducted on-site.

Solid Waste:

Applicant shall contract with a locally licensed commercial solid waste hauler for regular waste pickup service.

Carina Gomez

From: Patricia Valenzuela
Sent: Wednesday, July 28, 2021 1:15 PM
To: Rosa Soto; Carina Gomez
Cc: Michael Abraham
Subject: FW: Reconsideration of EEC Agenda- Request to Remove Item
Attachments: CUP20-0026 Signed Letter.pdf

Please print and add to the project.

Patricia

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JUL 28 2021
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Timothy Reilly <TimothyReilly@co.imperial.ca.us>
Sent: Wednesday, July 28, 2021 9:02 AM
To: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Cc: Francisco Olmedo <FranciscoOlmedo@co.imperial.ca.us>; Dennis Richmond <DennisRichmond@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>
Subject: Reconsideration of EEC Agenda- Request to Remove Item

Good Morning Michael and Patricia,

Regarding the Bended Tree Event Center project (CUP #20-0026) that is on tomorrow's EEC agenda:

ICDPW detected that the project site may not have legal access to a public road. We shared that observation at the earliest opportunity realizing that it could potentially kill the Applicant's project.

If the Applicant does not currently have legal access rights across their neighbor's property, and cannot obtain those access rights, the County cannot, by way of a permit, allow the Applicant to cross their neighbors property. The project would then be dead no matter how much the Applicant invests in the project. If the Applicant does have a right (an easement to cross their neighbor's property), it would certainly be considered an overburdening of the easement to go from one or two cars per day using access to 100 cars per day on any given weekend. The neighboring property owner could therefore restrict the use of the easement to limit the number of cars using the easement. The project would similarly be dead. For that reason, Public Works suggested that the project not move forward until the access right is confirmed. We intended to save the Applicant additional investments towards a project that might not be possible.

Because we've decided to move forward with the project, we may be thrusting two neighbors into litigation. The entitlement that the Applicant hopes to receive, or does receive, from the County is useless without the necessary access right across the neighboring property for 100 vehicles on any given weekend day. The entitlement does not provide access rights. If the Applicant tries to assert their entitlement, and their neighbor feel harmed as a result, lawsuits usually follow close behind.

The access challenge is great enough that I feel, and others too, that the item should be pulled from the EEC agenda until the Applicant provides evidence of an access right. By moving forward, we may be compounding the difficulty of obtaining a right not yet possessed.

Please reconsider removing the item from the EEC agenda. I would rather discuss this with the Applicant privately than in an open forum. The delay the Applicant may sense would likely be outweighed by avoidable and/or unnecessary project investments if access rights (for 100 cars) are unobtainable. Additionally, I also feel that the transportation



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DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

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

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May 24, 2021

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

Attention: Patricia Valenzuela, Planner IV

**SUBJECT: Grace and Clyde Edgar Bended Tree, LLC
CUP 20-0026**
Located 4895 Hovley Road, Brawley, CA
APN 037-130-021-001

Dear Mr. Minnick:

This letter is in response to your submittal received by this Department on April 29, 2021 for the above-mentioned project. Applicant intends to provide an "event center" location to allow catering of weddings, birthday parties, quinceanera's, and similar small-scale private events.

According to our records, the project site does not have legal access to a publicly maintained road. It appears as though access to the site requires one to cross adjoining properties. Applicant shall provide evidence that access across adjoining property(ies) is permissive prior to this project moving forward.

Upon Applicant providing evidence that the project site has legal access, Department staff has the following comments for Conditions of Approval:

1. The route of access to project site shall be able to support safety and emergency response vehicles in all-weather situations.
2. Applicant shall install paved driveway at access point at paved County road per County of Imperial Department of Public Works Engineering Design Guidelines Manual.

INFORMATIVE:

The following items are for informational purposes only. The Applicant is responsible to determine if the enclosed items affect the subject project.

- 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).

An Equal Opportunity / Affirmative Action Employer

C:\Users\Guadalupe Vasquez\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\CRR10WL0\CUP20-0026 - Draft (05-20-21) - Rev FO.doc

EEC ORIGINAL PKG

Carina Gomez

From: Patricia Valenzuela
Sent: Wednesday, July 28, 2021 1:17 PM
To: Carina Gomez
Subject: FW: CUP20-0026 - EEC Package

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JUL 28 2021

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

From: jurgheberger@gmail.com <jurgheberger@gmail.com>
Sent: Tuesday, July 27, 2021 7:58 PM
To: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>
Subject: RE: CUP20-0026 - EEC Package

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

Pat here are my comments:

I can address these with John if need be but let's consider these first:

Paving driveway makes no sense. Access is via a dirt (private) road that serves as access to several farm fields. Certainly paving to their property off of a dirt road also does not make sense. Besides they have used this access for the house for decade and for 5 or 6 times a year events this is a non-start.

The road handles all kinds of heavy farm equipment even in inclement weather so a fire engine should have no difficulty.

With regard to the "informative " items I believe these would be acceptable to the applicant as most already are being done.

Lets discuss after you review..

Jurg

From: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Sent: Tuesday, July 27, 2021 5:08 PM
To: JURG HEUBERGER <jurgheberger@gmail.com>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: FW: CUP20-0026 - EEC Package

Jurg

PW is looking for a response to their comment letter. We should resolve this before Thursday

Francisco Olmedo, P.E.
Senior Engineer

Imperial County Department of Public Works

155 S. 11th Street
El Centro, California 92243
Office: (442) 265-1818
Fax: (442) 265-1858
Email: FranciscoOlmedo@co.imperial.ca.us

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July 28, 2021

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

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JUL 29 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Attention: Patricia Valenzuela, Planner IV

**SUBJECT: Grace and Clyde Edgar Bended Tree, LLC
CUP 20-0026**
Located 4895 Hovley Road, Brawley, CA
APN 037-130-021-001

Dear Mr. Minnick:

This letter is in response to your submittal received by this Department on April 29, 2021 for the above-mentioned project. Applicant intends to provide an "event center" location to allow catering of weddings, birthday parties, quinceanera's, and similar small-scale private events.

According to our records, the project site does not have legal access to a publicly maintained road. It appears as though access to the site requires one to cross adjoining properties. Applicant shall provide evidence that access across adjoining property(ies) is permissive prior to this project moving forward.

Upon Applicant providing evidence that the project site has legal access, Department staff has the following comments for Conditions of Approval:

1. The route of access to project site shall be able to support safety and emergency response vehicles in all-weather situations.
2. Applicant shall agree to maintain existing access point at paved County road as determined by the Director of Public Works. Acceptable forms of maintenance may include compacted class two base or gravel. Applicant shall apply for an encroachment permit for any work to be done within County of Imperial right of way.

INFORMATIVE:

The following items are for informational purposes only. The Applicant is responsible to determine if the enclosed items affect the subject project.

- 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). Applicant shall provide information to Public

*Stephen Benson, Member Bended Tree LLC
Carolyn F. Benson, Successor Trustee for the Henrietta Benson Trust dtd January 30, 1967*

July 28, 2021

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

RECEIVED

JUL 29 2021

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: **Grace and Clyde Edgar Bended Tree, LLC**
CUP 20 – 0026
Located 4895 Hovley Road, Brawley, CA
APN 037-130-021-001

Dear Mr. Minnick:

My daughter, Grace Benson Edgar, has informed me of a letter dated May 24, 2021, written by John A. Gay, Director of Public Works directed to your department stating that Grace and Clyde Edgar (Applicant) need to provide evidence that the project site has legal access.

The access road to the project site is the northern boundary of SMILAX 58 & 59 (aka Little Sims), west of 4895 Hovley Road, Brawley, California. This property has been owned and farmed by the Benson family since the early 1960's. The current owner of the property is the Henrietta Benson Trust of January 30, 1967, of which I am the successor trustee. Benson Farms, LLC is the present tenant. The house, auxiliary buildings & grounds known as 4895 Hovley Road, owned by Bended Tree LLC, as mentioned in said Conditional Use Permit has permission to use the access road with no restrictions.

To satisfy dust mitigation, John R. Benson Farms, Inc has signed a service agreement with Grace and Clyde Edgar to provide the service of watering the access roads as required, prior to an event and following an event. Please see attached contract.

Sincerely,



Carolyn F. Benson



Stephen Benson

Cc: John A. Gay

EEC ORIGINAL PKG

SERVICE AGREEMENT

This Contract for Services is made effective as of July 28, 2021, by and between Grace and Clyde Edgar of 4895 Hovley Road, Brawley, California 92227 (the "Recipient"), and John R Benson Farms Inc. of 30 East Shank Road, Brawley, California 92227 (the "Provider").

1. DESCRIPTION OF SERVICES. Beginning on July 28, 2021, John R Benson Farms Inc. will provide to Grace and Clyde Edgar the following services (collectively, the "Services"):

John R Benson Farms Inc. will provide the service of watering the roads surrounding the property of 4895 Hovley Road, Brawley, California prior to and after scheduled events on said property to mitigate dust.

2. PAYMENT. Grace and Clyde Edgar agrees to pay John R Benson Farms Inc. as follows:

Service will be billed at \$80 per hour. Recipients will be billed monthly for services rendered. Payment will be due 30 days after invoice date.

In addition to any other right or remedy provided by law, if Grace and Clyde Edgar fails to pay for the Services when due, John R Benson Farms Inc. has the option to treat such failure to pay as a material breach of this Contract, and may cancel this Contract and/or seek legal remedies.

3. TERM. This Contract may be terminated by either party upon 15 days' prior written notice to the other party.

4. DEFAULT. The occurrence of any of the following shall constitute a material default under this Contract:

- a. The failure to make a required payment when due.
- b. The insolvency or bankruptcy of either party.
- c. The subjection of any of either party's property to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or government agency.
- d. The failure to make available or deliver the Services in the time and manner provided for in this Contract.

5. ATTORNEYS' FEES AND COLLECTION COSTS. If there is dispute relating to any provisions in this Contract, the prevailing party is entitled to, and the non-prevailing party shall pay, the costs and expenses incurred by the prevailing party in the dispute, including but not limited to all out-of-pocket costs of collection, court costs, and reasonable attorney fees and expenses.

11. AMENDMENT. This Contract may be modified or amended in writing by mutual agreement between the parties, if the writing is signed by the party obligated under the amendment.

12. GOVERNING LAW. This Contract shall be construed in accordance with the laws of the State of California.

13. NOTICE. Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

14. WAIVER OF CONTRACTUAL RIGHT. The failure of either party to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

15. ATTORNEY'S FEES TO PREVAILING PARTY. In any action arising hereunder or any separate action pertaining to the validity of this Agreement, the prevailing party shall be awarded reasonable attorney's fees and costs, both in the trial court and on appeal.

16. CONSTRUCTION AND INTERPRETATION. The rule requiring construction or interpretation against the drafter is waived. The document shall be deemed as if it were drafted by both parties in a mutual effort.

17. ASSIGNMENT. Neither party may assign or transfer this Contract without the prior written consent of the non-assigning party, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

Service Recipient:
Grace and Clyde Edgar

By: _____

Date: _____

Service Provider:
John R Benson Farms Inc.

By: Carolyn F Benson
President

Date: July 28, 2021