

PROJECT REPORT

TO: Planning Commission

AGENDA DATE: January 27, 2021

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 a.m. / 2

PROJECT TYPE: Albert Garzon-Conditional Use Permits #20-0018 SUPERVISOR DIST# 5

LOCATION: 6535 Evan Hewes Highway APN: 056-210-030-000

Winterhaven, CA PARCEL SIZE: +/- 10 Acres

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

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

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 01/27/2021

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 12/17/2020

INITIAL STUDY: #20-0024

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE CONDITIONAL USE PERMITS #20-0018 BY TAKING THE FOLLOWING ACTIONS:

- 1) ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED AT THE ENVIRONMENTAL EVALUATION COMMITTEE HELD ON THE DECEMBER 17, 2020;
- 2) MAKE THE DE MINIMUS FINDINGS AS RECOMMENDED AT THE DECEMBER 17, 2020 EEC HEARING THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODES; AND,
- 3) ADOPT THE ATTACHED RESOLUTION AND SUPPORTING FINDINGS, APPROVING CONDITIONAL USE PERMITS (CUP) #20-0018, SUBJECT TO ALL THE CONDITIONS, AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP CONTRACT UPON RECEIPT FROM THE APPLICANT.

STAFF REPORT
Planning Commission
January 27, 2021
Conditional Use Permits (CUP) #20-0018

Applicant: Albert Garzon

Owner: Albert Garzon & Jessica Garzon Trustees

Project Location:

The project is located at 6535 Evan Hewes Highway, Winterhaven, CA. The project is identified as Assessor Numbers 056-210-030-000; and it is legally described as the West half of the West Half of the Southwest Quarter of the Southwest Quarter of Section 36, T16S, R19E, SBBM. Project total acreage is approximately 10 acres.

Project Description:

Applicant is proposing to develop a water well for a future vacation residence, which may include a shop/storage building to house applicant's off-road vehicles and various on-site materials; and a potential R.V. parking area for his friends. Applicant is requesting the pumping of 10-acre feet of groundwater per year. The 10-acre feet per year (AFY) of groundwater allocation requested is based on usage described as follows:

- Between .5 to 1.5 acre feet of water a year is a typical amount for residential use in an arid region
- With the storage building/shop, it is expected that another .5 to 1 acre feet a year would be use for maintenance of the off-road equipment and restroom usage.
- To install a certain amount of landscaping primarily shade trees, windbrakes, etc., it is anticipated that another 2 to 4 acre feet of water a year would be needed.
- 2 to 3 acre feet of water a year is expected to be used for dust control.
- The RV parking area, if developed, would require .5 to 1 acre feet of water a year, and would be subject to an approved Conditional Use Permit.

Therefore, the water allocation usage will be subject to the development of the requested uses as described below:

- Residence, landscaping and dust control: 8-acre feet of water a year.
- Storage/Building Shop: 1-acre feet of water a year.
- RV parking area: 1-acre feet of water a year.

Hydrogeologic Report:

The project references the 2020 Hydrogeologic Report for CUP #20-0009 (etal.) Gordon Wells that was prepared by Dudek. The Gordon Wells project are four (4) groundwater

wells approved for a total of 1,000 AFY located in close proximity East of the proposed project. As such, the Project site lies in the East Mesa GMA of the Salton Trough and is located within the Lower Colorado River Accounting Surface, which in response to the 1964 U.S. Supreme Court decision requires a determination of whether Project groundwater pumping will result in extracted water being replaced by water drawn from the Colorado River.

Per Dudek’s email dated November 17, 2020, the water demand estimate for CUP #20-0018 seems reasonable for full-time occupancy of the residence. As such, the estimate is likely conservative since the property use is primarily for vacation and may not be occupied year round. Based on the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP #20-0009, 20-0010, 20-001 and 20-0012, Dudek mentioned that there is sufficient water supplies available to pump an additional 10 AFY to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Land Use Analysis:

Project’s total acreage is 10 acres and it is zoned S-2 (Open Space/Preservation). The project site is surrounded by BLM land to the West, and S-2 (Open Space/Preservation), to the East. The Evan Hewes Highway is located South of the proposed project site, and further South the All American Canal. Overall, the project site is surrounded by desert landscape. A residence is a permitted use in the S-2 zone, and the proposed project is considered consistent with Division 21 (Water Well Regulations), Section 92102.00 from the Imperial County Land Use Ordinance Title 9, which requires a Conditional Use Permit for a water well.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Vacant	S-2	Recreation/Open Space
North	Open Space	S-2	Recreation/Open Space
South	Open Space	BLM	Recreation/Open Space
East	Open Space	S-2	Recreational/Open Space
West	Open Space	BLM	Recreation/Open Space

Environmental Determination:

On December 17, 2020, the Environmental Evaluation Committee (EEC) determined that CUP #20-0018 for a new water well would not have a significant effect on the environment and recommended a Negative Declaration (ND) be prepared. The EEC also made the De Minimus Finding that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Codes.

On December 18, 2020, the public notice for the ND was filed with the Imperial County Clerk-Recorders and was posted and circulated for a 20-day comment period from 12/17/2020 to 01/06/2021.

Staff Recommendation:

It is recommended that you conduct a public hearing and that you hear all the opponents and proponents of the proposed project. Staff would then recommend that you take the following action:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing on December 17, 2020;
2. Make the De Minimus Finding as recommended at the December 17, 2020 EEC hearing that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes; and
3. Adopt the attached Resolution(s) and Supporting Findings, and Conditional Use Permit (CUP) #20-0018, subject to all the Conditions and authorize the Planning & Development Services Director to sign the CUP upon receipt from the applicant.

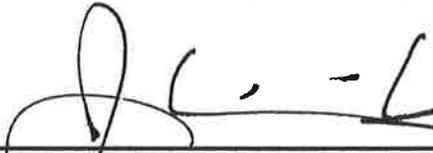
PREPARED BY: Mariela Moran, Planner II
Planning & Development Services

A handwritten signature in blue ink, appearing to read 'Sor' followed by a stylized name, possibly 'Mariela Moran'.

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



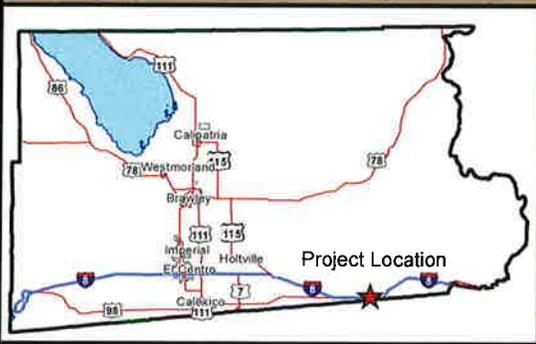
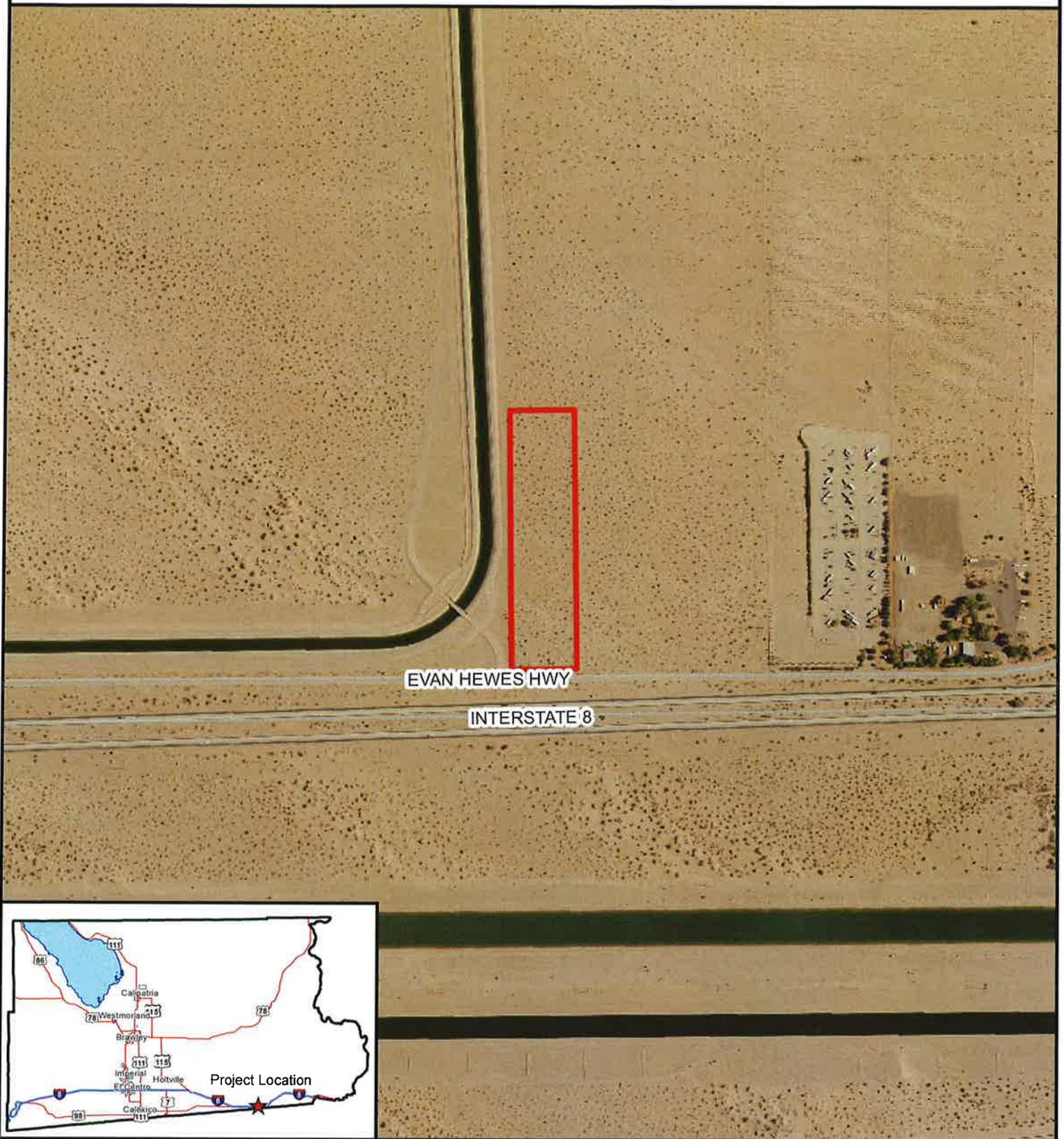
APPROVED BY: Jim Minnick, Director
Planning & Development Services



- ATTACHMENTS:**
- A. Location Map
 - B. Site Plan
 - C. CEQA Resolution
 - D. PC Resolution
 - E. CUP #20-0018 - Conditions of Approval
 - F. EEC Package
 - G. Comment Letters

Attachment "A"

PROJECT LOCATION MAP



ALBERT GARZON
CUP# 20-0018 / IS# 20-0024
APN# 056-210-030-000

 Project Parcel
 Centerline

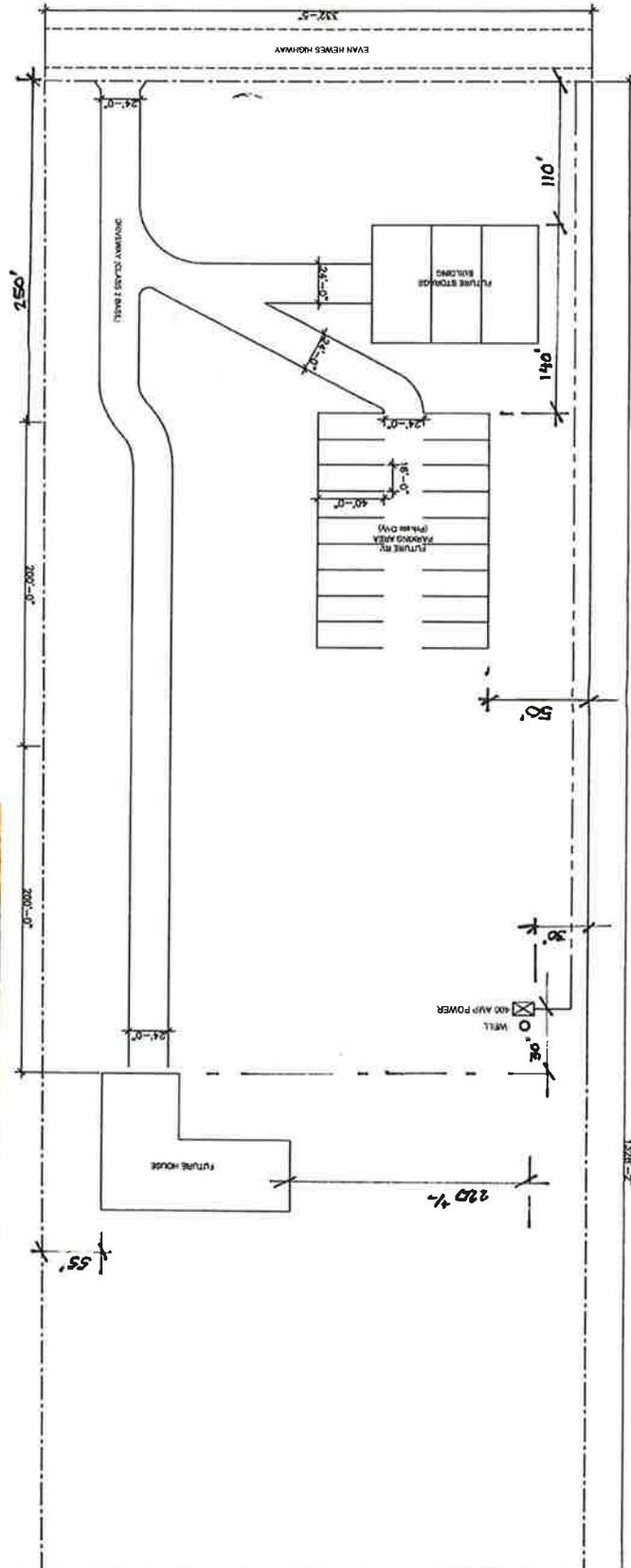


Attachment "B"

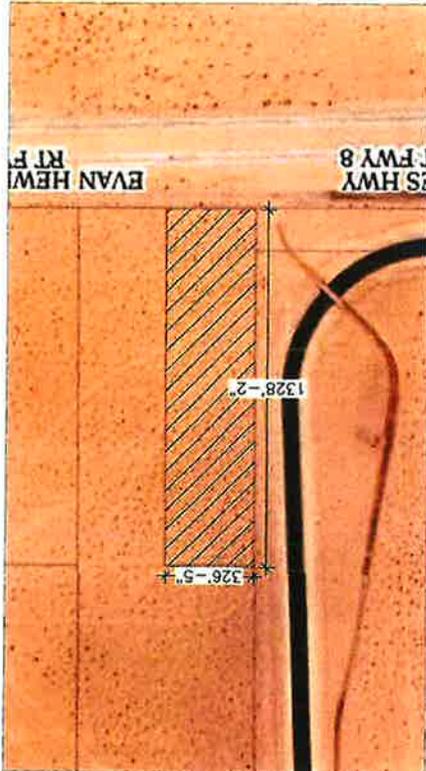


SITE PLAN FOR ALBERT GARZON
APN 056-210-030-000
10AC

SCALE: 1/64" = 1'-0"



NOT TO SCALE



Attachment “C”

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING “NEGATIVE DECLARATION” (INITIAL STUDY #20-0024) FOR CONDITIONAL USE PERMIT #20-0018.

WHEREAS, on December 2, 2020, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for December 17, 2020;

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

WHEREAS, on December 17, 2020, the Environmental Evaluation Committee heard the project and recommend to the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit #20-0018; and

WHEREAS, the Negative Declaration was circulated for 20 days from December 17, 2020 to January 6, 2021;

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

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

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Conditional Use Permit #20-0018. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the attached Negative Declaration (ND) for Conditional Use Permits #20-0018 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Conditional Use Permit #20-0018.

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

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on January 27, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Attachment “D”

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, TO APPROVE CONDITIONAL USE PERMITS #20-0018 AND CONDITIONS OF APPROVAL FOR ALBERT GARZON WATER WELL PROJECT

WHEREAS, Albert Garzon has submitted an application for Conditional Use Permit #20-0018 for a new water well.

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

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

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on January 27, 2021:

WHEREAS, on December 17, 2020, the Environmental Evaluation Committee heard the proposed project and recommended the Planning Commission Adopt the Negative Declaration;

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

SECTION 1. The Planning Commission has considered Conditional Use Permit #20-0018 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Conditional Use Permit and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Conditional Use Permit #20-0018 have been made:

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

The subject property is designated as "Recreation/Open Space" per Imperial County's General Plan, Land Use Element, and it is currently zoned "S-2" (Open Space/Preservation) by the Imperial County Land Use Ordinance. The proposed project is therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01 "Conditional Use Permit" which authorizes Intermediate Conditional Use Permit when approved by the

County. The proposed project is for a water wells and are a conditionally permitted use pursuant to County's Land Use Ordinance (Section 92102.00).

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

The Project could be found consistent with the purpose of the zone it is located within. The proposed new water well will be used for residential use as identified in the project application. Section 92102.00 of the Imperial County Land Use Ordinance governs water wells. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to the Water Well Regulation (Land Use Ordinance, Section 92102.00).

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.

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

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

The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

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

The proposed new water may utilize up to 10 acre-foot of water per year as set out in the project application. This use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

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

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA. The proposed project will be subject to a Condition of Conditional Use Permit #20-0018 and current Federal, State, and Local regulations.

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

The proposed new water well is a permitted use subject to the conditions of approval of CUP #20-0018 (Land Use Ordinance, Section 92102.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #20-0018 subject to the Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on January 27, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Attachment "E"

1 Recorded Requested by and
When Recorded Return To:

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

6 **AGREEMENT FOR CONDITIONAL USE PERMIT #20-0018**
7 **ALBERT GARZON**
8 **(Water Well)**
9 **(_____ by the Planning Commission on January 27, 2021)**

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

14 **RECITALS**

15 **WHEREAS**, Permittee is the owner, lessee or successor in interest in certain land
16 in Imperial County located on 6535 Evan Hewes Highway, Winterhaven, CA, and further
17 described as the West half of the West half of the Southwest Quarter of the Southwest
18 Quarter of Section 36, T16S, R19E, SBBM, Assessor's Parcel Number 056-210-030-000;

19 **WHEREAS**, Permittee has applied to the County to construct, drill and operate a
20 new water well as stated in the project application;

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

1 **WHEREAS**, the County, after a noticed public hearing, agreed to issue Conditional
2 Use Permit #20-0018 to Permittee, and/or his or her successor in interest subject to the
3 following conditions:
4

5
6 **GENERAL CONDITIONS:**

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

12 **G-1 GENERAL LAWS:**

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

17 **G-2 PERMIT/LICENSE:**

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

27 **G-3 RECORDATION:**

28 This permit shall not be effective until it is recorded at the Imperial County Recorders
Office, and payment of the recordation fee shall be the responsibility of the Permittee. If
the Permittee fails to pay the recordation fee within six (6) months from the date of
approval, and/or this permit is not recorded within 180 days from the date of approval, this
permit shall be deemed null and void, without notice having to be provided to Permittee.
Permittee may request a written extension by filing such a request with the Planning
Director at least 30 days prior to the original 180-day expiration. The Director may approve
an extension for a period not to exceed 180 days. An extension may not be granted if the
request for an extension is filed after the expiration date.

1 **G-4 CONDITION PRIORITY:**

2 This project shall be constructed and operated as described in the Conditional Use Permit
3 application, the Environmental Assessment, the project description, and as specified in
4 these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall
govern and take precedence.

5 **G-5 INDEMNIFICATION:**

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

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

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

16 **G-7 SEVERABILITY:**

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

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

20 The provisions of this project are to run with the land/project and shall bind the current
21 and future owner(s) successor(s)-in-interest; assignee(s) and/or transferee(s) of said
22 project. Permittee shall not without prior notification to the Planning and Development
23 Services Department assign, sell, or transfer, or grant control of project or any right or
24 privilege therein. The Permittee shall provide a minimum of 60 days written notice prior
to such proposed transfer becoming effective. The permitted use identified herein is
25 limited for use upon this parcel described herein and may not be transferred to another
26 parcel.
27

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

2 Upon the determination by the Planning and Development Services Department that the
3 project is or may not be in full compliance with any one or all of the conditions of this
4 Conditional Use Permit, or upon the finding that the project is creating a nuisance as
5 defined by law, the issue shall be brought immediately to the appropriate enforcement
6 agency or to the Planning Commission for hearing to consider appropriate response
7 including but not limited to the revocation of the CUP or to consider possible amendments
8 to the CUP. The hearing shall be held upon due notice having been provided to the
9 Permittee and to the public in accordance with established ordinance/policy.

10 **G-10 TIME LIMIT:**

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

23 **G-11 COSTS:**

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

G-12 WATER AND SEWER:

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

G-13 DEFINITIONS:

In the event of a dispute, the meaning(s) or intent of word(s) phrase(s) and/or conditions
or sections herein shall be determined by the Planning Commission of Imperial County.

1 Their determination shall be final unless an appeal is made to the Board of Supervisors
2 10 days from the date of their decision.

3 **G-14 SPECIFICITY:**

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

8 **G-15 HEALTH HAZARD:**

9 If the County Health Officer determines that a significant health hazard exists to the public,
10 the County Health Officer may require appropriate measures and the Permittee shall
11 implement such measures to mitigate the health hazard. If the hazard to the public is
12 determined to be imminent, such measures may be imposed immediately and may
13 include temporary suspension of the subject operations. However, within 45 days of any
such suspension of operations, the measures imposed by the County Health Officer must
be submitted to the Planning Commission for review, and nothing shall prohibit Permittee
from requesting a special Commission meeting and Permittee bears all costs.

14 **G-16 CHANGE OF OWNER/OPERATOR:**

15 In the event the ownership of the site or the operation of the site transfers from the current
16 Permittee to a new successor Permittee, the successor Permittee shall be bound by all
17 terms and conditions of this Permit as if said successor was the original Permittee. Current
18 Permittee shall inform the County Planning and Development Services Department in
19 writing at least 60 days prior to any such transfer. Failure of a notice of change of
20 ownership or change of operator shall be grounds for the immediate revocation of the
21 CUP. In the event of a change, the new Owner/Operator shall file with the Department,
22 via certified mail, a letter stating that they are fully aware of all conditions and
acknowledge that they will adhere to all. If this Permit or any subservient or associated
permit requires financial surety, the transfer of this Permit shall not be effective until the
new Permittee has requisite surety on file. Furthermore, existing surety shall not be
released until replacement surety is accepted by Imperial County. Failure to provide
timely notice of transfer by Permittee shall forfeit current surety.

23 **G-17 COMMENCEMENT OF WORK:**

24 No commencement of work until all conditions pursuant to the CUP has been satisfied.
25 Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to
26 the Planning Director prior to commencement.

27 (TOTAL "G" CONDITIONS are 17)

1 **WATER WELL SPECIFIC CONDITIONS**

2 **S-1 WATER USAGE:**

3 This permit allows the Permittee to drill and operate a new water well, which will supply
4 water for the purpose of dust control, residential use, and a RV parking area. The water
5 allocation will be subject to the development of the requested uses as described below,
6 with a water extraction limit of 10 acre-feet of water a year:

- 7 • Residence, landscaping and dust control: 8 acre feet of water a year.
- 8 • Storage/Building Shop: 1 acre feet of water a year.
- 9 • RV parking area: 1 acre feet of water a year.

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

11 Water from the wells shall **not** be used, sold, nor given to any individuals or entities and
12 used for the purpose as identified in the project description.

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

14 A flow meter shall be installed and sealed by a California-Licensed Water Well Drilling
15 Contractor. Permittee shall submit a drilling and logging report every six (6) months to
16 the Department of Public Works and the Planning and Development Services Department
17 indicating the amount of water extracted from the well. A photograph (dated and signed)
18 of the flow meter readings shall be included in the report. The report shall be received
19 within thirty (30) days following the date of the issuance of the Conditional Use Permit and
20 the well is spudded. In the event of a flow meter failure, the Permittee shall be required
21 to cease the water well operation and notify the Planning and Development Services
22 Department. The Permittee may be allowed to temporarily substitute the flow meter for
23 an alternative measuring device with the approval of the Planning and Development
24 Services Department.

25 **S-4 WELL REPLACEMENT:**

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

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

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

8
9 **S-5 NO SLANT DRILLING:**

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

11 **S-6 WELL ABANDONMENT:**

12 Should the water well be "abandoned" at any time for more than twenty four (24) consecutive months, Permittee shall seal/cap the well according to standards set by the State and in a manner acceptable to the County Building Official.

13 (Abandonment shall mean as follow :)

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

15
16
17 **S-7 WELL REMOVAL:**

18 Permittee shall properly destroy any well on the property if replaced or abandoned. The well shall be destroyed according to State standards and in a manner acceptable to the County Building Official. A copy of the well driller's report by a California State Licensed Water Well Drilling Contractor shall be sent to the Department of Public Works and the Planning and Development Services Department within thirty (30) days following the destruction of the water well.

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22 **S-8 WELL REGISTRATION:**

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

1
2 **S-9 WATER ENTITLEMENT.**

3 The groundwater at the subject project site has been determined to be Colorado River
4 Water. Prior to any well construction, the Permittee must obtain a water entitlement or make
5 arrangements to use another entity's water entitlement. Based on the proposed location of
6 the new well, within the Lower Colorado Water Supply Project accounting surface area,
7 subject water proposed to be extracted is entitled Colorado River water. As such, Permittee
is not authorized for water extraction and shall not extract any groundwater without the
Permittee first obtaining entitlement from Colorado River Board of California (its authorized
agents).*

8 **S-10 PERMITTING:**

9 The Permittee shall obtain all required permits from the Department of Public Works,
10 Department of Environmental Health Services (EHS), Air Pollution Control District
11 (APCD), Colorado River Board of California and other applicable federal and state
agency(s).

12 **S-11 ARCHAEOLOGICAL RESOURCES/HUMAN REMAINS (HSC 7051 & PRC
13 5097.98)**

14 In the event of discovery or recognition of any human remains in any location other than a
15 dedicated cemetery there shall be no further excavation or disturbance of the site or any
16 nearby area reasonably suspected to overlie adjacent remains until the coroner of the
17 Imperial County has determined, in accordance with Chapter 10 (commencing with Section
18 27460) of Part 3 of Division 2 of Title 3 of the Government Code that the remains are not
19 subject to the provision of Section 27491 of the Government Code. If the Coroner
determines that the remains are not subject to his or her authority and if the coroner
recognizes the human remain to be those of a Native American, or has reason to believe
that they are those of a Native American, he or she shall contact, by telephone within 24,
the Native American Heritage Commission.

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

25
26
27 **S-12 ENVIRONMENTAL HEALTH SERVICES:**

1 Once the applicant applies for a Building Permit with Imperial County Planning and
2 Development Services Department and the email is routed, the applicant will need to
3 undergo a plan review with Division of Environmental Health. Necessary documents for the
4 plan review will be requested from Division of Environmental Health once the Building
5 Permit is initiated.**

6 **S-13 IMPERIAL IRRIGATION DISTRICT:**

- 7 1. To request electrical service for the new well pump, the applicant should be advised
8 to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3300
9 or email Mr. Lopez at JFLopez@IID.com to initiate the customer service application
10 process. In addition to submitting a formal application (available at
11 <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to
12 submit a complete set of approved plans (including CAD files), construction schedule,
13 completion date, one-line electrical diagrams, electrical loads, panel sizes, and the
14 applicable fees, permits, easements and environmental compliance document
15 pertaining to the provision of electrical service to the pump. The applicant shall be
16 responsible for all costs and mitigation measures related to providing electrical
17 service to the pump.
- 18 2. Please note that electrical capacity is limited in the area and a circuit study may be
19 required for the project development. If the circuit improvements are required, the
20 applicant shall be financially responsible for any offsite work identified in the circuit
21 study.
- 22 3. Any construction or operation on IID property or within its existing and proposed right
23 of way or easements including but not limited to surface improvements such as
24 proposed streets, driveways, parking lots, landscape; and all water, sewer, storm
25 water, or any other above or underground utilities; will require an encroachment
26 permit, or encroachment agreement (depending on the circumstances). A copy of
27 the IID encroachment permit application and instruction are available at
28 <http://www.iid.com/departments/real-estate>. The IID Real Estate Section should be
contacted at (760) 339-9239 for additional information regarding encroachment
permits or agreements.
4. 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, 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.***

26 **S14 RECOMMENDATION FROM GROUNDWATER EXTRACTION FEASIBILITY**
27 **ANALYSIS AND HYDROGEOLOGIC REPORT DATED JUNE 2020 (DUDEK):**

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1. Applicant shall conduct pumping test for existing and or new Project production wells to determine site-specific values for transmissivity and storativity. These site specific values should be collected from Project wells for general minerals, and nitrate, fluoride, sulfate, boron, and selenium, which have been identified as potential contaminates of concern in the Imperial Valley Groundwater Basin.
2. Applicant shall provide the Project annually report production, and groundwater level and groundwater quality data.
3. Applicant shall provide a production and groundwater level data be recorded on a monthly frequency and that water quality be analyzed semi-annually in the spring and fall. Groundwater quality results should be evaluated for trend and compared to available Colorado River water quality above Imperial Dam.

* City of Needles email dated December 15, 2020.

** EHS email dated November 16, 2020.

*** Imperial Irrigation District comment letter dated November 30, 2020.

(TOTAL "S" CONDITIONS are 14)

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NOW THEREFORE, County hereby issues Conditional Use Permit #20-0018 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

PERMITTEE :

By _____ Date _____
Albert Garzon

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

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

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FOR PERMITTEE NOTARIZATION

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

STATE OF CALIFORNIA

COUNTY OF _____ } S.S.

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

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

WITNESS my hand and official seal

Signature _____

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

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

1 **FOR COUNTY NOTARIZATION**

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

4 STATE OF CALIFORNIA

5 COUNTY OF _____ } S.S.

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

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

17 WITNESS my hand and official seal

18
19 Signature _____

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

23 Title or Type of Document _____

24 Number of Pages _____ Date of Document _____

25 Signer(s) Other Than Named Above _____

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Attachment “F”

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE AGENDA DATE: December 17, 2020

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 2

PROJECT TYPE: CUP #20-0018 SUPERVISOR. DIST: #5

Albert Garzon

LOCATION: 6535 Evan Hewes Highway APN: 056-210-030-000

Winterhaven, CA PARCEL SIZE: ± 10 acres

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

ZONE (existing) S-2 (Open Space Preservation) ZONE 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: 12/17/2020

INITIAL STUDY: #20-0024

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION Addendum to FEIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS

NONE

ATTACHED

AG

NONE

ATTACHED

APCD

NONE

ATTACHED

E.H.S.

NONE

ATTACHED

FIRE / OES

NONE

ATTACHED

SHERIFF.

NONE

ATTACHED

OTHER

(See Attached)

REQUESTED ACTION:

SEE ATTACHED

Planning & Development Services

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

(Jim Minnick, Director)

S:\AllUsers\APN\056\210\030\CUP 20-0018\EEC\IS20-0024 ProjRpt.docx

EEC ORIGINAL PKG

- NEGATIVE DECLARATION**
- MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis
For:*

**Conditional Use Permit #20-0018
Initial Study #20-0024
Albert Garzon**



Prepared By:

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

December, 2020

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	14
I. AESTHETICS.....	14
II. AGRICULTURE AND FOREST RESOURCES.....	14
III. AIR QUALITY.....	15
IV. BIOLOGICAL RESOURCES.....	16
V. CULTURAL RESOURCES	17
VI. ENERGY	17
VII. GEOLOGY AND SOILS	17
VIII. GREENHOUSE GAS EMISSION	19
IX. HAZARDS AND HAZARDOUS MATERIALS	19
X. HYDROLOGY AND WATER QUALITY	20
XI. LAND USE AND PLANNING	22
XII. MINERAL RESOURCES	22
XIII. NOISE	22
XIV. POPULATION AND HOUSING	23
XV. PUBLIC SERVICES	23
XVI. RECREATION.....	24
XVII. TRANSPORTATION	24
XVIII. TRIBAL CULTURAL RESOURCES	25
XIX. UTILITIES AND SERVICE SYSTEMS	25
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)	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 Conditional Use Permit #20-0018 (Refer to Exhibit "A" & "B"). For purposes of this document, the Conditional Use Permit will be called the "proposed project".

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:** Conditional Use Permit #20-0018, Albert Garzon
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Mariela Moran, Planner II, (442)265-1736, ext. 1747
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** marielamorán@co.imperial.ca.us
6. **Project location:** 6535 Evan Hewes Highway, Winterhaven, CA 92283
7. **Project sponsor's name and address:** Albert Garzon
1909 Saxton Lane, El Cajon, CA 92021
8. **General Plan designation:** Recreation/Open Space
9. **Zoning:** S-2 (Open Space/Preservation)
10. **Description of project:** Applicant is proposing to develop a water well for a future vacation residence which may include a shop/storage building to house applicant's off-road vehicles and various on-site materials; and a potential R.V. area. Applicant is requesting a water intake of 10 acre feet of water a year. The 10 acre feet a year allocation requested is based on usage described as follows:
 - Between .5 to 1.5 acre feet of water a year is a typical amount for residential use in an arid region
 - With the storage building/shop it is expected that another .5 to 1 acre feet a year would be used for maintenance of the off-road equipment and restroom usage.
 - To install a certain amount of landscaping primarily shade trees, windbrakes, etc., it is anticipated that another 2 to 4 acre feet of water a year would be needed.
 - 2 to 3 acre feet of water a year is expected to be used for dust control.
 - The RV area, if developed, would require .5 to 1 acre feet of water a year.
11. **Surrounding land uses and setting:** The proposed project site is located on the north side of Evan Hewes Highway, West of a location commonly referred to as Gordons Well. Project's total acreage is 10 acres and it is zoned S-2 (Open Space/Preservation). The project site is surrounded by BLM land to the West, and S-2 (Open Space/Preservation), to the East. The Evan Hewes Highway is located South of the proposed project site, and further South the All American Canal. Overall, the project site is surrounded by desert landscape.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): Planning Commission, Imperial County Public Works Department, Imperial County Fire Department, Imperial County Air Pollution Control District (ICAPCD), Imperial Irrigation District (IID), City of Needles.
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?**

The AB 52 Notice of Opportunity to consult on the proposed project letter was initially sent mailed via certified mail on November 16, 2020 for CUP #20-0018; to President Jordan D. Joaquin, from the Quechan Indian Tribe, at this date no comments have been received.

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

Date:

PROJECT SUMMARY

- A. Project Location:** The proposed project site is located on the north side of Evan Hewes Highway, West of a location commonly referred to as Gordons Well on Assessor's Parcel Numbers 056-210-030-000. Project's total acreage is 10 acres and it is zoned S-2 (Open Space/Preservation).
- B. Project Summary:** Applicant is requesting the approval of a new well for residential uses for a total allocation of 10 acre-feet of water yearly.
- C. Environmental Setting:** The proposed project is in a parcel currently vacant, the site is surrounded by BLM land to the West and S-2 (Open Space/Preservation) to the East and North. The Evan Hewes Highway is located South of the proposed project site, and further South the All American Canal. Overall, the project site is surrounded by desert landscape.
- D. Analysis:** Based on the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP # 20-0009, 20-0010, 20-001 and 20-0012, there is sufficient water supplies available to pump an additional 10 AFY to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. ¹
- E. General Plan Consistency:** Under the Land Use Element of the Imperial County General Plan, the project site is designated as "Recreation/Open Space", and it is zoned S-2 (Open Space/Preservation). The proposed project could be considered consistent with the General Plan since the drilling and operation water well is a permitted use with an approved Conditional Use Permit in the S-2 (Open Space/Preservation) zone, provided it complies with all other applicable local, State, or Federal regulations and/or requirements (i.e. Law of the River)

¹ Dudek comment email dated November 17, 2020.

Exhibit "A"
Vicinity Map

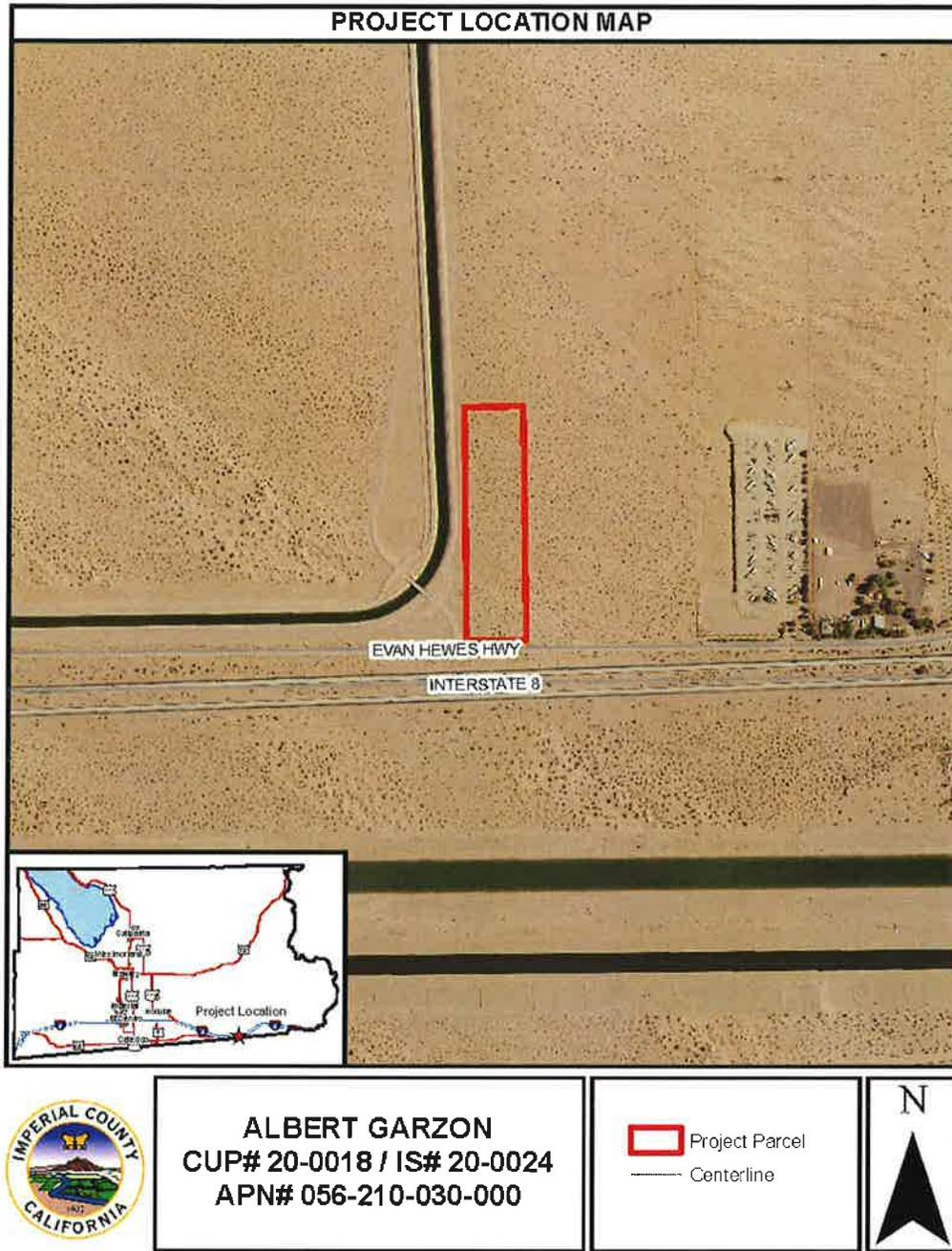
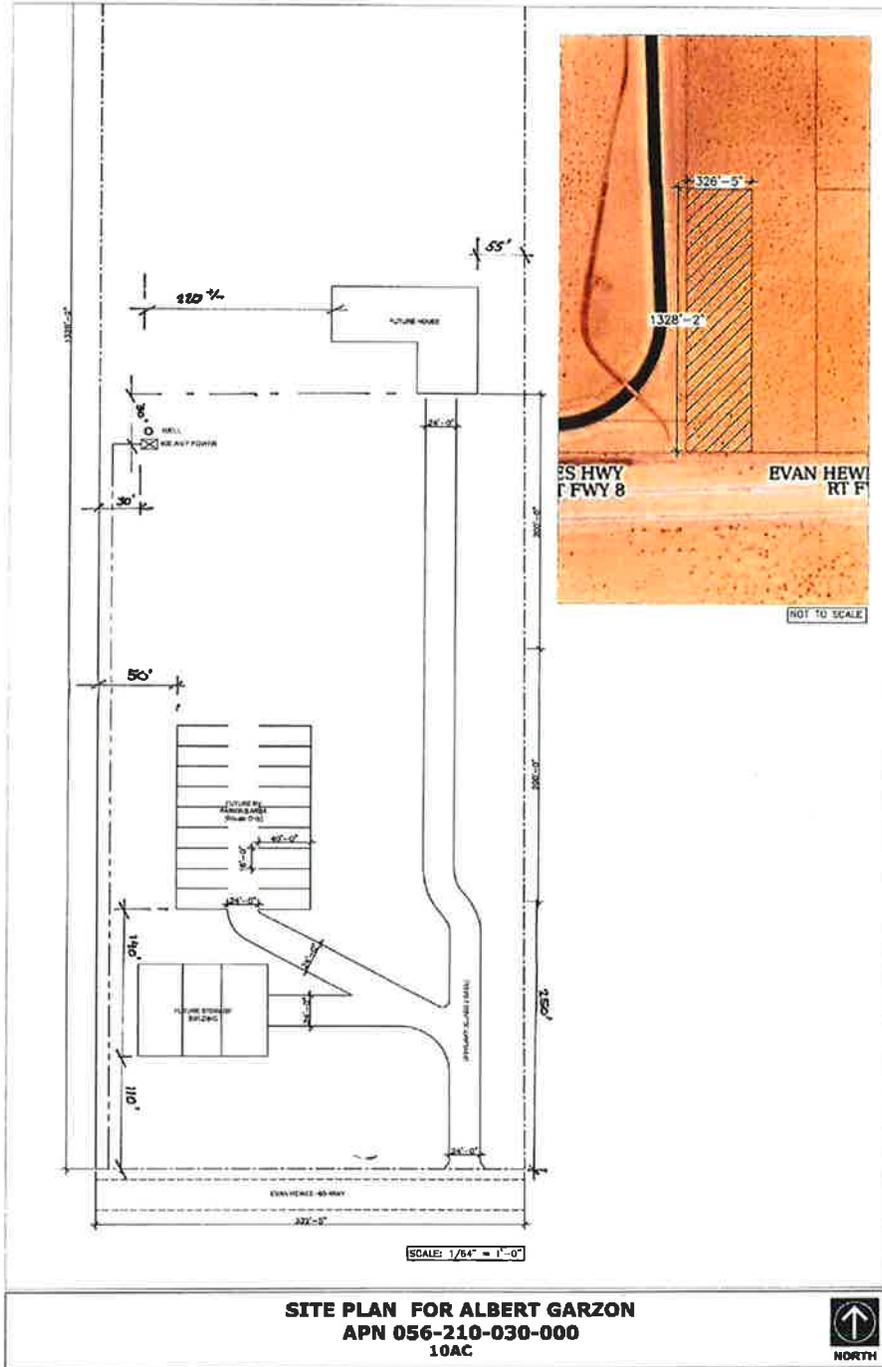


Exhibit "B" Site Plan



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?

a) The project site is not located near any designated or eligible scenic vista or scenic highway according to the Imperial County Circulation & Scenic Highway Element²; therefore, no substantial adverse effect is expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) As previously stated, the proposed project is not located near a Scenic vista or Scenic Highway and would not substantially damage scenic resources. Therefore, no impact is expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

c) The proposed project is for the construction and operation of a water well, which would not substantially degrade the existing visual character or quality of public views. Less than significant impacts are expected.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) The proposed water well would not appear to create a new source of substantial light or glare which would affect day or nighttime view in the area. However the future construction of the residence is expected to generate additional lighting but it is not expected to be substantial or to adversely affect day or nighttime views in the area, less than significant impacts are expected.

II. AGRICULTURE AND FOREST RESOURCES

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

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

a) The proposed project is located in the "Recreational /Open Space" area as designated by the General Plan's Land Use Element. The project site pursuant to the 2016 Imperial County Important Farmland Map³ is classified as "Other Land", and the parcel is currently vacant; therefore, it is not expected to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), to non-agricultural use. Any impact is expected to be less than significant.
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) The proposed project's parcel is designated as "Non-Enrolled Land" per the California

² Imperial County General Plan Circulation & Scenic Highway Element

³ 2016 Imperial County Important Farmland Map

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Department of Conservation Imperial County Williamson Act FY 2016/2017 Map⁴, therefore, no impacts are expected.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

c) The Imperial County General Plan Land Use Map⁵ designates this parcel as "Recreation/Open Space", and no forest land is near the vicinity of the project. The proposed project will not conflict with the existing zoning and will not cause rezoning of forest land, timber land, or Timberland Production; therefore, no impact is expected to occur.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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d) As previously stated in item c) above, the proposed project will not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are expected.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

e) This parcel is designated as "Other Land" as commented above under item a), therefore no change of Farmland to non-agricultural use, or forest land to non-forest use is expected. Any impacts are expected to be less than significant.

iii. AIR QUALITY

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

a) Per Imperial County Air Pollution Control District comment letter dated December 1, 2020 for the construction of the water well applicant must adhere to Regulation VIII which is a collection of rules designed to mitigate emissions of fugitive dust (PM10). Adhering to Regulation VIII will assure the protection of public health, specifically those sensitive receptors located less than 1/2 mile downwind of the project. Compliance with ICAPDC regulations is expected to bring any impacts to less than significant.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

b) The proposed project is for the construction and subsequent operation of a water well. As commented above under item a), adherence to ICAPDC rules and regulations would reduce impact to less than significant.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Expose sensitive receptors to substantial pollutants concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

c) As stated above under item a), adhering to Regulation VIII will assure the protection of public health, specifically those sensitive receptors located less than 1/2 mile downwind of the project. Compliance with APCD rules and regulations would bring any impact to less than significant levels.

⁴ Imperial County Williamson Act FY 2016/2017 ftp://ftp.consv.ca.gov/pub/dlrp/wa/Imperial_16_17_WA.pdf

⁵ Imperial County Land Use Plan Map

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

d) The proposed project does not anticipate in creating objectionable odors affecting a substantial number of people as it is located in a remote location. As stated above under item a), compliance with APCD regulations would bring any impact to less than significant levels.

IV. **BIOLOGICAL RESOURCES** *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

a) Per Dudek comment letter, the DWR's Natural Communities Commonly Associated with Groundwater (NCCAG) Dataset was reviewed to determine potential wetland features and vegetation that may be groundwater dependent in the vicinity of the Project site. While there are no potential groundwater dependent ecosystems (GDEs) mapped in the immediate vicinity of the Project site, GDEs are mapped along the AAC near Drop 3 approximately 10 miles west of the Project site where the canal becomes unlined. As such, pumping 10 AFY is not anticipated to have an effect on biological resources.

- 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) As mentioned above, under item a), the proposed project is for a water well and would not appear to create a substantial adverse effect on any riparian habitat or other sensitive natural community. Per Dudek's comment letter there are no potential groundwater dependent ecosystems (GDEs) mapped in the immediate vicinity. Less than significant impacts would be expected.

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

c) The proposed project is not located in protected wetlands per Dudek Hydrological Report (2020), therefore, any impacts would be would appear to be less than significant.

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

d) The proposed project does not appear to not substantially interfere with movement of any resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites. The impact would appear to be less than significant.

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

e) As mentioned above under item a), there are no potential groundwater dependent ecosystems mapped in the immediate vicinity. Therefore, less than significant impacts are expected.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

f) The proposed project is not expected to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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state habitat conservation plan, as per Dudek's comment letter pumping of 10 AFY is not anticipated to have an effect on biological resources. Any impact would be less than significant.

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

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
- a) According to the Imperial County General Plan's Conservation and Open Space Element⁶, Figure 5, the area is classified under "1000m buffer around Named Streams and Waterbodies" and under the Fray Francisco Garces Exploration Trail Route (1770-1890), however, there are no known historical sources found at the area. Additionally, the AB 52 Notice of Opportunity to consult on the proposed project letter was initially sent mailed via certified mail on November 16, 2020 to President Jordan D. Joaquin, from the Quechan Indian Tribe, at this date we have not received comments on this project. Therefore, if there would be any impact, it would be expected to be less than significant.**
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- b) As previously mentioned under item a) above, the proposed project is not likely to cause a substantial change to an archeological resource. Less than significant impacts are expected.**
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?
- c) The proposed project site is not located in a known cemetery, and based on the findings from Figures 5 of the Conservation and Open Space Element mentioned above under item a), the proposed project is not expected to result in the disturbance of any human remains, including those interred outside of dedicated cemeteries. Less than significant impacts are expected.**

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

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- a) The consumption of energy associated with the construction of the new well, and subsequent well operation is not considered a wasteful, inefficient or unnecessary use of energy resources. Therefore, any impact is considered to be less than significant.**
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- b) The proposed construction and subsequent operation of the well is not expected to conflict or obstruct a state or local plan for renewable energy nor is located within a Renewable Energy Overlay Zone⁷. Less than significant impacts are expected.**

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

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
- a) The proposed project does not appear to conflict with the geology and soils of adjacent properties; and subsequently or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death. Less than significant impacts are expected.**

⁶ Imperial County General Plan's Conservation and Open Space Element
⁷ Renewable Energy and Transmission Element, County of Imperial General Plan – <http://www.icpds.com/CMS/Media/Renewable-Energy-and-Transmission-Element-2015.pdf>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>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?</p> <p>1) According to the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP # 20-0009, 20-0010, 20-001 and 20-0012, the proposed project site area would be located approximately 8 miles east of the Algodones Fault and 23 miles west of the Imperial Fault. While there has been no vertical displacement within the Algodones fault, the Imperial fault is considered active; therefore, the site could be affected by the occurrence of seismic activity, in similitude to the surrounding parcels. Any proposed construction shall be in compliance with the California Building Code in order to reduce the risk to a level less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2) Strong Seismic ground shaking?</p> <p>2) The proposed project and any proposed construction may be affected by strong seismic ground shake in the event of an earthquake, therefore, the applicant will be required to comply with the California Building Code, said measures would assure that the impacts of the projects would be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>3) Seismic-related ground failure, including liquefaction and seiche/tsunami?</p> <p>3) As stated above under item 2), any proposed construction will require to comply with the California Building Code, which would assure that the impacts of the projects would be less than significant. Additionally, the project is not located in a Tsunami inundation area according to the California Official Tsunami Inundation Maps⁸, no impacts are expected related to a seiche or tsunami.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>4) Landslides?</p> <p>4) The proposed project is not located within a Landslide Activity area according to the Imperial County Seismic and Public Safety Element⁹, 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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?</p> <p>c) The proposed project is not expected to affect a geological unit that would become unstable or collapse as a result of the project; compliance with California Building Code (CBC) for any future construction would make any impact less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?</p> <p>d) Presence of clay within the proposed project site can be highly expansive; however, compliance with the California Building Code (CBC) seismic coefficients for design and construction of the new well would assure that any impacts would be reduce to less than</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

9. Imperial County Public Safety Element - <http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>

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

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

e) The proposed project is for the construction and operation of a water well and does not include septic tanks or alternative waste water disposal systems. Any future residential development shall be subject to a Building Permit and any applicable rules and regulations. Less than significant impacts are expected.

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

f) The proposed project is not known to be located within a unique paleontological resource or site or unique geologic feature. Less than significant impacts are expected.

VIII. GREENHOUSE GAS EMISSION *Would the project:*

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

a) Greenhouse gas emissions are expected to be generated during the construction of the new well, however it is not expected that the emissions generated may have a significant impact on the environment. As commented above under Section III "Air Quality", the proposed project will adhere to ICAPCD rules and regulations, such adherence is expected to bring any impacts to less than significant levels.

- 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. Compliance with ICAPCD rules and regulations is expected to bring any impacts to less than significant levels.

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

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

a) The proposed project does not propose to transport, use, or dispose of any hazardous materials. No impacts are expected.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

b) The proposed project is not expected to create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment as no hazardous materials are involved in the construction and operation of the well. No impacts are expected.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
mile of an existing or proposed school? c) The proposed project is not located within ¼ mile of a school, thus, the project is not expected to emit hazardous emissions, materials, substances or waste; therefore, no are expected.				
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? d) The proposed project site is not located on a site included on a list of hazardous material sites ¹⁰ ; 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 proposed project is not located within an airport land use plan, or within two miles of a public airport or public use airport. Holtville Municipal Airport is approximately 20 miles northwest of the proposed project site. Therefore, it would not result in a safety hazard for people residing or working in the project area; therefore, no impact is expected.	<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 interfere with an adopted emergency response plan or emergency evacuation plan. No impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 site is located within the "LRA Moderate Fire Hazard Severity Zone" according to the California Department of Forestry and Fire Protection "Draft Fire Hazard Severity Zones in the LRA" Map of Imperial County ¹¹ . However, the construction and operation of the well does not seem to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Additionally, the future construction of the residence shall comply with Imperial County Fire Department requirements. Therefore, any impact related to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires is considered to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 Dudek (2020), groundwater quality in the East Mesa GMA is generally regarded as moderate to poor and has been locally influenced by seepage from the old unlined reaches of the Coachella and All-American canals. Data indicate that in general, specific conductance, TDS, and sulfate are commonly measured at levels that exceed California recommended secondary drinking water standards in wells nearby the Project site. As local aquifer properties likely vary from those used in the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report, the following items are recommended:

1. Pumping tests to be conducted for existing and or new Project production wells to determine

¹⁰ EnviroStor Database <http://www.envirostor.dtsc.ca.gov/public/>

¹¹ California Department of Forestry and Fire Protection "Draft Fire Hazard Severity Zones in the LRA" Map of Imperial County

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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site-specific values for transmissivity and storativity. These site specific values should be used to update the impact analysis presented in Dudek (2020) report. In addition, baseline water quality samples should be collected from Project wells for general minerals, and nitrate, fluoride, sulfate, boron, and selenium, which have been identified as potential contaminants of concern in the Imperial Valley Groundwater Basin.

2. A Project annually report production, and groundwater level and groundwater quality data will be a condition of the CUP.
3. The production and groundwater level data shall be recorded on a monthly frequency and a water quality shall be analyzed semi-annually in the spring and fall. Groundwater quality results should be evaluated for trend and compared to available Colorado River water quality above Imperial Dam.

It is anticipated that compliance with Dudek (2020) recommendations would bring impacts to less than significant levels.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

b) Per Dudek comment email, based on the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP # 20-0009, 20-0010, 20-0011 and 20-0012, there is sufficient water supplies available to pump an additional 10 AFY to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts appear to be less than significant.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

c) The proposed project is not expected to substantially alter the existing drainage patterns of the site or area; however, any future grading will require a grading/drainage plan to be submitted to the Imperial County Department of Public Works. Any impacts would appear to be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (i) result in substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) As mentioned above under item c), the proposed project would require a grading/drainage permit for any grading. Any impacts would however, appear to be less than significant. | | | | |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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(ii) As mentioned above under item c), the proposed project will require a drainage/grading permit for any proposed grading. Any impact would appear to be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

(iii) The proposed project is not expected to exceed the capacity of existing or planned stormwater drainage system. As mention under item c) above, a drainage/grading plan will be required. Any impact would appear to be less than significant.

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|--------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (iv) impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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(iv) The proposed project site is located within Zone "X" per Federal Emergency Agency's Flood Insurance Rate Map Panel 06025C2200C. Therefore, less than

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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significant impacts are expected.

- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
d) The project site is not located within a Tsunami Inundation Area according to the Department of Conservation and as previously stated, it is located in an area of minimal flooding; therefore, it is not likely it would expose people or structures to a significant risk release of pollutants due to project inundation. Less than significant impacts are expected.
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
e) According to Dudek (2020), the Imperial Valley Groundwater Basin is not adjudicated and is designated by California Department of Water Resources (DWR) as having a very low priority in regards to enacting the Sustainable Groundwater Management Act (SGMA). Therefore, the Basin was not required to prepare a Groundwater Sustainability Plan (GSP) at this time. Impact are considered less than significant.

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

- a) Physically divide an established community?
a) The proposed project will not physically divide an established community; therefore, no impact is expected.
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?
b) The proposed Project is consistent with the existing land use designation which allows a single family dwelling, and per Dudek (2020) it may also be subject to the Law of the River; therefore, conflicts with an applicable land use plan are considered less than significant provided such compliance is obtained.

XII. **MINERAL RESOURCES** *Would the project:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
a) The proposed project does not include the removal of mineral resources and it is not located within the boundaries of an active mine per Imperial County General Plan's Conservation and Open Space Element, Figure 8 "Existing Mineral Resources". Less than significant impacts are expected.
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
b) The proposed project will not 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. Less than significant impacts are expected.

XIII. **NOISE** *Would the project result in:*

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
a) The proposed project is not expected to generate a substantial temporary or permanent increase

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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. Additionally, the proposed project would continue to be subject to the Noise Standards, as set out in the Noise Element of the Imperial County General Plan, Noise Standards compliance would make any impacts to be less than significant.

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

b) Ground borne vibration is typically associated with activities such as drilling and construction of the proposed well, however, these activities are temporary and once the new well is completed, they are expected to cease. Additionally, the proposed project would continue to be subject to the Noise Standards during construction and operation of the wells, as set out in the County's General Plan. Less than significant impacts are expected.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

c) The proposed project site is not within the vicinity of a private airstrip Therefore; no impacts are expected.

XIV. POPULATION AND HOUSING *Would the project:*

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

a) The proposed project anticipates a residential unit with accessory structures; however it is not expected to induce substantial unplanned population growth in the area either directly or indirectly. Therefore, impacts are expected to be less than significant.

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

b) The proposed project would not displace substantial numbers of people necessitating the construction or replacement housing elsewhere. Therefore, no impact is expected.

XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) The proposed project is not expected to result in substantial adverse physical impacts associated with potential impacts foreseen on public services. Any impacts are expected to be less than significant.

- 1) Fire Protection?

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

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
2) Police Protection? 2) The proposed project is not expected to result in substantial impacts on police protection; any new impacts would be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools? 3) The proposed project is not expected to have a substantial impact on schools. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Parks? 4) The proposed project is not expected to create a substantial impact on parks. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Other Public Facilities? 5) The proposed project is not expected to impact other public facilities. Any impacts appear to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 is not expected to substantially increase the use of the existing neighborhood and regional parks or other recreational facilities. No impact is 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 does not include or require the construction of recreational facilities. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. Less than significant impacts are expected.	<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 is not expected to conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b) as is not expected to have a significant transportation impact within a transit priority area. Less than significant impacts are expected.	<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) The proposed project does not appear to substantially increase hazards due to design features or incompatible uses. Therefore, no impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access? d) The proposed project is not expected to result in an adequate emergency access. Therefore, 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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XVIII. **TRIBAL CULTURAL RESOURCES**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) As previously stated under item V "Cultural Resources", according to the Imperial County General Plan's Conservation and Open Space Element, Figure 5, the area is classified under "1000m buffer around Named Streams and Waterbodies"; additionally, consultation was requested with the California Native American tribes traditionally and culturally affiliated with the project area. To date, no comments have been received. Therefore any impact would appear to be expected to be less than significant.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(i) As stated above, under item a), no comments were received from the Quechan Indian Tribe; therefore, it is not likely the site would be 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). Less than significant impacts are expected.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(ii) It is not likely that the proposed project area would be a significant resource pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, less than significant impacts are expected.

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

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) The proposed project is not expected to result in a significant environmental effect. However applicant shall comply with IID requirements for the electrical service per comment letter dated November 30, 2020:

1. "... To request electrical service for the approved water well, the applicant should be advised to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3300 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of approved plans (including CAD files), construction schedule, completion date, one-line electrical diagrams, electrical loads, panel sizes, and the applicable fees,

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- permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the pump. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the pump.
2. Please note that energy capacity is limited in the project area and a circuit study may be required for the project development. If the study indicates circuit improvements are required, the applicant shall be financially responsible for any offsite work identified in the circuit study..."
 4. "...Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). The IID encroachment permit application and instructions are available at <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.
 5. 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, drain, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent..."

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

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

b) According to Dudek comment email dated November 17, 2020 based on the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP # 20-0009, 20-0010, 20-001 and 20-0012, there is sufficient water supplies available to pump an additional 10 AFY to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

However, the proposed project will be subject to the Law of the River and per IID comment letter an assessment and determination would be required:

3. "...The project is located within the Lower Colorado River Accounting Surface, which in response to the 1964 United States Supreme Court decision requires a determination of whether the proposed groundwater pumping will result in extracted water being replaced by water drawn from the Colorado River. It is IID's understanding that such an assessment and determination has not been made for the proposed project. Absent a hydrological analysis that demonstrates the groundwater the project proposes to pump from the LCRAS will not be replaced by groundwater, and concurrence by the Bureau of Reclamation, the extracted water is assumed to be from IID's Colorado River entitlement, and as such, IID would be opposed to any extraction. For additional information on this matter, applicant should contact Justina Gamboa-Arce, IID Water Resources Planner, at (760) 339-9085 or e-mail Ms. Gamboa-Arce at jgamboarce@iid.com..."

Additionally, the City of Needles per comment letter dated November 30, 2020, have requested recorded water entitlements in order to drill a well. While water supplies seem to be available for the proposed project, it will also be subject to compliance with the Law of the River and to water entitlements; such compliance is expected to bring impacts to less than significant.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? c) The proposed project does not require a wastewater treatment. However the proposed residence would require a septic system that meet the requirements of Imperial County Public Health Department, compliance with such Department would bring impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? d) The proposed project would not appear to generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Therefore, no impact are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? e) The proposed project does not require a solid waste plan. However the subsequence construction and use of the residential dwelling to comply with all federal, state, and local statutes and regulations related to solid waste. Any impact is expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XX. **WILDFIRE**

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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? a) The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones according to California Fire Prevention SRA Fee viewer, therefore, no impacts are expected related to substantially impair an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) As previously stated under item a) above, the proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore, no impacts are expected related due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. If any impact, it would be considered 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 proposed water well would not require any installation of associated infrastructure, however the future development of the residential unit would need to comply with Imperial County Fire Department requirements. Compliance with Imperial County Fire Department requirements is expected to bring any impacts to less than significant levels.	<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?	<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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d) As previously stated under item a) above, the proposed project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, therefore it is not expected to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Any impact would be less than significant.

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

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

Potentially Significant Impact (PSI)	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.

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

IV. PERSONS AND ORGANIZATIONS CONSULTED

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

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Mariela Moran, Planner II
- Imperial County Air Pollution Control District
- Ag Commissioner
- Environmental Health Services

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District
- Quechan Indian Tribe
- City of Needles

C. ENGINEER AND TECHNICAL STUDIES

- Dudek

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

V. REFERENCES

1. Groundwater Extraction Feasibility Analysis and Hydrogeologic Report Final Draft, Dudek 2020, referenced as Dudek (2020).
2. Imperial County General Plan Circulation & Scenic Highway Element
3. Imperial County Important Farmland 2016 Map
4. Imperial County Williamson Act FY 2016/2017
ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Imperial_16_17_WA.pdf
5. Imperial County Land Use Plan Map
<http://www.icpds.com/CMS/Media/LANDUSE-Map.pdf>
6. Imperial County General Plan's Conservation and Open Space Element
7. Renewable Energy and Transmission Element, County of Imperial General Plan
<http://www.icpds.com/CMS/Media/Renewable-Energy-and-Transmission-Element-2015.pdf>
8. California Official Tsunami Inundation Maps
<http://www.icpds.com/CMS/Media/Renewable-Energy-and-Transmission-Element-2015.pdf>
9. Imperial County Public Safety Element
<http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>
10. EnviroStor Database
<http://www.envirostor.dtsc.ca.gov/public/>
11. California Department of Forestry and Fire Protection "Draft Fire Hazard Severity Zones in the LRA" Map of Imperial County

VI. NEGATIVE DECLARATION – County of Imperial

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

Project Name:

Conditional Use Permit #20-0018

Project Applicant:

Albert Garzon

Project Location:

The project is located at 6535 Evan Hewes Highway, Winterhaven, CA 92283.

Description of Project:

Applicant is requesting the approval of a new well for residential uses for a total allocation of 10 acre-feet of water yearly.

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 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.

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

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

Applicant Signature

Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

AIR POLLUTION CONTROL DISTRICT



December 1, 2020

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

SUBJECT: Conditional Use Permit (CUP) 20-0018 —Water Well Albert Garzon

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review and comment on Conditional Use Permit (CUP) 20-0018 ("Project") that would allow the construction of a water well for residential purposes. Near-term uses include the construction of a residence and a storage/shop building with a long-term potential to construct 5 to 10 RV parking and hookup spaces. The applicant is requesting 10 acre feet of per year to ensure enough water for residential uses, landscaping uses, dust suppression and 10 to 20 anticipated guests should the RV parking hookups and spaces be built. The Project is located at 6535 Evan Hewes Highway in Winterhaven, California (also identified as Assessor's Parcel Number 056-250-030-001).

In a letter to the Imperial County and Planning Development Services dated September 23, 2020 the applicant requests the construction of a new water well to initiate cleanup and preparation for the house. Although other activities are discussed, the current application is **only** for the construction of a water well and the set up for IID power, thus the Air District comments are specific to only the construction of the water well and the set up for IID power.

In regards to the construction of the water well, the applicant should be aware that all earthmoving and construction activities must adhere to Regulation VIII which is a collection of rules designed to mitigate emissions of fugitive dust (PM₁₀). Adhering to Regulation VIII will assure the protection of public health, specifically those sensitive receptors located less than ½ mile downwind of the Project.

Finally, the Air District is formally requesting notification of any changes to the CUP application #20 0018 and a copy of the draft CUP prior to recording.

The applicant may review Air District Rules and Regulations at www.https://apcd.imperialcounty.org. Click on Rules and Regulations on the drop-down menu at the top of the page. Please feel free to contact the Air District should you have any questions at (442) 265-1800.

Respectfully,



Curtis Blondell
APC Environmental Coordinator



Reviewed by

Monica Soucier
APC Division Manager



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

November 23, 2020

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

Re: Conditional Use Permit #20-0018

Ms. Moran:

Our office has received and reviewed the documents for Conditional Use Permit #20-0018 for Albert Garzon who is proposing to build a new water well for residential use located at 6535 E Even Hewes Hwy, Winterhaven, CA.

The applicant has indicated they want to do extensive landscaping. Should this project move forward, our office asks that the applicant contact our Pest Detection and Eradication Division if they decided to source the nursery stock from outside Imperial County. There are numerous quarantines in effect to safeguard the landscape and agricultural industry from exotic and invasive pests and disease. All plants coming into Imperial County are required by law to be held for inspection by our office prior to being planted, which includes plant material from out of state. Please see the attached letter for more information.

If you have any questions, feel free to contact our office at 442-265-1500.

Regards,

Carlos Ortiz
Agricultural Commissioner



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

October 14, 2020

To Landscapers, Nurseries, Retailers, Homeowners, and Planning Departments:

This letter is to remind you of the legal requirements you must follow for transporting plants and plant materials into Imperial County. There are numerous quarantines in place to safeguard landscape plants, the agricultural industry of Imperial County, and the whole of California from exotic pests and diseases. Please see the attached "Summary of Shipment Requirements and Quarantines," for information on quarantines that most commonly affect Imperial County.

All plants coming into Imperial County are required by law to be held for inspection by the Agricultural Commissioner prior to planting or being made available for sale. This applies to plants brought in by any party, including commercial businesses and homeowners. It is very important that our office is notified immediately upon arrival of any plant shipment. You must not commingle incoming shipments with other plants until after they are inspected and released by our office.

Call our office as early as possible to schedule an inspection. Inspectors are usually available Monday through Friday, 8:00 a.m. to 4:00 p.m. If you intend to bring a shipment in on a weekend or County holiday, please call ahead to see if an inspector will be available.

If you have any questions or concerns, our office is here to help. Please call us at (442) 265-1500.

Sincerely,

Rachel Garewal
Deputy Agricultural Commissioner
Pest Detection and Eradication



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

Summary of Shipment Requirements and Quarantines

- All nursery stock must be accompanied by valid proof of ownership.
- Nursery stock shipments may be released by phone at the discretion of the Agricultural Commissioner.
- Landscapers and other entities that have a growing ground or holding yard where nursery stock is held prior to delivery to the planting site must be licensed as a nursery.

Pierce's Disease and the Glassy-winged Sharpshooter

The Pierce's Disease Control Program (PDCP) exists in California to prevent the artificial movement and spread of the glassy-winged sharpshooter (GWSS), a vector of Pierce's Disease. Pierce's Disease is caused by the bacterium *Xylella fastidiosa*. It is deadly to many plant species, and its vector, GWSS, has an extensive list of hosts including many agricultural crops and landscape plants. Imperial County is the only Southern California County not infested with GWSS.

It is unlawful to bring plants into Imperial County from inside the GWSS-infested area; however, nurseries located within the infested area may do so under a compliance agreement from their county's Agricultural Commissioner. It is lawful to bring plants in from a nursery within the infested area so long as they meet the terms of their compliance agreement. These terms include (but are not limited to):

- Notify the Imperial County Agricultural Commissioner (CAC) at least 24 hours prior to shipment.
- Shipment paperwork is stamped with a GWSS compliance agreement number.
- Shipment is accompanied by a "Blue Tag" shipping permit stating "Warning – Hold for Inspection".
- Shipment is accompanied by a valid Certificate of Quarantine Compliance (CQC), if applicable.

For additional information regarding the PDCP or GWSS, please visit <https://www.cdfa.ca.gov/pdcp/>.

Other Plants with Quarantine Restrictions

- All **citrus species** from other California counties and other states.
- All **palms of the Phoenix genus**, including Pygmy Date Palms (*P. roebelenii*), except when originating from certain areas of Riverside County.
- Nursery stock originating in **Florida** (specifically Burrowing and Reniform Nematode [3 CCR § 3271] and Imported Fire Ant [7 CFR § 301.81]).
- Nursery stock originating in **Arizona** (specifically Ozonium Root Rot [3 CCR § 3261]).
- All **lettuce plants** are prohibited unless tested for Lettuce Mosaic Virus.
- All plants shipped *from* Imperial County must be certified free from Ozonium Root Rot by the CAC.

Penalties for Failure to Comply with Requirements (California Food and Agricultural Code [FAC])

Any violation of quarantine requirements is an infraction punishable by a fine of one thousand dollars (\$1,000) for the first offense. Second and subsequent offenses within three years are punishable as misdemeanors. (FAC § 5309)

In addition to any other penalties, any person violating quarantine requirements may be liable civilly in an amount not exceeding ten thousand dollars (\$10,000) for each violation. (FAC § 5310)

In lieu of civil action, the Agricultural Commissioner (CAC) may levy a civil penalty of up to two thousand five hundred dollars (\$2,500) for each violation. (FAC § 5311)

Anyone who negligently or intentionally violates any state or federal law or regulation by importing any plant or other article infested by pest or disease and causes an infestation or causes the spread of an existing infestation beyond quarantine boundaries is liable civilly up to twenty-five thousand dollars (\$25,000) for each act that constitutes a violation. (FAC § 5028)



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

November 13, 2020
**REQUEST FOR REVIEW
AND COMMENTS**

The attached project and materials are being sent to you for your review and as an early notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

To: County Agencies	State Agencies/Other	Cities/Other
AG Commissioner – Carlos Ortiz/Sandra Mendivil/Jolene Dessert	Needles Public Utility Dept. – Cindy Commairel/Rick Daniels	Augustine Band of Cahuiulla Mission Indians – Amanda Vance/Karen Kupcha
APCD – Matt Dessert/Monica Soucler	Caltrans – Maurice Eaton	Campo Band of Mission Indians – Ralph Goff
CEO – Esperanza Colio Warren	CA Dept. of Fish & Wildlife – Magdalena Rodriguez	Chemehuevi Reservation – Charles Wood
EHS – Jeff Lamourel/ Jorge Perez/Alphonso Andrade/Mario Salinas	IID – Justina Gamboa-Arce	Cocopah Indian Tribe – Sherry Cordova
Assessors – Robert Menvielle	US Dept. of Fish & Wildlife – Felicia Sirchia	Colorado River Indian Tribe – Dennis Patch
Fire/OES – Alfredo Estrada Jr./Robert Malek/Andrew Loper	BLM – Carrie Sahagun	Ewilaapaayp Tribal Office – Will Micklin
Public Works – John Gay/Carlos Yee	Bureau of Reclamation Yuma Area Office – Mana Ramirez	Fort Yuma – Quechan Indian Tribe – Jordan D. Joaquin./H. Jill McCormick
IC Sheriff's Office – Ray Loera/Robert Benavidez	Palm Springs Fish & Wildlife – Felicia Sirchia	Inter-Tribal Cultural Resource Protection Council – Frank Brown
IID – Donald Vargas/Rudy Leal	Bureau of Reclamation – Steven C. Hvinden	Kumeyaay Cultural Repatriation Committee – Vacant
County Counsel – Adam Crook	Native American Heritage Commission – Katy Sanchez	Manzanita Band of Kumeyaay Nation – Angela Elliot Santos
CVWD – Jim Barrett	Torres-Martinez Desert Cahuiulla Indians – Thomas Torte/ Joseph Mirelez	La Posta Band of Mission Indians – Gwendolyn Parada

From: Mariela Moran, Planner II - (442) 265-1736 extension 1747 or via-email at ICPDSComentLetters@co.imperial.ca.us

Project ID: Conditional Use Permit #20-0018

Project Location: 6535 Evan Hewes Highway, Winterhaven, CA APN 056-210-030-001

Project Description: Applicant is proposing to build a new water well for residential uses; the new well would produce up to 10 acre-feet of water a year.

Applicant: Albert Garzon

Comments due by: November 30, 2020

PC Meeting: TBD

COMMENTS: *(attach a separate sheet if necessary)* (If no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)

No recorded water entitlements, Applicant must obtain in order to drill a well.

Name: RAINF TORRANCE Signature: _____ Title: Assistant Utility Manager

Date: 11/30/2020 Telephone No.: (760) 320-5700 E-mail: rtorrance@cityofneedles.com

GRWMMS:\AllUsers\APN\056\210\030\CUP 20-0018\CUP20-0018 Request for Comments.docx

From: [Mario Salinas](#)
To: [Gabriela Robb](#)
Cc: [Rosa Soto](#); [Carina Gomez](#); [Maria Scoville](#); [John Robb](#); [Kimberly Noriega](#); [Valerie Grijalva](#); [Mariela Moran](#); [Michael Abraham](#)
Subject: RE: Request for Comments - CUP20-0018
Date: Monday, November 16, 2020 10:23:52 AM

Good morning Ms. Robb,

Pertaining to the proposed water well (CUP #20-0018), Division of Environmental Health does not have any comments at this time. However, once the applicant applies for a building permit with your department and the email is routed, the applicant will need to undergo a plan review with our division. Necessary documents for the plan review will be requested from our division once the BP is initiated.

Thank you,

Mario Salinas, MBA

Environmental Health Compliance Specialist I
Imperial County Public Health Department
Division of Environmental Health
797 Main Street Suite B, El Centro, CA 92243

mariosalinas@co.imperial.ca.us

Phone: (442) 265-1888

Fax: (442) 265-1903

www.icphd.org



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

From: Gabriela Robb <GabrielaRobb@co.imperial.ca.us>

Sent: Friday, November 13, 2020 3:58 PM

To: Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Adam Crook <AdamCrook@co.imperial.ca.us>; Esperanza Colio <EsperanzaColio@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>;

EEC ORIGINAL PKG

Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Raymond Loera <rloera@icso.org>; rbenavidez@icso.org; Donald Vargas - IID <DVargas@IID.com>; rleal@iid.com; jbarrett@cvwd.org; ndlscdda@citlink.net; rdaniels@cityofneedles.com; Magdalena Rodriguez <mcrodriguez@dfg.ca.gov>; csahagun@blm.gov; mramirez@usbr.gov; felicia_sirchia@fws.gov; hhaines@augustinetribe.com; rgoff@campo-nsn.gov; chairman@cit-nsn.gov; cocotcsec@cocopah.com; tashina.harper@crit-nsn.gov; wmicklin@leaningrock.net; historicpreservation@quechantribe.com; frankbrown@viejas-nsn.gov; Quechan Indian Tribe <tribalsecretary@quechantribe.com>; ljbirdsinger@aol.com; lp13boots@aol.com; thomas.tortez@torresmartinez-nsn.gov; Joseph.mirelez@torresmartinez-nsn.gov; katy.sanchez@nahc.ca.gov; ttrujillo@crb.ca.gov; crb@crb.ca.gov; sha-lcr-webcomments@usbr.gov; jgamboaarce@iid.com

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

Subject: Request for Comments - CUP20-0018

Good Afternoon,

Please see attached Request for Comments Packet for **CUP 20-0018**.
Comments are due by **November 30, 2020 at 5:00 PM**.

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

Should you have any questions regarding this project, please feel free to contact Planner Mariela Moran at (442)265-1736 ext. 1747 or submit your comment letters to icpdscommentletters@co.imperial.ca.us

Thank you,

Gabriela Robb

Office Assistant III

Imperial County Planning & Development Services

801 Main Street

El Centro, CA 92243

(442) 265-1736

(442) 265-1735 (Fax)

gabrielarobb@co.imperial.ca.us



EEC ORIGINAL PKG

From: [Trey Driscoll](#)
To: [Mariela Moran](#)
Cc: [Michael Abraham](#); [Trevor Jones](#); [Devin Pritchard-Peterson](#)
Subject: RE: CALLS PROPOSAL TO REVIEW - CUP20-0018
Date: Tuesday, November 17, 2020 3:11:17 PM

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

Hi Mariela,

I reviewed the Conditional Use Permit (CUP) # 20-0018 information you provided regarding a new water well for groundwater extraction of up to 10 acre-feet per year (AFY) for domestic use on 10 acres for APN 056-210-030-000 near Gordons Well. The water demand estimate seems reasonable for full-time occupancy of the residence. As such, the estimate is likely conservative since the property use is primarily for vacation and may not be occupied year round.

While we did not explicitly evaluate the cumulative impact of pumping an additional 10 AFY from the aquifer underling the Gordons Well area, we can make the following general CEQA Guidelines Appendix G, Environmental Checklist Form conclusions based on the work performed to date:

Section IV. Biological Resources: Will the Project 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 Game or U.S. Fish and Wildlife Service? Will the Project have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The DWR's Natural Communities Commonly Associated with Groundwater (NCCAG) Dataset was reviewed to determine potential wetland features and vegetation that may be groundwater dependent in the vicinity of the Project site. While there are no potential groundwater dependent ecosystems (GDEs) mapped in the immediate vicinity of the Project site, GDEs are mapped along the AAC near Drop 3 approximately 10 miles west of the Project site where the canal becomes unlined. As such, pumping 10 AFY is not anticipated to have an effect on biological resources.

Section X. Hydrology and Water Quality: Will the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? Will the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? Will the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Based on the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP # 20-0009, 20-0010, 20-001 and 20-0012, pumping an additional 10 AFY for the project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality, substantially decrease groundwater supplies or interfere substantially with groundwater recharge or conflict with or obstruct implementation of a water

EEC ORIGINAL PKG

quality control plan or sustainable groundwater management plan.

Section XIX. Utilities and Service Systems: Will the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Based on the Groundwater Extraction Feasibility Analysis and Hydrogeologic Report performed for CUP # 20-0009, 20-0010, 20-001 and 20-0012, there is sufficient water supplies available to pump an additional 10 AFY to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Let us know if you have any additional questions or require further discussion.

Cheers,
Trey
760.415.1425

From: Mariela Moran <MarielaMoran@co.imperial.ca.us>
Sent: Friday, November 13, 2020 5:11 PM
To: Trey Driscoll <tdriscoll@dudek.com>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: CALLS PROPOSAL TO REVIEW - CUP20-0018

Good Afternoon Trey,

Please see attached Request for Comments Packet for **CUP 20-0018**. Applicant is proposing a new water well for 10 acre feet of water a year. On his project description he references the recent groundwater study of Mr. Ron Pratte for the Gordons Well area. Would you provide comments on any possible environmental impacts based on the proposed water well?

Should you have any comments or questions please let us know.

Regards,



IID

A century of service.

www.iid.com

Since 1911

November 30, 2020

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

SUBJECT: CUP No. 20-0018 (Water Well for Residential Use)

Dear Ms. Moran:

On November 13, 2020, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit application no. 20-0018. The applicant, Albert Garzon, proposes to build a water well for residential use; the well is estimated to produce 10 acre-feet of water a year. The well site is located at 6535 Evan Hewes Highway in Winterhaven, California (APN 056-210-030-001).

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

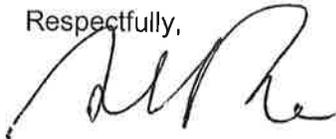
1. To request electrical service for the approved water well, the applicant should be advised to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3300 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of approved plans (including CAD files), construction schedule, completion date, one-line electrical diagrams, electrical loads, panel sizes, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the pump. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the pump.
2. Please note that energy capacity is limited in the project area and a circuit study may be required for the project development. If the study indicates circuit improvements are required, the applicant shall be financially responsible for any offsite work identified in the circuit study.
3. The project is located within the Lower Colorado River Accounting Surface, which in response to the 1964 United States Supreme Court decision requires a determination of whether the proposed groundwater pumping will result in extracted water being replaced by water drawn from the Colorado River. It is IID's understanding that such an assessment and determination has not been made for the proposed project. Absent a hydrological analysis that demonstrates the groundwater the project proposes to pump from the LCRAS will not be replaced by groundwater, and concurrence by the Bureau of Reclamation, the extracted water is assumed to be from IID's Colorado River entitlement,

and as such, IID would be opposed to any extraction. For additional information on this matter, applicant should contact Justina Gamboa-Arce, IID Water Resources Planner, at (760) 339-9085 or e-mail Ms. Gamboa-Arce at jgamboaarce@IID.com.

4. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). The IID encroachment permit application and instructions are available at <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.
5. 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, drain, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

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.
Sandra Blain – Deputy Manager, Energy Dept.,
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.
Jamie Asbury – Assoc. General Counsel
Vance Taylor – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

S:\AllUsers\APN\056\210\030\CUP 20-0018\EEC\IS20-0024.docx

PROJECT APPLICATION

EEC ORIGINAL PKG

Letter of Transmittal:

September 23, 2020

RECEIVED

TO: Jim Minnick, Director ICPDS
FROM: Jurg Heuberger, 
RE: Application for a water well CUP for Mr. Albert Garzon

SEP 23 2020
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Jim:

Per our discussion please find an application to develop a water well on a new parcel that Mr. Garzon obtained from Ron Pratte at Gordon's Well.

We have discussed this site before and Mr. Garzon desires to construct a vacation residence at this site in the near future however at this time he needs water and power in order to start the cleanup and preparation for the house.

On the site plan it also shows two other items, one a shop/storage building. This he may develop at a later time to house his off-road vehicles and various on-site materials. The second is a potential RV area for his friends to stay on weekends when they visit him. We have shown about ten spaces, which if developed would have full connections. It is highly unlikely that he will build these spaces in the next five or ten years if ever, however it could happen.

The reason Mr. Garzon needs about 10 ac. ft./yr is that he plans to develop this site consistent with his neighbor, Mr. Pratte meaning he plans to do some extensive landscaping of the site and do adequate dust control of the site.

We would appreciate your office processing the CUP application for the water well so that we can also obtain the electrical and plumbing permits to develop the well and on-site power. The IID will need to install a new line along the west side of his property and that has a long lead time.

Please let me know what else you need. Feel free to contact me at 760-996-0313 or by email at jurgheuberger@gmail.com.

Thank you..

EEC ORIGINAL PKG

**Project Information
for a water well CUP
for
Albert Garzon**

PROJECT APPLICANT:	Albert Garzon
PROJECT APN:	056-210-030-00
PROJECT ADDRESS:	(number pending) East Evan Hewes Highway
GENERAL LOCATOIN:	Gordons Well
PROJECT REQUIRING A CUP:	Water Well for Residential use
WATER QUANTITY REQUESTED:	10 AC. FT. / YR

PROJECT DESCRIPTION:

Mr. Garzon recently acquired approximately 10 acres in the Gordons Well area identified by APN 056-210-030-000. Mr. Garzon and family are avid sand dune enthusiasts who spend a great deal of time in the dunes around Gordons Well. It is their intent to build a residence at this site to be used as their vacation home for their extensive stays in the desert.

The plans envision to develop this site in phases, the first being a residence. This would then be followed with a storage building/repair shop for his off-road vehicles and ultimately there is the possibility that they would also develop between 5 and 10 RV hook up spaces for their personal friends use only. This area is not intended to be for commercial or business use, only to allow their personal friends with whom they have been camping for years, to have a place to stay during their visits.

The residence will most likely be about 2000 Sq. Ft or so. It is intended to be constructed toward the rear of the site away from the highway and highway noise. To accommodate this construction, they first need to secure water and power, hence this application is to obtain a Conditional Use Permit as required by County Ordinances for a private residential water well at about 10 AC. Ft. /year.

Along with the construction of the house there would be a driveway connecting to the frontage road also described as E. Evan Hewes Highway. Additionally, there would be fencing installed around the perimeter of the property.

Along with the well, there would be a 400-amp service installed that would provide power for the house, the storage/shop and potentially for some limited use of the RV hookup areas.

After the house is built and some landscaping is installed, the next phase envisions the construction of a storage/shop building near the front of the property which would be about 2000 sq. ft..

The third and final phase may be the RV hookup area for 5 to 10 spaces. This phase is very speculative at best and may never be built, however for purposes of providing an overall development plan it is included.

WATER DEMAND JUSTIFICATION:

The 10 AC. FT./YR allocation request is based on usage described as follows;

- Between .5 – 1.5 AC. FT/YR. is a typical amount for a residential use in an arid region such as this.
- With the storage building/shop it is expected that another .5 to 1.0 AC. FT./YR. would be used for maintenance of the off-road equipment and restroom usage.
- To install a certain amount of landscaping primarily shade trees, windbreaks etc. it is anticipated that another 2 to 4 AC. FT./YR. would be needed. This is based on the usage experienced by one of his neighbors.
- Another use approximating 2 to 3 AC. FT./YR. is for dust control.
- Lastly if the RV area were to be developed it is expected that another .5 to 1 AC.FT./YR. would be needed.

Combining all of these potential needs a request for 10 AC. FT./YR is a most reasonable and necessary request. Obviously under county requirements this would be a metered well and it is possible that at least for a while this amount would not be used, however in the long term it most certainly could, therefore it is a prudent request.

Based on a recent groundwater study conducted at the request of Mr. Ron Pratte for the Gordons Well area, and with that report now being public, it is clear that the extraction of 10 AC. FT./YR in addition to the amount proposed for extraction on the adjacent land poses no impact to the groundwater basin in this area. It is clear that there is an abundance of groundwater in this area.

OTHER PERMITS/APPROVALS REQUIRED:

In addition to this Conditional Use Permit for the water well the following approvals/permits would also be needed for the project:

- Encroachment Permit from I.C. Dept. of Public Works for the driveway connection
- Septic Tank Permit from I.C. Environmental Health
- Building Permits from I.C. Planning & Development Services
- Possible Dust Control Plan from ICAPCD
- IID for electrical service

ATTACHMENTS:

- Preliminary Title Report
- Site Plan
- Check for application Deposit

CONDITIONAL USE PERMIT

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

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

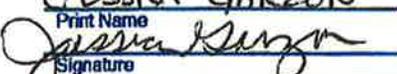
1. PROPERTY OWNER'S NAME Albert Garzon and Jessica	EMAIL ADDRESS eg@westcoastplastering.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 1909 Saxton Lane, El Cajon, Ca	ZIP CODE 92021	PHONE NUMBER 619-954-7695
3. APPLICANT'S NAME same	EMAIL ADDRESS	
4. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
4. ENGINEER'S NAME N A	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State) N A	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 056-210-030-00	SIZE OF PROPERTY (in acres or square foot) 10 AC	ZONING (existing) S-2
7. PROPERTY (site) ADDRESS Pending		
8. GENERAL LOCATION (i.e. city, town, cross street) Gordons Well, north of Evan Hewes Highway frontage road		
9. LEGAL DESCRIPTION <u>The W 1/2 of the W 1/2 of the SW 1/4 of the SW 1/4 of Section 36, T 16 S, R 19 E SBM</u>		

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	<u>Property is intended to be used for residential uses as per the attached. This application is for a Water Well for residential use. See attached documents</u>
11. DESCRIBE CURRENT USE OF PROPERTY	<u>Vacant desert land</u>
12. DESCRIBE PROPOSED SEWER SYSTEM	<u>septic tank</u>
13. DESCRIBE PROPOSED WATER SYSTEM	<u>private well</u>
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	<u>storage tank per County Fire Dept. requirement</u>
15. IS PROPOSED USE A BUSINESS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? <u>none</u>

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

Albert Garzon Sept 14, 2020
Print Name Date

Signature
Jessica Garzon 10/2/20
Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

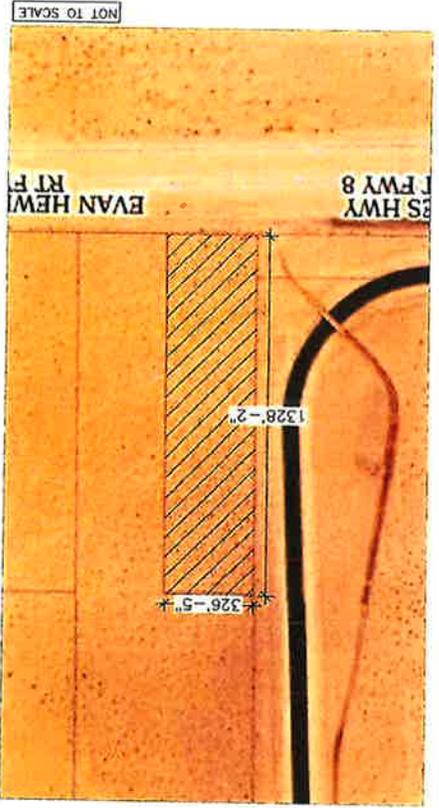
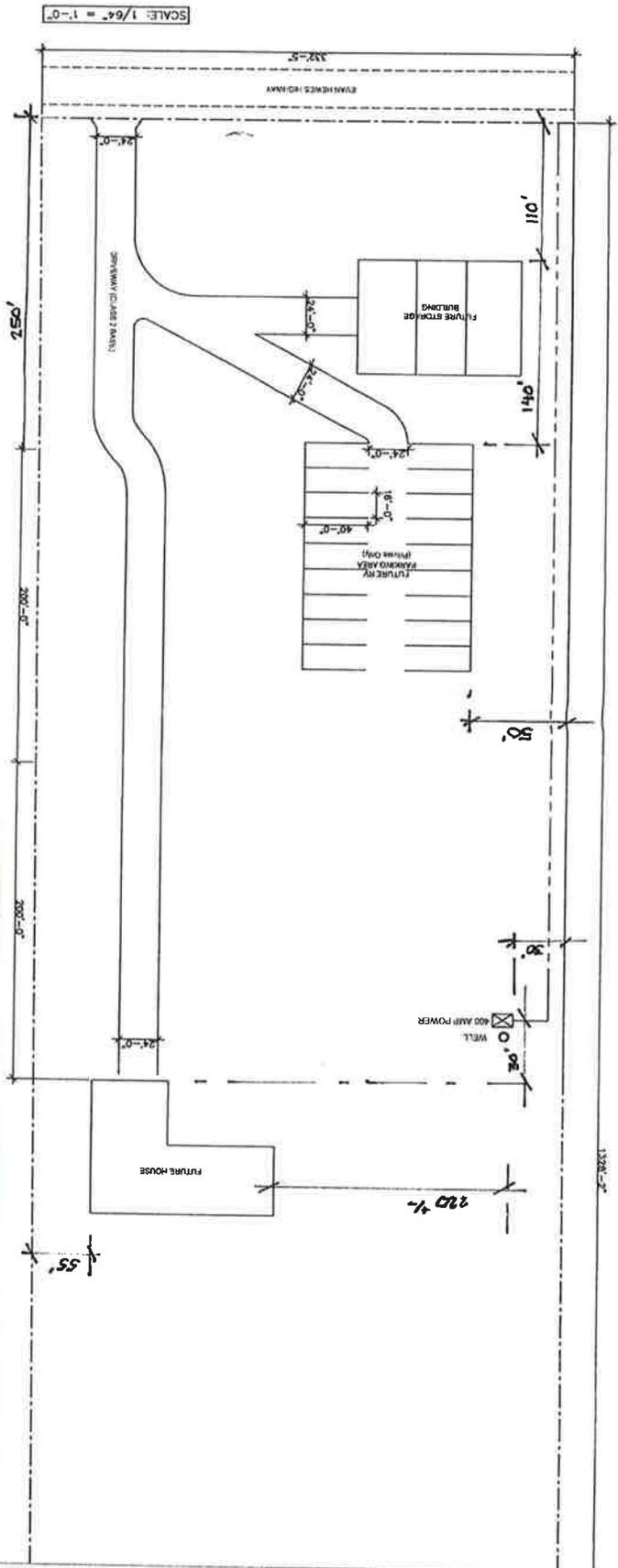
A. SITE PLAN	
B. FEE	<u>T/M 2 \$5,600.00</u>
C. OTHER	<u>Justification documentation</u>
D. OTHER	

APPLICATION RECEIVED BY:	<u>MM</u>	DATE	<u>11/9/2020</u>	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY:		DATE		<input type="checkbox"/> P. W.
APPLICATION REJECTED BY:		DATE		<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY:		DATE		<input type="checkbox"/> A. P. C. D.
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE		<input type="checkbox"/> O. E. S.
		DATE		<input type="checkbox"/>

CUP #
20-00B



SITE PLAN FOR ALBERT GARZON
APN 056-210-030-000
10AC



Letter of Transmittal:

Oct. 28, 2020

TO: Ms. Mariela Moran and Jim Minnick, Director
FROM: Jurg Heuberger, Consultant for Mr. Garzon
RE: Response to letter dated Oct. 13th, 2020

RECEIVED
NOV 09 2020
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Mr. Minnick and Ms. Moran:

This letter of transmittal responds to the questions/comments of your letter (attached) dated Oct. 13th. Please review and if you have additional question please **(PLEASE) contact me** via email directly at jurgheuberger@gmail.com or by phone 760-996-0313.

Responses listed by number matching your letter:

1: A new application signed by both Mr. and Mrs. Garzon is attached which addresses your request.

2: the intent of showing the RV spaces was as per our discussion (between Mr. Minnick and myself) in advance of submitting our application. The purpose was to have the overall "potential future project" assessed at one time recognizing that Mr. Garzon may not build this RV area for some time given the COVID situation, or he may never build it. In the meantime, however he has been up front with your office in sharing a potential future use of the project area. Given that this site is zoned S-2 (open space recreation) he is aware that a CUP might be required, or he might avail himself of a rezone of the parcel.

In either case this application does not intending to build the RV spaces at this time only to have it assessed.

3: Comment noted and understood. This application is simply to obtain permission for a water well for domestic use and the applicant is fully aware that building permits would be required both for the house, the electrical and the well plumbing.

4: The applicant requested 10 ac. ft./yr. for the following reason and for the reasons stated in the application:

- The applicant has a 10-acre parcel of land in the middle of the desert with no other available water source.
- The applicant needs water for his domestic use and as you so aptly state, it is common to allow for 1 ac. ft./yr. for a residence. That would be normal for a location other than this. In this case he has more than domestic residential uses.

EEC ORIGINAL PKG

- A portion of the water will be needed for dust suppression. Given that this is a recreational area and given the Mr. Garzon and his family and friends spend a great deal of their time enjoying off road activities, a substantial need exists to keep dust to a minimum during the time they are on site which will be a considerable amount.
- Mr. Garzon has plans to provide significant landscaping. Given he expects to build a 3000 sq. ft. or larger home on this site and given that he plans to spend much of his time on site he has definite plans to make the property as nice and pleasant as possible and that includes extensive landscaping including trees for shade etc.
- As stated not only does he plan to use the water for his domestic use but that use goes up exponentially when he has guests which often can be 10 to 20 people.
- Mr. Garzon expects to use the water in a prudent manner however limiting his use to 1 ac. ft./yr. will be impossible to give him the opportunity to enjoy his property.
- If Mr. Garzon was to use this land for any type of agricultural use, he would need substantially more than 10 ac. ft./yr. and to say that the amount requested is "excessive" is inappropriate.
- Lastly, the amount requested is an estimate and until he develops the site, he does not know whether this is enough and given his neighbors use it most likely is not. However, should Mr. Garzon not need that much water he will obviously not pump it just to use the allocated amount. At the same time, he does not want to request a lesser amount only to have to come back to the county and go through this process again in a couple of years.

5: The information you request for this well at this time is unknown as he has not contracted with a well drilling company that will be drilling the well, once he knows he has a permit and an amount of water. This information will be provided prior to or at the time a building permit is secured, and it can also be made a condition of approval of the CUP.

6: a revised site plan is attached to show approximate dimensions.

7: Comment noted. Mr. Garzon is however an overlying property owner and has a right to ground water for reasonable and beneficial uses.

Thank you.



Imperial County Planning & Development Services Planning / Building

October 13, 2020

Jim Minnick
DIRECTOR

Albert Garzon
1909 Saxton Lane,
El Cajon CA 92021

NOTICE OF INCOMPLETE APPLICATION Case No. CUP #20-0018 Garzon Albert

Dear Mr. Garzon,

The Imperial County Department of Planning & Development Services has received the Conditional Use Permit application (CUP #20-0018) proposing a residential water well for residential use requesting to extract 10 acre feet of water a year. The proposed project site is located at 6535 Evan Hewes Hwy, Winterhaven CA (Assessor Parcel Number 056-210-030-000). Department Staff have reviewed the CUP application and supporting documentation and has Deemed Incomplete the application for the following reasons:

1. According to County Assessor Office information the property is owned by Garzon Albert & Garzon Jessica, Trustees of The Albert Garzon and Jessica Garzon Living Trust dated September 9, 2008. Please provide a corrected CUP application with wet signatures of both property owners.
2. Applicant is proposing 5-10 parking spaces for Recreational Vehicles for their friends, please note that any legal residence may have an R.V. (one only) connected to approved utilities and occupied for a period not to exceed two weeks annually per Title 12, Section 4 et al. Additionally, RV's, trailers and other vehicles provided they belong to the property owner, may be stored on site only if they are within the rear yard and not readily visible or accessible to public view. Therefore, the proposed 5-10 parking spaces for Recreational Vehicles for the applicant's friends is not a permitted use.
3. Applicant is proposing water and power in order to start the clean up and preparation for the house, please note that a domestic water well is considered a secondary use to a primary use, therefore, if the water well project receives an approval from the decision body and once the Conditional Use Permit is recorded, applicant shall submit a Building Permit for the proposed residence in conjunction with the water well building permit.
4. Applicant is requesting 10-acre feet of water a year for a domestic water well, the average water usage for a domestic water well for a single-family residence is 1-acre foot of water per year. Please note that allocation may be adjusted on the basis of any of the following factors:

1. The type of use or uses served.
2. The number of users served.
3. Wasteful or inefficient use.
4. Water conservation activities.
5. Reasonable need of the extractor and other affected water users.

Considering the above-mentioned factors, the proposed usage of 7-9 acre feet of water a year for dust control, landscaping and for unpermitted RV parking is considered excessive. Therefore, staff recommends that the applicant reduce the water usage request to 1-acre foot of water per year.

5. Provide the proposed minimum depth and type of casings and maximum depths of perforation to be used for the water well, include:
 - c.1. Pump type
 - c.2. Size (Diameter/horsepower)
 - c.3. gpm capacity
 - c.4. Water pressure
6. Site Plan: Please include dimensions from the property line to the proposed well and from the proposed well to the proposed residence.
7. Please note that if the water from the project site is extracted from the aquifer that is naturally replenished by the Colorado River, the project will be subject by the Laws of the River.

Please provide a revised project description and a revised CUP application to continue processing your project. Should you have any questions, please do not hesitate to contact me at (442) 265-1736, extension 1747 or via e-mail at marielamoran@co.imperial.ca.us if you need assistance.

Sincerely,



Michael Abraham, Assistant Director
Planning & Development Services

Cc: Jurg Heuberger @ jurgheuberger@gmail.com
Jim Minnick, ICPDS Director
Michael Abraham, AICP, ICPDS Assistant Director
File: 10.112, APN 056-210-030-000, CUP #20-0018

GR\MM\S:\AllUsers\APN\056\210\030\CUP 20-0018\CUP20-0018 Deem Incomplete letter 10.12.2020.docx